

HALOCHOSCOPE

This week's question:

Someone lives in a community with an *eruv*. However, he is *machmir*, practices personal stringency, and avoids using the *eruv* himself. May he wear sunglasses on *Shabbos*? What about clip-on sunglasses over his regular eyeglasses? What about goggle sunglasses that wrap around the regular glasses? What about slightly bigger sunglasses that fit over his regular glasses? What if he was instructed to wear them by his doctor?

The issues:

- A) *Hotza'ah* and *reshuyos Shabbos*, carrying or transporting between domains on
- B) *Malbush*, *tachshit* and *masuy*, what is considered 'wearing'?
- C) The *eruv*; reasons for stringency

A) *Hotza'ah*

On *Shabbos* it is forbidden to carry from one domain to another. It is also forbidden to transport something for a distance of 4 *amos*, cubits, within a public domain. There are four domains or *reshuyos*: **Reshus hayachid**, a private domain, is an enclosed area, rather than simply private property. Ideally, it is bounded on four sides by fences over 10 *tefachim*, hand-breadths. It could also be a post, steep mound or ditch 10 *tefachim* above or below the surrounding area, with a minimum horizontal dimension of 4 *tefachim* wide and long. Inside a *reshus hayachid* one may carry.

Reshus harabim is an open area with unrestricted passage. According to the Talmudic view we follow, between parallel walls, such as a street, is considered *reshus harabim*. The minimum width between the parallel boundaries is 16 *amos*. The Talmud debates an additional definition of *rabim*, public or multitudes. In one view it qualifies if it is accessible to and is frequented by the public. The other view maintains that 600,000 people must use it daily. This is based on the *Mishkan*, tabernacle in the wilderness. The laws of *Shabbos* are based on the construction *melachos* of the *Mishkan*. *Hotza'ah* is based on transporting the materials from the Israelite camp to the Levite camp in the middle. The camps numbered 600,000. The Levite camp was a *reshus harabim*. In addition, when the *Mishkan* was dismantled and assembled, boards were moved between wagons, *reshuyos hayachid*, and the construction site, *reshus harabim*. The poskim debate which view to follow. The prevailing *minhag* is to follow the lenient view, but some poskim recommend making an effort to follow the stringent view.

Karmelis, an unbounded area not frequented by the *rabim* is neither *reshus harabim* nor *reshus hayachid* by Scriptural standards. Scripturally, one may move things between a *karmelis* and both *reshuyos*. Rabbinically, it is considered both *reshus harabim* and *reshus hayachid* to forbid carrying between it and both of those, and to forbid carrying 4 *amos* within the *karmelis*. If it is enclosed on three sides, most poskim consider a Scrip-

tural *reshus hayachid*. Accordingly, moving things between it and *reshus harabim* is a *melacha* with full liability. A very large fully enclosed area which is not part of a dwelling is also considered a *karmelis*, but one may carry 4 *amos* within it.

Mekom petur is too small to qualify as *reshus hayachid*, but separated from *reshus harabim* by elevation. It is not considered a *reshus* at all, even Rabbinically. One may move things between it and all other *reshuyos*. Rabbinically, one may not use it to facilitate transferring from *reshus harabim* to *reshus hayachid* or vice-versa.

Other determining factors, such as curves in a street or breaks in a fence, are too extensive to be discussed here. Scriptural *hotza'ah* requires *akira*, picking the item up in one *reshus*, and *hanacha*, setting it down in the new location. Doing one without the other is also forbidden Rabbinically. Moving a total of four *amos* in a *reshus harabim* incrementally is also forbidden Rabbinically. [See Shabbos 2a 6a-9a 96b 99b-101a Eruvin 6a 59a 97b-101a, Poskim. Tur Sh Ar OC 345-347 349:1 5, commentaries.]

B) Malbush, tachshit and masuy

Only carrying a *masuy*, load, is considered *hotza'ah*. Wearing clothing is not *hotza'ah*, though the clothes are moved between the *reshuyos*. They are *batel*, secondary, to the person wearing them. These are conditions that affect the permissibility Rabbinically of wearing some items outside on *Shabbos*. Carrying in an unusual manner is not forbidden Scripturally. One usually carries in his hands, rather than wears the load. However, some loads are usually worn, for the convenience of the carrier.

