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ותלמוד
"התקף תתקם"
לעשות רצונך
בלבב שלם



שע"י "חדר הוראה" שבגנת מנחת יצחק פעיה"ק ירושלם תובב"א - בראשות הרב חיים אהרן בלייער שליט"א

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Halachos Regarding a City Eiruv – 5

Parshas Bo 5784

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Halachos of a Tzuras HaPesach

Basics of a Tzuras HaPesach

1. The most common way to make "walls" to enclose an area is with tzuros hapesach. These are used both to close a gap in a full wall on one of the sides of the area and to close off an entire side, joining the other walls to enclose an area. We previously discussed some rules about tzuros hapesach (Issue 316, par. 35). Since the structure and kashrus of an eiruv primarily relies on tzuros hapesach, we will now discuss some of the many halachic details of tzuros hapesach.
2. **Essence of a tzuras hapesach.** A tzuras hapesach is made by erecting posts on either side of a space with a beam precisely on top of them, such that a doorframe structure is formed (ש"י"א). We will go through this in detail below.
3. **In everyone's view.** The actual building of an eiruv and tzuros hapesach is assigned to the experts, who build and reinforce the eiruv. If they have yiras Shomayim, they strive to be careful about all the halachic details, of which there are many. Despite this, eiruvim usually include many tzuros hapesach, and tzuros hapesach are likely to break down quickly due to constant changes in temperature, construction sites [which appear all over], and transport of large vehicles on the streets. We heard from multiple eiruv inspectors that every time they make the rounds to ensure the tzuros hapesach are intact, they find some that need to be repaired. Because of this, it is also worthwhile for the general public to have some basic knowledge about the details of tzuros hapesach so that if they see or suspect that a tzuras hapesach became posul, they can report it to the eiruv committee and the people in charge of the matter.

D'oraisa Wall

4. It is clear from the Gemara (עירובין דף י"ב) that a tzuras hapesach is like a wall. Some poskim are unsure if this status is d'oraisa or just d'rabanan (פמ"ג משב"ז סק"א ד"ה צוה"פ הובא בביאה"ל סי' ש"ב ס"ד"ה כשכל (הרוחות). Others hold it has the d'oraisa status of a wall (ש"י"א הרב סי' (ש"י"א ס"ד, חזו"א א"ח סי' ע"ג ובי"ב ע"ד סק"ד).

"פתחי שימאי"

5. There is a concept in the halachos of tzuros hapesach called "פתחי שימאי"; the source is in the Gemara (עירובין דף י"א ע"א). This term means an "empty" [שומם] or "deficient" [אשמאי] doorway. Such a doorway is not considered a wall since it is ruined or deficient. A proper doorway must be stable and intact, not "שימאי."
6. **Doorway without doorposts.** One example of פתחי שימאי mentioned in the Gemara (שם) is a doorway without doorposts, e.g., a wall made of different sized stones, that, instead of a straight, vertical line at the edge of the wall, has some stones sticking out and some set in. Since it does not have well-ordered doorposts, a door cannot be attached properly (ע"י חזו"א י"ד קעב סק"א).
7. **Doorway without a lintel.** Similarly, a doorway without a lintel (כנפסק בש"י"א) is considered a פתח שימאי and is posul (משיקוף).

Dimensions, Quality of Tzuros HaPesach

Side Posts

8. **Height.** The posts at the sides of a tzuras hapesach must reach at least ten tefachim [80 cm/31.5 in. (להג"ח נאה)] or 96 cm/37.8 in. (להחזו"א)] above the ground (ש"י"א). Also, the bottoms of the posts must be within three tefachim [24 cm/9.4 in. (להג"ח נאה)] of the ground.

