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VOLUNTARY AND OBLIGATORY SERVICE

by Levi Langer ('21)

Donations to the construction of the Mishkan in Parashat Terumah, the portions Kohanim receive from Korban Shelamim mentioned in Parashat Tetzaveh, and the Machatzit HaShekel (half Shekel given to Moshe as a head tax) in Parashat Ki Tisa, are each referred to as a "Terumah" from the root H.R.Y.M. (to raise). In "Yad Rama" (Kol Torah, Vol. 28, 5779/2019, Parashat BeShalach), I posited that HaRamat Yad, raising the hand (from the same root), symbolizes a demonstration of Bitachon that Hashem is in one's midst.

The same is true of these three Terumot. The Mishkan manifests Hashem's presence at the center of Am Yisrael: "*VeAsu Li Mikdash VeShachanti BeTocham*", "And they shall make Me a sanctuary and I will dwell in their midst" (Shemot 25:8). When the Kohanim consume their slices of Shelamim, the owner receives Kaparah (i.e. distance between him and HaKadosh Baruch Hu is erased). Furthermore, the Machatzit HaShekel provides Kaparah for those who pay it, granting such a person a greater experience of God's presence: "*VeNatenu Ish Kofer Nafsho LaHashem*", "Let each one give to the Lord an atonement for his soul" (Shemot 30:12).

However, two of these demonstrations that Hashem is in one's midst fundamentally differ from the third. Donations to the Mishkan's construction and Shelamim -- except for Shalmei Chagigah, which are offered on each Regel -- are voluntary, whereas payment of the Machatzit HaShekel for Bedek HaBayit (maintenance of the Mishkan) is obligatory. The Torah emphasizes the voluntary nature of donating to the Mishkan: "*Mei'Eit Kol Ish Asher Yidvenu Libo Tikchu Et Terumati*", "From every person whose heart inspires him to generosity, you shall take My offering" (Shemot 25:2). The Mishkan is a response to the Eigel HaZahav. Hashem tried fully compulsory service at Ma'amad Har Sinai: "*Shachefah HaKadosh Baruch Hu Aleihem Et HaHar KeGigit*", "HaKadosh Baruch Hu overturned the mountain on them like a cask" (Shabbat 88a). However, Bnei Yisrael still doubted that Moshe would descend Har Sinai and that Hashem was in their midst. Obligatory service proved to be only half the Shekel; it was only one side of the coin. We needed Hashem to introduce voluntary service.

Both obligatory and voluntary Avodah are Terumot and are necessary to experience Hashem's closeness. Without the Machatzit HaShekel for Bedek HaBayit, the voluntary Mishkan would degrade into a slum, and without a Mishkan, there is no use in collecting the Machatzit HaShekel. Furthermore, by offering the obligatory Korban Tamid during the Miluim (inauguration), and by describing its procedures immediately after those of the Miluim, the Torah demonstrates that we can concurrently serve Hashem voluntarily and obligatorily and that we need not sacrifice one for the other. Hashem provides a mandatory baseline for us, which is crucial to our relationship with Him. However, we must also

assume responsibility beyond the letter of the law.

The voluntary gestures (donations and Shelamim) have no set time or measure and are grand, singular, spontaneous experiences, whereas the obligatory Terumot (Machatzit HaShekel and Shalmei Chagigah) are given at regular, predictable intervals in specified amounts. Voluntary service is highly passionate; it is in the spur of the moment. Through such service, one leaps at Hashem eager to be close to Him and forms a new bond in which one is cognizant that He is in his midst. This might be learning during free time or signing up to learn Mishnayot after someone has passed away. But when there is a quota to fill every day or every week, like Daf Yomi or Shnayim Mikra Ve'Echad Targum, it becomes heavy and mundane like an obligation. You already built the Mishkan voluntarily and passionately, your first page of Daf Yomi was months ago, and you already became aware that Hashem is in your midst; now you need half a Shekel for Bedek HaBayit to maintain the intimate relationship with the Ribono Shel Olam. You need to recognize that Hashem is close to you. When you recognize that, you will recall what you already know about it; you will be revisiting your attachment to it.

