



Derisat Regel

The *Mishnah* (6:9) discusses a case involving two *chatzeirot* (courtyards). The “outer” *chatzer* opens onto the public domain, while the only access for the “inner” *chatzer* is via the outer *chatzer*. We find three opinions regarding the impact that *derisat regel* (right of passage) has on the outer *chatzer*.

According to the *Tana Kama*, if the residents of the inner *chatzer* did not make an *eiruv chatzerot*, then even if the residents of the outer *chatzer* did make an *eiruv chatzerot* they would not be able to carry (items from their houses) into the *chatzer*. If however the residents of the inner *chatzer* did, then they would not impact the residents of the outer *chatzer*. In other words, *derisat regel* only presents a problem when the residents of the inner *chatzer* are not allowed to carry in their own *chatzer*.

R' Akiva however argues that *derisat regel* always impacts on the outer *chatzer* while the *Chachamim* take the opposite opinion, that *derisat regel* never presents a problem. We shall try to understand the opinion of the *Tana Kama*.

The *Gemara* (*Eiruv* 59b) explains that the reason why *derisat regel* does not present a problem when those in the outer *chatzer* can carry there, is because “they close their door [between the *chatzeirot*] and use their own area.” *Rashi* explains that since they are permitted in their own area, we force them to close their door so that on that day they do not have *derisat regel*. In other words, it appears that according to the *Tana Kama*, *derisat regel* does indeed present a problem. However, in the case where they are permitted in their own area, we force them to close the door, thereby removing *derisat regel*.

The *Tosfot* however find this explanation difficult. If indeed we were to take the *Gemara* literally, then the

residents of the inner *chatzer* would have no access to the public domain. How could we force them into that position? The *Tosfot* therefore explains that “closing the door” should be understood to mean they the residents of the inner *chatzer* forgo their right of using the outer *chatzer*. In other words, while they can still walk through the outer *chatzer*, that is all that they may do. The *Rosh* (7:7) explains in a similar manner, that it is the use of the outer *chatzer* that is the issue. He adds that physical closing of the door may only be required as long as one is do not need to walk through it. According to this understanding, the issue with *derisat regel* is not simply that access, but rather the usage rights that the residents of the inner *chatzer* have in the outer *chatzer* (see *Mishnah Berura* 381:13).

The *Rashba* however defends *Rashi* explaining that we simply view the door between the *chatzeirot* as being closed and consider it is if the outer *chatzer* have separated themselves from the inner *chatzer*. The *Ramban* explains that fact the residents of the inner *chatzer* did not include those in the outer *chatzer* in their *eiruv chatzeirut* demonstrates that they separated themselves from the outer *chatzer*. We therefore view it as if they closed the door.

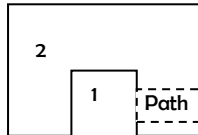
The *Chazon Ish* (82:10) explains that the issue with *derisat regel* is because we view the two *chatzeirot* as one big *chatzer* requiring all occupants to combine in an *eiruv*. Once the residents in the inner *chatzer* make an *eiruv chatzeirot* they are considered independent since the residents of the outer *chatzer* have no right in the inner one. Once they are considered distinct, the simple passage of those in the inner *chatzer* do not presents an issue since it is no longer considered a *tashmish dira* (usage of occupancy) but only passage.

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Revision Questions

עירובין ה' ה' – ה' ט'

- Who was trusted with measuring out the *techum Shabbat*? (ה': ה')
- If one of two measurements on one side was greater than the other, which measurement was used? (ה': ה')
- What is the difference between a *shituf* performed on a city of a *yachid* and a city of the *rabbim*? (ה': ה')
- What is the law regarding a city of a *yachid* that became a city of the *rabbim*? (ה': ה')
- If one sent his son to place an *eiruv techum* in the West of the city, but he was in the East of the city (at a distance of greater than two thousand *amot* from the *eiruv techum*) at the onset of *Shabbat*, where can he walk on *Shabbat*? (ה': ה')
- Does an *eiruv techum* work if it is placed in the *ibur* of the city? (ה': ה')
- Explain the debate regarding the case where two cities (large and small) were close to each other such that that part of the large one was inside the *techum* of the other and a citizen of the small city placed his *eiruv techum* inside the large city – how far can he walk? (ה': ה')
- Which other case resembles the debate described in the previous question? (ה': ט')
- Explain the debate regarding when the presence of a *goi* can affect an *eiruv chatzeirot*? (ה': א')
- Explain the debate regarding how a *tzaduki* can affect an *eiruv chatzeirot*? (ה': ב')
- If one of the members of a *chatzer* forgot to join in the *eiruv chatzeirot* yet was *mevatel reshut* in the *chatzer*, where can each of the members of the *chatzer* transfer objects? (ה': ג')
- Regarding the previous question, what if he was not *mevatel reshut* but the rest of the residents were *mevatel reshut* in the *chatzer*? (ה': ג')
- Explain the debate regarding the latest time when one can *mevatel reshut*? (ה': ד')
- Explain the debate regarding a case where one was *mevatel reshut* yet inadvertently carried something into the *chatzer*? (ה': ה')
- In which case do *Beit Shammai* and *Beit Hillel* disagree regarding an *eiruv chatzeirot* for people living in the same building and when do they agree? (ה': ו')
- If two brothers live in different apartments in an apartment block, yet are still supported by their father, when do they need to each provide bread for the *eiruv chatzeirot* and when can one suffice for them both? (ה': ו')
- What is the law regarding a multiple courtyards that are open to a *mavoi* where: (ה': ח')
 - Each *chatzer* performed an *eiruv chatzeirot* but they did not perform a *shituf mavoi*?
 - They performed a *shituf mavoi* but not an *eiruv chatzeirot*?
 - They performed both, but one resident of a *chatzer* forgot to join the *eiruv*?
 - They performed both, but one resident forgot to join in the *shituf mavoi*?
- For two *chatzeirot* formed in the following manner, what is the law regarding a case where: (ה': ט')



- The residents of the internal *chatzer* made an *eiruv chatzeirot* while the others did not? (ה': ט')
- The residents of the outer *chatzer* made an *eiruv chatzeirot* while the others did not? (ה': ט')
- Both independently made their own *eiruv chatzeirot*? (ה': ט')

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Sunday -Thursday
10 minutes before *Mincha*
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Friday & Shabbat
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Sunday -Thursday
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Kollel Magen Avraham
Reemon Neighbourhood

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SHIUR ON KOL HALOSHON

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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
28 May ג' סיון	29 May ד' סיון	30 May ה' סיון	31 May ו' סיון	1 June ז' סיון	2 June ח' סיון	3 June ט' סיון
Eruvin 6:10-7:1	Eruvin 7:2-3	Eruvin 7:4-5	Eruvin 7:6-7	Eruvin 7:8-9	Eruvin 7:10-11	Eruvin 8:1-2

