

THE YESHIVA PIRCHEI SHOSHANIM SHULCHAN ARUCH LEARNING PROJECT

# Hilchos Shabbos

## Volume Three Lesson One

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*The Laws of Boneh  
as they  
pertain to Ke'ilim*

Shiur

1

*Siman 313:6  
Assembling Items on Shabbos  
Part I*

*Siman 313 Se'if 6<sup>1</sup>*

**6 It is (6) forbidden to reassemble and to tighten a bed of detachable parts on Shabbos, and if one tightens it tightly, he is Chayav to bring a 10) Korban Chatas. However, if it is 11) (normally) slack it is permitted (provided that one does not tighten it). 12) It is permitted to assemble or to separate on Shabbos parts of a cup made of different sections. However, 13) there (7) is an opinion that says that a cup has the same rule as the bed.**

RAMA *If it is usually tightened, it is forbidden to reassemble even loosely.*

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**SIMAN 313:6**

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## **Binyan Be'keilim<sup>2</sup>**

This *se'if* is the forerunner of the *Sugyas* (discussions) pertaining to *Binyan be'keilim* – construction of items and articles. Before starting this *se'if*, we must first learn the various *Sugyas* pertaining to *Binyan be'keilim*.

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<sup>1</sup> This *Shiur* begins with *se'if 6*. The beginning of the *Siman* deals with *Halachos* pertaining to closure of windows and doors; which ones are considered *Binyan*, and which ones are not. Please learn through them with *M"B*.

<sup>2</sup> A majority of the material in these *shiurim* regarding *Boneh* were taken from the excellent *sefer*, *Binyan Shabbos*

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### Beitza 22a<sup>3</sup>

The *Gemora* discusses assembling a candelabra on Yom Tov. Beis Shammai hold that it is forbidden because there is an *issur* of *Binyan be'keilim*. Beis Hillel hold that it is permitted because *ain Binyan be'keilim* – the *Melacha* of *Boneh* does not apply to constructing *Keilim*.

Since the *Halacha* follows Beis Hillel, it would appear that one is permitted to construct and assemble *Keilim* on Shabbos without restriction. However, we will see that this is not the case.

### Shabbos 46a<sup>4</sup>

The *Gemora* says that a *Menorah* of *Chulyos* (rings), made from detachable parts may not be handled on Shabbos lest it falls apart and one will reassemble it on Shabbos.

*Rashi*<sup>5</sup> there explains that if one reassembles the parts, one will be “constructing a *Keili*”.

The *Rishonim* point out that the above two *Gemoras* openly contradict each other. We will soon see *be”H* how they are reconciled.

### Shabbos 47a<sup>6</sup>

The *Gemora* here introduces R’ Aba and Rav Huna Bar Chiya who hold that it is permissible to reassemble a detachable bed on Shabbos (*Mitah shel Tarsiyim*).<sup>7</sup>

The *Gemora* then brings Rav and Shmuel who hold that for the very same action one is *Chayav* to bring a *Korban Chatas*, i.e., it is *assur mide’Oraissa*.

The *Gemora* then asks on the lenient view of R’ Aba and Rav Huna Bar Chiya from the case of assembling a *Menorah* where one is *Chayav* to bring a *Korban Chatas*. The *Gemora* answers that they hold like Raban Shimon Ben Gamliel that when the parts are only loosely assembled, it is *muter*. [*Tosefos* to Shabbos 47b (ד”ה רשב”ג) explain Rav and Shmuel’s opinion.]

### A Plasterer’s Brush – Assembled but then Disassembled

Another *Keili* mentioned in the *Gemora* is a *Kaneh shel Sayadim* – a plasterer’s (pole) brush. *Rashi* explains that it had extension fittings for various lengths. Although it is

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<sup>3</sup> Assembling a menorah made of rings (17 lines down)

<sup>4</sup> Handling a detachable menorah (4 lines down)

<sup>5</sup> 4 lines down “בשל חוליות”

<sup>6</sup> Assembling a detachable bed (11 lines up)

<sup>7</sup> *Rashi* ד”ה טרסיים explains that this bed was used by traveling coppersmith craftsmen

*assur* to fit them onto the existing stick, one would **not** be *Chayav* to bring a *Korban* for putting them together because it is not intended to remain that way as ultimately it would be disassembled.

We need to understand what is the difference between a detachable bed, which is eventually going to be disassembled, and yet is *assur mide'Oraissa* and the case of the *Kaneh shel Sayadim* for which one is not *Chayav* to bring a *Korban Chatas*.

