With what may one establish an eiruv between courtyards – בַּמֶּרֶה בַּיַּיֵּנָא

A eiruv is either due to the ruling of the Gemara or because the Rema maintains that one is permitted to rely on the merging of alleyways to permit carrying between the courtyards via the opening between them only if each courtyard had already established its own internal eiruv but had not established an eiruv between the two courtyards. There is a similar opinion in the case of a partnership and a joining of courtyards. Nonetheless, a reason for both rulings, as Abaye said to him: But if it is one reason, why do I need two rulings? On the contrary, it would be enough to rule in one case, from which we could infer the other as well. Rav Yosef replied: There is nevertheless a reason for both rulings, as Abaye said to him: But if it is one reason, why do I need two rulings? On the contrary, it would be enough to rule in one case, from which we could infer the other as well. Rav Yosef replied:

Having mentioned Rabbi Meir, the Gemara now asks: What is the statement of Rabbi Meir, and what is the statement of the Rabbis? As it was taught in the following baraita: One may establish an eiruv with bread between courtyards that open to one another, but if one wanted to establish an eiruv with wine, one may not establish an eiruv in that manner. One may merge the courtyards that open into an alleyway with wine, and if one wanted to establish a merging of alleyways with bread, one may merge the courtyards of alleyways in this manner.

Why does one establish an eiruv between courtyards and also merge the courtyards that open into an alleyway? It is so as not to cause the halachic category of eiruv to be established by the children, as if a merging of alleyways alone were used; the children would later say: Our fathers never established an eiruv. Therefore, an eiruv is established for educational purposes; this is the statement of Rabbi Meir. And the Rabbis say: One may either establish an eiruv or merge alleys.

Rabbi Nahumi and Rabba disagreed about this issue. One of them said: In the case of bread, which may be used both for an eiruv and for a merging of alleyways, everyone agrees that one, either an eiruv or a merging of alleyways, is enough. When they disagree is in a case where an eiruv was established with bread: Rabbi Meir maintains that both a merging of alleyways and a joining of courtyards are required, whereas the Rabbis say that one is sufficient.

The Gemara raises an objection from the baraita itself. And the Rabbis say: One may either establish an eiruv or a merging of alleyways. What, does it not mean that one either establishes an eiruv in the courtyard with bread or a merging in the alleyway with wine, which indicates that they also disagreed in a case where a merging of alleyways was established with wine?

And one said: In the case of wine, everyone agrees that two are required, both a merging of alleyways and a joining of courtyards. When they disagree is in a case where an eiruv was established with bread: Rabbi Meir maintains that both a merging of alleyways and a joining of courtyards are required, whereas the Rabbis say that one is sufficient.

Notes:

With what may one establish an eiruv between courtyards – בַּמֶּרֶה בַּיַּיֵּנָא

Rashi explains that it was necessary for Rav to rule in accordance with two tannaim, because two stringencies of a single Sage in eiruv are not accepted. Consequently, he had to find a second Sage who was stringent with regard to relying on a merging of the alleyways instead of an eiruv. Rabbi Eliezer Meir Horowitz explains that had Rav merely ruled that the halakha is in accordance with the opinion of Rabbi Meir, the assumption would have been that this is true with regard to only one of the stringencies of the case but not both. Therefore, Rav had to rule in accordance with Rabbi Eliezer ben Taddai as well.

The Ra’avad explains that the principle of not adopting two stringencies means that if a stringency in halakhot of eiruv is accepted in accordance with the opinion one tanna, and there is a similar opinion of another tanna phrased slightly differently or referring to a somewhat different case, then there is no presumption that the same halakha applies in both cases, unless there is an explicit tradition to that effect.

With regard to the two stringencies, the Riva explains that Rabbi Eliezer ben Taddai is referring only to a case where the partnership between the neighbors was merely a commercial one, while Rabbi Meir is stringent even if the partnership was established unequivocally for the purpose of an eiruv.
Groups...in one hall – 

The halakha...the custom...the people were accustomed – Ведь это не только на всех, которые были в помещении, и для каждого отдельно, и для каждого отдельно, и для каждого отдельно, и для каждого отдельно, и для каждого отдельно, и для каждого отдельно.

