Yoĥanan ben Nuri only when he is lenient, and the halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri. However, ownerless objects have the halakhic status of the person who finds them and do not establish residence on their own, because the halakha is in accordance with the leniency of both opinions (Shuḥat Arukh, Ohad Hayyim 401).

The Gemara asks: From what other teaching could this ruling be inferred? The Gemara explains: From that which Rabbi Yehoshua ben Levi said: The halakha is in accordance with the lenient opinion with regard to an eiruv.

Rabbi Yaakov bar Idi said that Rabbi Yehoshua ben Levi said: The halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri, that one who was asleep at the beginning of Shabbat may travel two thousand cubits in every direction. Rabbi Zeira said to Rabbi Yaakov bar Idi: Did you hear this halakha explicitly from Rabbi Yehoshua ben Levi, or did you understand it by inference from some other ruling that he issued? Rabbi Yaakov bar Idi said to him: I heard it explicitly from him.

The Gemara asks: Why do I need both? Why was it necessary for Rabbi Yehoshua ben Levi to state both the general ruling that the halakha is in accordance with the lenient opinion with regard to an eiruv, and also the specific ruling that the halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri on this issue?

Rabbi Zeira said: Both rulings were necessary, as had he informed us only that the halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri, I would have said that the halakha is in accordance with him whether this is a leniency, i.e., that a sleeping person acquires residence and may walk two thousand cubits in every direction, or whether it is a stringency, i.e., that ownerless utensils acquire residence and can be carried only two thousand cubits from that place. Consequently, he teaches us that the halakha is in accordance with the lenient opinion with regard to an eiruv, so that we rule in accordance with Rabbi Yoĥanan ben Nuri only when it entails a leniency.

The Gemara asks: Let him state only that the halakha is in accordance with the lenient opinion with regard to an eiruv. Why do I need the statement that the halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri?

The Gemara answers: This ruling was necessary as well, for had he informed us only that the halakha is in accordance with the lenient opinion with regard to an eiruv, it might have entered your mind to say that this statement applies only to disputes in which a single authority disagrees with another single authority, or several authorities disagree with several other authorities. But when a single authority maintains a lenient opinion against several authorities who maintain a more stringent position, you might have said that we do not rule in his favor. Hence, it was necessary to state that the halakha is in accordance with the opinion of Rabbi Yoĥanan ben Nuri although he discredits the Rabbis.

Rava said to Abaye: Now, since the laws of eiruvin are rabbinic in origin, what reason is there for me to differentiate between a disagreement of a single authority with a single authority and a disagreement of a single authority with several authorities?
Rav Akiva said to Rava: Is there no difference with regard to rabbinic laws between a disagreement of a single authority with a single authority, and a disagreement of a single authority with several authorities?

Rav Pappa said to Rava: Isn’t it written: ‘After he remembered that seven days had passed’ (Rambam; Hilkhot Metamei shel Ovah 7:4). If an ordinary man would have a distant report, the Rabbis would disagree with him. However, it was taught in a baraita: It once happened that Rabbi Yehuda HaNasi ruled that the halakha is in accordance with the opinion of Rabbi Elazar. After he remembered that Rabbi Elazar’s colleagues disagreed with him on this matter and that he had apparently ruled incorrectly, he nonetheless said: Rabbi Elazar is worthy to rely upon in exigent circumstances.

The Gemara comments: What is the meaning of: After he remembered? If you say that it means after he remembered that it means the halakha is not in accordance with the opinion of Rabbi Elazar, but in accordance with the opinion of the Rabbis, then how could he rule in accordance with him even in exigent circumstances, given that the halakha had been decided against him?

Rather, it must be that the halakha had not been stated on this matter, neither in accordance with the opinion of Rabbi Elazar, nor in accordance with the opinion of the Rabbis. And after he remembered that it was not a single authority who disagreed with Rabbi Elazar, but rather several authorities who disagreed with him, he nonetheless said: Rabbi Elazar is worthy to rely upon in exigent circumstances. This demonstrates that even with a dispute that involves a rabbinic decree, such as whether a woman is declared ritually impure retroactively, there is room to distinguish between a disagreement of a single authority and a single authority, and a disagreement of a single authority and several authorities.

