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“AND FROM YOUR OWN, WE HAVE GIVEN TO YOU”

by Rabbi David Nachbar

The Torah establishes a theological principle with widespread implications with its introduction of the laws pertaining to Yovel. Two of the Mitzvot associated with Yovel are the return of land to its original owner and the return of Hebrew slaves to their respective families – “*VeShaotem Ish El Achuzato Velsh El Mishpachto Tashuvu*” (VaYikra 25:10). Interestingly, the Torah itself provides the underlying rationale for each injunction. Concerning Yovel’s termination of most sales of land, the Torah reasons, “*Ki Li HaAretz Ki Geirim VeToshavim Atem Imadi*,” “For the land is Mine, for you are strangers and settlers with Me” (25:23). Similarly, the Torah argues that the restoration of all Hebrew slaves during the Yovel year is attributable to Hashem’s prior claim on the individual – “*Ki Avaday Heim Asher Hotzeiti Otam MeiEretz Mitzrayim*,” “For they are My servants whom I have brought out of the land of Egypt” (25:42). Rashi (25:42 s.v. Ki Avaday Heim) comments that the phrase “*Ki Avaday Heim*” is Hashem’s legal argument in which He claims that “*Shetaray Kodem*,” My document of acquisition preceded the current owner’s acquisition. In each instance, Hashem lays claim to our land and to our physical bodies and insists on the restoration of both during the Yovel year.

The imperative to return land to its original owner is reinforced by a later precaution – “*VeHaAretz Lo Timacheir LiTzmitut*,” “The land shall not be sold in perpetuity.” According to Rashi (25:23 s.v. VeHaAretz Lo Timacheir), the Pasuk strengthens the imperative to return all land by placing an additional negative commandment on the buyer to not squat on the land and withhold it from the original owner. Rambam (Hilchot Shemitah VeYovel 11:1) disagrees and defines the negative prohibition as addressing the seller and purchaser alike to not sell the land indefinitely, despite the ineffectiveness of their actions, were they to try. Ramban (VaYikra 25:23 s.v. VeHaAretz Lo Timacheir LiTzmitut), in his commentary on the Torah, raises an additional possibility that the prohibition rests upon the seller alone or on both the seller and the buyer to not sell the land with explicit terms for a permanent, indefinite sale. Although such terms add a measure of seriousness and substance to the sale from a psychological perspective, they will eventually create a formidable barrier when the time comes for the buyer to return the land during the Yovel year.

Ramban concludes his comments with the viewpoint that the Pasuk, in truth, does not represent an actual prohibition, but

rather a note of encouragement. The observance of the laws of Yovel should not be difficult in an individual’s eyes because he is not the primary landholder; instead, “*Geirim VeToshavim Atem Imadi*.” In a similar fashion, he cites Hasagot LeSefer HaMitzvot (Lo Ta’aseh no. 227), the perspective of Behag, that the Pasuk is a description rather than a restriction: “The land *cannot* be sold in perpetuity” instead of “the land *shall not* be sold in perpetuity.” The rationale for a seller’s inability to permanently sell the land is due to the fact “*SheEinah SheLachem*,” that it does not belong to the seller in the absolute sense, and, as a result, he is incapable of violating the wishes of the true owner. As the Torat Kohanim interprets the spirit of the Pasuk, “*Al Ta’asu Atzmichem Ikar*,” “do not make yourselves primary.”

The release of Hebrew slaves is likewise reinforced by a negative commandment – “*Lo Yimachru MiMekeret Aved*,” “They shall not be sold as slaves” (VaYikra 25:42). The precise focus of this prohibition and the exact quality of “a sale of slaves” which the Torah is seeking to forbid is not immediately clear. Rashi (25:42 s.v. Lo Yimachru MiMekeret Aved) explains the Pasuk as prohibiting a public sale of the individual, one which would make a public spectacle of the person and publicly announce that he is for sale. Others, though, relate the prohibition to the permanent duration of the sale based on the context of the preceding Pasuk – “*VeYatza Meilmach Hu UVanavo Imo VeShav El Mishpachto*,” “He shall go out from you, he and his children with him, and he shall return to his family” (25:41). Although one might have expected that an individual’s personal autonomy would enable a permanent sale of himself, Seforno (25:42 s.v. Ki Avaday Heim) justifies the restriction due to Hashem’s ultimate claim on a person’s body – “nonetheless, since he is My slave, he is incapable of selling himself as a permanent slave.”

