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: The place where he eats his bread, and Shmuel said: His place of sleep.

The Gemara raises an objection to Rav’s opinion from a baraita: With regard to shepherds; fig watchmen, who guard figs spread out in the field; guardsmen who sit in small guardhouses; and produce watchmen; when they customarily sleep in the city in addition to eating there, they are like the residents of the city with regard to their Shabbat limit, even though they were in the field when Shabbat began. However, when they customarily sleep in the field, even though they eat in the town, they have only two thousand cubits in each direction from the places where they sleep. This seems to contradict the opinion of Rav, who maintains that a person’s place of dwelling is determined by where he eats, not by where he sleeps.

The Gemara answers: There, in the case of the people in the field, we are witnesses, i.e., it is clearly evident, that if people would bring them bread there, to the place where they sleep, it would be more convenient for them. Fundamentally, however, a person’s dwelling place is determined by where he eats, rather than where he sleeps.

Rav Yosef said: I have not heard this halakha stated by Rav. An illness had caused Rav Yosef to forget his studies. His student, Abaye, said to him: You yourself said it to us, and it was with regard to this that you said it to us: With regard to brothers who were eating at their father’s table and sleeping in their own houses in the same courtyard, a separate contribution to the eiruv is required for each and every one of them. And we said to you: Can one learn from here that a person’s place of sleep determines the location of his Shabbat residence? And you said to us in this regard that Rav Yehuda said that Rav said: They taught this mishna with regard to brothers who receive a portion from their father and are therefore considered as though they eat at his table, whereas in actual fact they eat their meals in their own homes.

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.

Halaqha

A place of a residence – מיקום מקום. 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 370:3).

Shepherds, fig watchmen – ישבני השדה והערוגים. If 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 eat 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 – נשים ועבדים. 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).

Notes

The place of bread and the place of sleep – מיקום לחם. 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 essential criterion is the location one views as his primary residence.

Wives and slaves – נשים ועבדים. The Ra’avad 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 Rambam followed the lenient ruling of both Sages, he is not to be understood as having accepted two mutually exclusive opinions. Rather, he accepts the arguments of both Sages that, for different reasons, the status of wives and slaves is equivalent to that of their husband and master respectively (Rosh).
A student and his master – תַּלְמִיד וְרַבּ. The Rashba explains that a student who eats in his master’s home is considered subordinate to him, in accordance with the principle that students are like one’s children, as indicated by the biblical expression, the sons of the prophets.

HALAKHA

Students who eat at their master’s table do not have to make their own contribution to the eiruv (Shulḥan Arukh; Orah Hayyim 409:6).

From where do we measure the boundary of students’ space. Students in their master’s house – תַּלְמִיד וְרַבּ מְרֵיכָן מוֹדְדִים תְּחוּם לַתַּלְמִידִים. From the Persian language: baga, meaning a garden. Its meaning in Aramaic connotes an open, rural space. From the Persian it was coming to them, or if there are no other residents, as Rav, in the case of the eiruv, as we are dependent upon the table of Rabbi Yehuda HaNasi.

The Gemara proceeds to clarify various aspects of this issue, starting with a summary of what has already been stated. The halakha is obvious in the case of a son with his father, as we stated it above the mishna. A wife with her husband and a slave with his master are subject to the dispute between Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava. With regard to a student who lives with his master in the same courtyard and receives his sustenance from him, what is his status with regard to eiruv?

Abaye raised a dilemma before Rabba: With regard to five people who live in the same courtyard and collected their eiruv, when they take their eiruv elsewhere in order to merge their courtyard with a different one, is one contribution to the eiruv sufficient for all of them, or do they need a separate contribution to the eiruv for each and every one of them? Rav said: What is the rationale for the opinion of Rabbi Yehuda ben Bava? As it is written: “But Daniel was in the gate of the king” (Daniel 2:49). The verse refers to Daniel’s function rather than to an actual location, indicating that wherever Daniel went, it was as though he was in the king’s gate. The same applies to any slave vis-à-vis his master.