9. **Width.** There is no minimum size for the width or thickness of the side posts. The posts are kosher even if they are extremely thin (תוס' סוכה דף (ש"י"א אבני נזר א"ח י' רח"צ ד', חזו"א סי' ע"ג סק"ט"ו) or wider than four amos (תוס' סוכה דף (ש"י"א אבני נזר א"ח י' רח"צ ד', חזו"א סי' ע"ג סק"ט"ו)).
10. Similarly, the posts can be made using plaster pressed onto a wall if it has some substance, at least as much as that of a string. However, the mere appearance of plaster or a mark made by paint or chalk alone does not work (מ"ב סי' ש"ג סק"ז).
11. **Sturdiness.** The posts must be sturdy enough to hold some sort of door, even one made of straw or reeds (ש"י"א סי' ש"ב ס"א). Even when the posts consist of plaster pressed onto a wall (above, 10), they are considered to be able to hold a door because the wall onto which the plaster is pressed reinforces the plaster such that it can be called a stable and intact doorway (ש"י"א סי' ש"ג סק"ב).
12. **Don't sway in the wind.** The side posts must be set in such a way that the wind does not move them. This is because they are being used for a wall, and a wall that sways in the wind is not considered a wall (מג"א סי' ש"ג סק"ד, מ"ב סי' ש"ב ס"ק ס"ו, ובסי' ש"ג סק"כ).
13. The poskim argue about the kashrus of posts in which the first ten tefachim stand firm, but the upper sections sway in the wind (ע"י (הצ"ח סי' ש"ג סק"א).

Distance between the Posts

14. **Minimum distance.** The width of the doorway between the two side posts must be at least four tefachim (ת"ש סי' ש"ב (סק"ה)).
15. **Maximum distance.** According to most poskim, a tzuras hapesach can be of any size, even more than ten amos. According to the Rambam, if there is more פרוץ than עומד, it can only be ten amos; if there is more עומד than פרוץ, it is kosher even if it is more than ten amos (as discussed in Issue 316, par. 35 and on).

Upper Beam

16. **Height.** The beam laid across the top of the two side posts completes the tzuras hapesach. It must be more than ten tefachim above the ground to create a space at least ten tefachim high, as something is not called a tzuras hapesach if it is less than ten tefachim.
17. **More than twenty amos.** A tzuras hapesach can be twenty amos tall or more. A tzuras hapesach is not a "kora," which cannot be higher than twenty amos (ש"י"א סי' ש"ג ס"ו) – it is a wall, and there is no maximum height for a wall (עירובין י"א; ב"ה"ל שם ד"ה אבל נ"ת).
18. **Width.** The "beam" that goes above the two side posts can be extremely thin. It can even be made from reed (רמ"א סי' ש"ב ס"א) or a tiny cord. This is the accepted practice (רמ"א סי' ש"ג ס"ו).
19. **Shouldn't blow away.** When installing the upper beam, one must make sure it can withstand a normal wind, i.e., it will not break or blow away completely (מ"ב סי' ש"ב ס"ק ס"ו); otherwise it is posul (מ"ב סי' ש"ג סק"כ).
20. **Swaying in the wind.** Some poskim say even if the upper cord that forms the tzuras hapesach sways in the wind, it is kosher (מחז"ת (השקל הובא במ"ב סי' ש"ב ס"ק ס"ו)).
21. However, some are machmir. According to them, the cord must be stretched tightly so that it does not sway in the wind (חזו"א (מ"ב ע"ז סק"ו)). Many poskim say it is kosher as long as it does not sway more than three tefachim (ש"י"א ש"ב). (הלוי ח"א סי' נ"ט אות ב', ש"י"א ש"ב).

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Detailed Halachos of Tzuros HaPesach

Beam Above the Two Side Posts

22. The upper beam must be exactly aligned with and above the side posts (שׂוּרֵי סִי שִׁטְבֵי סִי"א). It cannot be even a drop apart from them. Even if just one post is set apart, and the upper beam is misaligned above it – even just a drop – it is posul (מִיבֵּיב שֶׁם שִׁטְבֵי סִי"ג).
23. **Diagonal.** Thus, if the two posts are not even, but are set apart diagonally, the cord on top must also be exactly aligned above the two posts diagonally, at an identical angle (מִיבֵּיב שֶׁם).