We need both invigorating cognition and steady recognition that Hashem dwells with us to have the healthiest relationship with Him.

SHABBAT AND THE MIKdash

by Noam Barenholtz ('21)

The first Aliyah of Ki Tisa ends with a commandment which is seemingly out of place: "*Ach Et Shabbetotai Tishmoru Ki Ot Hi Beini UVeineichem LeDoroteichem LaDa'at Ki Ani Hashem Mekadishchem*", "Nevertheless, you must keep My Sabbaths, for it is a sign between Me and you throughout the ages, that you may know that I the Lord have consecrated you" (Shemot 31:13). Rashi (s.v. *Ve'Atah Dabeir El Bnei Yisrael*) explains that this Mitzvah is connected to the Parasha's previous discussion of the Mishkan: even though Hashem has commanded us to build the Mishkan, we cannot leave aside the Shabbat because of its work. What elevates Shabbat over the Mishkan to the extent that it halts the building of God's sanctuary every week?

Shabbat and the Mishkan, of course, share an intimate halachic connection; the thirty nine Melachot are derived from the many different processes utilized in the construction of the Mishkan. In order to understand the relationship between these two ideas, we must delve into their respective purposes to discern the reason why Shabbat takes precedence over constructing the Mishkan.

The Ramban (Devarim 5:15 s.v. *Al Kein Tzivecha Hashem Elokecha La'asot Et Yom HaShabbat*) provides a reason for observing Shabbat; he explains that there is one unified theme of Shabbat, namely, God's mastery over the universe. Shabbat is a testament to God's creation of the world and His subsequent resting. However, the Ramban also incorporates the idea that Shabbat is "*Zeicher LiYetzi'at Mitzrayim*", "In commemoration of the Exodus from Egypt" (ibid.)--the Exodus from Egypt proved that God, who preceded the universe, can use His supernatural power at will and create anew. God created the world out of nothing and retains absolute control over it. As such, according to the Ramban, "*HaShabbat Zeicher LiYetzi'at Mitzrayim, ViYetzi'at Mitzrayim Zeicher LeShabbat*", "The Sabbath is a remembrance for the Exodus, and the Exodus is a remembrance for the Sabbath" (ibid). Thus, the purpose

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of Shabbat is to appreciate, through resting, God's original and ongoing creativity which manifests daily through his dealings with the world.

If Shabbat represents Hashem's creativity, then the Mishkan represents Man's. When the Torah first introduces the concept of a Mishkan, it declares, "VeYikchu Li Terumah Mei'Eit Kol Ish Asher Yidevenu Libo Tikchu Et Terumati", "Take for Me a raised portion; you shall take a raised portion for Me from every person whose heart moves him" (Shemot 25:2). Construction of the Mishkan is far from God's original creation; it not only involves countless raw materials (as opposed to God's creation of the world *ex nihilo*), but the participation of an entire community in its creation (as opposed to God's creation of the world entirely on His own).

This leads to an important distinction between Shabbat and Binyan HaMishkan. Shabbat is a recognition of Beri'at HaOlam, God's creation of the world from nothing. In contrast, the Mishkan is built through Yetzirat Ha'Adam, Man forming and crafting, using the materials given to him by God. Man's creation is thus contingent on God's creation. This sentiment is clearly expressed in Parashat Ki Tisa when Hashem appoints Betzaleil: "Va'Amalei Oto Ru'ach Elokim BeChochma UVitvuna UVeDa'at UVeChol Melachah", "I have endowed him with a divine spirit of skill, ability, and knowledge in every kind of craft" (Shemot 31:3). The prime craftsman of the Mishkan, Betzaleil, could create only because God had endowed him with that ability. In addition, human creativity is not the purpose of the Mishkan. Instead, the Torah tells us, "Ve'Asu Li Mikdash VeShachanti BeTocham," "Let them make Me a sanctuary that I may dwell among them" (25:8). Man is called upon to make a sanctuary, in order for Hashem to rest His presence among the Jewish people. In order to build the Mishkan, Man and God work in tandem; God giving man what to work with, Man utilizing his God-given gifts to build, and, ultimately, God then dwelling in the sanctuary Man has created.