Malbush, clothing, is worn for protection, to hide or cover, for comfort, and sometimes also for identification. *Tachshit*, an adornment, serves the body, but not in the same way as clothing. For example, the Talmud says a small flask of perfume worn to dispel bad odors is a *tachshit*. It is also *batel* to the body. A cane for a lame man is considered a *malbush*. He cannot walk without it. It is like his shoe. Thus, to be *batel* to the body, it need not be traditional 'clothing'. If he can walk without it, he may not take it.

An item can be considered *malbush* if it is wrapped on a *malbush*, but not significant in its own right. It should be like a part of the first *malbush*. Thus, one who wears a decorative chain and pouch may not carry glasses in it. An item might be worn for medicinal purposes. If it really works, it may be worn like a *malbush* or *tachshit*.

Wearing certain items might lead to the wearer removing them (to show or hide them) and carrying. The rabbis forbid wearing them in a *reshus harabim* as a precautionary decree to prevent carrying. The Talmud is clearly concerned that women would remove jewelry to show off, and might then carry it 4 *amos*. Yet the prevailing *minhag* is to permit it. To justify the *minhag*, the poskim say we have no true *reshus harabim* nowadays, following the lenient view. In a *karmelis*, carrying it is a Rabbinic violation. Some say that the decree does not apply to a *karmelis*. Others forbid *karmelis* normally, due to confusion with true *reshus harabim*. However, in the absence of true *reshus harabim*, the rabbis permit wearing jewelry in a *karmelis*. In addition, the claim is made that only the type of jewelry that women do not remove to show off is permitted.

Wearing eyeglasses is discussed by the poskim. Early eyeglasses were perched on the nose, without temples. They were not clothing or ornaments, so they could be considered *masuy*. Some poskim forbid wearing eyeglasses, maintaining that this is a way to

carry them. Others say that this is not the normal manner of carrying. However, they can easily be removed and held in the hands. Those who need them to walk may wear them. They will not be tempted to remove them and walk with them. Those who can see without them could be tempted to remove them and hold them or put them in their pockets. The prevailing *minhag* is to permit them, if they are firmly held in position.

Sunglasses (“green/yellow lenses”) are first discussed with respect to wearing them for health purposes, or for one who is extremely sensitive. He would never take them off in the sun, and if they fell off he would put them back immediately. They could still be removed in the shade. Some permit them totally. Others forbid them in a real *reshus harabim*. The early dispensations for them rely on two factors: they are worn medicinally, and we have no true *reshus harabim*.

Clip-on sunglasses attach to regular glasses. As mentioned, most poskim permit regular glasses when firmly perched. Clip-ons might not be considered *batel* to the glasses, but one would not remove them in the shade, and he would not remove his regular glasses on which they are clipped. Goggle-type sunglasses are often worn for health reasons, as they protect from peripheral sunlight as well. However, these are not even attached to the glasses underneath with a clip. In the shade, one could to remove them. The same is true of larger size sunglasses worn over regular glasses. Therefore, in a true *reshus harabim*, these would be forbidden, at least Rabbinically. [See Shabbos 57a-67b, Poskim. Tur Sh Ar OC 301:7 11 (MB44 (Dirshu 31), Kaf Hachaim 65-66) 14 17-18 22 24 etc, commentaries Ar Hash 61. Shoel Umaishiv III:2:109. Binyan Tziyon 37. Rav Pealim II:48. Har Tzvi OC:173. Shmiras Shabbos Kehilchasa 18:18, note 71-72.]

C) Eruv and reasons to be machmir

According to one view, it is Rabbinically forbidden to move things between adjacent properties owned by different people. They are a single Scriptural *reshus hayachid*, enclosed by their outer boundaries, but the impression is of two *reshuyos*, based on monetary law. Inside a communally owned *reshus hayachid*, all views Rabbinically forbid carrying. It is also forbidden to move things between the communal property and that of a single owner on its boundary. The former opinion considers this moving between properties of different owners. The latter view says it resembles a *reshus harabim*. To remedy this, the rabbis instituted the *eruv*. This nominally combines the properties into one large dwelling, with the remaining residents becoming guests therein. The 'guests' contribute food and formally cede their ownership to the 'owner', who keeps the food in his home. This is the *eruv*, literally, 'mixture' (of properties).