The Gemara proceeds to address a similar issue with regard to a joining of Shabbat boundaries: Rav Ḥiyya bar Avin raised a dilemma before Rav Sheshet: With regard to students in their master’s house who eat their bread in their houses in the field [baga] and then come and sleep in their master’s house, when we measure their Shabbat limit for them, do we measure it for them from their master’s house, where they sleep, or do we measure it for them from the field, where they eat? He said to him: We measure it from their master’s house.

Abaye asked: But in the case of brothers, who are comparable to people who collected their eiruv, the mishna nonetheless teaches: They require a separate eiruv for each and every one of them. Rav Sheshet responded: With what are we dealing here? We are dealing with a case where there are other residents, in addition to the father and his sons, living with them. In that case, since these additional residents render carrying in the same courtyard prohibited unless they join in an eiruv, those brothers also render it prohibited for one another to carry in the other courtyard unless each of them contributes to the eiruv.

The Gemara comments: So too, it is reasonable to understand, as the mishna teaches: When do they state this halakha? When they bring their eiruv elsewhere in the courtyard. But if their eiruv was coming to them, or if there are no other residents with them in the courtyard, they do not need to establish an eiruv, as they are considered like a single individual living in a courtyard. Learn from this that the preceding ruling refers to a situation where they shared the courtyard with other residents.

The Gemara addresses a similar issue with regard to a joining of Shabbat boundaries: Rav Ḥiyya bar Avin raised a dilemma before Rav Sheshet: With regard to students in their master’s house who eat their bread in their houses in the field [baga] and then come and sleep in their master’s house, when we measure their Shabbat limit for them, do we measure it for them from their master’s house, where they sleep, or do we measure it for them from the field, where they eat? He said to him: We measure it from their master’s house. This implies that the determining factor is where he eats, rather than where he sleeps.
The Gemara answers: In that case we are witnesses, and in this case we are witnesses, i.e., in both cases the person’s intentions regarding his place of residence are clearly evident. In that case, where the person deposits his eiruv, we are witnesses that if he could reside there, at the site of his eiruv, it would be better for him, i.e., if he could spend the night there he would do so, since he wishes to continue from that place onward on the following day. And in this case of the students in their master’s house, we are witnesses that if people would bring them bread in their master’s house, enabling them to eat there, it would be better for them. Consequently, it is considered their place of residence.

Rami bar Hama raised a dilemma before Rav Hisda: With regard to a father and his son, or a master and his student, are they considered as many people or as individuals? The practical import of the question is as follows: If they lived together in a courtyard that was within another courtyard, are they considered as many people, who require an eiruv in order to render it permitted to carry in the outer courtyard, or do they not require an eiruv, as they are treated as an individual, who does not render carrying in the outer courtyard prohibited? Is their alleyway rendered permitted for carrying through a side post and a cross beam, like one that has multiple residents, or is it not rendered permitted for carrying through a side post and a cross beam?

Rav Hisda said to him: You have already learned this in the following baraita: With regard to a father and his son or a master and his student, when there are no other residents with them, they are considered like individuals, and they do not need to establish an eiruv, and their alleyway becomes permitted for carrying through a side post and a cross beam without a merging of alleyways.

**MISHNA**

If five courtyards open into one another and also open into an alleyway, the following distinctions apply: If the residents of the courtyard established an eiruv in the courtyards and did not merge the courtyards that open into the alleyway, they are permitted to carry in the courtyards and they are prohibited to carry in the alleyway. The eiruv they established cannot also serve as a merging of the courtyards that open into the alleyway.

And if they merged the courtyards of the alleyway, they are permitted to carry both here, in the alleyway, and there, in the courtyards.