Rav Mesharshiya said to Rava, and some say it was Rav Nahman bar Yitzĥak who said to Rava: Is there no difference with regard to rabbinic laws between a disagreement of a single authority with a single authority, and a disagreement of a single authority with several authorities?

Wasn’t it taught in a baraita: If a person receives a proximate report that one of his close relatives has died, he practices all the customs of the intense seven day mourning period as well as the customs of the thirty day mourning period. But if he receives a distant report, he practices only one day of mourning.

What is considered a proximate report, and what is considered a distant report? If the report arrives within thirty days of the close relative’s passing, it is regarded as proximate, and if it arrives after thirty days it is considered distant; this is the statement of Rabbi Akiva. But the Rabbis say: Both in the case of a proximate report and in the case of a distant report, the grieving relative practices the seven-day mourning period and the thirty-day mourning period.

And Rabba bar bar Hanan said that Rabbi Yoĥanan said: Wherever you find that a single authority is lenient with regard to a certain halakha and several other authorities are stringent, the halakha is in accordance with the words of the stringent authorities, who constitute the majority, except for here, where despite the fact that the opinion of Rabbi Akiva is lenient and the opinion of the Rabbis is more stringent, the halakha is in accordance with the opinion of Rabbi Akiva.
And Rabbi Yohanan holds like Shmuel, as Shmuel said: The halakha is in accordance with the lenient opinion with regard to mourning practices, i.e., wherever there is a dispute with regard to mourning customs, the halakha is in accordance with the lenient opinion.

From here the Gemara infers: It is only with regard to mourning practices that the Sages were lenient, but in general, with regard to other areas of halakha, even in the case of rabbinic laws there is a difference between a disagreement of a single authority with a single authority and a disagreement of a single authority with several authorities. This being the case, Rabbi Yehoshua ben Levi did it well to rule explicitly that the halakha is in accordance with the opinion of Rabbi Yohanan ben Nuri, even though he is a single authority who ruled leniently in dispute with the Rabbis.

The Gemara asks: And from where do you say that we distinguish between an eiruv of courtyards and an eiruv of Shabbat limits? As we learned in a mishna that Rabbi Yehuda said: In what case is this statement said, that an eiruv may be established for another person whether with his knowledge or without his knowledge, as one may act in a person's interest in his absence; however, one may not act to a person's disadvantage in his absence. One may act unilaterally on someone else's behalf when the action is to that other person's benefit; however, when it is to the other person's detriment, or when there are both advantages and disadvantages to him, one may act on the other person's behalf only if one has been explicitly appointed as an agent. Since an eiruv of courtyards is always to a person's benefit, it can be established even without his knowledge. However, with regard to an eiruv of Shabbat limits, while it enables one to walk in one direction, it disallows him from walking in the opposite direction. Therefore, it can be established only with his knowledge.

Rav Pappa said a different explanation for the fact that Rabbi Yehoshua ben Levi made both statements: It was necessary for Rabbi Yehoshua ben Levi to inform us that the halakha is in accordance with the opinion of Rabbi Yohanan ben Nuri, because had he said only that the halakha follows the lenient opinion with regard to an eiruv, it could have entered your mind to say that this statement applies only with regard to the laws governing the eiruv of courtyards, which are entirely rabbinic in origin. But with regard to the more stringent laws governing the eiruv of Shabbat limits, you would have said that we should not rule leniently, and therefore it was necessary to make both statements.