HALAKHA

Groups...in one hall – בְּטְרַלִין

With regard to several groups of people located in one large hall that is subdivided by partitions into separate rooms, if the partitions do not reach the ceiling, all agree that a separate contribution to the eiruv is required for each and every group, as this certainly divides the hall into separate living quarters. Some say a different version of the previous passage, according to which Rav Nahman said as follows: Even where they merely divided the room with a partition of pegs, there is a dispute about whether this is considered a full-fledged partition.

The Gemara relates that Rabbi Hyya and Rabbi Shimon, son of Rabbi Yehuda HaNasi, disagreed about this issue. One of them said: This dispute is with regard to partitions that reach the ceiling, but with regard to partitions that do not reach the ceiling, all agree that one eiruv suffices for all of them, as the partitions do not turn the compartments into separate houses. And one said: This dispute is with regard to partitions that do not reach the ceiling, but with regard to partitions that reach the ceiling, all agree that the compartments are considered separate living quarters, and they require a separate contribution to the eiruv for each and every group.

MISHNA

With regard to five groups of people who spent Shabbat in one hall [teraklin] that was subdivided by partitions into separate rooms, each of which had a separate entrance to a courtyard that was shared with other houses, Beit Shammai say: An eiruv is required for each and every group, i.e., each group must contribute separately to the eiruv of the courtyard, as each is considered a different house. And Beit Hillel say: One eiruv suffices for all of them, as the partitions do not render the different sections separate houses.

And Beit Hillel concede that when some of them occupy separate rooms or upper stories, they require a separate eiruv for each and every group, and the fact that they are in the same building does not render them one unified group.

GEMARA

Rav Nahman said: The dispute applies only where they divided the hall with a partition of pegs. However, if they divided it with a sturdy partition ten handbreadths high, all agree that a separate contribution to the eiruv is required for each and every group, as this certainly divides the hall into separate living quarters. Some say a different version of the previous passage, according to which Rav Nahman said as follows: Even where they merely divided the room with a partition of pegs, there is a dispute about whether this is considered a full-fledged partition.

Language

Hall [teraklin] – תֶּרָקְלִין From the Greek τρίκλινον, triklon, originally meaning a room containing three beds for reclining. Over time it came to refer to any hall or large guest room.

Partition of pegs [mesfas]. – מְסִיפָס Probably related to the Greek root μέσος, mesos, meaning middle or connecting something positioned between other items. Some authorities are of the opinion that it derives from the Greek μεσοπορίας, mesoporia, meaning a hollow object, which is consistent with the explanation of the geonim that a mesfas is a wall with many windows (Rabbi Binyamin Musaf). Others maintain that it derives from the Latin word separ, meaning fence or partition, or from the Greek αἰθωμα, aimasis.
The Gemara raises an objection based on the following baraita: 

Rabbi Yehuda the Keen (hasabbat), who was known by this name due to his sharp mind, said: Beit Shammai and Beit Hillel did not disagree about partitions that reach the ceiling, as all agree that they require a separate contribution to the eiruv for each and every group. With regard to what did they disagree? With regard to partitions that do not reach the ceiling, as Beit Shammai say: A separate contribution to the eiruv is required for each and every group, and Beit Hillel say: One contribution to the eiruv suffices for all of them.

According to the one who said that it was with regard to partitions that reach the ceiling that there was a dispute, this baraita offers a conclusive refutation. And according to the one who said that it was with regard to partitions that do not reach the ceiling that there was a dispute, the baraita offers support. With regard to that version which holds that Rav Nahman said: The dispute applies only where they divided the hall with a mesifas, this baraita is a conclusive refutation.

However, the following issue needs further clarification: With regard to that version which holds that Rav Nahman said: The dispute applies even where the hall was divided with a mesifas, shall we say that Rabbi Yehuda the Keen's statement is a conclusive refutation? That is to say, does it imply that all agree that in the case of a mesifas, one eiruv suffices for them all?