### Shabbos 102b<sup>8</sup>

We find a *machlokes* between Rav and Shmuel as to whether attaching a handle into a hammerhead is a *Melacha* of *Boneh* (Rav) or *Makeh Be'patish* (Shmuel). How does this correspond with the *Gemora* that says *ain Binyan be'keilim*?

## Rishonim

There are a number of approaches in the *Rishonim* regarding *Binyan be'keilim*. Let us examine them.

### Rashi – Make Be'patish

*Rashi* in a number of places says that *Boneh* does not apply to *Keilim* at all; only *Makeh Be'patish* applies.

[*Rashi* to Shabbos 74b “ואי חייטיה” says that *Boneh* does not apply to making a barrel or an oven because - *ain Binyan be'keilim*. See also *Rashi* to Shabbos 47a “חייב”, Shabbos 122b “גזירה”].

### Ramban and Rambam – Tosefos Shabbos 74b

The *Ramban*, in the beginning of the 12<sup>th</sup> *perek* of Shabbos says that *ain Binyan be'keilim* refers only to assembly of *Keilim* that have come apart (i.e., in those cases one is not liable for transgressing *Boneh*). However, **making/building** a *Keili* from scratch is a transgression of *Boneh*.<sup>9</sup> He adds that according to this opinion, if a *Keili* came apart in such a way that it requires a craftsman to reassemble it, putting it together again would be classified as *Boneh mide'Oraissa* because subsequent to its detachment it lost its status as a *Keili*, so its assembly is considered **making** a *Keili*. The *Maggid Mishneh* explains the *Rambam* (10:13) in this manner as well. See the *Rashba* who also mentions this opinion. *Tosefos* to Shabbos 74b also say that there's *Binyan* when making an entire *Keili*.

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<sup>8</sup> Inserting the handle into the hammerhead (15 lines up)

<sup>9</sup> The *Ramban* differentiates between *Binyan be'keilim* – adding or assembling an existing *Keili*, and *Osseh* – making a *Keili*, the latter being *Boneh*.

**Tosefos**

**102b**

הדדי: הא' מאן דעי"א שופתא בקופינא רב אמר חייב בשום בונה. ואע"ג דק"ל ס"אין בנין בכלים אור"י דהיינו דווקא בהחזרת (ו) בתי מריסין או במנוחה של חוליות אבל בנין גמור מיחייב בכלים (לעיל דף מו.) גבי מטה של טרסיים אם תקע חייב חטאת ומחזיר קני מנוחה חייב חטאת וקרן עגולה ואין חילוק בין כלים לקרקע אלא במקום שאין חיזוק ואומנות דכלי לא חייב בנין ובקרקע חייב בנין ובפ' בכל מערבין (עירובין דף לה.) גבי נתנו במגדל דמוקי לה רבה ורב יוסף במגדל של עץ דמ"ס כלי הוא ואין בנין בכלים ומ"ס אהל הוא התם מיירי במגעול (ו) וקטיר במיתנא דמסיק אב"י לבסוף ולא הולרכו לפרש משום דפשיטא דבהכי איירי דבע"א יש סתירה ובנין בכלים וכן משמע מדמוקי אב"י במגעול וקטיר במיתנא דהוי כמו חותמות שבכלים הא לאו הכי אסור וברי"ש סוגיא דפריך ואמאי הוא במקום אחד ועירונו במקום אחר הוא אע"ג דסתם מגדל של עץ הוא דהוי כלי דמוכח בכמה דוכתי מעיקרא הוה סבר דאיירי שאי אפשר לקחת העירובי, אלא על ידי סתירה גמורה:

*Tosefos*<sup>10</sup> states that merely reassembling a *Menorah* of rings (as in Beitzah 22a) is not *Boneh*. The assembly of a detachable bed and inserting the stems into a candelabra or the like (Shabbos 47a) are cases of *Boneh* and would be liable for a *Korban Chatas* just like building something attached to the ground. *Tosefos* explain: the fundamental difference between *Boneh* with regards to items attached to the ground and *Boneh* by *Keilim* is whether a tight fit and craftsmanship are involved. **For Boneh to apply to movable Keilim, a tight fit and craftsmanship must be used.** By items affixed to the ground one is *chayav* even when no tight fit and craftsmanship are involved.

