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The Talmud and the Telephone Poles, 1982.



The Talmud and the Telephone Poles Daniel Jeremy Silver December 19, 1982

About a month ago one of us came up to me and pulled a little piece of paper out of his pocket, 'what is this,' 'a piece of paper.' 'Read what's written on it.' I read the single word, eruv, w'?' 'What is it?' 'Why are you asking me?' 'I read an article in the paper that the orthodox community is demanding an <u>eruv</u>. I never heard of it and I want to know what it's all about.' Therefore, this talk on the Talmud and the telephone poles.

If I were to take you to my library and show you a translation of the Babylonian Talmud you'd discover that the <u>eruvim</u>, plural of <u>eruv</u>, is the title of one of the thickest, fattest volumes in this great compendium of Jewish law. <u>Eruvim</u> is one of the 63 sections which comprise <u>Mishnah</u>, which is to say that in the second century of our era the <u>eruv</u> was a well-known and important feature of Jewish life, and a complex and complicated one; otherwise the rabbis of the Talmudic period, both in Palestine and Babylon, would not have dealt with this theme at length. In some ways there's no better measure of distance that Jewish life has come than the fact few outside the most traditional circles in our community had ever heard of an <u>eruv</u> until the orthodox community began to demand that they have one.

When I asked myself how best to present the <u>eruv</u> to you, I decided to begin by asking you to do a bit of detection. I will read you a brief paragraph written by a man named Abd al Suri Sahl Ibn Masliah. Sahl lived in Jerusalem almost exactly a thousand years ago, during the last half of the twentieth century. The name, Ab dal Suri, means that he came from a family which originated in the Oxford or Cambridge of Babylonian Jewry, Sura, so he was probably from a learned family. We know little about him except that he wrote a number of Biblical commentaries and a <u>Sefer ha-Mitzvot</u>, a book on the commandments of the Torah. He also wrote a public letter addressed to a rabbi in Cairo and it is from this letter that I want to read to you a paragraph and ask you to tell me who Sahl is

complaining about.

How can I restrain myself when many Jews leave their houses on the Sabbath on their way to the synagogue carrying various things such as purses and pieces of apparel on their arms while their wives wear jewelry, and as they do on weekdays visit from house to house, so do they also on the Sabbath.

If you guessed that Sahl was complaining about the lax practice of the rabbinic Jewish community you were wrong. There is nothing in rabbinic law which precludes visitation between homes on the Sabbath. Rabbinic law does not forbid under all conditions the wearing of jewelry or the carrying of small objects — a handkerchief, an eyeglass case, a tallit bag — on the Sabbath. Actually, Sahl was writing from Jerusalem to a rabbi in Cairo, complaining that this rabbi was misleading his flock by permitting such activities. Sahl Ben Masliah, you see, was a Karaite. The Karaites were shismatic Jews, which means simply that the majority of Jews of their day did not accept their understanding of the tradition. The Karaites believed that sages of the Talmud had deliberately misrepresented Biblical Judaism to their people. The Torah contained God's Instructions and the rabbis had added on their own the oral law, and in so doing misrepresented God's will. The Karaites were Jewish Protestants, that is to say, they believed in the right of everyone to interpret the Bible directly. They were certain that such an interpretation would reveal the many errors and additions which the rabbis had introduced into Judaism.

Karaism spread across the Middle East at about the same time as Islam emerged on the scene. The motive behind Karaism was messianic impatience. They felt that the Messianic Age was close at hand and that to hasten the end of the exile Jews must explicitly follow God's specific Instructions. They accepted the well-known idea that the Jewish people were exiled because of their sins and that the exile would end when Israel became again a repentant, holy nation. The Karaites believed that the reason that the exile lingered was not because the people were unwilling but because the rabbis had misled them by misinterpreting the tradition and permitting many things that were forbidden and forbidding

much that was allowed. Their remedy? They called Israel back to the true interpretation of the Torah.

