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Question of the Eruv in Early Modern Europe

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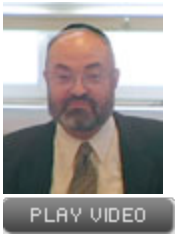
ABSTRACT: Both the responsum of Rabbi Aboab and that of Hakham Zvi Ashkenazi reflect a feature of pre-modern kehillah life almost never dealt with in scholarly literature, namely, the urban eruv, a physical boundary delineating space in which one is permitted to carry items on Sabbath, erected by the kehillah. The Talmudic legal norms, which pre-modern kehillot strove to observe, prohibited any Jew from transporting anything from his residence or building on the Sabbath, in effect grounding the Jewish family from Friday night to Saturday night. The Talmudic solution to this problem was to create an eruv, a seaparate enclosure which might legally be viewed as one big house. This required two steps: a.) surrounding an area with a wall, actual or symbolic (poles and strings arranged in a certain fashion to serve as symbolic wall), and b.) securing the participation of every single Jew within the enclosed area, and the cession of all land owned by gentiles in that area to the Jews of the eruv from Friday night to Saturday night. The practical impossibility of persuading every gentile to cede his land once a week posed a seemingly insuperable problem. In the course of the Middle Ages and the early-modern era, legal theorists sought a solution in the idea of the landlord. If a landlord cedes his land, acquiescence by the tenants is unnecessary. By extension, in an oriental absolute despotism, the ruler might be viewed as ultimately owning all land in the city. Accordingly, if such a despot ceded the land to a kehillah, the halakhic requirement would be satisfied. As the following two responsa indicate, halakhic authorities were well aware that absolute despotism did not characterize the reality of the urban situation in Western and Central Europe in the seventeenth century. As they wrestle with the problem, these preeminent authorities analyze the nature and scope of contemporary urban political institutions, specifically the protectores of Genoa and the Buergermeister of Hamburg.

This presentation is for the following text(s):

- Responsum 257
- Responsum She'elot u'Teshuvot Hakham Zvi no. 6



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