The logic is that if a *Keili* can be disassembled and reassembled easily, it is a sign that the *Keili* is not broken apart; it is merely taken apart. Therefore, putting it back together is not *creating* something new. But if a tight fit and skill is required to assemble it, it shows that it is broken since it requires something more significant to put it back together again; it is considered then making a *Keili*.<sup>11</sup>

Hence, what *Tosefos* means that assembling a *Menorah* made of rings is not *Boneh* is because it does not involve making a tight fit and craftsmanship. However, assembling the detachable bed and the stems of the candelabra require a tight fit so they are *Boneh de'Oraissa*.

Indeed, *Tosefos* on Shabbos 46a (דחוליות) says that the *Menorah* was assembled loosely and that is why Beis Hillel permitted it. Accordingly, when the *Gemora Shabbos 47a* brings Raban Shimon Ben Gamliel's opinion who says that the bed is loosely assembled; it is because in such a manner it is not *Boneh*.

**Practical difference between Ramban, Tosefos 74b and Tosefos Shabbos 102b**

- *Tosefos* on Shabbos 74b as well as other *Rishonim* maintain that **making/building** a *Keili* in totality is *Boneh*.

<sup>10</sup> *Shabbos 102b* "האי מאן". See also *74b* "חביתא".

<sup>11</sup> We will soon explain what how this logic differs from the *Ramban's* logic

- According to *Tosefos* on 102b, using a tight fit and craftsmanship to make a *Keili* is *Boneh*.

The *sefer, Binyan Shabbos* (page 33) points out that the difference between the two approaches will be when adding a new part to an **existing** *Keili*. According to the *Ramban* the other *Rishonim* it would not be *Boneh* because one is not **making** a *Keili*, whereas according to *Tosefos 102b*, if it is attached with a tight fit, it is *Boneh*.

#### SUMMARY

- *Rashi* learns that there is never a case of *Binyan be'keilim*.
- *Rashi* learns that putting pieces tightly together can be *Makeh Be'patish*.
- *Tosefos* learn that Beis Hillel allow putting up a *Menorah shel perakim* is referring to a candelabra whose pieces fit together loosely. (*Tosefos* in *Shabbos 46a* offer another answer as well).
- *Tosefos* learn that when a tight fit and craftsmanship are used it is *Boneh*.
- The other *Rishonim* learn that since the *Menorah* when disassembled is not called broken, putting it back together would not be *Boneh*.
- The other *Rishonim* learn that only when **making** a *Keili* it is *Boneh*.

Note: The difference between *Rashi* and *Tosefos* in this case will be if breaking it apart is a *Melacha*. According to *Rashi* not, but according to *Tosefos* if making it, is *Boneh*, then breaking it, is *Soter* (the *Melacha* of destroying a structure).

## Tekiah, Hidduk and Rafui

In the *Beraissa* in *Shabbos 47a* (2 lines from the bottom) we can ascertain that there are three levels of attachments.

#### LEVEL 1, MOST SEVERE ETC.

- *Tekiah* - tightening with force (or nailing together) – Level 1
- *Rafui* - loose fit – Level 3
- *Hidduk* - somewhere between *Tekiah* and *Rafui*.<sup>12</sup> – Level 2

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<sup>12</sup> B"Y in name of *Rashba*

One can understand this from the opening statement of the *Mechaber*; when he says that it is forbidden to **tighten**, and if one did *Tekiah* he has transgressed an *issur de'Oraissa*.

The *Beis Yosef*<sup>13</sup> brings the *Rashba* who says that tightening it semi tight - *Hidduk* - is also *assur*. This is the intermediate stage between tight and loose fitting. It is *assur* because of concern that he may tighten it with force.

## Normally Loose

The *Tur* says the following: A detachable bed must not be assembled,<sup>14</sup> and if one tightened it with force, one is liable to bring a *Korban*, but *if it is loose*, it is permitted.

The *Beis Yosef*<sup>15</sup> clarifies that the words *if it is loose* mean that it is **normally** attached loosely, not that one **happens** to attach it loosely. The *Nafka mina* (practical difference) is that if regularly *Hidduk*<sup>16</sup> is used, then it may not be attached even loosely because he may end up doing *Hidduk*.

The *Beis Yosef* proves this from another sentence in the *Tur*, which says that one may assemble a cup with a detachable base – *because it is not usually attached with Hidduk*; implying that one may not attach it even loosely if it is usually attached tightly.

