



Today's Daf In Review is being sent l'zecher nishmas Habachur Yechezkel Shraga A"H ben R' Avrohom Yehuda

Eiruv Daf Pey Daled

- When an area between 2 chatzeiros who did not join in an eiruv is 10 tefachim above the ground of one chatzer and 10 tefachim below the ground of another chatzer, **Rav** said it is difficult for each to use and therefore it is assur to the people of both chatzeiros. **Shmuel** says it is easier for the people who are above the area and therefore that chatzer is allowed use of that area.
 - **Q:** Our Mishna says that the people of the “upper porch”, get use of an area that is above 10 tefachim off the ground of the chatzer. Presumably the porch is at least 10 tefachim higher than the area which is 10 tefachim off the chatzer, and still we see that it is given to the people of the porch. This is like **Shmuel** said!? **A:** We can answer like **R' Huna** says later on, that the Mishna is discussing the people who live on the porch level, which is within 10 tefachim to the raised area.
 - **Q:** If so, why does the Mishna say that if the area is less than 10 tefachim high it is given to the people of the chatzer? Presumably it is also within 10 tefachim to the people of the porch, so why is it given to the chatzer!? **A:** The Mishna means that in that case it would be given to the chatzer *as well*, and therefore no one would be allowed to use the top of that area because it is an area to which they both have rights and access, and have no eiruv in place.
 - This interpretation makes sense, because the Mishna says that if the raised area is 4 tefachim away from the porch, it is given to the chatzer. Why would it be given exclusively to the chatzer? It is difficult for the chatzer to use (it is above 10 tefachim) and difficult for the porch to use (it is 4 tefachim away), so they should be treated equally!? It must be that the Mishna means that it is given to the people of the chatzer *as well*.
 - **Q:** Our Mishna says that the people of the “upper porch” get use of a mound around a ditch (or the ditch itself) or a rock that are 10 tefachim off the ground of the chatzer. Presumably the porch is at least 10 tefachim higher than these areas which are 10 tefachim off the chatzer, and still we see that they are given to the people of the porch. This is like **Shmuel** said!? **A:** **R' Huna** said, the Mishna is discussing the people who live on the porch level, which is within 10 tefachim to the raised area.
 - **Q:** That makes sense when discussing a rock, but what would the case of the ditch be? The bottom of the ditch is certainly at least 10 tefachim below the porch!? **A:** **R' Yitzchak the son of R' Yehuda** said, the Mishna is referring to a ditch that is filled with water to its rim. Therefore, just as the mound around the ditch is within 10 tefachim to the porch, so is the contents (water) of the ditch.
 - **Q:** The water will get used and diminished to more than 10 tefachim below the porch!? **A:** Since they can use it when full, we allow them to use it when less than full.
 - **Q:** It should be exactly the opposite! Since it cannot be used when less than full, we should not let them use it when full either!? **A:** **Abaye** said, the Mishna is referring to a ditch filled with fruit, not water.
 - **Q:** Fruit will be taken and the remaining will be more than 10 tefachim below the porch!? **A:** The fruit is tevel, and therefore muktzeh, which cannot and will not be moved. This makes sense based on the fact that the Mishna groups this case with the case of a rock, which is clearly muktzeh.

- **Q:** Based on this, the case of the rock and the ditch are really the same. Why does the Mishna need to state them both? **A:** We would think that we should be goizer in the case of the ditch and not allow them to use it out of concern that they may use it when it is not tevel.
- **Q:** A Braisa says that if there is a wall between the people of the upper story and the people of the lower story, with useful ledges protruding from the wall, the upper story may use the ledges within the top 10 tefachim of the wall and the lower story may use the ledges on the bottom 10 tefachim of the wall. The Braisa seems to suggest that the area of the wall in between would be assur to both. This is a proof to **Rav!**? **A:** **R' Nachman** said, the Braisa is discussing a wall that is 19 tefachim tall. The bottom half is easier for the lower story to use and the upper half is easier for the upper story to use. There is no in between.
- **Q:** A Mishna gives a case where there are 2 balconies, one situated higher than the other, and the upper one has a hole in its floor to allow the lowering of a bucket to draw water from the water below. The Mishna says that if they did not make an eiruv, neither may use the hole to draw water. Now, the people of the upper balcony can draw water though a simple "lowering", whereas the people of the lower balcony must first "throw" (i.e. raise their bucket to the upper balcony) and then "lower", and yet the area is not given to the upper balcony. This is a proof to **Rav!**? **A:** **R' Ada bar Ahava** said, the Mishna is discussing a case where the lower balcony has a ladder allowing access to the upper balcony. Therefore, they also use the hole to draw water by a simple "lowering". **A2:** **Abaye** said that the 2 balconies were within 10 tefachim to each other and there is therefore no clear separation between the two. This is different than the case of machlokes between **Rav and Shmuel** where there is a clear separation between the two chatzeiros. The chiddush of the Mishna is, that not only in a case where the lower balcony has the hole does the upper balcony prohibit its use because there is no clear cut separation, rather even when the upper balcony has the hole, and the use is easier for the upper balcony than for the lower balcony, still, since they are within 10 tefachim with no clear separation, the use of the hole is prohibited.
 - A proof to this concept can be seen from what **R' Nachman said in the name of Shmuel**. He said, if the roof of a structure (which is presumably 10 tefachim off the ground) is adjacent to the reshus harabim, and there is a porch that is less than 10 tefachim off the ground that is adjacent to the roof and to the reshus harabim, the only way the people living in the second story of the building (above the roof) may use the roof is if there is a permanent ladder from the second story to the roof. **Abaye** said, the reason for this must be because although the use of the roof is "difficult" for the reshus harabim and "easier" for the balcony (which is within 10 tefachim to the roof), since there is no clear separation between the balcony and the reshus harabim, they prohibit carrying on the roof. This is just like **Abaye** said!
 - **R' Pappa** said, this is not a proof. It could be that the people in the reshus harabim use the roof to put down their hats and kerchiefs (because they are very light, the fact that it is 10 tefachim off the ground does not make it considered to be a "difficult" use). Maybe that is why it prohibits the use of the roof.