Thus, it is clear why Melachot are derived from the Mishkan. Building a dwelling-place for God is the greatest example of human creativity, and as such, the thirty-nine categories of creative labor prohibited on Shabbat are derived from it. It is important to internalize that these creative gifts stem directly from Hashem, and cannot be employed on Shabbat, when God's complete, overarching mastery is recognized. The same is true for the building of the Mishkan itself. Its goal is to bring God's Shechinah to the entire nation; this necessitates an understanding that every step of the way, and every piece of labor, is made possible by, and performed for, Hashem.

**WOMEN'S TORAH EDUCATION PART IV – SARAH SCHENIRER,
THE CHAFEITZ CHAIM, Rabbi JOSEPH B. SOLOVEITCHIK, &
Rabbi AHARON LICHTENSTEIN**
by Ned Krasnopolsky (Editor –in- Chief Emeritus '19)

Editors' Note: The following four part series by Ned Krasnopolsky ('19) on the topic of women's Torah education is based on a set of Shiurim given by Rabbi Daniel Fridman to the Y18C Gemara shiur at TABC in the spring of 2018. For parts I, II, and III, please visit koltorah.org.

"And we stay at home, the wives, daughters, and the little ones. We have an empty festival. It is bare of Jewish intellectual content. The women have never learned anything about the spiritual meaning that is concentrated within a Jewish festival. The mother goes to the synagogue, but the services echo faintly into the fenced and boarded-off women's galleries. There is much crying by elderly women. The young girls look at them as though they belong to a different century. Youth and the desire to live a full life shoot up violently in the strong-willed young personalities. Outside the synagogues, the young girls stay chattering; they walk away

from the synagogue where their mothers pour out their vague and heavy feelings. They leave behind them the wailing of the older generation and follow the urge for freedom and self-expression. Further and further from the synagogue they go, further away, to the dancing, tempting light of a fleeting joy." - Sarah Schenirer¹

The Bais Ya'akov Movement & the Chafeitz Chaim

In the years immediately following World War I, Torah knowledge was in a state of disrepair. Since the Mesorah was greatly weakened, the level of women's Torah education within the Orthodox world had to be recalibrated. The development of the Bais Ya'akov movement in the early 20th century reflects this shift in perspective. Among Jewish young women, assimilation was rising at an unprecedented rate; in Poland in 1917, Sarah Schenirer founded the first Bais Ya'akov girls' school to combat these assimilative forces. Reasoning that the primary cause of assimilation was the attendance of secular schools and a lack of religious education, Schenirer took it upon herself to establish a large number of new religious schools for young Jewish women.

Schenirer sought out the support of the Chafeitz Chaim (Rabbi Yisrael Meir Kagan, 1839-1933, Poland). The Chafeitz Chaim (Likutei Halachot, Sotah Perek 3, 21-22) argued that in light of the diminishing of the Jewish tradition following World War I, the prohibition of teaching women Torah Shel Ba'al Peh had to be reanalyzed to strengthen individual women's commitment to *Yahadut*. The changing economic and social conditions, particularly the fact that women were becoming increasingly educated in secular matters, necessitated a change in women's Torah curriculum and intensity of study. As such, the Chafeitz Chaim declared, "BeVadai Mitzvah Rabbah LeLamdah Chumash, VeGam Nevi'im, U'Ketuvim, U'Musarei Chazal", "It is certainly a great Mitzvah to teach them [women] Chumash, Nevi'im, Ketuvim, and the teachings of Chazal" (ibid.). According to the Chafeitz Chaim, in order to strengthen their individual belief in God, it is not only permitted, but it is a Mitzvah to teach women these areas of Torah. (He elaborates within the same paragraph that "Musarei Chazal" means Pirkei Avot and other similar topics; Pirkei Avot is part of Torah SheBa'al Peh, and thus the Chafeitz Chaim encouraged an educational system that would teach women Tanach and parts of Torah SheBa'al Peh.) The Chafeitz Chaim based his position on the Rambam's requirement for teaching a conversion candidate foundational theological ideas; if a convert is educated in religious matters, then certainly a woman who grew up in the Jewish community should be educated in them as well.