### Chazon Ish

The *Chazon Ish*<sup>17</sup> explains that the *machlokes* Tana Kama and RSB"G is regarding *Hidduk*; a middle ground between *tight* and *loose* (Level 2).

Something which is attached tightly - *Tekiah* - is *assur* even according to RSB"G. If it is *Hidduk* then RSB"G permits it because he does not fear that one will tighten it real tight which would be liable to bring a *Korban Chatas*.

The *Chazon Ish*<sup>18</sup> refutes all the *Beis Yosef's* proofs and says that according to *Halacha* there is no *Gezeira*, and one is permitted to loosely attach all items, even if normally they would be attached with force.

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<sup>13</sup> ד"ה מטה של פורקים

<sup>14</sup> Some learn that it means it must not be done with *Hidduk*

<sup>15</sup> *Ibid.*

<sup>16</sup> The *M"B* 48 says that "*Hidduk*" here means *Tekiah*

<sup>17</sup> *Siman* 50:10

The *Mechaber* did not mention this *Gezeira* in the *Shulchan Aruch*, but the *Rama* did. The *M”B* maintains that there is such a *Gezeira*, as we will soon see.

## Tur vs. the Maharam Rotenberg

The *Tur* brings the opinion of the *Maharam* of *Rottenburg* that it is forbidden to assemble a cup to its detachable base. The *Tur* himself disagrees. (See inside).

We find two explanations regarding this *machlokes* - the *Shulchan Aruch HaRav*<sup>19</sup> and the *Chazon Ish*<sup>20</sup> on the one hand and the *M”B*<sup>21</sup> on the other.

### Shulchan Aruch HaRav

The *Tur* holds that a *Keili* which is normally tightened to a Level 2, may be **partially tightened** (Level 2) because there is no reason to fear that one will do anymore than that.

The *Maharam Rottenburg* holds that he is only permitted to attach it **loosely (Level 3)** because otherwise he may tighten it with force – Level 1, [where possible].

### Shulchan Aruch HaRav

The *Shulchan Aruch HaRav* rules like the stringent opinion of the *Maharam Rotenberg*; but says if there is great necessity one may rely on the *Tur*, if the cup is usually only attached somewhat loosely (i.e., Level 2).

### Chazon Ish

The *Chazon Ish* says that one may be lenient and rely completely on the *Tur* who says that one may do *Hidduk* – Level 2 to a *Keili* that is usually only tightened to a Level 2. This implies that the *Maharam Rottenburg* holds that even when *Tekiah* would not be commonly done it is still *assur* to do *Hidduk*.

### M”B

The *M”B* 45 (based on *Taz*'s interpretation) that the *Tur* holds that an item that is not usually tightened may be attached **loosely**, and the *Maharam Rotenberg* holds that it is

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<sup>18</sup> *Siman* 50:10. The *Chazon Ish* does not disagree with *Tosefos* 48a who mentions a *Gezeira* with regards to inserting the leg of a bench. However, he explains that *Tosefos* has a different understanding of the *Sugya* and therefore since the *Rambam* and the *Tur* did not write such a *Halacha*, and because it involves a *de'Rabanan*, it is *muter*.

<sup>19</sup> *Siman* 313:21

<sup>20</sup> *Ibid.* והמחבר.

<sup>21</sup> *Siman* 313:45 and *Sha'ar Ha'tziyun* 30



forbidden since it is normal to do *Hidduk*, then even when attaching **loosely**, we are concerned he will do it tightly. In the *Sba'ar Ha'tziyun* 30 he points out that the *Tur*'s language in his presentation of this *Halacha* does not fit with this explanation, because he states that to attach it loosely is permissible in any event and the *Taz* explains that he is referring only to a case where he usually attaches it loosely.

#### SUMMARY

According to the *Shulchan Aruch HaRav* and the *Chazon Ish*, everybody agrees that if an item is not usually attached with *Tekiah* (Level 1), it is permitted to attach it **loosely (Level 3)**. The *Tur* holds that even *Hidduk* (Level 2) is permitted.

The *M" B* learns that the *Maharam* holds that even **loosely** attaching is forbidden, similar to the detachable bed.

The *M" B paskens* that one should not *lechatchila* attach it even loosely, but when it is necessary one may rely on the *Tur* and attach it loosely. (According to the other opinions, attaching loosely is always permitted).

