The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Jan 22 2025 ■ כ"ב טבת תשפ"ה
סימן ש"פ סעיף א'-ג'

Overview

Siman 380 Seif 1:

If one of the residents of a yard forgot to contribute towards the *eruv* he prohibits them. The rectification is for him to nullify his domain by saying, "My domain is nullified to you," or "conveyed to you," and a *kinyan sudar* is unnecessary. One may nullify his domain even after Shabbos begins. If one dwells together with four or five people, he must nullify his domain to each one of them by informing them that he is nullifying his domain to them. Some maintain that it is sufficient for him to make one collective statement nullifying his domain to all of them. If he nullifies his domain without any further clarification he has only nullified his rights in the yard. Consequently, they may transport objects from their houses to the yard and he may as well since he is considered a guest, but they may not transport objects from his house to the yard and he may not as well. Some maintain that that they must lock his house so that they should not transport objects in violation of *halacha* and it may not be opened other than when he wishes to exit and enter and it should be locked immediately thereafter.

- The same is true if one intentionally did not join the *eruv*. (M.B. 1)
- They are prohibited from transporting objects from their homes to the yard. (M.B. 2)
- He is merely withdrawing his ownership so that he does not prohibit them. (M.B. 3)
- If he does not nullify to all of them it is as if he did not nullify to any of them. (M.B. 4)
- The implication is that according to the first opinion it is ineffective if he nullifies to all of them collectively. Taz explains that since the majority is often characterized as all (רובו ככולו) he may have intended most of them rather than all of them. Elya Rabba subscribes to the opinion that maintains that it is effective when he nullifies to them collectively but they must all be present when he makes the declaration. (M.B. 5)
- Certainly if he only mentioned the yard he did not nullify his house. (M.B. 6)
- Shulchan Aruch refers to where he did not nullify his house because if he did, everyone may transport objects out of his home into the yard. (M.B. 10)
- In a pressing circumstance one may rely on the opinion that does not require locking the door. (M.B. 11)

Siman 380 Seif 2:

If he nullified to them his house as well, everyone is permitted to transport objects to the yard, whether from his house or their houses.

- This is allowed after the other residents take possession of his land by removing objects from their homes to the yard [because before they do so if he were to transport an object from his home to the yard that would constitute a retraction of his nullification. He must also avoid transporting something from the yard to his house for the same reason]. (M.B. 12)

Siman 380 Seif 3:

If he wants to lease his house rather than nullify it, there are those who maintain that it is effective similar to nullification and others who maintain that it is ineffective.

- The stringent opinion maintains that leasing was enacted for gentiles but not for Jews. Magen Avrohom contends that during the week he may lease it to a Jew but not on Shabbos due to the prohibition against making a business transaction. Although Elya Rabba maintains that leasing is never effective to a Jew, most authorities subscribe to Magen Avrohom's position. (M.B. 13)

Halacha Highlight

Adjacent areas in a field

Shulchan Aruch Siman 380 Seif 3
כשאינם פתוחים זה לזה יותר מעשר

When they are not open to one another more than ten *amos*

Shulchan Aruch (סע' ג') discusses what should be done when one of the residents of the yard forgets to contribute bread towards the *eruv*. If nothing is done to rectify the situation he prohibits his fellow residents from transporting objects from their homes to the yard. Shulchan Aruch writes that the way to repair the situation is for him to nullify his property to the others by saying to the other residents either, "My property is nullified to you," or "Ownership of my property is conveyed to you." Either one of these declarations is valid and it is not necessary to make a formal *kinyan* to convey ownership to them since ultimately, what he is doing is relinquishing ownership of his property rather than actually transferring ownership to them. Shulchan Aruch then cites other authorities who maintain that when there are multiple residents in the yard he may make a single declaration in the presence of all of them (מ"ב סק"ה) that he nullifies his property to them.

Mishnah Berurah (שם) notes that Shulchan Aruch's presentation indicates that the first opinion maintains that making a collective declaration is not sufficient and it must be made to each resident separately. Taz (סק"א) explains that making a collective statement in which he declares that he is relinquishing his property to all of them – לכלכם—is not sufficient since in many instances we follow the principle רובו ככולו and in this case he must relinquish his domain to all of them rather than most of them. Tosefes Shabbos (סק"א) points to other contexts in which we understand the term כולו to mean all rather than most. One is in Even HaEzer (סי' ק"כ סע' ט') where Shulchan Aruch rules that a man who instructs a group of people to write and deliver a *get* to his wife and then one of the members of the group dies, the *get* is not valid. The reason is that since he used the term כלכם it is understood that his intent was for all of them and we do not entertain the notion that perhaps he meant most of them. He does not explain why sometimes we entertain the possibility that כלכם means most and other times we are certain it means all.