Rav Joseph B. Soloveitchik zt'l

Rav Joseph B. Soloveitchik zt'l ("The Rav", 1903-1993, United States) was deeply involved in women's Torah education. In 1937, he founded the Maimonides School in Boston, where boys and girls were taught both Torah SheBa'al Peh (including Talmud) and Torah SheBichtav on an intensive level. Additionally, the Rav helped develop the Talmud program at the Stern College for Women of Yeshiva University in 1978^{2,3}. Clearly, the Rav viewed women's Torah education as a productive endeavor.

Rabbi Aharon Lichtenstein zt'l

Rav Aharon Lichtenstein zt'l (1933-2015, United States and Israel) viewed women's Torah education as a desirable and necessary undertaking. He writes⁴ (translated):

¹ Chizhik-Goldschmidt, Avital (October 22, 2013) "The Ultra-Orthodox Seamstress Who Determined the Fate of Jewish Women", Haaretz

² Rav Soloveitchik is famous for having delivered the inaugural Shiur in this program. A picture of this event has become iconic.

³ Soloveitchik, Rabbi Joseph Dov, and Rabbi Nathaniel Helfgot. Community, Covenant and Commitment: Selected Letters and Communications. Published for the Toras HoRav Foundation by Ktav Pub. House, 2005.

⁴ R. Aharon Lichtenstein, "Ba'ayot HaYesod BeChinucha Shel Ha'Isha," Ha'Isha VeChinuchah, ed. Ben Zion Rosenfeld (Israel, 1980)

"In my opinion, it is desirable and necessary, and not only permitted, to educate young women intensively also from Torah SheBa'al Peh sources, whether it be because of the argument that women are involved in all types of professions, or because of the Chafeitz Chaim's words (in regards to the founding of Bais Ya'akov), 'for if the Rambam said that it is necessary to teach a convert the foundations of the religion, how much more so for a person who was raised within the framework of Judaism...' Young women today receive a general secular education, and a majority attend university, and there (and not only there, but in society in general), they come into contact with different philosophies. So the knowledge and values of the Torah are absolutely necessary for a young woman... This is how I teach my daughter, and how my wife [the Rav's daughter] was educated, and this appears to be the advisable path for the community of the young women in our generation."

Rav Lichtenstein formulated a more ambitious argument in his address at the opening of the Ma'ayanot Yeshiva High School for Girls in 1996⁵⁶:

"The Torah demands of us observance that is infused with full kavvanah, with total commitment, with passion, with the engagement of the whole of one's personality. We are bidden to take the Lulav not only with the hand, but with the heart, with the mind. That requires an engagement, requires a meeting of the whole of one's personality with the world of mitzvot. And in this sense, too, serious study is significant.

The pasuk, of course, speaks of "LeDovkah Bo", "to cleave onto Him", to bond with the Ribbono Shel Olam through His Torah. The Sifrei (Piska 33) further addresses our issue in its comments to the Pasuk of "Ve'Ahavta Et Hashem Elokecha" ("And you shall love Hashem, your God"). How, asks the Sifri, do you attain the love of the Ribbono Shel Olam? So, of course, there are various avenues, but one of them, the Sifrei says, referring to the following pasuk in Keriat Shema, "VeHayu HaDevarim HaElle Asher Anochi Metzavecha HaYom Al Levavecha", "And these matters which I commanded to you this day shall be engraved upon your heart" (Deuteronomy 6:6), [is]: "Tein HaDevarim Ha'Eileh Al Libecha, Shemitoch Kach Atah Makir Et Mi She'Amar VeHaya Ha'Olam UMeDabeik BiDerachav", "Place these matters upon your heart, learning Torah. Through that you attain love for the Ribbono Shel Olam and you cleave unto His ways."

