Since an unattached shutter is comparable to a wall and contradict one another – A person as the wall of a permanent construction, which is prohibited on a Festival day, the person in question must not know that a human being can serve as the wall of a wall. The Gemara comments: If so, these two baraitot appear to contradict each other, it is evident that this matter is subject to a dispute between the tannaim (Ritva).

A window shutter – דַּעֲתָךְ בִּדְלָא מְלוּ גַּבְרֵי עָסְִינַן: According to Rava’s first explanation, the mishna about a window shutter proves that, according to the opinion of the Rabbis, it is permitted to construct a temporary tent for the first time on Shabbat. Since an unattached shutter is comparable to a wall and the Rabbis permitted the shutter’s use on Shabbat, this teaches that they permitted the construction of a similar wall on Shabbat.

The Gemara comments: This is also precise and implicit in Rav Nahman’s answer, for Rav Nahman said to Rav Hida: Establish a human partition for him, and let him reenter his Shabbat limit. Doesn’t the statement: Let him reenter, mean that he may reenter even without a partition along those two additional two cubits, i.e., that after he passes through the human partitions, he would still need to cross the remaining two cubits on his own without the benefit of a partition?

Rav Nahman bar Yitzhab raised an objection to the opinion of Rava with regard to the principle of making a human partition on Shabbat, from a baraita: If the wall of a sukka fell on a Festival or on Shabbat, thus rendering the sukka unfit for the mitzva, one may not position people, animals or utensils there in its place in order to form a wall, nor may one turn a bed upright in order to spread a sheet over it, which will thereby serve as a partition, because one may not make a temporary tent for the first time on a Festival, and, needless to say, this is prohibited on Shabbat. This indicates that a human partition may not be erected on Shabbat.

The Gemara comments: If so, these two baraitot contradict one another. The Gemara answers: This is not difficult; this baraita that teaches that it is prohibited reflects the opinion of Rabbi Eliezer, whereas this other baraita that teaches that it is permitted reflects the opinion of the Rabbis. As we learned in a mishna: With regard to a window shutter that is not fixed to the wall with hinges, Rabbi Eliezer says: If it is tied to the wall and hangs from the window, one may shut the window with it; but if not, one may not shut the window with it, since one may not erect a tent, even a temporary one, on Shabbat. But the Rabbis say: In either case, one may shut the window with it. This indicates that the Rabbis permit constructing a temporary wall of this sort on Shabbat, and they also permit the construction of a temporary wall in the case of a sukka.
The Gemara raises a difficulty: But wasn’t it stated with regard to this dispute: Rabba bar bar Hanan said that Rabbi Yoĥanan said: All agree that one may not make a temporary tent for the first time on a Festival, and, needless to say, this is prohibited on Shabbat. The Rabbis and Rabbi Eliezer disagree only with regard to adding a temporary tent to a permanent structure, as in the case of a window shutter. As Rabbi Eliezer says: One may not add a temporary tent to a permanent structure even on a Festival; and, needless to say, this is prohibited on Shabbat. And the Rabbis say: One may add a temporary tent to a permanent structure on Shabbat, and needless to say, this is permitted on a Festival. This indicates that there is no opinion that grants license to construct a temporary wall for the first time.

Rather, the Gemara resolves the contradiction differently: This is not difficult, as this baraita that permits the positioning of an animal or a person as a wall was taught in accordance with the opinion of Rabbi Meir, and this baraita that prohibits it was taught in accordance with the opinion of Rabbi Yoĥanan. As it was taught in a baraita: With regard to one who positions an animal to serve as the wall of a sukka, Rabbi Meir deems it unfit, out of concern that the animal might leave, whereas Rabbi Yoĥanan deems it fit.

Rabbi Meir, who deems the wall unfit there, with regard to a sukka, apparently holds that a partition established from a living creature is not a part and he would here, in the case of Shabbat, rule that it is permitted to construct such a wall, as he is not doing anything, since it is not considered actual construction.

However, Rabbi Yoĥanan, who deems the wall to be fit there, with regard to a sukka, apparently holds that it is a proper partition; and he would here, in the case of Shabbat, prohibit the construction of such a partition.

