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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Shabbos, Jan 25 2025 ■ כ"ה טבת תשפ"ה
סימן שפ"א סעיף ד'-ז'

Overview

Siman 381 Seif 4:

The principle of nullification applies for houses so that if there are two houses with an entrance connecting them and they did not make an *eruv*, one may nullify his ownership to the other and even the nullifier is permitted to transport objects from his house to his friend's house but he may not transport objects from his friend's house to his house since that would involve taking back possession of the domain that he nullified. Similarly, if he has a room that opens to his house and he nullified ownership of his house, it is prohibited to transport objects from the room to his house. Some maintain that one may not nullify his house unless he retains for himself a room that is not nullified and then it is permitted to even transport objects from his friend's house to his house and it is proper to be stringent about this matter.

- Even before the recipient takes possession of the house the nullifier may transport objects from his house to the recipient's house and this is true even if there are many nullifiers and this is different from the case of a house and a yard since in that case the nullifier would be taking back possession of what was his yard, as opposed to this case where the nullifier never owned the other house to take back possession of it. (M.B. 20)
- In this case since it involves two individuals it is not permitted for the nullifier to transport objects from the house of the recipient to his house since an individual does not become a guest to another individual. (M.B. 21)
- Authorities write that even if he nullifies his room it is prohibited to transport objects from one room to another. (M.B. 22)
- The concern is that people will forget the concept of an *eruv* since they will rely on the nullification but when they exclude one room that would be permitted had they made an *eruv*, they will not forgot the concept. (M.B. 23)
- Magen Avrohom expresses surprise about this ruling since we are dealing with two individuals and transporting objects should constitute retraction of the nullification. Chemed Moshe explains that Rema refers to an individual nullifying to a group who live in a single house so that they do not require their own *eruv*. However, regarding nullification they are considered a group so that the nullifier could be considered a guest of theirs and thus it is permitted for him to transport objects from their house to his house. (M.B. 24)

Siman 381 Seif 5:

If there are two houses on opposite sides of the public domain and gentiles erected partitions so that they have a yard that opens to each of the houses, they prohibit one another and may not nullify their ownership to one another.

- Since they could not have made an *eruv* before Shabbos we apply the principle that once it is prohibited for part of Shabbos it remains prohibited for the duration of Shabbos. (M.B. 25)

Siman 381 Seif 6:

An heir may nullify his ownership. Therefore, if the testator did not contribute to the *eruv* and he died on Shabbos and the heir moves into the yard on Shabbos he prohibits but he may nullify his ownership.

- If he does not move into the house he does not prohibit. (M.B. 26)
- Although he could not have joined the *eruv* yesterday, nevertheless, his nullification is effective since an heir is an extension of his father. (M.B. 27)

Siman 381 Seif 7:

Ownership may be nullified and then nullified again. In other words, the residents of one yard (A) may nullify their ownership to the residents of another yard (B) or to one of the residents of the yard until they transport the objects they need transported and then the residents of the yard (B) may nullify their ownership to the residents that originally nullified their ownership (A) so that they could transport the objects they need transported.

Halacha Highlight

Relinquishing ownership of two adjacent rooms

Shulchan Aruch Siman 381 Seif 4
אסור להוציא מהחדר לביתו

It is prohibited to transport objects from the room to the house

Shulchan Aruch (סעי' ד') rules that the principle of relinquishment (ביטול) applies between houses. Therefore, if there are two houses that are adjacent to one another with an entrance connecting them and the residents did not make a joint *eruv* to permit transporting objects from one house to the house, one homeowner may relinquish his ownership to the other and when that is done even the one who relinquished his ownership is permitted to transport objects from his house to his friend's house. The reason is that once he relinquished ownership, both houses belong to the recipient and consequently, transporting objects from one house to another does not involve transporting objects from one domain to another. However, he may not transport objects from his friend's house back to his house since that would involve retracting the relinquishment of his domain. Shulchan Aruch then adds that the same is true if he has an additional room adjacent to his house and relinquishes ownership of the house but not the additional room. In such an instance he may not transport objects from his room to the house that he relinquished.

Mishnah Berurah (ס"ק כ"ב) cites later authorities who write that even if he also relinquished ownership of the room he may not transport objects from the house to the room or vice versa since that would entail retracting his relinquishment of ownership. Chazon Ish (אוי"ח סי' צ"א סק"ג ד"ה ואם) rules that one who relinquishes ownership of two rooms is permitted to transport objects from one room to the other even before the recipient takes possession of the rooms since transporting objects from one room to the next does not constitute an act of retracting his relinquishment. The reason is that this does not involve using the relinquishment to his advantage since even if he did not relinquish ownership he would have been permitted to transport objects from one room to the other since he owned both rooms. Therefore, there is no reason to assume that he is retracting his relinquishment.