If they established an eiruv in the courtyards and also merged the courtyards of the alleyway, and one of the residents of the courtyard forgot and did not contribute to the eiruv in his courtyard, but did participate in the merging of the courtyards in the alleyway, they are permitted both here and there, as the merging of courtyards in the alleyway serves as an effective eiruv for the courtyards as well.\(^6\)

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**NOTES**

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Established an eiruv in the courtyards – לְמָבוֹי וּֽתַּלְמִידִים

Some commentators explain that this does not mean that the residents of the courtyards established a joint eiruv for all the courtyards, but that each courtyard established an eiruv for itself (Rabbi Ovadya Bartenura; Penet Moshe; Korban Ha’Eliyahu). This explanation is supported somewhat by the Jerusalem Talmud (Yefeh Einayim).

Forgot and did not contribute to the eiruv – מָבוֹי וּֽתַּלְמִידִים

Most agree that this principle applies only if an individual forgot to participate in establishing an eiruv for his courtyard, but not if the residents of an entire courtyard forgot to establish an eiruv (Rtva).
An alleyway is to its courtyards – הבטיעה א░ר ביתם – סמוך. In many respects, the halakhot of courtyards and those applicable to alleyways are the same. In addition, according to Rabbi Shimon, whose opinion is accepted as halakha, one is permitted to carry objects that were in a courtyard when Shabbat began into an alleyway, even without an eiruv. Nevertheless, it is important to emphasize that just as one may not carry these items from the courtyard to an alleyway without a merging of alleyways. The mishna introduces this halakha here because this is the first time that it explicitly addresses the halakhot of an alleyway (Tosafot Yom Tov).

GEMARA The Gemara asks: In accordance with whose opinion is this mishna? The Gemara answers: It is in accordance with the opinion of Rabbi Meir, who said: We require an eiruv and we also require a merging of the courtyards in an alleyway, and one is not sufficient without the other.

The Gemara asks: If so, say the middle clause of the mishna: And if they merged the courtyards in the alleyway, they are permitted to carry both here and there. We have arrived at the opinion of the Rabbis, who say that one is enough, and one does not need both an eiruv and a merging of alleyways.

The Gemara responds: That is not difficult, as the mishna stated as follows: And if they also merged the courtyards in the alleyway, they are permitted to carry in the courtyards and in the alleyway.

The Gemara asks: The latter clause of the mishna: If they established an eiruv in the courtyards and also merged the courtyards in the alleyway, and one of the residents of the courtyard forgot and did not contribute to the eiruv in his courtyard but did participate in the merging of the alleyway, they are permitted to carry both here and there. What are the circumstances? If the person who forgot did not renounce his rights to the courtyard in favor of the others, why are they permitted to carry? Rather, it is obvious that he did renounce those rights. But if so, say the last clause of the mishna: If one of the members of the alleyway forgot and did not participate in the merging of the alleyway, they are permitted to carry in the courtyards and prohibited from carrying in the alleyway. But if he renounced his rights, why are they prohibited from carrying in the alleyway?

And if you say that Rabbi Meir holds that renunciation of rights is not effective in an alleyway, that answer is insufficient. Wasn’t it taught in a baraita with regard to an alleyway: As he renounced his rights in your favor; this is the statement of Rabbi Meir? This indicates that Rabbi Meir accepts the principle of renunciation of rights in an alleyway.

Rather, it is obvious that the person who forgot to participate in the merging of alleyways did not renounce his rights. And from the fact that the last clause of the mishna is referring to a case where he did not renounce his rights, it can be inferred that the first clause is also referring to a case where he did not renounce his rights. This would indicate that if they carried out a merging of alleyways, it also serves as an eiruv, even when one of them forgot to contribute to the eiruv and also failed to renounce his rights in the courtyard. This is in accordance with the opinion of the Rabbis, which leads to the puzzling conclusion that the first and last clauses of the mishna are in accordance with the opinion of Rabbi Meir, while the middle clause is in accordance with the opinion of the Rabbis.

The Gemara answers: In fact, it is all in accordance with the opinion of Rabbi Meir. And what is the reason that Rabbi Meir said we require an eiruv and we also require a merging of alleyways? It was only so as not to cause the halakhic category of eiruv to be forgotten by the children. If people would only merge courtyards, the halakha of establishing an eiruv for a courtyard would gradually be forgotten. And here, where only one person forgot to contribute to the eiruv, since most of them established an eiruv for the courtyards, the halakha of an eiruv will not be forgotten. Therefore, there is room to be lenient after the fact and to permit carrying in both places.