The return of land and the restoration of Hebrew slaves both underscore Hashem’s claim to that which human nature purports as belonging to the individual. We are reminded that our monetary possessions, even our physical bodies, belong to Hashem. The spirit of Yovel is captured in a Mishnah in Pirkei Avot (3:7), in which Rabi Elazar Ish Bartuta teaches, “Give to Him from that which is His, because you and that which belongs to you are His.” The Mishnah supports the teaching with a Pasuk (Divrei HaYamim I 29:14) in which David rationalizes how the Jewish people were able to dedicate materials and money so generously and extensively toward the construction of the Beit HaMikdash – “*Ki Mimecha HaKol UMiYadecha Natanu Lach*,” “For all things come from You, and from Your own we have given to You.” The perspective that the Yovel year seeks to ingrain within us is relevant not only during the fiftieth year, but at all times. Our physical bodies, our personal strengths, our time, and our financial resources belong to Hashem, and “of Your own we have given to You.” Rabbeinu Yonah (Avot 3:7 s.v. SheAtah) explains that the mentality of “*SheAtah VeSheLach SheLo*” affects how we invest our time, energy, and resources, and the spirit with which we do so. By investing ourselves fully, generously, and joyfully in the service of Hashem, broadly speaking, we recognize that “all things come from You, and from Your own we have given to You.”

Torah Academy of Bergen County invites all high school students (including graduating eighth graders) to join our fourteenth annual Tanach Kollel. This year we will be learning Sefer Daniel from June 15 to June 17. For details and to register, please contact Rabbi Jachter at howard.jachter@tabc.org

BEHAR AND BITACHON

by Alex Kalb ('15)

Parashat BeHar begins with the Mitzvot of Shemithah and Yovel, following which the Pasuk states, "*VeChi Tomeru Mah Nochal BaShanah HaShevi'it, Hein Lo Nizra VeLo Ne'esof Et Tevu'ateinu,*" "And if you will say: 'What shall we eat in the seventh year? Behold, we may not sow, nor gather in our increase'" (VaYikra 25:20). In response to this, the Torah states that there is a special promise from Hashem that during the Shemithah year, Hashem will provide for all of us. Based on this, the Sefer HaChinuch writes that the Mitzvah of Shemithah can teach us numerous lessons: The first is that there is a God and He created the world; just like there were six days of creation and on the 7th day Hashem rested, so too, there are six years of working the field, and during the seventh year we rest. By resting our fields once every seven years, we commemorate Hashem's creating the world and acknowledge His continued control over it. Next, the Mitzvah of Shemithah teaches us the importance of being a generous person. This lesson is derived from the Halachah that a person must be generous when it comes to Shemithah and share his crops with other Jews, even if he may be a naturally stingy person. Finally, the Mitzvah of Shemithah teaches us the Middah of Bitachon. During the Shemithah year, one needs a tremendous amount of trust in Hashem, because one must depend financially on Hashem and is unable to actively plant and support one's family.

With this idea, we can understand Rashi's comment on this Parashah (VaYikra 25:18 s.v. ViShavtem Al HaAretz LaVetach), which states that Bnei Yisrael's failure to properly observe the Mitzvah of Shemithah led to their exile from Eretz Yisrael. Since Eretz Yisrael is a land that requires our Bitachon in Hashem, our violations of the Halachot of Shemithah – which demonstrates our lack of Bitachon in Hashem – causes us to lose our right to live in Eretz Yisrael.

This past week, we celebrated Lag BaOmer, the 33rd day of Sefirat HaOmer. This day marks the Yahrtzeit of Rabi Shimon Bar Yochai and concludes our period of mourning over the death of Rabi Akiva's Talmidim. Both Rabi Shimon Bar Yochai and Rabi Akiva had extreme Bitachon in Hashem. The Gemara (Shabbat 33b-34a) relates that Rabi Shimon Bar Yochai was forced to live in a cave for thirteen years with little food because he criticized the Roman government. Living in near solitude with nothing but Torah and faith in Hashem is a tremendous demonstration of Bitachon. Rabi Akiva also demonstrated tremendous Bitachon in Hashem, because even after his 24,000 students died, he rebuilt his life and found five new Talmidim through whom to pass on his Torah. Although he could have given up in his life mission to spread Torah, Rabi Akiva continued to have faith in Hashem and spread His Torah.