### *Siman 313:6* *Assembling Items on Shabbos* *Part II*

We will now *be"H* learn through the *Mechaber*, *Rama* and *Poskim*, based on the *Gemoras* and *Rishonim* which we learned in the previous section, and apply it to common everyday situations.

#### **Mechaber**

##### **It is forbidden to reassemble and tighten a detachable bed on Shabbos.**

The *Taz* 6 says that one would be transgressing the *Melacha* of *Makeh Be'patish*, whereas the *M" A* 10 says one is **making** a *Keili*, which is based on the *Rishonim* who say that when one **makes** a *Keili* it is the *Melacha* of *Boneh*.

The *Elya Raba* 8 says that the practical difference between *Makeh Be'patish* and *Boneh* is that for the former it is sufficient to fashion a *Keili* in a way that the parts adhere to each other, but for *Boneh* one has to use force and craftsmanship. See *M" B* 41.

The explanation being that *Makeh Be'patish* is the completion of a *Keili*, and if this is accomplished even through mild adhesion of the various parts of the *Keili*, it is sufficient. *Boneh* with *Keilim* is only being accomplished when a notable change or

improvement is performed to the items. Therefore, only when wedged together through force or craftsmanship can we say that a change has come about, and something has been built. See also the *Iggros Moshe*<sup>22</sup> where he explains why *Boneh*, with regards to the ground and items attached to the ground do not require attaching with force whereas by *Keilim* they do.

## Mechaber

**However, if it is (normally) slack it is permitted to begin with (provided that one does not tighten it).**

If one **loosely** reattaches or reassembles parts of a *Keili*, and their normal usage is as such, it is permitted. This lines up with the *Rama* at the end of the *se'if* that states one may only reassemble it if it is normally slack.

## Screw-on attachments

### M"A

The *M"A* 12 says that screwing<sup>23</sup> a *Keili* together tightly where it will be used in that manner, is *assur* according to all opinions. If it is meant to be opened and taken apart for use, like a screw-on lid, then it is not considered *Boneh* at all.

### Taz

The *Sha'ar Ha'tziyun* 32 learns that the *Taz* 7 holds that using a screw-on attachment to put something together is only equivalent to *Hidduk* (Level 2) and therefore only an *issur de'Rabanan*. He notes that the *M"A* seems to consider screwing something together tightly equivalent to *Tekiah* (Level 1) which is an *issur de'Oraissa*. Although the *Ma'amar Mordechai* learns that using a screw should be *muter* or at the most be an *issur de'Rabanan*, he concludes that one must follow the *M"A*.

Part of the *Ma'amar Mordechai's* argument is that screwing parts of a *Keili* together does not involve *Tekiah* and it cannot even be done through *Tekiah*. As we see in the *Rishonim* (see *M"A* 11) - *Tekiah* involves force and craftsmanship; connecting by screwing parts of a *Keili* together do not require any force at all.

The response to this argument is that the **quality** of the attachment is what matters. A screw is used to **securely** join individual pieces. Therefore, even though the pieces can

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<sup>22</sup> *Orach Chaim Vol.1 Siman 122, anaf 5*

<sup>23</sup> The *Lemushei Serad* explains that the *M"A* is referring to screws (*Shroff*), and the *Sha'ar Ha'tziyun* 32 says that the *M"A* equates a screw to *Tekiah*, i.e., an *issur de'Oraissa*.

be joined with ease, since the pieces adhere strongly to each other it is considered *Tekiah* (Level 1).

The *Halacha* is that screwing things together is *assur* even when attaching lightly (except where it is usually screwed on and off), *M”B 45, Shulchan Aruch HaRav 21*.

*Rambam (10:13)* - Attaching two pieces of wood with a nail or screw would be an *issur de’Oraissa* according to all opinions because the two are joined by nailing them together with force. Wedging two pieces of wood is also the same. The *Rambam* learned this from the case of the *Gemora Shabbos 47a* that attaching the boards of a bedframe is *Boneh*. (*Maggid Mishneh*). This *Halacha* is *paskened* by the *Mechaber* in *se’if 9*.

## Practical Cases

The *Binyan Shabbos* provides some practical examples of this *Halacha*:

### Door handle

It is forbidden to reinsert a free-standing closet door handle, even loosely, because it is usually attached with screws. Therefore, there is a *Gezeira* lest one will reattach it through *Tekiah*. (On the other hand, a handle belonging to the door of a house is forbidden to reinsert loosely because of *Boneh* even without a *Gezeira*, since attaching something even loosely to a structure attached to the ground, is *assur* under the *Melacha* of *Boneh*).