Let me give you an example. The Torah contains this Sabbath rule:
"You shall not burn a fire in any of your dwelling places on the Sabbath day."
Not wanting to make the Sabbath too rigorous or too rigid, the rabbis had interpreted the phrase, 'you shall not burn a fire,' as 'you shall not kindle a fire.'
It was and is the custom in traditional homes that a fire begun before the Sabbath day is allowed to burn throughout the day. In modern times if a light is lit it remains lit throughout the Sabbath period. But that's not literally what the Torah says. The verb, ba'ar, means 'to burn' and the literal reading is, 'you shall not allow a fire to burn during the Sabbath day.' It's doubtful if this was ever common practice, but linguistics is one thing, practice another, and the Karaites were not willing to settle practice by a poll. After all, the Torah is God's own words.

Because of this text, at least during the first three or four centuries of their existence as organized communities, the Karaites extinguished all fires over the Sabbath. The Sabbath period must have been a cold and dismal occasion for them, but they were consoled by the feeling that they were hastening the end of the exile and the coming of the Messiah.

What has all this to do with Sahl's complaint or the <u>eruv?</u> In the 16th chapter of Exodus the Torah explains how the tribes were provisioned during the 40 years of the wilderness trek. Obviously, a group of slaves who left in haste had not packed food for such a long expedition. But God took care of them. Gcd provided water out of the rock. He provided quail for meat and the famous marna as the basic staple of their diet. According to the Exodus, the manna descended each morning like the dew. It looked like a white hoar frost on the ground. Each day the Hebrews would go out and pick up enough manna for that day and then the sun would burn away the rest, and on the morrow the needed manna would again

appear.

As the Sabbath began the central feature of Jewish life, it became necessary to make the point that food gathering had not been done on the Sabbath. So the priestly code described another miracle. On Friday a double portion of the manna fell, enough for that day and the next. Here is the language in which this miracle is introduced: "Mark that the Lord has given you the Sabbath, therefore, He has given you two days' food on the sixth day, that everyone remain where he is, that no man leave his place on the seventh day." The Karaites took this text in their usual literal way to mean that everyone was to stay at home over the Sabbath day except, of course, to go to the Karaite synagogue to engage there in prayers; but otherwise no visiting, no carrying, no moving about.

Now, obviously, that's not the traditional way, and long before the Karaites came on the scene the eruv had been devised as the symbolic act which allowed the sages to get around this text. Through the eruv the rabbis enlarged the sense of "place" to allow Jews to move about a good bit on the Sabbath. The rabbis could not dismiss a specific requirement of the Torah but they could not interpret the Torah. The Torah says, "you are not to leave your place on the seventh day." Well and good. They simply reinterpreted place to define an area larger than the room or rooms in which a family lived. They asked, "what defines one's place,' and they answered: in the first instance home is a place in which we keep and eat food. Secondly, it is a place for which we have some title. Finally, it is a definable place, it has boundaries. So they interpreted place/home to designate any area which met all these conditions.

The word <u>eruv</u> means combination or mixture. It comes from the same root as the phrase, <u>erev rav</u>, mixed multitude, the term the Torah uses to describes the comealongs who joined the tribes when Moses led Israel from Egypt. In addition to the Israelites, there was an <u>erev rav</u>, a combination of other peoples, a mixed multitude. When the rabbis wanted to express the idea, the unity

of the Jewish people, they said, 'we are one.' By using the phrase, Kol Yisroel arev zeh ba-zeh, all Israel is mixed together, is part of a single combination, part of a single family. An <u>eruv</u> was a way in which you mixed together, you enlarged what belonged to many so that each person had a claim in it and it became by extension symbolically his home, a place in which he could move about.

The <u>error</u> goes back at least into Second Temple times. In ancient Judea most cities were small and walled. What the sages of the day probably did was to declare the wall of the city, these were small towns, to be the enclosure which defines the home. Then they would buy with monies subscribed by all the town folk some food which would be placed in a central location, perhaps the synagogue, where all could technically enter and partake. This established that element of home. Then they drew up some kind of document which established common ownership for purpose of the <u>error</u>. The result was that place/home now defined all the area within the circumference of the town's walls and Jews of that town could move freely on the Sabbath day as if they were in their own home. They could carry within that town whatever they were allowed to carry within their own home, another new infant, a doctor his bag, a worshipper his <u>tallit</u> or his eye glasses and cane.

