

Eruv Inspections for Yom Tov

Eruv inspections for Yom Tov? Why would that be needed? Carrying is permitted on Yom Tov! Nonetheless, some communities inspect their Eruv before Yom Tov although others do not. Rav Hershel Schachter told me that one should inspect a community's Eruv each Erev Yom Tov while Rav Mordechai Willig and Rav Elazar Meyer Teitz told me that believe it is not necessary. Let us explain the basis for both opinions.

The Central Concept of Mitoch – Rashi vs. Tosafot

The Mishna (Beitza 1:5) teaches:

Beit Shammai say that one may not carry a child, a *lulav*, or a *Sefer Torah* into the street on *Yom Tov*. Beit Hillel say that this is permitted.

Beit Shammai and Beit Hillel disagree as to whether one may carry non-food items on Yom Tov. The Gemara (Beitza 12a) explains that according to Beit Hillel, "Since (Mitoch) you can carry for eating, you can also carry for non-food related purposes." This principle is known as "Mitoch." The Rishonim debate the scope of this expansion of the permission to carry for the sake of *Ochel Nefesh*/food preparation.

For what purposes may one carry on Yom Tov? Rashi (Beitza 12a, s.v. *ela*) explains that the principle of Mitoch tells us that on a Torah level, carrying on Yom Tov is completely permitted, even for no specific reason.

Tosafot (Ketubot 7a s.v. *Mitoch* and Beitza 12a, s.v. *Hachi Garas*) disagree. They explain:

"Since it was permitted for food-related purposes, it was also permitted for non-food-related purposes" – providing that it fulfills a need for the enjoyment of the day or a need to fulfill a Mitzva on *Yom Tov*, such as in the case of carrying a child to circumcise him, a Torah scroll to read from it, and a Lulav to fulfill the Mitzva with it. However, [a Melacha done] not for any need of the day at all, is not permitted. For example, one who carries out stones would be liable... It appears to Ri that carrying a baby out to walk casually is considered a need of the day".

According to Tosafot, the Torah only permitted carrying when fulfilling a legitimate purpose. Thus, an empty container of food or medicine would have to be removed from one's pocket before Yom Tov since it is not meeting any Yom Tov need.

The Rama (Orach Chaim 518:1) rules that one may carry on Yom Tov only for some Yom Tov need. However, he notes that one may carry anything (provided it is not Muktzeh) if one established an Eruv in the area. Hacham Yitzhak Yosef (Yalkut Yosef Orach Chaim 518:1-4) states that the same rules apply for Sephardic Jews. Accordingly, Rav Schachter rules that one should inspect the Eruv before Yom Tov to permit all carrying. Moreover, since many are not aware of this limitation it is important to insure that we are permitted to carry all non-Muktzeh items on Yom Tov.

Rav Teitz, though, responded that one may rely on a combination of the Chezkat Kashrut (presumption that the status quo has not be disturbed) and the opinion of Rashi that Mitoch permits all carrying on Yom Tov on a Torah level. Of course, even those who adopt the lenient approach would conduct an Eruv inspection if an event such as a major storm, occurred between Shabbat and Yom Tov which would disrupt the Eruv's Chezkat Kashrut.

Pre Yom Kippur Inspection

All would agree that under normal conditions the Eruv should be inspected before Yom Kippur. The seriousness of Yom Kippur demands we make the extra effort to be sure the Eruv remains intact.

When inspecting my community Eruv on a Tuesday morning Erev Yom Kippur in 1993 I discovered a crew of utility employees working on the lines upon which the Eruv relied. I felt this was a Rei'uta/disturbance to the Kashrut of the Eruv and went out later that afternoon to review the area. Lo and behold the Eruv was broken and in need of repair. I worked on the Eruv until quite late being able to return home only to be able to quickly wolf down some Seudah HaMafseket. I even arrived after Kol Nidrei had already begun (imagine the sight of a young assistant rabbi entering the synagogue late for Kol Nidrei – it caused quite a stir).

This experience conveys a poignant message. There is ample reason to inspect an Eruv on Erev Yom Kippur.

Practical Considerations

Each community should consult its Rav regarding the necessity of inspecting an Eruv before Yom Tov. The decision might depend on the stability of a particular Eruv. An Eruv's stability might vary depending on the extent of utility pole construction occurring in the area at a particular time.

In general an Eruv which relies almost entirely on preexisting utility wires is more stable than an Eruv for which special wires were installed. An Eruv which installed its own wires are far more vulnerable. In addition, communities that have made arrangements with local utility companies to inform them when they are working on the utility wires and have placed notices on the Lechis to not remove without informing the community (and these notices are respected by the utility workers) are much more reliable and all might agree do not need to be inspected before Yom Tov.

Conclusion and a Compromise

Each community Rav, accordingly, should assess the situation regarding his community to determine whether the Eruv should be inspected before Yom Tov. In many situations, all may agree that it may not be necessary to inspect an Eruv when Yom Tov begins on a Sunday night since utility employees most likely did not work on the poles since the Eruv was inspected before Shabbat.