The Gemara raises a difficulty: And how can you understand it in that manner? Say that you heard that Rabbi Meir deemed the sukka to be unfit in the case where an animal was used to serve as a partition, but did you hear that he deemed the sukka to be similarly unfit if a person or utensils were used as walls? The reason that an animal may not be used as a partition, according to his opinion, is because it might leave. This concern does not apply to people or utensils, since a person is under his own control and can remain standing, and utensils do not move themselves. Since the baraita validates partitions established with people and utensils as well as animals, it cannot be based on the opinion of Rabbi Meir.

And furthermore, even if you do not differentiate as above, and instead assume that the consideration that the animal might leave is pertinent, according to whose opinion does Rabbi Meir state his opinion3 with regard to constructing a temporary tent on Shabbat? If it is according to the opinion of his teacher Rabbi Eliezer, this is difficult, as he even prohibited adding a window shutter, i.e., a temporary tent, to a permanent structure.

Rather, you must say that he stated his opinion in accordance with the opinion of the Rabbis. However, even according to their opinion, say that the Rabbis only said that one is permitted to add a temporary tent to a permanent structure; but did they say that it is permitted to construct a partition or a tent for the first time?

Rather, say that both this baraita and that baraita follow the opinion of the Rabbis, and this is the resolution of the various contradictions: With regard to the contradiction between the one ruling concerning utensils and the other ruling concerning utensils, this is not difficult, as this ruling that prohibits the construction of an additional wall refers to the third wall of a sukka, which renders it fit for the mitzva; whereas this other ruling that permits the construction of an additional wall refers to the fourth wall of a sukka, which is insignificant, as a sukka need not have four walls.

HALAKHA

A temporary tent – נַפְּלָיָה. One may not erect a temporary tent on Shabbat or a Festival, in accordance with the opinion of Rabbi Yoĥanan. However, one is permitted to add to a temporary tent and expand it, if it was already partly constructed and was at least a handbreadth wide the day before, in accordance with the opinion of the Rabbis (Shulĥan Arukh, Oraĥ Ĥayyim 315:1).

An animal as the wall of a sukka – נֶפֶשׁ. One is permitted to utilize an animal as the wall of a sukka, but only if it is tied so that it will not leave, and provided it will not think if it dies, in accordance with the opinion of Rabbi Yehuda (Shulĥan Arukh, Oraĥ Ĥayyim 315:1).

The fourth wall of a sukka – רביעית. A fourth wall of a sukka, or other walls that are not fixed permanently in place or do not serve to deem a sukka fit, may be erected in a temporary manner on a Shabbat or a Festival. In addition, it is permitted to instruct a person to stand in a position where he will serve as a wall that does not make the structure fit for a sukka or some other purpose, even if he knows that he is serving as a wall (Shulĥan Arukh, Oraĥ Ĥayyim 315:2 and 315:3, in the comment of the Rama).

NOTES

According to whose opinion does Rabbi Meir state his opinion – עֵדְךָ. This question is not generally asked with regard to the opinion of a tanna, as later tannaim have the authority to dispute earlier tannaim. Indeed, the question in this context does not concern his position vis-à-vis the opinion of a particular Sage. Rather, the question relates to his opinion on the issue of constructing a temporary wall on Shabbat. Since this question is a matter of dispute among tannaim, the Gemara formulates the question so as to clarify which of these opinions Rabbi Meir accepts.
This interpretation is also precise in the wording of the baraita, as the baraita that prohibits the construction of an additional wall uses the following phrase: If its wall fell. This indicates a wall that is significant, i.e., a wall that renders it fit for use, rather than any wall, as stated in the baraita that permits it. The Gemara concludes: Learn from this that the correct resolution is to differentiate between the third and fourth wall of a sukka.

However, with regard to the contradiction between the one ruling concerning a person and the other ruling concerning a person, it is difficult, for one baraita states that one may not use a person as the wall of a sukka, while the other says that one may use a person as a wall and even states explicitly that he may do this: So that he may eat, drink and sleep in the sukka. That implies that this is permitted even if it is the third wall that is missing.

The Gemara raises a difficulty: However, the case involving Rabbi Nehemya, son of Rabbi Hamlai, was a case where people knowingly served as a partition, as the people were instructed to go out and serve as a human partition. The Gemara answers: In fact, that was a case where people unknowingly served as a partition, i.e., they were unaware why they were called, and were made into a partition without their knowledge.

The Gemara asks: However, Rav Hisda, who gathered the people to that spot, was in any case present knowingly. The Gemara answers: While Rav Hisda was there knowingly, he was not among the designated people who served as a partition.