The nature of the exigent circumstances referred to here is discussed by the commentaries (see Tosafot). Rav Ashi said that Rabbi Yehoshua ben Levi's need to issue two rulings can be explained in another manner: It is necessary for Rabbi Yehoshua ben Levi to inform us that the halakha is in accordance with the opinion of Rabbi Yohanan ben Nuri, as if he had said only that the halakha is in accordance with the lenient opinion with regard to an eiruv, it could have entered your mind to say that this statement applies only with regard to the remnants of an eiruv, i.e., an eiruv that had been properly established, where the concern is that it might subsequently have become invalid. But with regard to an initial eiruv, i.e., an eiruv that is just being established and has not yet taken effect, you might have said that we should not rule leniently, and therefore it was necessary to issue both rulings.
The Gemara asks: And from where do you say that we distinguish between the remnants of an eiruv and an initial eiruv? As we learned in a mishna: Rabbi Yosei said: In what case is this statement said, that the Sages stipulated that a fixed quantity of food is necessary for establishing an eiruv? It is said with regard to an initial eiruv, i.e., when setting up an eiruv for the first time; however, with regard to the remnants of an eiruv, i.e., on a subsequent Shabbat when the measure may have become diminished, even a minimal amount suffices.  

And they said to establish an eiruv for courtyards only after all the inhabitants of the city merge their alleyways and become like the inhabitants of a single courtyard, so that the law of eiruv should not be forgotten by the children, who may not be aware of the arrangement that has been made with regard to the alleyways.

Since the Gemara discussed the principles cited with regard to halakhic decision-making, it cites additional principles. Rabbi Yaakov and Rabbi Zerika said: The halakha is in accordance with the opinion of Rabbi Akiva in disputes with any individual Sage, and the halakha is in accordance with the opinion of Rabbi Yosei even in disputes with other Sages, and the halakha is in accordance with the opinion of Rabbi Yehuda HaNasi in disputes with any individual Sage.

Rabbi Yehuda bar Akiva said: Rabbi Yehuda HaNasi in disputes with other Sages – the halakha is considered binding with regard to this dilemma, and it cites additional principles.

The Gemara asks: With regard to what halakha do these principles apply, meaning, to what degree are they binding? Rabbi Asi said: This is considered binding halakha. And Rabbi Hyya bar Abba said: One is inclined toward such a ruling in cases where an individual asks, but does not issue it as a public ruling in all cases. And Rabbi Yosei, son of Rabbi Hanina, said: It appears that one should rule this way, but it is not an established halakha that is considered binding with regard to issuing rulings.

Rabbi Yaakov bar Idi said that Rabbi Yohanan said: In the case of a dispute between Rabbi Meir and Rabbi Yehuda, the halakha is in accordance with the opinion of Rabbi Yehuda; in the case of a dispute between Rabbi Yehuda and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei; and, needless to say, in the case of a dispute between Rabbi Meir and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei. As now, if in disputes with Rabbi Yehuda, the opinion of Rabbi Meir is not accepted as law, need it be stated that in disputes with Rabbi Yosei, Rabbi Meir’s opinion is rejected? Rabbi Yehuda’s opinion is not accepted in disputes with Rabbi Yosei.

Rav Asi said: I also learn based on the same principle that in a dispute between Rabbi Yosei and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yosei. As Rabbi Abba said that Rabbi Yohanan said: In cases of dispute between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda. Now, if where it is opposed by Rabbi Yehuda the opinion of Rabbi Shimon is not accepted as law, where it is opposed by the opinion of Rabbi Yosei, with whom the halakha is in accordance against Rabbi Yehuda, is it necessary to say that the halakha is in accordance with the opinion of Rabbi Yosei?

The Gemara raises a dilemma: In a dispute between Rabbi Meir and Rabbi Shimon, what is the halakha? No sources were found to resolve this dilemma, and it stands unresolved.

Rav Mesharshiya said: These principles of halakhic decision-making are not to be relied upon. The Gemara asks: From where does Rav Mesharshiya derive this statement?

If you say that he derived it from that which we learned in the mishna that Rabbi Shimon said: To what is this comparable? It is like three courtyards that open into one another, and also open into a public domain. If the two outer courtyards established an eiruv with the middle one, the residents of the middle one are permitted to carry to the two outer ones, and they are permitted to carry to it, but the residents of the two outer courtyards are prohibited to carry from one to the other, as they did not establish an eiruv with one another.