### Eyeglass

If the temple from one’s eyeglasses detaches, it is *assur* to reattach it because of the same *Gezeira*. Also, if the lens fell out, one may not reinsert it even loosely. (In *Siman 308* we learned that the eyeglasses become *Muktze* lest one tightens the screw). If the frame is made from plastic, it may be permitted to reinsert (we will see soon), as it is not possible to be<sup>24</sup> tightened.

### Broomstick

If the stick of a broomstick detaches, it may not be reinserted even without tightening, because the norm is to tighten it. We see from *Rasbi (47b “ד”ה יתקע”)* that there is also concern that one will use screws and nails to fasten the detached piece into place.

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<sup>24</sup> There are various situations which may merit reinserting the lens back into the frame, and a competent *Rav* should be asked. This could either be because it is common for it to fall out and therefore reinserting it is only *Hidduk* at the most, or because the threads are worn out and *Tekiah* will not be a concern.

## Lids and Covers

The *M" A 12* continues explaining, that lids and covers of *Keilim*, even though they are screwed onto them, are permitted to be opened and closed on Shabbos, because they are made to function so.

שם (°) שעשויים כד. שגזרים נשדוף  
 ונכנתלפרוק ולהחזירכיינו לשיטכסימוי  
 חץ עשוי לקיום ולא חיקרי עושה כלי  
 וגם לא נהר תללכה כיון שערין  
 יפחזוכו משאינ כנום ענמו חס יש נו  
 כרדוף: סקינ (°) ככטעמער .

The *Levushei Serad* explains that closing a *Keili* is not considered **making** a *Keili* because it is not closed permanently. Nor is it *Makeh Be'patish* since it will be undone, and this is not its end state. However, screwing the base onto a cup is *assur*.

### Taz

The *Taz* 7 asks that our bottles which are closed with a metal screw-on cap should be *assur* to tighten or even semi tighten, just as the *Mechaber* forbids a cup to be screwed together or unscrewed.

He answers that the attaching the base to a cup is different since it is only used when the pieces are assembled together. Detaching its base is not part of its usage. Whereas the bottle is continuously opened and closed as part of its everyday use.

### Baby Bottle:

*HaRav Shlomo Zalman Auerbach* ז"ל<sup>25</sup> explains that when the usage requires it to be opened, the closing cannot be considered **making** a *Keili*; rather it is just **using** the *Keili*. Therefore, it is permitted to screw a baby bottle shut, because it has to be opened in order to refill it. If it would close and not reopen, it would be worthless.

### Saltshaker:

It is permitted to tightly close a saltshaker, even though a month or more may go by before re opening it again, because eventually the saltshaker will be reopened for refilling.

### Soda Siphon:

It is permitted to open and close a soda siphon in order to use it, because it is opened and closed as part of its use.

### Question:

We learned in the *Gemora Shabbos 47a* that a detachable bed is forbidden to assemble on Shabbos and tightening it involves an *issur de'Oraisa* even though it also is not assembled forever. Several explanations are given. We will bring two of them.

<sup>25</sup> *Minchas Shlomo* page 70.

### **Chazon Ish – Answer #1**

This answer is based on the previously mentioned *Taz*. The saltshaker and baby bottle must be opened in order to continually use them, whereas the detachable bed does not need to be detached in order to continue to use it. The bed is only taken apart in order to transfer it from place to place and not for its use.

### **Minchas Shlomo – Answer #2**

*Rav Shlomo Zalman Auerbach*<sup>26</sup> says that in the case of the bed it was attached with force; with screws and bolts (*Rash*). Therefore, it is called an assembly that needs skill, which is forbidden even if it is undone many times a day. The aforementioned *Keilim* are all easy to assemble, and since they are assembled and disassembled as part of their routine usage, there is no concern to do it on Shabbos.

#### **Thermos Flask:**

Likewise, the inner bottle of the thermos flask does not need to be taken apart from its outer (plastic or metal) casing in order to be used. Therefore, screwing it together on Shabbos would be considered making a *Keili*, and is forbidden.

On the other hand, the cup and lid of a thermos flask are screwed on but are meant to be taken apart for use. Therefore, it is permitted to screw the cup onto the thermos jar.

#### **Lego:**

Lego pieces are also made to be assembled and taken apart. Therefore, they too are *muter* to play with on Shabbos. (*Binyan Shabbos* in the name of *Rav Shlomo Zalman Auerbach* page 47).