The Gemara relates that there were these members of a wedding party who engaged the many people present to bring water in on Shabbat from a public domain to a private domain through walls comprised of people who knew that they were being used as partitions for that purpose. Shmuel instructed that they should be flogged. He said with regard to this matter: If the Sages said that a partition is effective when the people act unknowingly, does this mean that they would also say that this is permitted ab initio when they knowingly serve as a partition?

The Gemara relates that there were once these flasks lying in the market [ristaka] of Mehoza on Shabbat and could not be moved. When Rava was coming from his discourse accompanied by a throng of people, his attendants brought the flasks into his house, as the crowd of people created human partitions, upon which the attendants capitalized for this purpose. On another Shabbat they wanted to bring them in again, but Rava prohibited them from doing so, reasoning: This is like the case where the people knowingly served as partitions, for presumably the people now knew that they were being used for this purpose, and it is therefore prohibited.8

The Gemara further relates that Levi was brought straw through human partitions comprised of people who were unknowingly used for this purpose, and in the same manner Ze’er was brought fodder [aspasta],9 and Rav Shimi bar Hiyya was brought water.
MISHNA With regard to one who was permitted to leave his Shabbat limit, i.e., he went out to testify that he had seen the new moon or for some life-saving purpose, and they said to him along the way: The action has already been performed, and there is no need for you to travel for that purpose, he has two thousand cubits in each direction from the location where he was standing when this was told to him.

If he was within his original limit, it is considered as if he had not left his limit, and he may return to his original location. The Sages formulated a principle: All who go out to battle and save lives may return to their original locations on Shabbat.

GEMARA The Gemara asks: What is the meaning of the statement: If he was within his original limit, it is considered as if he had never left? Given that he has not left his original boundary, it is clear that he remains within his original limit. Rabba said: The mishna is saying as follows: If he was within his original limit, it is considered as if he had never left his house. He is allowed to walk two thousand cubits in each direction from his house.

The Gemara asks: Is it obvious that if he remained within his limit, he is considered as if he were in his house? Why is this statement necessary? The Gemara answers: Last you saw that, since he moved from his place with intention to leave his limit and go elsewhere, he moved and nullified his original place of residence. If so, his original place of residence would no longer determine his Shabbat limit, and instead he would have two thousand cubits in each direction from the location where he was standing when he was told that he need not travel. Therefore, the mishna teaches us that it is nonetheless considered as if he had never left his house.

Rav Shimi bar Hisya said that the mishna is saying as follows: If he left his original Shabbat limit, but the new limit of two thousand cubits in each direction that the Sages granted him is subsumed within his original limit, so that if he walks those two thousand cubits, he can return to within his original limit, then it is as if he had never left his original limit, and he may return to his house.

The Gemara comments: With regard to what principle do Rabba and Rav Shimi bar Hisya disagree? One Sage, Rav Shimi, holds that the subsuming of Shabbat limits, i.e., if one’s original limit is subsumed within the new limit, one may pass from one to the other, is something significant and may be relied upon, whereas this Sage, Rabba, holds that it is nothing significant and cannot be relied upon.

Abaye said to Rabba: Do you not hold that the subsuming of Shabbat limits is something significant? And what if he established residence in a cave that has entrances at its two ends, which on the inside of the cave is four thousand cubits across, but atop its roof it is less than four thousand cubits across? Is it not the case that he may walk the entire length of the roof and two thousand cubits outside it in either direction? The entire interior of the cave is considered as if it were four cubits, and he is permitted to walk another two thousand cubits in each direction from each of its entrances. Consequently, he is permitted to walk along the roof, two thousand cubits from the eastern entrance in the direction of the western entrance and vice versa. However, since the distance across the roof is less than four thousand cubits, these two limits are subsumed within one another, and he is permitted to walk the entire length of the roof, given that when two limits are subsumed within one another, one may pass from one to the other.

HALAKHA One who was permitted to leave his Shabbat limit – if a person is permitted to leave his Shabbat limit, for example, to rescue or to heal someone, and is informed while en route that his assistance is not needed, he is permitted to walk two thousand cubits in any direction from the location where he stood when he was informed. If these two thousand cubits overlap with the two thousand cubits of his original limit, he may enter and proceed as though he had not left. The Ralakha is in accordance with the opinion of Rabbi Shimi bar Hisya, since with regard to Rava’s opinion there is an unresolved difficulty (RIF; Rosh; Shulhan Arukh, Orah Hayyim 407:2).