If we speak, then, of the Mitzvah of Ahavat Hashem: was that given only to men? It is a universal Mitzvah and a prime and cardinal Mitzvah, likened to the heart, the very central organ of the human being upon which experience and Jewish experience particularly rests. If we appreciate that Torah is a prime vehicle for attaining Ahavah (leaving aside for the moment the independent Mitzvah of Talmud Torah as a separate test), that the Mitzvah of Ahavat Hashem, one of the ultimate goals, is achieved through this prime vehicle. Should we let that rust and sit idle with respect to our daughters and employ it only with our sons?

What we need to bear in mind, practically speaking, is that this process of bonding, so critical, so crucial to the molding of our daughters as servants of the Ribbono Shel Olam, requires that their learning be not only comprehensive, but above all serious. Learning must be approached seriously. The halachic basis for this seriousness is the Pasuk in Va'Etchanan (Deuteronomy 4:9): "Rak HiShameir Lecha UShmor Nafshecha Me'od Pen TiShkach Et HaDevarim Asher Ra'u Einecha UPhen YaSuru MiLevavecha Kol Yemei Chayecha", "Take care, guard your soul very much, lest you forget anything of what your eyes have seen and lest these somehow escape from your heart."

⁵ I am deeply grateful to the editors of the Lehrhaus, Rabbi Nathaniel Helfgot, Dr. Tovah Lichtenstein, and the administration at Ma'ayanot, for allowing me to reprint Rav Lichtenstein's timeless words.

⁶ Lichtenstein, R. Aharon. "Women, Talmud Study, and Avodat Hashem." The Lehrhaus, 30 Oct. 2017, www.thelehrhaus.com/commentary/women-talmud-study-and-avodat-hashem/.

Essentially, Rav Aharon Lichtenstein contends that since Ahavat Hashem is best accomplished through Talmud Torah, and women are also obligated in the Mitzvah of Ahavat Hashem, it is therefore incumbent upon society to teach women Torah on an intensive level to inculcate within them a sense of Ahavat Hashem.

Conclusion

Throughout this series, we have analyzed the positions of the Tanna'im, Amora'im, Rishonim, Acharonim, and modern day Poskim. As mentioned in the beginning of this series, the institution of women's Torah education within our communities is not unprecedented, and as we have developed, it is to be encouraged. It is my hope that this series has successfully demonstrated the Halachic and Hashkafic merits of women's Torah education.

ERUV THROUGH THE STORM

by Rabbi Chaim Jachter

On Friday, Shushan Purim 5778, calls were pouring in. The calls were coming from Rebbeim from communities throughout the Northeastern United States when a fierce nor'easter hit their respective communities with winds that exceeded forty miles an hour. The burning question on everyone's mind was whether we must announce that the Eruv was down.

Obviously, the issue in Halachic parlance is whether to view the storm as a Rei'uta to the Chezkat Kashrut of a community Eruv. The answer, as Rav Mordechai Willig noted in a personal conversation, depends on the community. Some community Eruvin rely on dozens of wires strung from pole to pole, while other communities' Eruvin rely almost exclusively on utility wires. The latter group is far less vulnerable than the former. Let us review what I instructed the various communities:

Sharon, MA

This Eruv relies, in part, on utility wires, but also consists of many Tzurot HaPetach constructed through heavily wooded areas. Rav Cheses of the Young Israel of Sharon informed me that Rav Moshe Heinemann ruled that if the winds exceed forty miles per hour, the Chezkat Kashrut of the Eruv is disturbed. While this is not necessarily true for every community Eruv, it is a reasonable standard regarding the Sharon Eruv. Not only might the wind knock down an Eruv wire, it is also not unlikely that a tree branch would fall on one of the Eruv lines and render it invalid. Therefore, I advised Rav Cheses to declare the Eruv down for that Shabbat. I would advise the same for an Eruv whose many wires run along an oceanfront making the Eruv especially susceptible to breakage in severe weather. I also would advise a community that has wires running through wooded areas to consider finding an alternative less vulnerable route.