How can we, those who just celebrated Lag BaOmer, try to enhance our Bitachon in Hashem? The Chazon Ish explains that Bitachon does not necessarily mean that we believe that everything is good and every outcome is going to turn out for the best; rather, what it means is that whatever Hashem wants to happen to us is going to happen. Every detail of our lives is masterfully planned and what happens to us is ultimately in Hashem's hands.

Sometimes, when things are so good, when things go as they should, we don't stop to recognize that Hashem is showering us with the good things in life. However, when

things begin to become more challenging and difficult in life, then we start asking why Hashem would let such horrible things happen in our lives. We should recognize that Hashem is holding our hands and guiding us through every single step of the way. We do not request Nisyonot (challenges) from Hashem, we Daven every single day that Hashem not present us with Nisyonot, but if we look to great people like Rabi Shimon Bar Yochai and Rabi Akiva – who understood the meaning of the challenges in their lives and realized that they were tests from Hashem – we will hopefully gain a special appreciation for all the positive that Hashem bestows upon us. If we do so, then we will be Zocheh to have the tremendous good feeling of being carried by Hashem throughout our lives.

FREEDOM VS. LIBERTY

by Yosef Aryeh Kahan ('18)

In Parashat BeHar, Hashem commands the Jewish people to count seven years and to make the seventh year a Shemithah year (VaYikra 25:4). The Jews are also commanded that after counting seven cycles of seven years, the fiftieth year should be a Yovel year (25:8). This is very similar to the process of counting the Omer, which is commanded in Parashat Emor (23:15-16), in which seven cycles of seven days must be counted, and the fiftieth day is Shavuot. However, there is one small difference between the Torah's deliveries of these two commands. When talking about counting Omer, the Torah states, "USefartem Lachem," "And you shall count for yourselves" (Vayikra 23:15), whereas when talking about Yovel, the Torah states "VeSafarta Lecha," "And you shall count for yourself" (25:8). Why is it that by one commandment, the Torah refers to the people in the plural, whereas in the other, the Torah refers to the people in the singular?

This is a question Rav Shmuel Goldin tries to answer in his book *Unlocking the Torah Text*. To understand the reason for this discrepancy between the two counts, one must look at a theme that is expressed in both commandments: freedom. Within "freedom," there are two types of freedom – Deror and Cheirut. Deror refers to becoming free from a constraint that prevents one from making choices and decisions about one's life; it can be given to someone by someone else or achieved by an individual's freeing himself from whatever is constraining him. This is a spiritual freedom, and one must achieve it by himself. When discussing freeing slaves and returning land during Yovel, the Torah states, "UKeratem Deror BaAretz LeChol Yosheveha," "And you shall proclaim liberty throughout the land unto all of the inhabitants thereof" (25:10). The Torah uses the word "Deror" here to describe what is happening – the land is returned, and slaves are freed. Nonetheless, this is merely giving people the freedom to control their lives. This freedom is granted by society to slaves, and so, when referring to the count, the Torah uses the singular "Lecha" to refer to society as a whole. However, the Omer refers to a different kind of freedom: Cheirut. The Omer count leads to Shavuot, when the Jews were given spiritual freedom by receiving the Torah. This idea is emphasized in Pirkei Avot (6:2). According to Shemot (32:16), the Luchot had the word of Hashem "Charut," engraved, in them. The Mishnah writes that this word should be read as "Cheirut," because to be truly free, one must study the Torah. This spiritual freedom can be achieved only by an individual. It is a personal quest to achieve this freedom, and therefore when talking about it, the Torah uses the plural "Lachem," because it is a command to each individual to find freedom.

Yovel and Omer deal with two different types of freedom. Yovel is a reminder to society to grant freedom to the people in

the form of Deror. The Omer and Shavuot are reminders to Bnei Yisrael that they must seek freedom in the form of Cheirut, and it is a task which only they can do for themselves.

CREATING A COMMUNITY ERUV THAT SATISFIES LUBAVITCH AND SEPHARDIC SHIURIM by Rabbi Chaim Jachter

Introduction

In a well-known comedy routine, a well-known comedian reenacts Hashem's instructing Noah to build the ark. Hashem instructs Noah to build the ark three hundred cubits (Amot) long, fifty cubits wide and thirty cubits high. At this point, the comedian portrays an incredulous Noah asking God, "What's a Cubit?" The celebrity likely did not realize it, but he raised an issue that is vigorously debated among Posekim regarding which a significant difference exists between Sephardic and Ashkenazic traditions. This has important ramifications for building community Eruvin. Eruv creators should bear the Sephardic standard in mind to ensure that the Eruv satisfies Sephardic¹, as well as Ashkenazic, customs. This has a specific application in regards to a recurring issue in most Eruvin, namely gaps of up to ten Amot. The question becomes, as the comedian said, "What's a cubit (Amah)?" How much of a gap in terms of feet and inches may be tolerated?