#### **Shtender:**

The timeless shtender that is commonplace in *Yeshivos* (used for placement of a *sefer*) has been perfected to be adjustable<sup>27</sup> and can now be raised and lowered by loosening and tightening the large screws on either side of the *shtender*. Since this is easily done and it is fashioned to operate in this manner, it is permitted.<sup>28</sup>

#### **Directional Screw:**

The same applies to the directional screw on fans that oscillate. Since one is not **making** a *Keili* by tightening the screw, rather one is **adjusting it** for the use of the *Keili* (fan); it is neither *Makeh Be'patish* nor *Boneh*.

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<sup>26</sup> *Ibid.* page 72 and *Arnei Nezer Siman* 211:20. See also *SS"K* 3<sup>rd</sup> volume chapter 11:133.

<sup>27</sup> See *M" A s" k* 13 that discusses *Shtenders* which were similar to the collapsible beds. However, those were not adjustable to be used at different heights.

<sup>28</sup> *Shevet HaLevi Vol. 6 Siman* 32. See *Binyan Shabbos* page 51. The screws only apply pressure on the inner pole preventing it from sliding up or down. If the screws pierce the metal from one side to the other, which might be a problem even if done on a regular basis.

## Where Tekiah is not Possible

M" A 9 says that the *Gezeira* of *sheb'ma yitka* – lest one tightens it, only applies to parts that can be wedged together. Hinges of durable materials which cannot be tightened are not included in this *Gezeira*.

The *Aruch Hashulchan* 313:29 explains as follows: wooden pegs at the top and bottom of doors are likely to bend out of shape and require fixing, are forbidden under the *Gezeira* of *sheb'ma yitka* (lest he may force them together). Whereas metal hinges, where the bolt just slides into the hole and cannot be tightened or altered to fit together, are not included in this *Gezeira*. Since *Hidduk* is only *assur* lest one does *Tekiah*, if the particular item cannot be tightened, it is *muter* to assemble even with *Hidduk*.

### Plastic Eyeglass Frames:

Accordingly, reinserting an eyeglass lens into its plastic frame is only *Hidduk* (if great force is needed to reinsert it, it might be *Tekiah*) and since *Tekiah* cannot be done in plastic, it is *muter* to reinsert it.<sup>29</sup>

### Baby's tray:

Attaching a tray to a baby's highchair is also a connection done with *Hidduk*. Since it too cannot be tightened with *Tekiah* (since he would not screw it into place or glue it), it is *muter* to attach it [even according to the *Maharam Mi'Rottenberg*]. Additionally, it should be permitted because it is normally attached and detached as part of its normal use.

### Adding a Leaf Extension to a Table:

Based on this *se'if*, the *Poskim* (*SS"K* 24:23) permit adding leaf extensions to tables on Shabbos, because it is normal to use it by adding or removing its leaves.

A) It does not involve *Tekiah*. B) One would not want to do *Tekiah*. C) It is attached and detached as part of its use.<sup>30</sup>

### Syringe:

*Rav Shlomo Zalman Auerbach* corresponded for many years with *Rav Yitzchok Weiss* (author of the *Minchas Yitzchok*) regarding the *Halacha* of attaching a needle to a syringe on Shabbos. In the 3<sup>rd</sup> volume of *SS"K*, 35:63, *Rav S. Z. Auerbach* contends that items

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<sup>29</sup> If great force and skill is needed to reinsert it, it might be *Tekiah* and *assur* to reinsert. However, it may still be *assur* because of *Tikum mana* unless it is still loose and likely to fall out again.

<sup>30</sup> The question is that this should be compared to the plasterer's brush, which is also made of detachable parts and there is a *Gezeira sheb'ma yitka*. *Rav Shlomo Zalman Auerbach* addresses this problem with regards to closing *Keilim*, both in the *Binyan Shabbos* and in the *Shulchan Shlomo*, and says that the brush becomes a new *Keili* every time, whereas in these cases it is only the **using** of the *Keili* and not the **making** of one. This will answer the case of adding leaves to a table as there too, one is making use of the extra space provided it is not like building a table.

which are attached for a brief period of time and will then be discarded, are not subject to the *issur* of *Boneh*. This is a whole new dimension of the parameters of *Boneh* as discussed there in detail.

### **Fastening a Screw**

The majority of *Poskim* hold that it is totally forbidden to erect or fasten items together using screws.