Southern Washington, D.C.

The Eruv in southern Washington, D.C. utilizes utility wires to create most of its Eruv and has less than a dozen of its own wires spread throughout the city. The wires are located in non-wooded areas where falling branches are not a risk. The Eruv wires have historically withstood even the fiercest of winds, making us confident that the Eruv would remain intact through the Shabbat despite the nor'easter. Thus, I felt that there was not a compelling reason for Rav Hyim Shafner to declare this Eruv inoperable for the Shabbat. I advised Rav Zev Goldberg to adopt the same approach in Fort Lee, New Jersey for similar reasons. This community has only three essential Eruv wires which the community installed. These wires had a history of not breaking up during a storm and could be relied upon to weather a severe storm.

I would like to share one note about a fishing line strung from

light post to light post. One summer while walking through the Cambridge, MA Eruv we watched in horror as a very large dump truck had its crane up heading towards an Eruv line. The crane ran forcefully into the line and we expected the worst. However, to our surprise the wire bounced back into a straight trajectory after being stretched quite far. I was surprised to learn the extent of the resilience of a fishing line stretched from light pole to light pole.

Teaneck, NJ

I conferred with Rav Michael Taubes who offered the following wise approach. He felt that if the utility wires remain up and the power remains on, then we may assume the Eruv remains intact. Since the Teaneck Eruv consists almost entirely of utility wires and virtually every wire we install has some Halachic backup (Rav Willig is particularly enthusiastic about creating backups for the various components of the Eruv he administers in Riverdale), we decided that we need not declare the Eruv down unless there was a power outage or trees were down.

Stamford, CT

This Eruv also consists predominantly of utility wires. However, there was a power outage in Stamford leading me to suspect that the Eruv might not remain intact. Rav Willig, though, cautions that Mei'ikar HaDin one need not assume that the utility wires are down just because one power line is down. He reasons that one may follow the Rov and since the majority of wires remain intact one may assume that the utility wires upon which the Eruv relies upon are not broken. I suggested to Rav Daniel Cohen that in such a situation one could write to the community that it is preferable not to rely on the Eruv, but those who wish to, may rely on it despite the storm.

Allentown, PA

Rav David Willensky told me that an alert congregant noticed that a large tree branch had fallen on a utility wire that constitutes a component of the community Eruv. The police had closed the street off to traffic as the branch perched precariously on the wire. In my judgment this represented a significant Rei'uta to the Eruv and felt it best to announce that the Eruv was down.

Rav Shlomo Kluger – Shabbat Keivan SheHutrah Hutrah

What if one were confident that the Eruv remained intact at the beginning of Shabbat but feared that the intensifying storm broke the Eruv in the midst of Shabbat? Could one rely in such a case on the ruling of Rav Shlomo Kluger (Teshuvot HaElef Lecha Shlomo numbers 153, 162 and 172) that if the Eruv was up at the beginning of Shabbat, one may rely on the Eruv even if it came down during Shabbat, due to the principle of Shabbat Keivan SheHutrah Hutrah (Eruvin 70b)?

Perhaps we can rely on Rav Shlomo Kluger as a component of a Sfeik Sfeika: Safeik the Eruv is intact, and Safeik that Rav Shlomo Kluger is correct in applying the principle of Shabbat Keivan SheHutrah Hutrah to Tzurot HaPetach. The problem is that the Ba'alei Tosafot (Eruvin 15a s.v. Lo Savar and 17a Ireiv) rule that Shabbat Keivan SheHutrah Hutrah applies only to the Eruv Chatzeirot, but not to Tzurot HaPetach and Mechitzot.