In addition, the *eruv* area must be enclosed to be a true *reshus hayachid*. This is the *hekef mechitzos*. The same mechanism is used to allow carrying in a larger area, such as a neighborhood or even a city. Methods to enclose include fences or steep slopes. Across open flat spaces, a **tzuras hapesach** is made. Any wall can have a doorway through it. There is no maximum dimension of this *tzuras hapesach*, as long as it has 'posts and a lintel'. The post, called a *lechi*, must be 10 *tefachim* high, and strong enough to hold a light door. The lintel, called *kaneh*, must be directly over the top of the two *lechis*. It can be a flimsy string. The *hekef* must be continuous, with no breach more than 10 *amos*. Short breach spaces may not total more than erect spaces. If a true *reshus harabim* passes

through it, *tzuras hapesach* is insufficient. Public passage breaks its 'wall' status. Gates must close it off. Even when they are open, they guarantee that it is a real doorway.

There could be many reasons one might practice stringency, based on debates about various details. When there is a consensus on a lenient final ruling, individuals may adopt a personal *chumra*. They can do this *bli neder ushevua*, without making it a binding vow. If they adopt it as a vow, they can still annul it. If they think it is truly *halacha*, despite the consensus, they might not need to annul it. They adopted it mistakenly.

The main reasons for stringency on a modern *eruv* are three: Some people do not wish to forget about *hotza'ah*. When visiting a community with no *eruv*, they might carry by habit. Furthermore, in a large enclosure, there is a possibility that the fence was interrupted on *Shabbos*. We rely on the status quo. One who wishes to, may practice voluntary stringency. The accepted practice is to rely on the poskim who consider our public areas a *karmelis*, but the stringent view is not rejected. In a matter of possible Scriptural violation, those aspiring to higher spiritual levels should try to satisfy the strict view. Furthermore, some question the validity of a *hekef* without real walls around a community of 600,000, regardless of whether they all use one thoroughfare. Third, a prominent minority view invalidates *tzuras hapesach* wider than 10 *amos*, unless the majority of the *hekef* is real solid wall or slope. Most community *eruvim* do not qualify.

Most of the *machmirim* do not invalidate the *eruv* on *halachic* basis. They adopt personal stringency, but would use it when absolutely necessary. They also allow family members to use it. A minority truly consider it invalid. Some of these minority *machmirim* truly believe that any street 16 *amos* wide is Scripturally a *reshus harabim*. They apply all Scriptural and Rabbinical rules to it. [See *Shabbos* 64b 82a 130b *Eruvin* 6a-7a 11a-b 15b-17a 22a-b 59a 62a 91b 101a-b, Poskim. Rambam *Shabbos* 16:16 *Eruvin* 1:5 2:15. Tur Sh Ar OC 345:7 346 362:10 366 392, commentaries.]

In conclusion, those who do not rely on the *eruv* due to the existence of what they consider a true *reshus harabim* may not wear sunglasses. Many poskim would permit clip-ons. If one accepts the consensus about *karmelis*, and validates the consensus views on the details of the *hekef*, but practices personal stringency, he may wear them where there is no true *reshus harabim*. Most poskim do not consider wearing them to be carrying. The issue is the Rabbinical decree. Those who rule stringently permit wearing them for health even with no *eruv*. In our case, there is a valid *eruv* according to a consensus.

On the parsha they camped at Arvos Moav, by the Yarden at Yericho. They camped by the Yarden, from Bais Hayeshimos to Avel Hashitim, at Arvos Moav. [32:48-49] This is twelve mil, teaching us the area of the camp. [Rashi] Why is there so much repetition here? Why does the Torah choose to teach us the length of the camp here? It was here that 600,000 were counted again [see *Pinchas*]. Though they were this size when they left Mitzrayim, presumably they had been losing numbers. Here, where they regained their numbers, was a complete camp [see *Gevuros Hashem* 3]. Perhaps the second 'camped' refers to their becoming a whole *rabim*.

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