Rav Yehuda said: Rav did not teach the mishna as stating that the five courtyards open into one another, but rather that each courtyard opens into the alleyway, and each established its own eiruv. And so too, Rav Kahana said: Rav did not teach the mishna as stating that the courtyards open into one another. Some say that Rav Kahana himself did not teach the mishna as stating that the courtyards open into one another.

However, if one of the residents of the alleyway forgot and did not participate in the merging of courtyards that open into the alleyway, they are permitted to carry in the courtyards and prohibited from carrying in the alleyway, as the principle is: An alleyway is to its courtyards as a courtyard is to its houses.
Abaye said to Rav Yosef: What is the reason he did not teach the mishna as stating that the five courtyards open into one another? Rav Yosef replied: Because he holds that any merging of alleyways that is not brought in and taken out by way of the entrances that open into the alleyway, i.e., which is not brought from each courtyard into the alleyway and then taken from the alleyway into the courtyard where it will be deposited, is not considered a valid merging of the alleyway. If the food used for the merging of alleyways is transferred directly from one courtyard to another, it seems as though it is being used to establish an eiruv. It is therefore ineffective as a merging of alleyways. Here too, if the courtyards open into one another, the merging of alleyways is invalid, due to a concern that the residents of the courtyard will transfer the food directly from one courtyard to another.

He raised an objection to him based upon the following mishna: A homeowner who was a partner of his neighbors, with this one in wine and with that one in wine, they do not need to establish an eiruv. This indicates that it is not actually necessary to transfer the food used for the merging of alleyways from one place to another. For example, it is sufficient to have a jointly owned barrel of wine in one courtyard even if it did not pass through the alleyway. The Gemara rejects this proof as well: There is referring to a case where they took the wine out into the alleyway and subsequently brought it in to the courtyard where it was to be kept.

He raised another objection to him from a different mishna: How does one merge courtyards that open into alleyways? The mishna continues and says that it is sufficient for one person to acquire the food used for the merging on behalf of all the other residents of the alleyway. This indicates that the food does not need to pass through all the courtyards in the alleyway. The Gemara rejects this proof as well: There too, it is referring to a case where they first took the food out from each of the courtyards into the alleyway and from there brought it into the courtyard where it was to be kept.

Rabba bar Hanan strongly objects to this: However, if that is so, if he transferred ownership of bread in his basket to another person, so too, it would not be considered a valid merging. And if you say that this is indeed so, didn’t Rav Yehuda say that Rav said: With regard to members of a group who were dining together on Shabbat eve, and the day became sanctified for them, i.e., Shabbat began while they were eating, they may rely upon the bread on the table as an eiruv for the courtyard, and some say, as a merging of the alleyway.8

And Rabba said: The two versions do not disagree with each other regarding whether the bread counts as an eiruv or as a merging of the alleyway. Here, where they can use it as an eiruv, it is referring to a case where they were dining in a house, since food deposited inside a house can serve as an eiruv for the courtyard. There, it is referring to a case where they were dining in a courtyard, and therefore they may rely on the bread as a merging of the alleyway. This proves that even Rav agrees that it is not necessary to take the food used to merge an alleyway into the alleyway itself and then bring it back to the courtyard.

Rather, we must retract the previous explanation and say that the reason Rav did not teach the mishna as stating that the courtyards opened into one another is that he holds that an alleyway cannot be rendered permitted for carrying through a side post and a cross beam unless there are houses and courtyards opening into it.8 If, however, the courtyards open into one another, they are considered like a single courtyard, in which case they cannot be rendered permitted for carrying through a side post or a cross beam, and the merging of the alleyway is ineffective.

The Gemara now examines the matter itself cited in the previous discussion. Rav said: An alleyway cannot become permitted for carrying through a side post and a cross beam,