The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Feb 18 2025 ■ כ' שבט תשפ"ה
סימן שצ"ד סעיף א'-ג'

Overview

Siman 394 Seif 1:

If one is uncertain about an *eruv*, e.g., one is uncertain whether the food was extant during *bein hashemashos*, it is permitted provided that there was a presumption that it was valid, for example, it was placed there and something happened to generate the uncertainty. However, if there was no presumption that it was valid, for example, he is uncertain whether it was placed there or not, it is invalid.

- If one used food that may be *tereifah* it is not a valid *eruv* since it is uncertain whether it was placed or not. (M.B. 2)

Siman 394 Seif 2:

During *bein hashemashos* the *eruv* must be in a place where one could access it. Therefore, if a pile of rubble fell on it and one cannot access it without a shovel and hoe, it is prohibited. It is only necessary for the *eruv* to remain intact during *bein hashemashos*. One may eat the *eruv* once it is certainly dark. One should use the *eruv* for the Shabbos morning meal. This is true in places where they make an *eruv* each week but it is preferred to make an *eruv* for the entire year at once as discussed above in *siman* 368.

- If the shovel and hoe would only be used to move *muktzah* during *bein hashemashos*, it is permitted. (M.B. 3)
- Although it could also be used at the Shabbos night meal, it is preferable to use it during the day meal since the night meal is sometimes eaten before it is dark. (M.B. 4)
- The concern is that they will forget to make an *eruv* one week. (M.B. 5)

Siman 394 Seif 3:

If it was placed in a closet and one locked the door but lost the key before dark, if it is not possible to access the food without performing some *melacha* during *bein hashemashos*, it is considered as though it was lost and is not an effective *eruv* since he cannot eat it.

- Shulchan Aruch refers to a building or a large utensil that is subject to the Biblical prohibition of demolition. (M.B. 7)
- Shulchan Aruch refers to where the key is lost from the location where it was stored but if the key remains in the place it was stored but the person does not remember where he placed it, the *eruv* is valid since it is likely he will remember. (M.B. 8)
- If one finds the key and can transport it without having to violate a Biblical prohibition, the *eruv* is valid even though he did not have the key during *bein hashemashos*. Since the key was ultimately found, we look at it as though it was in his possession since it is likely that he will find it. (M.B. 11)

Halacha Highlight

An *eruv* in the home of a family out of town for Shabbos

Shulchan Aruch Siman 394 Seif 3

ואבד המפתח קדם שחשכה

And the key was lost before Shabbos

Shulchan Aruch (סעי' ג') discusses one who deposits his *shituf* in a closet and locks it up and then loses the key before Shabbos (ע' מי"ב סק"ט). He rules that if it impossible to remove the food without performing an actual *melacha*, it is considered as though the *eruv* is missing and may not be relied upon since it is impossible to eat the food and it is imperative that the food is edible and accessible for the *eruv* to be valid. Mishnah Berurah (ס"ק י"א) adds that if the key is found on Shabbos and could be transported to the closet without having to violate a Biblical prohibition, e.g., there is no public domain separating between the key and the closet, the *eruv* is valid despite the fact that the key was lost during *bein hashemashos* as Shabbos began. Since the key was, in fact, found, we consider it as though it was in his possession all along since lost keys are commonly found.

Regarding this lost key, Mishnah Berurah (סק"ח) distinguishes between a circumstance in which one recalls where he placed the key but it is no longer there and a circumstance in which one does not recall where he hid the key. Shulchan Aruch refers to the former case since something happened to the key since he hid it and there is no reason to believe it will be found any time soon. In the latter case, it is likely that he will recall where he hid the key and it will remain in that place and thus the *eruv* remains valid. The Pupa Dayan (קובץ בית תלמוד להוראה ח"י) addressed the issue of an *eruv* that is stored in someone's house and the homeowner is away for Shabbos and the other neighbors have no access to his house. He ruled that the *eruv* is invalid in such a case. Since the *eruv* is inaccessible during *bein hashemashos* it is comparable to a lost key where there is no expectation that it would be found in which case the *eruv* is invalid despite our awareness of the location of the *eruv*.