

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

**This shiur is dedicated *le-zekher nishmot* Amelia Ray and Morris Ray
on the occasion of their tenth *yahrtzeits*
by their children Patti Ray and Allen Ray**

**Shiur #07: The *Melakha* of *Makeh Be-Patish*
(Completing a Manufacturing Process)**

One of the most intriguing *melakhot* is the act of *makeh be-patish*, “striking with a hammer.” It is typically associated with activities performed at the end of a manufacturing process to **complete** the manufacture. In this *shiur*, we will explore the nature of this prohibition.

The *gemara* in *Shabbat* (75b) asserts that any activity that completes the manufacture of an item is prohibited as *makeh be-patish*. Earlier, the *gemara* provides a classic example: blowing a glass utensil violates *makeh be-patish*, as it is the final stage of manufacture. Another *gemara* (*Shabbat* 47a) provides an additional example: tight assembly of a retractable bed (*mita shel tarsi'im*) would also violate *makeh be-patish*, since it completes the assembly, and by extension the creation, of this bed. Rashi (*Shabbat* 102b) appears to take this position when he presents the following scenario as an example of *makeh be-patish*: during excavation, the final strike that loosens the boulder from a mountain is considered *makeh be-patish*. Since the final strike completed the excavation process, *makeh be-patish* has been violated.

An interesting alternative emerges from a discussion of the *melakha* of *kotev*, writing (*Shabbat* 103b). Typically, this *melakha* is only violated if a minimum of two letters are written. However, if a person writes one letter that completes a book, he violates the *melakha* of *kotev* despite only writing one letter. The Mei'ri (103b) poses an interesting question: by completing the book, shouldn't this person also violate *makeh be-patish*? He cites an answer (in the name of “*Yesh omerim*”) that activities which complete manufacture processing are not considered *makeh be-patish*. *Makeh be-patish* prohibits activities typically performed at the **latter** stages of a manufacture process, such as removing imperfections from a garment or applying imagery to pottery, but the final stage of the actual manufacturing process **itself** cannot be forbidden.

This position frames *makeh be-patish* in a very different fashion. Above, we defined *makeh be-patish* as completing the manufacture process. This position defines *makeh be-patish* as peripheral activities associated with

the conclusion of manufacture, but not the **completion itself**. By definition, any act that completes a manufacture process is **not** defined as *makeh be-patish*.

To summarize, the question is: Is *makeh be-patish* defined as completing a manufacture process, or does it prohibit secondary activities that normally coincide with the conclusion of a process but are peripheral to its conclusion?

This issue of the chronology of *makeh be-patish* may have already been debated by the *Tanna'im*. R. Shimon ben Gamliel asserts that banging a hammer on an anvil would constitute *makeh be-patish* (*Shabbat* 103b). Most assume that since striking the anvil does not affect the actual metal being crafted, this is not a classic example of *makeh be-patish*, but rather only represents a minority opinion of R. Shimon ben Gamliel. However, Rashi (*Shabbat* 73a) describes this hammer scenario as a violation of *makeh be-patish* even according to the *Chakhamim* – but with a significant difference. R. Shimon ben Gamliel prohibited striking the anvil at **any** stage of the crafting; striking a hammer to level it or remove imperfections is a **necessary** subsidiary of any manufacture process and is forbidden at **any** stage. Evidently, he viewed *makeh be-patish* as prohibiting any peripheral activities associated with and necessary for manufacture, regardless of when they are performed. By contrast, the *Chakhamim* viewed *makeh be-patish* as **completing** the manufacture process or absolutely vital toward its completion. Only hammer leveling at the very **end** of the manufacture process would constitute a violation. The question of whether *makeh be-patish* prohibits completion of manufacture of peripheral activities was thus actually debated by R. Shimon ben Gamliel and the *Chakhamim* (at least according to Rashi's version of this *machloket*).

A related question would surround the possibility that the same action would violate a general Shabbat *melakha* **as well as** *makeh be-patish* simultaneously. The *gemara* (*Shabbat* 75b) describes a *makeh be-patish* violation for affixing an image onto a vessel. Rabbeinu Chananel claims that *makeh be-patish* is only violated if the emblem does not contain letters; if it does, *ketiva* would be violated, **and not** *makeh be-patish*. Apparently, the two violations cannot overlap. A similar issue emerges from Rashi (*Shabbat* 75b), who claims that a *mesatet*, someone who shaves and carves stones for construction, has violated *makeh be-patish*. Tosafot disagree, arguing that carving stones would be a violation of *mechatekh* (diminishing in size) or *memachek* (shaving off of smoothening material) and could not **also** violate *makeh be-patish*. Instead Tosafot explain the scenario of *mesatet* which violates *makeh be-patish* as making aesthetic engravings on the stones. Some claim (see the Chiddushei Ha-Ran) that Rashi claims that **one** activity – carving stones to size – can constitute **both** *makeh be-patish* and a general Shabbat violation (in this instance, *mechatekh*).

Logically, there **should** be room for overlap between *makeh be-patish* and general Shabbat *melakha*. If *makeh be-patish* is defined as accessory activities during manufacture, no exclusivity should exist. If those subsidiary

actions happen to also entail general Shabbat violations, two violations should occur. Presumably, the logic behind the principle of exclusivity – that *makeh be-patish* can only be violated if a different *melakha* is not – stems from a definition of *makeh be-patish* as the **conclusion** of a **process** of manufacture. If the conclusion of that specific manufacture process is subsumed under a different category of *melakha*, *makeh be-patish* has not been violated since the conclusion of the manufacture process entails a violation of a different Shabbat process.

Another interesting question surrounds the *shiur*, the minimum quantity, of *makeh be-patish*. The *gemara* (*Shabbat* 103) cites a dispute between R. Shimon, who requires an entire completed "element" for *makeh be-patish* violation, and the Rabbanan, who say that any installment is sufficient. For example, if only a fragment of an emblem was affixed to a vessel, R. Shimon would claim that no violation of *makeh be-patish* occurs, whereas the Rabbanan would consider this a violation.

Despite this simple reading, Rashi consistently asserts that partial activities are only considered *makeh be-patish* violations if the produced effect, though not final, is still **complete**. For example, affixing a partial emblem is only prohibited if the particular glass is suited for miniature emblems. Essentially, fragmented additions do not entail *makeh be-patish* violations, whereas complete but less than optimal additions are a violation. Similarly, Rashi (*Shabbat* 102b) comments that creating individual etches on stone violates *makeh be-patish* only if that etch will not be redone. Even though **all** the etches have not been completed, individual etches may be considered final and "completed." Finally and consistently, commenting on a *gemara* (*Shabbat* 103a) that discusses carving out a minuscule vessel of limited volume, Rashi claims that *makeh be-patish* is only violated if that volume is still used by **some** people for measuring or drinking.

It appears that Rashi's qualification is in line with his overall opinion of *makeh be-patish*. As the *issur* is defined as **completing** a process of manufacture, it can only be violated if some benchmark is completed. **Beginning** to etch on stone (when a second etch will be carved in the same location) or **commencing** an emblem (where no viable emblem has yet been carved) does not constitute the completion of stone preparation or of vessel manufacture. Presumably, those who claim that even partial creation is sufficient (as the simple reading of the *gemara* yields) would maintain that *makeh be-patish* entails activities surrounding the manufacture process. Even partial activities that do not affect the status of the item created entail a violation.