We don't know how or when this ritual actually originated. According to the Talmud it was promulgated by King Solomon. I'm sure it wasn't. King Solomon, however, was the classic source of wisdom to our people in ancient times. His wisdom, you'll remember, was God-given. According to a Biblical story God allowed Solomon to choose what he wished and wished for an understanding heart. Since his wisdom came from God, what He promulgated, what He pronounced as law, was treated as if it were from God. Incidentally, the Talmud also ascribes to him the law which requires that all Jews wash their hands before touching food. Solomon wasn't so dumb after all.

Some time during the Biblical period, probably during or after the

exile, when the Sabbath laws became more central and complex, sages of Judea faced up to a problem. The familiar Sabbath was a day of rest. By rest their fathers had meant not working, not farming, not doing business, not engaging in commerce. When the prophets denounce those who violate the Sabbath their complaints have to do entirely with work on the Sabbath, not with the minutia of Sabbath observance.

If you refrain from trampling the Sabbath
From pursuing your affairs on my holy day
If you call the Sabbath 'my delight'
The Lord's day 'honored'
If you honor it and go not your ways
Nor look to your affairs nor strike bargains
Then you can seek the favor of the Lord.

Originally, the Sabbath was a day on which one rested, did no work, and on which special rites were celebrated in the Temple. During the Babylonian Exile when many Jews were in the east and under Persian and Indian influence, the ritual concerns of the Eastern traditions affected them greatly. These cultures were deeply involved with questions of clean and unclean, purity and impurity, taboo and ritual cleansings, and with the proper form in which religious rites are carried out. Jews seem to have brought back from the East most of the laws which have to do with such rituals as kashrut. In all probability the attempt to make the Sabbath into a more rigorous and rigid occasion developed during this time. But you can't impose upon a community rules which the community will not accept. And clearly, the community was unwilling to stay home and live in a cold, dark house during the entire Sabbath despite an oracular text to this effect. So the eruy, a symbolic act, a ritual, which freed the Sabbath from some of the more rigorous denials which the law seemed to require without directly contravening the rule.

The <u>eruv</u> will work only where there is an enclosure, a certificate of title and food at a central location. Historically, most communities had an <u>eruv</u> of one kind or another. Once the rite was available, rabbinic sermons and responsa make it clear that most Jews were unwilling to accept the more rigorous

Sabbath. They wanted the amplitude which an eruv provides. So the rabbis say again and again: 'let's find a way to establish an eruv. The people will sin unless we create an eruv.' In Europe most towns had an eruv: Frankfort, Vienna, Warsaw. In towns where there was a ghetto, the ghetto walls became the enclosure. Everything that was owned within the walls was owned by Jews so it was easy to get the legal title required. Food could always be placed in a synagogue. However, the eruv could be a problem in two areas. The first involved those who lived in towns where there were no walls, in detached dwellings of one kind or another. The second involved those who lived under authorities who might not be willing to give them the required documents for those who lived in open areas. Already in the Talmudic age the rabbis had validated a method of establishing a symbolic enclosure which they declared satisfied the law; that's where the telephone poles come in. According to these sages if a community puts poles at least ten hand breadths high in the ground and connects them at the top with a cord, this establishes the enclosure. This process creates a de facto boundary. It has what the rabbis call zurat ha-petach, the form of a gate, and allows the limits to be established which define home/place. Though Mr. Bell never had the eruv in mind when the telephone system was put in, its poles, connected at the top, are readymade for this kind of purpose.

What about getting the required document? In Europe it was usually a matter of cost. Dollars were exchanged and the document was granted. It was only a question of how greedy the city council or lord might be. In the United States it's a matter of finding legal language which gives the Jewish community a right, without any other legal encumbrances, to an area for purposes only of the eruv. It can be done. There are eruvim in a number of American cities - Baltimore, and in parts of Queens and the Bronx. It can be done without any serious conflict over the separation of church and state constitutional mandate. The munitipalities do not give over any substantial rights - only rights related to the eruv.