Broomsticks, eyeglasses, playpens (which are connected by nuts and bolts) fall in this category.

### **Cannot be Tightened**

Items which cannot be tightened such as plastic pieces which fit into each other or lenses in a plastic frame, may be fastened (*Hidduk*, not *Tekiah*) as there is no *Gezeira* lest one might come to do *Tekiah*.

Accordingly, travel-type playpens which are self-contained with interlocking parts and pegs, are also *muter* to be set up on *Shabbos* since they are manufactured in this manner, and they do not need adjustment, nor can they be adjusted.

### **Lids and Tops**

This type of screwing is permitted because it is intended for opening and closing and it is an integral part of its use. If it is taken apart for storage reasons etc., since for its use it does not require dismantling, the assembly is *assur*.

## Summary

- Whether there is an *issur Binyan* by *Keilim* when assembling a candelabra is a *machlokes* Beis Shammai and Beis Hillel. (*Beitz'a Daf 22a*)
- *Menorah shel chulyos* is *Muktze* since it can easily fall apart, and he may reconstruct it. (*Shabbos Daf 46a*)
- *Mitah shel Tarsiyim* was bed which had parts that were loosely connected to it. There is an opinion (RSB"G) that totally permits attaching it on Shabbos and there is another opinion that holds it is *assur mide'Oraissa*. (*Shabbos 47a*)
- *Kaneh shel sayadim* was an adjustable tool that was used for plastering and its extension handles were connected in varying lengths. They are not subject to *Boneh*. (*Ibid.*)
- There is a *machlokes* between Rav and Shmuel whether attaching a handle into a hammerhead is *Boneh* (Rav) or *Makeh Be'patish* (Shmuel).
- *Rashi* - *Boneh* does not apply to *Keilim* at all.
- *Ramban* - **making/building** a *Keili* from scratch is a transgression of *Boneh*.
- *Tosefos* (*Shabbos Daf 102b*) - *Boneh* concerns attaching **parts of Keilim**, when making a tight fit by using force and craftsmanship.
- There is a *machlokes* in the *Poskim* whether one may attach something using *Hidduk* (Level 2) onto something that is usually connected tightly.
- There is a distinction between screwing together parts that are used in that manner and screwing a lid onto a jar that needs to be opened once in a while in order to continue using the *Keili*.



## Review Questions

1. Is there *Binyan be'keilim* or not? Begin with the *Gemora* in *Beitz'a* and reconcile it with the other *Gemoras* according to the various *Rishonim*.
2. What are three methods of attaching parts to each other?
3. Is attaching loosely always permitted? (This would depend on the *Beis Yosef* and the *machlokes Shulchan Aruch HaRav* and *M"b* in the understanding of the *Tur* and *Maharam of Rottenburg*).
4. What is the *Ehya Raba's* explanation as to the difference between *Makeh Be'patish* and *Boneh*?
5. When is one permitted to loosely attach items together?
6. Which type of screwing is permitted?
7. Why is it permitted to screw a lid onto a mayonnaise jar?
8. According to the rules we have learned, is it permitted to attach the lining of a coat using the zipper or buttons?
9. What is the difference between assembling the bed mentioned in the *Gemora*, which involves an *issur de'Oraissa*, and tops and lids?

## Review Answers

1. *Rashi* learns that there is only *Makeh Be'patish* but no *Boneh*, and other *Risbonim* learn that making a *Keili* from scratch involves *Boneh* but assembling a *Keili* that has come apart is not *Boneh*.
2. *Tekiah*, *Hidduk* and *Rafui*.
3. See the section entitled Normally Loose.
4. The *Elya Raba* says that the practical difference between *Makeh Be'patish* and *Boneh* is that for the former it is sufficient to fashion a *Keili* in a way that the parts adhere to each other, but for *Boneh* one has to use force and craftsmanship.
5. When it is normal to leave them loosely attached.
6. The type that attaches parts of a *Keili* temporarily, such as baby bottles, saltshakers etc.
7. We do not see it as an act of completing a *Keili* since its normal use is to occasionally open and close it.
8. Being that the lining is removed at the beginning of the spring, and it is normal to attach it to the coat and remove it, it is not seen as “finishing” a product and it is *muter*.
9. Taking the bed apart is not necessary for its use and therefore its assembly is considered making a *Keili*. In contrast, fastening a lid is only temporary because it must be opened as part of its normal use, and therefore closing it is not the final stage in its completion.