Gaps of Ten Amot

Unlike the making of an Eruv in the Jewish State, where we are at home and government authorities are supportive, outside of Eretz Yisrael, especially in smaller Jewish communities, Eruvin must be made in the least intrusive manner as possible. Every effort should be made to use existing structures such as utility poles (especially those with a wire running on top of the pole), steep slopes and fences². In such situations, gaps will often exist when seeking to transfer from fences, poles, steep slopes, etc. The Halachah tolerates a gap of up to ten Amot in such circumstances (see Mishnah Eruvin 1:1, Shulchan Aruch O.C. 362:9 and Aruch HaShulchan O.H. 362:30 and 36 and 363:45³).

Another measurement of major importance is the Tefach (handbreadth). Walls are required to be at least ten Tefachim high

to be used as part of an Eruv (Mishnah, Eruvin 1:9 and Shulchan Aruch O.C. 345:2). Thus, when constructing an Eruv, one must specifically define two essential measurements: ten Amot and ten Tefachim (there are six Tefachim in an Amah).

What's a Cubit? What's a Tefach? – Chazon Ish, Rav Moshe Feinstein and Rav Avraham Haim Na'eh

Twentieth century Posekim intensely debate the equivalent of an Amah and a Tefach in contemporary terms. The very wide range of opinions on this matter is summarized in the Encyclopedia Talmudit (the entry "Amah"). The three primary opinions are that of the Chazon Ish, Rav Moshe Feinstein and Rav Avraham Chaim Na'eh. The Chazon Ish and Rav Na'eh were contemporaries living in Eretz Yisrael⁴ and engaged in vigorous debate about this topic from 5703/1943 until 5713/1953, the year in which both of these sages passed to the next world. Rav Moshe Feinstein issued his ruling on this issue in 1956 when he lived in the United States independent of and without relating to the debate between the Chazon Ish and Rav Na'eh⁵.

Their opinions are as follows: According to Rav Moshe Feinstein (Teshuvot Igrot Moshe O.H. 1:136), an Amah is 21.25 inches (53.98 centimeters) and a Tefach is 3.54 inches (9.00 centimeters). According to Rav Avraham Chaim Na'eh (in his famous work on the topic of Shiurim, Shiurei Torah 3:25), an Amah is 18.90 inches (48 centimeters) and a Tefach is 3.15 inches (8 centimeters). According to the Chazon Ish (Chazon Ish to O.C. number 39), an Amah is 24 inches (60.96 centimeters) and a Tefach is 4 inches (10.16 centimeters).

Whose Opinion is Followed? – Sephardic and Ashkenazic Practice

Ashkenazim and Sephardic Posekim resolve this issue differently. In Eretz Yisrael (as reported in *The Laws of an Eruv*, page 264, and Techumin 32:413), the custom among Ashkenazic authorities is to apply the stringencies resulting both from the Chazon Ish's and Rav Avraham Chaim Na'eh's opinion. Thus, they will require a fence to be forty inches high but would not permit a gap greater than fifteen feet and nine inches. In the United States, both Rav Herschel Schachter and Rav Mordechai Willig follow Rav Moshe's ruling⁶ in Teshuvot Igrot Moshe, and they require

¹ Regarding whether Sephardim may use citywide Eruvin, see Rav Ovadia Yosef's lengthy discussion in Teshuvot Yabia Omer (9:O.H. 33), where he rules that a Sephardic Jew may rely on a conventional citywide Eruv that consists primarily of Tzurat HaPetah, but that a blessing should be bestowed upon one who adopts the strict opinion. He permits, though, one who wishes to follow the strict opinion to ask another who follows the lenient opinion to carry for him.

² Golf course fences are often ideal for being a part of Eruvin since they usually extend for many miles. Many communities, including Englewood, Tenafly, West Hartford and West Orange, make extensive use of golf course fences. Rav Zvi Lieberman of London, England, told me that unlike in the United States, British law requires railroad companies to construct fences alongside the tracks. He told me that this is very helpful in creating community Eruvin in England. Security fences in Jewish communities in Yehudah and Shomeron, as well as in army posts, dramatically simplify the creation of Eruvin in those communities.