Rav Nahman could have said to you: They explicitly disagreed about a partition, and the same is true of a partition of pegs. And the fact that they disagree with regard to a partition rather than a partition of pegs is to convey to you the far-reaching nature of the opinion of Beit Hillel. Even where the compartments are divided by full-fledged partitions, Beit Hillel remain of the opinion that one contribution to the eiruv suffices for all of them, as the partitions do not turn them into separate residences.

The Gemara asks: If they disagreed in both cases, let them disagree in the baraita about a mesifas, and thereby inform you of the strength of Beit Shammai. They are stringent and require a separate contribution to the eiruv for each and every group, even in the case of a mesifas. The Gemara answers: It is preferable for the tanna to teach us the strength of a permissive ruling. If a tanna can formulate a dispute in a manner that emphasizes the strength of the more lenient position, he will do so.

Rav Nahman said that Rav said: The halakha is in accordance with the statement of Rabbi Yehuda the Keen, that all agree that where the partitions reach the ceiling, a separate contribution to the eiruv is required for each group, and that they disagree only about partitions that do not reach the ceiling.

Rav Nahman bar Yitzhak said: The mishna is also precise according to this view, as it teaches: And Beit Hillel concede that when some of them occupy separate rooms or upper stories, they require a separate eiruv for each and every group. What is the meaning of the word rooms, and what is the meaning of the term upper stories? If you say that the word rooms refers to actual rooms and the term upper stories refers to actual upper stories, i.e., they were separate from the beginning and are not subdivisions of a larger room, it is obvious, as this is the halakha governing the case of many people residing in the same courtyard. Rather, doesn’t it mean that they are similar to rooms and similar to upper stories? And what are these partitions? They are partitions that reach the ceiling; and even though they are not actual rooms or upper stories, they are considered like rooms and upper stories. The Gemara concludes: Indeed, learn from this that this is the case.
Where the groups bring their eiruv elsewhere – several people who establish an eiruv in one house and the eiruv of the courtyard is placed in that house, the various groups do not need to contribute to the eiruv (Shulhan Arukh, Orach Hayyim 310:3).

Five who collected their eiruv – several people who establish an eiruv together are considered like one person. Therefore, they require only one eiruv in order to join a different courtyard (Rambam, Sefer Zemanim, Hilkhot Eiruvin 4:4).

Brothers in their father’s courtyard – brothers who sleep in their own houses in the same courtyard must each contribute to the eiruv, even if they receive their food from their father (Shulhan Arukh, Orach Hayyim 310:5).

A gatehouse, etc. – if one lives in a gatehouse, porch, or balcony in another person’s courtyard, it neither renders others prohibited from carrying, nor is he required to participate in an eiruv. However, a barn, a storeroom of straw, a cattle shed, and a woodshed are suitable for residence. Therefore, one who lives there renders carrying prohibited for others unless he participates in an eiruv, in accordance with the first tanna in the baraita (Shulhan Arukh, Orach Hayyim 311:1).

Who receive a portion – if in the Jerusalem Talmud the question is asked: If the sons eat at their father’s table, or even if they receive a portion from him, it is in accordance with whose eiruv is required for each and every one of them? They state it in the following baraita: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in the courtyard, one contribution to the eiruv suffices for all of them. In accordance with whose opinion is this ruling? In accordance with the opinion of Beit Hillel. And some say a different version of the previous passage: In what case is this statement, that Beit Hillel require only one contribution for all the groups together, said? It is in a case where the eiruv was coming to them. But if the groups in the hall were bringing their eiruv elsewhere in the courtyard, all agree that a separate contribution to the eiruv is required for each and every one of them.

It was taught in a baraita: In what case is this statement, that Beit Shammai require a separate contribution to the eiruv from each group, said? It is in a case where the groups in the hall bring their eiruv elsewhere in the courtyard, i.e., to a different house. But if their eiruv was coming to them, i.e., if the other members of the courtyard brought their contributions and established the eiruv in that hall, all agree that one contribution to the eiruv suffices for all of them. The fact that the eiruv is placed in this house renders all of its residents members of a single unit.