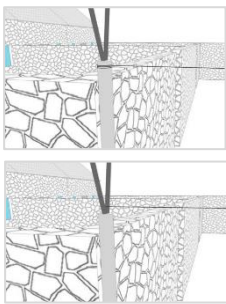
Beam Does Not Need to Touch Two Side Posts

24. The upper beam does not need to touch the side posts (שׂוּרֵי שֶׁם). There can even be several amos between them. For example, there can be two side posts ten tefachim tall with a cord higher than them that is attached to something else and exactly aligned over the tops of the posts. We apply the rule of "גוד אסיק" and view it as if the posts extended all the way up to the cord (מִיבֵּיב סִי"ב). The cord does not need to end above the posts; even if it continues beyond the top of the posts to where it is attached, it is kosher.

On Top, Not from the Side

25. The upper beam must be placed above the posts (שׂוּרֵי סִי שִׁטְבֵי סִי"א). This means either actually resting on top of them, or not touching them but aligned above them (24) in such a way that if they would be touching, they would be on top of the posts. If, however, the upper beam is attached to the sides of the posts, or even just to the side of one of the posts, it is posul (שׂוּרֵי שֶׁם). This is because it does not resemble a lintel, which must specifically be above the two doorposts, not between the two doorposts (מִיבֵּיב שֶׁם סִי"ד).
26. When the beam is attached on the side, it is posul whether it is attached on the sides of the posts facing outward to the reshus horabim; on the sides facing inward to the reshus hayachid; or in the airspace between the two posts without reaching the tops of the posts (הג' אש"ר, חז"א ס"י ע"א סק"ח).

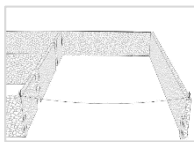
27. **Cord over the post.** Thus, when using a cord as the upper beam, care must be taken to ensure the cord is precisely on top of the post and is not moved by the wind. It must be taut so that it does not slip down from on top of the post. [In the picture, the cord is wrapped near the top of the post, not on it. It is posul.] Many people put a nail into the top of the post, wrap a cord around the nail, and stretch it taut so that it does not fall to the sides [see second picture] (מִיבֵּיב שֶׁם סִי"ד).



28. We do not view the nail as a continuation of the post, which would mean the cord would need to be on top of the nail head, and if it is not, it is like it is on the side. The nail is something external; anyone would consider it something added on. Thus, the cord is considered on top of the posts and is not posul by being on the side of the nail (כ"פ החיים ס"ק ק"ז). Some make sure to knock the nail into the post after wrapping and tying the cord to the nail so that it does not protrude from the top of the post for the above reason (שׂוּרֵי בית שלמה או"ח ס"י נ"ה שאלה ג').
29. If the cord was wrapped around the posts from the side, but continued getting wrapped until it was also lifted to the top of the posts, it is kosher (מִיבֵּיב שֶׁם סִי"ד).

Cord with Slack that Sags in a Downward Curve

30. Some say a lintel with a downward curve is posul (חז"א ס"י ע"א סק"י). Thus, when making a tzuras hapesach with a thin cord, care must be taken to ensure the middle is not curved downward. This borders on the pesul of פתח משכנות יעקב ס"י ק"א) שימאי.



31. **Considered on the side.** Similarly, some say a cord that is not taut and sags downward is posul because part of the cord is below the tops of the posts. Hence, it is considered attached to the side of the posts and between them, not on top of the posts (שׂוּרֵי שֶׁם, חז"א ס"י ע"א סק"י).
32. Similarly, if it sways in the wind and the sagging part of the cord goes outward and away from the doorposts, the doorposts end up misaligned with the lintel, and it is posul (שׂוּרֵי שֶׁם).
33. **Metal or stone tzuras hapesach.** If a metal tzuras hapesach is fused into a single piece via welding, making it unclear whether the upper beam sits on top of the side posts or is attached between the two posts from the sides, it is still kosher. Similarly, if a tzuras hapesach is made with stone and mortar and it is unclear whether the upper section is on top or between the side posts, it is still kosher (חז"א ס"י ע"א סק"ו).

Slanted Side Posts

34. The poskim argue about the status of side posts that are slanted and stand at an angle. Sometimes they are slanted toward the outside or inside of a reshus horabim; sometimes they are slanted toward or away from each other (חז"א ס"י ע"א סק"ו ועוד).