NOTES

Established residence in a cave – תוגה מקימה שבט: Apparently, all the Sages agreed with this ruling since it constitutes the foundation of Abaye’s query, and Rabb’s response does not indicate that he rejects it (Gabon Yiskov).

Several explanations have been offered for this halakha. Some commentators explain that even if the roof of the cave is less than two thousand cubits long, when he walks beyond the roof, he can still walk a little more than two thousand cubits, in accordance with the discrepancy between the roof and the floor of the cave. This is because the roof is also considered part of the cave (Metsi). The Ralakha maintains that the roof of the cave is considered as if it was within the cave for the purpose of all Shabbat measurements, and as though the inner partitions of the cave rose up to the sky. The other early commentators, however, did not agree with him, and it appears that this claim is also rejected in the Jerusalem Talmud (Rabba; Ritva).

BACKGROUND

A cave and its roof – תוגה מקימה שבט: This diagram depicts a cave underneath a relatively flat hill, with entrances on both sides. Since the Shabbat limit is determined from each entrance to the cave, one is permitted to walk on the hill from a distance of two thousand cubits from each entrance, and across the entire roof of the cave. This is due to the fact that before one leaves the limit delineated by one entrance, one enters the limit delineated by the other entrance.
Abaye's query, and Rabba's response does not indicate that he rejects Shabbat with the knowledge of the participants. Some commentaries Me'iri Shabbat. Consequently, it is prohibited.

Sages agreed with this ruling since it constitutes the foundation of Established residence in a cave – שָׁבַת בַּמְּעָרָה

thousand cubits, in accordance with the discrepancy between the roof and the floor of the cave. This is because the roof is also considered part a partition do so unknowingly. Some authorities rule that the require a partition, it is permitted to establish a human partition with


didn't we learn in a mishna that Rabbi Eliezer says: If a person left his Shabbat limit by walking two cubits beyond it, he may reenter his original limit; but if he left his Shabbat limit by walking three cubits beyond it, he may not reenter. What, is it not that Rabbi Eliezer follows his standard line of reasoning, in that he said with regard to the four cubits a person is allotted wherever he is, he is set in the middle of them, i.e., he may walk two cubits in each direction?

The Gemara explains that the four cubits that the Sages gave a person are regarded here as being subsumed within his original limit, and it is for this reason that he said: He may reenter his original limit. Apparently he is of the opinion that the subsuming of one Shabbat limit within another is something significant.

Rabba bar bar Ḥana said to Abaye: Do you raise an objection against our Master, Rabba, from the statement of Rabbi Eliezer? But isn't the halakha in accordance with the opinion of the Rabbis? Abaye said to him: Yes, as I heard from our Master himself that the Rabbis disagree with Rabbi Eliezer only with regard to one who went beyond his limit for a voluntary matter, but with regard to one who went out for a mitzva matter, they agree with him about the subsuming of limits, i.e., that if one limit is subsumed in another, it is permitted to pass between them. This demonstrates that the halakha recognizes the principle of the subsuming of limits.

The mishna teaches: All who go out to save lives may return to their original locations on Shabbat. The Gemara asks: Does this mean that he may return to his original place even if he went out more than two thousand cubits beyond his limit? Didn't the first clause say that a person who was permitted to travel beyond his Shabbat limit is allotted two thousand cubits, and no more?

Rav Yehuda said that Rav said: What this means is that they may return with their weapons to their original locations, provided they are within two thousand cubits. The Gemara asks: What is the difficulty with returning home in this situation? Perhaps in the case where people went out to fight and save lives the law is different, and they are allowed to go home even if they went more than two thousand cubits beyond the limit.

Rather, if there is a difficulty, this is the difficulty: As we learned in a mishna in tractate Rosh Ḥashana, at first they would take the witnesses who had come to Jerusalem from a distant place on Shabbat to testify that they had seen the new moon, and bring them into a special courtyard, and they would not move from there the entire day. This was in accordance with the law governing one who was permitted to go out beyond his limit, as once he fulfilled his mission, he was no longer permitted to move beyond four cubits.

Abaye raised a difficulty: And in a case where he did not acquire his place of residence within those partitions before Shabbat, does the principle governing the subsuming of limits not apply?