The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, May 3 2025 ■ ה' אייר תשפ"ה
סימן ת"ט סעיף א'-ג'

Overview

Siman 409 Seif 4:

If the *eruv* was placed in a closet and locked it up and one lost the key or if a stone fell on it, if the *eruv* could be extracted without violating a Biblical prohibition, the *eruv* is valid.

Siman 409 Seif 5:

When one places down an *eruv*, he has in the place of the *eruv* four *amos*. Therefore, if one placed his *eruv* at the end of the *techum* and it rolled away but remained within four *amos* it is valid but if it went beyond four *amos* the *eruv* is invalid.

- Shulchan Aruch refers to a place that is not enclosed with partitions because an area enclosed by partitions is always considered four *amos*. (M.B. 18)
- It rolled away before Shabbos. (M.B. 20)
- It must be in a place that he can access during *bein hashemashos* and once it is too far, the *eruv* is invalid and he remains with the *techum* of his home. (M.B. 22)

Siman 409 Seif 6:

If the *eruv* is lost or burned or if it was at the end of the *techum* and it rolled beyond four *amos* or if it was *terumah* that became *tamei* before *bein hashemashos* it is invalid but if one of these things happened after nightfall, the *eruv* is valid since an *eruv* becomes valid during *bein hashemashos*. If it is uncertain when the change occurred the *eruv* is valid since an uncertain *eruv* is valid provided that there was a presumption of it being valid, for example, it was placed there and then the uncertainty arose but if it never had a presumption of validity, for example, it is uncertain whether it was ever placed there, it is not valid.

- The same is true if he placed *terumah* which may have been *tamei* or meat than may be *tereifah* since besides not having a presumption of being valid but additionally, the *eruv* must be edible and since it may be prohibited it is not edible. (M.B. 25)

Halacha Highlight

Presumption of being valid

Shulchan Aruch Siman 409 Seif 6
והוא שיהיה לו חזקת כשרות
Provided that it had a presumption of being valid

Shulchan Aruch (סעי' ו') addresses circumstances in which one is uncertain whether the *eruv* is valid or not. He rules that in circumstances of uncertainty one may adopt a lenient position provided that the *eruv* had a presumption of being valid (חזקת כשרות). For example, he placed the *eruv* in a proper location and when he went to access it on Shabbos discovered that it was lost or burned. However, if the *eruv* never had a presumption of being valid, one may not assume the *eruv* is valid. An example of this would be someone who does not recall whether he placed the *eruv* out or not.

Shev Shemaitah (שמעתתא ג' סוף פ"ז) writes that regarding an *eruv* all opinions agree that in cases of uncertainty we will follow the "presumption of being valid." He emphasizes this because there is an opinion that maintains that the "presumption of being valid" does not apply when a piece of non-kosher meat becomes intermingled with a piece of kosher meat. The rationale for this position is that nothing happened to the permitted meat such as what happens when milk is poured into a pot of meat. When two pieces become intermingled the prohibition is due to the fact that one cannot differentiate between the permitted and prohibited meat. Since there is such an opinion, it is necessary to emphasize that when it comes to an *eruv techumin* all opinions agree that we utilize the principle of "presumption of being valid." Chazon Yechezkel (תוספתא עירובין פ"ב הי"א) explains that in the context of *eruv techumin* the permitted entity is what is "fit for consumption." Therefore, if anything happens which causes the *eruv* to lose that status, even due to a prohibited food becoming intermingled, its status as "fit for consumption" was effected and the principle of "presumption of being valid" is utilized.