The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שפ"א סעיף א'-ג'

Overview

Siman 381 Seif 1:

One who nullified his domain and then inadvertently transported something from his house into the yard does not prohibit but if he did so intentionally, he prohibits since he is retracting his nullification. If the others already took possession of his domain by transporting something from their homes to the yard or from the yard to their homes, he may not retract his nullification. According to Rashi taking possession of the nullifier's domain is effective only if it is done after Shabbos begins.

- If he nullifies again it is effective. Although Magen Avrohom contends that he retracts his nullification only when he takes something from his house to the yard, others disagree and write that he retracts his nullification even when he transports something from the yard to his house. (M.B. 3)
- According to this opinion their possession is effective even if the owner attempts to nullify their possession before Shabbos. (M.B. 5)
- Biur Halacha writes that one should be stringent in accordance with this opinion. (M.B. 6)

Siman 381 Seif 2:

One yard could nullify its ownership to another, whether it is two yards with an entrance between them and each made its own *eruv* or whether they made a joint *eruv*, in both cases one may nullify his ownership to the other so that it should be permitted to use their friend's yard but not their own. It could also occur when there are two yards, one inside the other and only the outer yard made an *eruv* so that the inner one prohibits the outer one and in such a case they may nullify their ownership and will not use their yard nor will they pass through unless they need to exit and the outer residents will be permitted. Alternatively, if they made a joint *eruv* and placed the *eruv* in the outer yard and one of the residents of the inner yard forgot to contribute, he may nullify his ownership by nullifying his ownership to each of the residents of the inner yard as well as the residents of the outer yard and he will be prohibited but the others will be permitted.

- Those who nullify their ownership become prohibited to transport objects from their home to the yard. (M.B. 10)
- The resident of the inner yard is prohibited in his domain and consequently prohibits in another domain. (M.B. 12)
- Rights of passage does not prohibit unless he has rights to use the domain. (M.B. 13)
- If the *eruv* was placed in the inner yard, the resident from the inner yard must also nullify his ownership to the two yards and nullifying his ownership to the residents of the inner yard is not sufficient once they joined together. (M.B. 14)
- Even if the residents of the inner yard want to withdraw from the outer yard it is not sufficient. (M.B. 15)
- Meaning to transport something from the house to the yard. (M.B. 16)

Siman 381 Seif 3:

The principle of nullification of ownership applies to broken buildings so that if there are two houses with a broken building between them that is shared by them and they forgot to make an *eruv*, one party may nullify his ownership to the other so that the other person should be able to use the broken building.

Halacha Highlight

Retracting one's relinquishment

Shulchan Aruch Siman 381 Seif 1

שהרי חוזר מבטולו שבטל

Because he retracted his relinquishment

Shulchan Aruch (סעי' א') addresses one who relinquishes his ownership to others and then transports something from his house to the yard and differentiates whether he transported the item inadvertently or intentionally. If he did so inadvertently he does not prohibit the recipients from continuing to use the yard as though he relinquished his ownership. If, however, he transported something intentionally, he prohibits the others from transporting objects from their homes to the yard since the act of transporting something from his house to the yard constitutes an act of retracting his relinquishment and thus they revert back to the state of a yard in which one of the residents did not contribute to the *eruv* and thus he prohibits the others from transporting objects in the yard. Mishnah Berurah (סק"ג) notes that there is a disagreement between Magen Avrohom and others. All opinions agree that transporting something from his house to the yard constitutes an act of retracting his relinquishment but they disagree whether transporting something from the yard to his house also constitutes an act of relinquishing.

Later authorities question Shulchan Aruch's ruling that if the one who relinquished his ownership transports something it constitutes an act of retracting his relinquishment from the principle that once it was permitted at the outset of Shabbos it remains permitted for the duration of Shabbos, even if circumstances changed. In this instance as well, why does his retraction change the *halacha* for that Shabbos? Taz explains that when a person begins Shabbos away from home and thus does not contribute to the *eruv* in his yard and then returns on Shabbos he does not prohibit the other residents of his yard since it is assumed that once he decided to spend Shabbos elsewhere, he does not intend to return on Shabbos and thus we apply this principle that once Shabbos began and it was permitted it remains permitted for the duration of Shabbos. In our case since the one who relinquished his ownership could retract his relinquishment on Shabbos, the principle does not apply since it is not necessarily expected that the relinquishment would remain in force for all of Shabbos.