The Gemara asks: Rabbi Meir and Rabbi Shimon – halakic decision-making. These rules of halakhic decision-making, namely, that the halakha is in accordance with the opinion of a particular Sage in disputes with a given colleague, whether with regard to one issue or all issues, were established by the Sages, who examined these disputes and usually found a principle in the statements of each Sage that led them to accept or reject his approach. Nevertheless, these fixed rules are limited in several ways. The Gemara itself explicitly states that where a contradictory halokha is stated by amoraim the principle does not apply, and it was only stated with regard to cases where no explicit ruling exists. The Gemara also states that authorities agree with the decision of halakhic ruling in accordance with one opinion, but the Gemara’s discussion favors a particular approach and accepts it as the basis of its discussion, the halakha follows suit. Some commentators state that these principles do not apply to any issue that is not practical halokha nowadays, such as the laws related to the Temple. In addition, other principles occasionally override these fixed rules of halakhic decision-making. Examples include the principle of accepting the lenient opinion with regard to an eiruv, the rules listed in tractate Elyot, and the acceptance of Rabbi Meir’s decrees.
The remnants of an eiruv – Halakhot Gedolot accords with the opinion of Rabbi Yosei only in disputes with an individual Sage, who examined these disputes and usually found a principle that does not apply, and it was only stated in the statements of each Sage that led them to accept or reject his opinion. And Rav Hama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon; and who disagrees with Rabbi Shimon on this matter? It is Rabbi Yehuda. Didn’t you say: In disputes between Rabbi Yehuda and Rabbi Shimon, the halakha is in accordance with the opinion of Rabbi Yehuda? Rather, can we not conclude from this mishna that these principles should not be relied upon?

The Gemara rejects this argument: What is the difficulty posed by this ruling? Perhaps where it is stated explicitly to the contrary, it is stated, but where it is not stated explicitly to the contrary, it is not stated, and these principles apply.

Rather, the proof is from that which we learned elsewhere in a mishna: If a city that belongs to a single individual subsequently becomes one that belongs to many people, one may establish an eiruv of courtyards for all of it. But if the city belongs to many people, and it falls into the possession of a single individual, one may not establish an eiruv for all of it, unless he excludes from the eiruv an area the size of the town of Hadasha in Judea, which contains fifty residents; this is the statement of Rabbi Yehuda. 

Rabbi Shimon says:

The excluded area need not be so large; rather, three courtyards each containing two houses are sufficient for this purpose. And Rav Hama bar Gurya said that Rav said: The halakha is in accordance with the opinion of Rabbi Shimon; and who disagrees with Rabbi Shimon on this matter? It is Rabbi Yehuda. Didn’t you say: In a case where Rabbi Yehuda and Rabbi Shimon disagree, the halakha is in accordance with the opinion of Rabbi Yehuda? This teaches that one should not rely on these principles.

The Gemara rejects this argument as well: What is the difficulty here? Perhaps here, too, where it is stated explicitly that the halakha is in accordance with Rabbi Shimon, it is stated, but where it is not stated explicitly, it is not stated, and the principle that the halakha is in accordance with the opinion of Rabbi Yehuda applies.

Rather, the proof is from that which we learned elsewhere in a mishna: With regard to one who left his house without making an eiruv of courtyards, and established residence for Shabbat in a different town, whether he was a gentile or a Jew, his lack of participation prohibits the other residents of the courtyard in which he has a share to carry objects from their houses to the courtyard, because he did not establish an eiruv with them, and failure to include a house in the eiruv imposes restrictions upon all the residents of the courtyard; this is the statement of Rabbi Meir.

Rabbi Yehuda says: His lack of participation does not prohibit the others to carry, since he is not present there. Rabbi Yosei says: Lack of participation in an eiruv by a gentile who is away prohibits the others to carry, because he might return on Shabbat; but lack of participation by a Jew who is not present does not prohibit the others to carry, as it is not the way of a Jew to return on Shabbat once he has already established his residence elsewhere. Rabbi Shimon says: Even if he left his house and established residence for Shabbat with his daughter in the same town, his lack of participation does not prohibit the residents of his courtyard to carry, even though he is permitted to return home, because he has already removed it, i.e., returning, from his mind.