The Gemara comments: In accordance with whose opinion is the ruling that was taught in the following baraita: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in the courtyard, one contribution to the eiruv suffices for all of them. In accordance with whose opinion is this ruling? In accordance with the opinion of Beit Hillel.

When do they state this halakha? They state it when they take their eiruv elsewhere in the courtyard, i.e., to the house of one of the other residents. But if the eiruv was coming to them, i.e., if it was placed in their father’s house, or if there are no other residents with the brothers and their father in the courtyard, they are not required to establish an eiruv, as they are considered like a single individual living in a courtyard.

The Sages taught in a baraita: One who has a gatehouse, porch, or balcony in his friend’s courtyard does not render the owner of the courtyard prohibited from carrying there without an eiruv, as these locations are not considered residences. However, if he has a storeroom of straw, a cattle shed, a woodshed, or a storehouse in his friend’s courtyard, he renders it prohibited for his friend to carry there without an eiruv. Rabbi Yehuda says: Only a place of actual dwelling renders carrying prohibited, but a building that is not designated for residence does not render carrying without an eiruv prohibited for another resident of the courtyard.
Rabbi Yehuda said: There was an incident with ben Nappaĥa, who had houses in five courtyards in Usha, only one of which served as his own residence. And the case came before the Sages to decide whether an eiruv must be made for all of them, and they said: Only a house of residence renders carrying prohibited.

The Gemara expresses surprise at the wording of the baraita: Does it enter your mind that the correct reading is a house of residence? He has a house in each of the five courtyards. Rather, Say: A place of residence, i.e., it is prohibited to carry in the place where he actually lives, but nowhere else.

The Gemara asks: What is considered one’s place of residence? Rav said:

**NOTES**

A place of a residence – מְ וֹם הָקֵי שֶׁיָּשִׁי: With regard to the halakhot of an eiruv, a person’s place of residence is defined as the location where he eats, rather than where he sleeps. The halakha is generally in accordance with the opinion of Rav in ritual matters as opposed to the opinion of Shmuel (Shulhan Arukh, Orah Hayyim 370:5).

Shepherds, fig watchmen, and people with similar jobs sleep in the town, they are considered to be residents of the town and must participate in its eiruv, even if they sleep in the field. However, if they sleep in the field, the field is considered their place of residence (Tur, Orah Hayyim 409).

Wives and slaves who receive a portion – נַשְׁוָאָבּוֹת וְיִשָּׁבוֹת רַסַּבָּר: Wives and slaves who are supported by their husbands or masters do not render carrying prohibited, even if they do not contribute to the eiruv. This is in accordance with the lenient opinions of both Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava, since the halakha is in accordance with the lenient opinion with regard to eiruv (Shulhan Arukh, Orah Hayyim 370:6).

Wives and slaves – מְ וֹם וְיִשָּׁבוֹת: The Raavad explains that slaves are the property of their master and therefore cannot establish a separate place of residence, which is not the case with regard to women. However, the legal status of the wives of one man can be viewed as that of a single person, because in certain areas of halakha, e.g., levirate marriage, anything done to one affects all of them.

Most early commentators rule in accordance with the opinion of Rabbi Yehuda ben Bava, since Rav, who clarifies his opinion, presumably agrees with him. Although the Gemara’s discussion indicates, the essential criterion is the location one views as his primary residence.

The place of a residence and the place of sleep – מְ וֹם וְאֶחָד: The Ritva explains that this dispute applies only to cases where there is no other method of determining an individual’s place of residence. However, as the Gemara’s discussion indicates, the location one views as his primary residence.

The Sages taught in a baraita: With regard to one who has five wives who receive a portion from their husband while each living in her own quarters in the courtyard, and five slaves who receive a portion from their master while living in their own lodgings in the courtyard, Rabbi Yehuda ben Beteira permits in the case of the wives, i.e., they do not each have to contribute separately to the eiruv, as they are all considered to be residing with their husband. And he prohibits in the case of the slaves, meaning that he holds that as they live in separate houses, each is considered as residing on his own.

Rabbi Yehuda ben Bava permits in the case of the slaves, as a slave necessarily follows his master, and he prohibits in the case of the wives, as each woman is significant in her own right, and is not totally dependent on her husband.