The story is told of Rav Aharon Lichtenstein visiting his Talmidim during their time of active military service and being informed that Rav Yehuda Amital told the Talmidim they may rely on Rav Shlomo Kluger's ruling. Rav Lichtenstein is said to have reacted in shock in light of the aforementioned Tosafot. When he next saw Rav Amital he inquired as to the basis of his ruling. Rav Amital replied that in Europe the Minhag was to rely on this leniency of Rav Shlomo Kluger.

While I have very deep respect and love for Rav Amital, I find this position untenable. It is clear from the Rambam (Hilchot Eruvin 3:25) that he agrees with Tosafot. Moreover, the Gemara (Eruvin 17a) explicitly states that the Mechitzot must remain intact in order to apply the principle of Shabbat Keivan SheHutrah Hutrah.

The sole apparent basis for Rav Shlomo Kluger's approach is a Teshuvah of the Mahari Weil (Dinin VeHalachot number 12) who limits the requirement that the Mechitzah remain intact when the Mechitzah excludes a Reshut HaRabim from the enclosed area. However, if only a Karmelit is excluded then one may apply the rule of Shabbat Keivan SheHutrah Hutrah even if the Mechitzot do not remain intact.

The problem is that the Shulchan Aruch (Orach Chaim 374:2) explicitly states that the Mechitzot must remain intact even if only a Karmelit is excluded. None of the major commentaries to the Shulchan Aruch dissent. Thus, it seems that one may not rely upon Rav Kluger's leniency since it runs counter to a ruling of the Shulchan Aruch and all its commentaries. Even Rav Kluger himself expresses uncertainty about his ruling and uses his approach in two of his Teshuvot only as a prong of a Sfeik Sfeika. Indeed, Rav Hershel Schachter told me that one may not rely on this leniency of Rav Shlomo Kluger even in case of great need. Rav Schachter believes that it cannot even be relied upon as a Snif L'Hakeil.

Mitaseik

A famous dispute rages between Rabi Akiva Eiger (Teshuvot number 9) and Rav Chaim Soloveitchik (cited by Rav Yosef Dov Soloveitchik Shiurim L'Zecher Abba Mori Z'L I:30-31) as to whether a Mitaseik is simply excused from a Korban or does not constitute as a Maaseh Aveirah at all. Perhaps one may create a Sfeik Sfeika to refrain from instructing the community to avoid carrying if one has considerable fear that the Eruv has come down in a severe storm – Safeik if the Eruv is down, and even if it is down, since the people do not know it is down they are Mitaseik and Safeik that Rav Chaim is incorrect that Mitaseik does not constitute a Ma'aseh Aveirah.

This seems to be an untenable approach. In fact, Ashkenazic Jews recite every Friday evening the famous Halachah (Shabbat 12a) that one must search his pockets before walking outside on Shabbat if there is no Eruv. Although, one may ask why it is necessary to inspect pockets. After all, if one is not aware of carrying he is a Mitaseik and not considered to have violated the Torah according to Rav Chaim. Apparently, we do not rely upon such an approach to skip taking precautions before Shabbat lest we violate Shabbat. We do inspect the Eruv each week and do not simply argue that even if the Eruv is down the people are merely Mitaseik.

Accordingly, it is clear that one must inform the community that the Eruv is down if one has a well-founded concern that the Eruv will not remain intact throughout Shabbat.

Two Practical Points

We conclude with two practical recommendations. Rav Willig advises that whenever an Eruv wire needs to be installed, one should install an extra one or two wires as a backup. As Shlomo HaMelech teaches, Tovim HaShenayim Min HaEchad V'Chut HaMeshulash Lo Bimheirah Yenateik (Kohélet 4:9 and 12).

Our second piece of advice relates to another Pasuk in Kohélet (2:14) – HeChacham Einav BeRosho . If one sees that there is a serious storm developing, it is best to alert the community early on Friday that the Eruv might be called down for Shabbat. Our communities today are so accustomed to relying upon an Eruv that it becomes very challenging to function on Shabbat without one. Thus, everyone should be alerted early when there is concern that the Eruv will need to be declared down to give time for community members to adjust their plans to meet the challenge.

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