³ See though, Mishnah Berurah (362:59, 363:23 and 111). Rav Mordechai Willig, whose standards are followed in many citywide Eruvin nationwide, rules in accordance with the Aruch HaShulchan. There is no reason, to my knowledge, why Sephardim cannot rely on this as well.

⁴ The Chazon Ish lived in Bnei Brak, while Rav Na'eh lived in Yerushalayim.

⁵ See Teshuvot Igrot Moshe Yoreh Dei'ah 3:66:1, where Rav Moshe expresses astonishment over the existence of this debate which is based on analysis of the Gemara and its commentaries. Rav Moshe explained that the issue needs to be resolved simply by engaging in empirical measurement of an Eitzba (finger; there are four Eitzba'ot in a Tefach and six Tefachim in an Amah) and multiplying by four and then six in order to arrive at a definition of a Tefach and an Amah in terms of feet and inches.

⁶ It makes sense for them to follow Rav Moshe's ruling, not only because he was the leading Halachic authority in the United States, but also since his ruling is the result of empirical evidence gleaned from measuring the finger sizes of average individuals who reside in this country. In addition, the Aruch HaShulchan (O.C. 358:3) and Rav Ya'akov Kaminetzky (cited in *The Laws of an Eruv*, p. 262) present an almost identical ruling to that of Rav Moshe.



a fence to be thirty-six inches high⁷ and permit a gap of up to seventeen feet and eight and a half inches. *The Laws of an Eruv* (p.264) reports that “many Posekim” in the United States⁸ adopt a similar approach.

Sepharadim, however, follow the opinion of Rav Avraham Chaim Na’eh (Rav Avraham HaDa’yah cited by Rav Avraham Chaim Na’eh in the introduction to his work *Shiur Mikveh* and *Yalkut Yosef* in many places including O.C. 550, where he rules that it is sufficient for Hadassim and Aravot to be three Tefachim long according to the size of Rav Avraham Chaim Na’eh⁹).

Creating an Eruv Acceptable for Sephardic Jews

There is no problem for Sepharadim to rely on Eruvin created by Ashkenazic Rabbanim in Eretz Yisrael since they accommodate the opinion of Rav Na’eh when it results in a strict effect. Thus, it is not surprising to find numerous places in Yalkut Yosef (such as O.H. 584, Hanhagot Rosh HaShanah number 2) where reliance on the community Eruv is permitted without any provisos that the Eruv conform to Sephardic standards. Rav Ovadiah Yosef finds it acceptable for Sepharadim to rely upon Eruvin built according to Ashkenazic specifications without adjustments to accommodate Sepharadim.

However, this might not apply to Eruvin created in the United States under the auspices of Ashkenazic Rabbanim. Since many of the Eruvin in our country do not accommodate the stringent result of Rav Na’eh’s measurements, it would seem improper for a Sephardic Jew to rely upon such Eruvin, unless the Eruv conforms to Rav Na’eh’s measurements (i.e. all gaps do not exceed 15 feet and nine inches).

Thus, any community that has a functioning Sephardic Kehillah should endeavor to comply with Rav Na’eh’s measurements and ensure that gaps do not exceed 15 feet and nine inches. As the Rav HaMachshir of the Englewood Eruv (which has a Sephardic Minyan at a local Ashkenazic synagogue), I ensure that the Eruv conforms not only to Rav Moshe’s measurements, but also to those of Rav Avraham Chaim Na’eh. The four Rabbanim who oversee the Teaneck Eruv, Rav Lawrence Rothwachs, Rav Zvi Sobolofsky, Rav Michael Taubes and this author similarly ensure that there are no gaps wider than fifteen feet and nine inches in the Teaneck Eruv.

Other reasons to accommodate Rav Na’eh’s stringent result include the fact that Chabad affiliated Jews follow the opinion of Rav Avraham Chaim Na’eh. Thus, if an Eruv includes a Chabad community, it behooves the broader community leaders to ensure that there should be no gaps in the Eruv wider than fifteen feet and nine inches. Another reason to adopt this standard is the Shiur of the Haddasim that are mostly sold in the United States. In this author’s experience, the only two options that are sold in this country are either the Hadassim that conform to Rav Na’eh’s opinion (they are Meshulash – all three leaves are on the same

level – on a majority of the rows of three Tefachim, at least 9.45 inches, of the Hadassim) or those that conform to the Shiur of the Chazon Ish, at least 12 inches. Many, if not most, of the members of many Orthodox synagogues nationwide rely upon Rav Na’eh’s view in a lenient direction regarding the fulfillment of the Torah obligation to take Hadassim on the first day of Sukkot.