What's the significance of all this? It's another indication of the Americanization of a major part of the orthodox Jewish community. By that I mean that they're no longer satisfied to hunker down in their world doing their own thing. Now they are demanding, as other minority groups have done, those rights which will allow them to live life with some amplitude and ease. Instead of passive they're being more aggressive, and that's one indication of Americanization.

It also suggests that those who lead the orthodox Jewish community are having more say in its organization. The orthodox community itself is small, about eight percent of the Jewish community of Cleveland. Those who obey the niceties of the tradition, such as not carrying small objects on the Sabbath, are a minority of that minority. Yet, it has become increasingly important to many that things be done properly. The days of those whom sociologists call the non-observant orthodox may be numbered.

Should we agree to approve their request for an <u>eruv</u>? Why not? Creating an <u>eruv</u> will allow a few in our community to live with a greater sense of east, particularly rigorously orthodox women who felt restricted in not being able to carry their infant to the synagogue or a friend's house on the Sabbath. Their lives will be easier and we have nothing to lose.

The eruv issue says something about us too. That we were not even dimly aware of something once as common as the eruv suggests how far we have come from the ancient ways. The eruv issue also suggests the limits of the so-called return to tradition which so many talk about. It's at best a highly selective phenomenon. I can't imagine anyone in the liberal or Conservative community governing their Sabbath activity differently, depending on whether an eruv exists or not. When we speak of a return to tradition we are saying something quite different from a return to rabbinic Judaism, the whole complex system of halacha. We're talking of a return to those forms, whatever they be, which define for us what it means to live a Jewish life and reenforce our sense of Jewishness. It's a highly selective return and not one which will return us to the orthodox fold. The

fundamental difference between orthodoxy and non-orthodoxy has to do with the acceptance of the divinity of the halacha. For the orthodox there's one law, Godgiven, unchanging. We non-orthodox look on the tradition as rich, pragmatically useful, often suggestive, full of insight and wise, but ultimately manufactured, artificial in the finest sense of the word, a creation of the human spirit and the genius of the Jewish people. We feel we have every right to pick, to choose, to be eclectic. The sense of continuity is important to us, but we reject the idea that it's God-given and that we 'must do it all.' Many practices have become spiritually insignificant to us. The error is a perfect example.

Let me end by reminding you of Sahl Ben Masliah's letter which is part of the great continuing debates in Jewish life over the degree of observance and the kind of observance Jews are obliged to engage in. The Karaites claimed that the rabbinic Jews of their day had reformed Judaism. They accused the rabbis of permitting what the Torah prohibits which is the same charge rabbinic Jews today level against us - that we permit what is prohibited. What is really the issue?

Not laxity, as Sahl or some of our detractors claim. The fact is that we deal with different groups of people, different degrees of acculturation, different emotional and psychological needs. The orthodox in the Talmudic time had to find a way to mitigate the rigors of the Sabbath. The eruv was their way of accomplishing this. In the 19th and 20th century we found it necessary to mitigate the sense of constriction many felt the Sabbath and other rules imposed on them, so we created our version of non-orthodox Judaism. The halachic way is simply not congruent with the way we live and think.

Our task is to share a tradition which will express our feelings and allow us to be satisfied with our <u>sancta</u>, our way. Generally, what we do derives from the tradition and is sanctified by a feeling that these rites have meaning. But we're not limited to what was. Confirmation, Consecration, baby-naming - a whole congerie of rites and ceremonies, including the treating of women as full religious persons - are new non-halachic approaches. Does a ceremony speak to us?

Does it encourage us? Does it give us a sense of the sacred? If it does we accept it. Does it restrict us? Constrict us? Does it surround our lives with minutiae which have no meaning to us? If so, we reject it. That's the way non-orthodoxy has developed and that's the great difference between those to whom the telephone poles are important and those of us to whom telephone poles are an unfortunate and increasingly archaic necessity.



palm tree bearing the name of the saint as a charm for all kinds of diseases. They perform pilgrimage rites over the graves of these dead saints and make vows to them and appeal and pray to them to grant their requests.

on the Sabbath on their way to their synagogues, carrying various things, such as purses and pieces of apparel, upon their arms, while their wives wear jewelry? And as they do on weekdays, visiting from house to house, so do they also on the Sabbath.

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