



## Overview

## Halacha Highlight

### Siman 378 Seif 1:

If three yards open one to the other and each one has an entrance to the public domain and each outer yard made an *eruv* with the middle yard but the outer yards did not make a joint *eruv*, the outer yards are prohibited to each other but the middle yard is permitted with each one of them and they are permitted with it. The above is true when the middle yard deposited the bread in the outer yards or if the outer yard placed their *eruv* in the different houses in the middle yard but if the two outer yards placed their *eruv* in one house in the middle yard, even the outer yards are permitted to each other.

- ❖ The same is true if it opened to a *mavoi*. Authorities write that the same would be true if only the outer yard opened to the public domain or to a *mavoi* and the middle yard has rights of passage in the inner yard so that the two outer residents are permitted with the middle residents. (M.B. 2)
- ❖ The residents of the middle yard are considered to be dwelling in the outer yards but when it is placed in the middle yard it is as if they are dwelling in the middle yard. (M.B. 3)
- ❖ This is true even if the food filled one utensil so they were forced to use a second utensil but when it is placed in two different homes the outer residents are not permitted since they are not combined together. (M.B. 4)
- ❖ Meaning, in two utensils or if they filled one utensil and there was more food in the *eruv*. (M.B. 5)

### Siman 378 Seif 2:

If there are two yards, one inside of the other in a manner in which the inner yard opens to the outer yard and the outer yard opens to the *mavoi* and residents of the inner yard have rights of passage through the outer yard, if the residents of the inner yard made an *eruv* but the residents of the outer yard did not or even if they did but one of the residents of the outer yard forgot to contribute bread, the residents of the inner yard are permitted and the residents of the outer yard are prohibited. If the residents of the outer yard made an *eruv* but the residents of the inner yard did not or even if they did but one of the residents forgot to contribute bread, they are both prohibited. If each one made their own *eruv*, each one is permitted within its yard.

- ❖ They can close their entrance and the residents of the outer yard have no recourse against them. (M.B. 9)
- ❖ The one who forgot to contribute prohibits everyone else unless he nullifies his domain. (M.B. 10)
- ❖ It is prohibited unless he nullifies his domain to the other residents in his yard as well as the rights of passage he has through the outer yard. (M.B. 11)

### Siman 378 Seif 3:

If they made a joint *eruv* and placed the *eruv* in the outer yard but one of the residents, regardless of whether he is from the inner or outer yard, forgot to contribute bread, they are both

### Prohibiting in another domain

Shulchan Aruch Siman 378 Seif 2  
שתיחן אסורות

#### **Both of them are prohibited**

Shulchan Aruch (סעי' ב') addresses two yards, the outer one leads to a *mavoi* and the inner one has rights of passage through the outer one to access the *mavoi*. In the event that the residents of the outer yard made an *eruv* but the residents of the inner yard did not, or even if they did but one of the residents forgot to contribute towards the *eruv*, the residents of both yards are prohibited. Obviously, the residents of the inner yard may not transport objects within their yard since they either did not make an *eruv* or one of the residents forgot to contribute towards the *eruv* so that he prohibits the others from using the *eruv*. Once the residents of the inner yard are not permitted to transport objects within their own domain, they prohibit the residents of the outer yard from transporting objects within outer domain as well. This is based on the principle that one who is prohibited in his domain prohibits even in a domain that is not his own. The only option is for the person who forgot to contribute to nullify his domain to the other residents in the inner yard as well as his right of passage through the outer yard to the residents of the outer yard.

Noda B'Yehudah (מהדו"ת אר"י סי' ל"ט) writes that the principle that one who prohibits in his own domain prohibits in a domain that is not his own applies only when that resident was capable of joining the *eruv*. Someone who could not have joined the *eruv* does not prohibit in a domain that is not his own. As a result if one was not capable of joining an *eruv* because the gentile residents in the yard do not allow him to do so, he will not prohibit the residents of another yard, even though he has rights of passage through their yard. Chazon Ish (אר"י סי' צ"ה ס"ק י"ח) disagrees and contends that it is only when the reason a person did not join the *eruv* is due to inadequate walls that he will not prohibit in a domain that is not his own but when he does not join an *eruv* due to the gentiles, he will prohibit in a domain that is not his own.

**prohibited until that resident nullifies his domain. If the *eruv* was placed in the inner yard and one of the residents of the inner yard forgot to contribute, they are both prohibited but if one of the residents of the outer yard forgot to contribute, the residents of the inner yard remain permitted.**

- ❖ In other words, he must nullify his domain to the residents of both yards. (M.B. 15)
- ❖ If he only nullifies his domain to the residents of the inner yard it is not sufficient even if they want to withdraw from the outer yard and close the entrance. (M.B. 16)
- ❖ They can withdraw from the outer yard by closing the entrance since they have possession of the *eruv*. Even though they originally joined together they may withdraw since the goal of merging was for their benefit rather than their detriment. (M.B. 17)