35. **Highest level.** Thus, the l'chatchila and highest level is to have straight, upright posts without any tilt so that the cord attached on top is aligned with the bottom part of the ten-tefach post. To illustrate this, the posts used today in Eretz Yisroel have a diameter of 9 cm, and the cord is attached on top and in the middle, i.e., 4.5 cm from each side. Accordingly, with a tilt of 5 cm along the entire height of the post, the cord is not aligned above the bottom part of the post. Most eiruvim of the "neighborhood eiruv" level satisfy this requirement.
36. **Visible.** Some are only careful that the post should appear straight to a person's eye, but there is no need to measure with a level tool. This is the psak of the Badatz eiruv.
37. **Three tefachim.** Some hold a post is kosher with a minor slant of up to three tefachim, i.e., if a plumb line would go down from the cord, it would be within three tefachim from the bottom of the post (שׂוּרֵי מנחת שלמה ח"א ס"י ס"ב).
38. **Irregular slant.** If there is an irregular slant, one gets into serious shailos of a potential pesul in the tzuras hapesach. This should be prevented.

Recommended Type of Cord

39. Technically, any type of cord can be used for the upper beam of a tzuras hapesach. This includes nylon, electric wire, iron wire, stainless steel wire, carpentry thread, string for tying, and the like. However, since the cord should be taut so that it does not sway in the wind (20) or break easily (19); should be flexible and easy to work with and tie at the top of the side posts; and should not dry out in the summer or contract in the winter; many people who install eiruvim utilize 1.6 mm nylon cord used for fishing nets. It is light, smooth, flexible, and easy to stretch.
40. **Ribbon strip on the nylon.** Some people who install eiruvim tie a strip of colored Ribbon onto the cord in the middle of the tzuras hapesach to make it easy to determine that the cord did not tear by seeing that the ribbon is waving in the air and remains in its proper place. This is particularly helpful in the winter, when it is hard for someone walking by to identify a transparent cord by itself.
41. **Red cord.** As of late, some use the same type of nylon cord, just a red one so that it is easy to determine that it is intact.

Tzuras HaPesach Using Utility Poles

42. Many poskim discuss whether it is possible to rely on electric wire poles, telephone poles, or utility poles as the two side posts and the electric wires as the beam on top of the posts for a tzuras hapesach (מִיבֵּיב שֶׁם סִי"ד בשם אחרונים). There are multiple potential issues.
43. **Not meant as a doorway.** Some say this is posul since it was not made with the intent for it to be a doorway (שׂוּרֵי משכנות יעקב ס"י ק"ג, שׂוּרֵי חז"א ס"י ק"א סק"ה). Others say this is mutar (ישועות מלכו ס"י כ').
44. **Comes from the side.** Another potential problem is that the wires usually come out of the side of the pole, not the top (see above, 25).
45. **Wires sag.** Often, the wires are not taut; they sag downward (30).
46. **Fixing utility poles for an eiruv.** It is very common in the United States to rely on utility poles as tzuras hapesach with the oversight of an expert rav and posek. Scrupulous people add a thin PVC pipe next to the utility pole as the tzuras hapesach. They arrange it in such a way that the top of the pipe is precisely underneath one of the wires so that the wire comes out from over the pipe. This satisfies the opinions who hold it must be made as a doorway (above, 43). Also, it comes out from above the side post, not from the side (44).



47. Still, eiruv inspectors must constantly check them, as the wire can easily move out of its place above the side post, making the tzuras hapesach posul, as attested to by anyone who inspects an eiruv. [In the left picture, a white PVC pipe can be seen going up in the middle. It should be set under the wires, but the wires and pipe actually moved out of place; currently it is at the side and posul. It must be repaired.]



Wide Beam by the Bottom of the Side Post

48. For high-level eiruvim all over, many people put up wide, ten-tefach tall beams at the bottom of the posts. These also have the status of posts for a tzuras hapesach, as the cord does not need to touch them (24). This helps greatly for many of the potential issues, e.g., a sagging cord (30) or a cord that sways in the wind (32), as the cord will still be over the wide beams at the bottom. Also, if the cord moves out of place and is no longer over the top of the post (22), it will still be above the wide beam at the bottom of the post.