Thus, if all or most of a community relies upon Rav Na’eh’s opinion in a lenient direction regarding the fulfillment of a Torah obligation, then it seems logical that Rav Na’eh’s opinion should be accommodated in a strict direction regarding the community Eruvin, even in a completely Ashkenazic community.

I presented these arguments to Rav Mordechai Willig and he responded that he makes every effort to ensure that the Riverdale Eruv (the Eruv he supervises) satisfies Rav Na’eh’s opinion when it results in a stringent direction. Rav Willig, though, proceeded to defend those communities whose Eruvin do not satisfy Rav Na’eh’s point of view but only that of Rav Moshe. He argues that since the situation involves two converging rabbinic laws (Trei DeRabbanan), there is room to adopt the lenient approach. The first is that the prohibition to carry in an area which is suitable for an Eruv (consisting significantly of Tzurot HaPetah, such as almost all citywide Eruvin today) constitutes only a rabbinic prohibition¹⁰, and the second is that a gap of more than ten Amot (but there is “Omeid Merubah Al HaParutz,” meaning that a majority of that side of the Eruv is enclosed) constitutes only a rabbinic prohibition (Teshuvot Achi’ezer 4:8; the Chazon Ish, cited ad loc. and O.H. 107:5-7; and Rav Moshe Feinstein Teshuvot Igrot Moshe O.H. 2:90¹¹).

Conclusion

Ashkenazic Eruv planners should bear in mind Sephardic and Lubavitch Pesak Halachah and accommodate Rav Na’eh’s opinion when it results in stringency¹². This is especially the case since there are compelling reasons that even Ashkenazim should now be sure to accommodate the opinion of Rav Na’eh¹³. If this is impossible to achieve or if no effort was made to confirm to Rav Na’eh’s approach, a Sephardic Jew may nonetheless utilize the Eruv.

Questions, comments? Contact us at:

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This publication contains Torah matter and should be treated accordingly.

⁷ Rav Shimon Eider cites in his *Halachos of the Eruv* that Rav Moshe told him to require a fence used in an Eruv to be at least forty inches high.

⁸ See, however, Rav Feivel Cohen of Flatbush, who writes (Milu’im to Badei HaShulchan Hilchot Niddah; published at the end of Badei HaShulchan to Hilchot Basar VeChalav): “It appears that the custom is to accommodate the strict results of both the Chazon Ish and Rav Avraham Chaim Na’eh.” Rav Moshe Faskowitz told me that when he created the Eruv in Canarsie, Brooklyn, many years ago, he accommodated the stringent results of both the Chazon Ish’s and Rav Avraham Chaim Na’eh’s rulings. Rav Faskowitz informed me that the Poseik for this Eruv was Rav Gavriel Zinner, the renowned author of *Neta’ei Gavriel*.

⁹ Yalkut Yosef notes that some rule strictly in accordance with the Chazon Ish, but he adds that according to baseline Halachah, this is not necessary.

¹⁰ For a discussion of what areas in which it is prohibited to carry only on a rabbinic level, see *Gray Matter* 1:168-180.

¹¹ See, though, Teshuvot Mishkenot Ya’akov O.H. 121, who asserts that a breach of more than ten Amot constitutes a Torah level disqualification.

¹² May one rely on Rav Na’eh’s opinion in a lenient direction (such as relying on a wall that is only thirty two inches high) in a difficult situation? Rav Willig felt this to be permissible in a case of great need, and Rav Schachter ruled that it is not permissible even in case of great need, since he felt that it is inappropriate to rule leniently against Rav Moshe, the most prominent Poseik of the United States, especially since very often Rav Moshe adopted a lenient approach. This question depends to a certain extent on whether one applies the Gemara’s principle of “Halachah KeDivrei HaMeikeil BeEiruv” (the Halachah follows the lenient opinion regarding an Eruv; Eruvin 46a) to all aspects of Eruvin (Rosh Eruvin 2:4 and Biur HaGra O.H. 358:5) or only to Eruv Chatzeirot (Teshuvot HaRashba 5:202, Ritva Eruvin 80b and Teshuvot Igrot Moshe 2:202).

¹³ Rav Yechezkeil Feiglin authored an essay that appears in *Techumin* 32:413-421, in which he argues that archaeological and other scientific evidence supports the opinion of Rav Avraham Chaim Na’eh.