

YESHIVAT HAR ETZION
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TALMUDIC METHODOLOGY
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Shiur #13: The *Melakha* of *Boneh* (Construction)

The *mishna* (*Shabbat* 102b) describes the *melakha* of *boneh* (construction). Typically, this activity is associated with the actual construction of buildings. However, the *gemarot* cite several instances in which actual constructions are not produced. In this *shiur*, we will explore the nature of this *melakha*.

Surprisingly, the *gemara* (95a) prohibits cheese curdling as a form of *boneh*, even though no land-based edifice is produced. As the Rambam asserts, **any** attempt to combine or fuse separate particles violates the *melakha* of *boneh*. Standard construction includes melding and merging; by extension any act of joining or amalgamating separate elements similarly violates *boneh*. Interestingly, several *Rishonim* maintain that the application of *boneh* to cheese making is disputed between R. Eliezer and the *Chakhamim* (95a), who do not envision this as *boneh*. Apparently, according to these *Rishonim*, the *melakha* of *boneh* only prohibits actual structure development, and cheese making would not qualify as such.

Several *gemarot* discuss aspects of construction that may not include fusion or union of separate materials. If these situations are deemed *boneh*, it could indicate that the *melakha* is defined as creating structures, and not as fusing materials.

The *mishna* (102b) describes an act known as *metzaded*, and the *gemara* identifies this as laying the bottom stones of a wall. Rashi traces this violation to *boneh*, whereas the Rambam and Rabbenu Chananel deny *boneh* applicability, attributing the *issur* to *makeh be-patish*. It is possible that they were debating this issue. Typically, the bottom stone is laid without cement or mortar integrating it with other stones or bricks. It is vital to the construction of the building, but it does not entail any fusion of materials. If the *melakha* of *boneh* requires fusion of materials, this may not constitute a *boneh* violation. Of note is the *shita* of the Remach (cited by the Kessef Mishna, *Hilkhos Shabbat* 10:18), who prohibits laying the bottom row as *boneh*, but only if extra stones and dirt were gathered to brace this bottom row. Perhaps he viewed *boneh* as fusion, such that the *melakha* is executed only if pebbles and dirt are employed to fasten the bottom row.

A similar question may be posed about stones on the top row, which according to the *gemara* were often positioned without mortar, relying on gravity to keep the stones in place. The *beraita* presents R. Yossi as

prohibiting this isolated act as *boneh*, even though the top row stones are not being secured to the other rows. From the Bavli, it is unclear as to whether the *Chakhamim* accept this classification, but the Yerushalmi makes it patently clear that the *Chakhamim* disagree and base their disagreement upon the absence of any fusion of material. Evidently the *Chakhamim* and R. Yossi debated this very issue – whether *boneh* entails construction or union of materials. If mere construction is sufficient, laying the top row stones (held in place by gravity) would constitute *boneh*; if fusion of materials is necessary, rows of bricks positioned without mortar would be permissible.

A second scenario of construction without fusion may emerge from the case of *mesatet* (102b), stone manufacture and outfitting. Rav prohibits this as *boneh*, whereas Shmuel denies *boneh* applicability. Since the stone outfitting is performed without any fusing and before the stage during which fusion occurs, *boneh* cannot apply. (See the Rid, who claims that Shmuel denies *boneh* for activities performed with items that are *talush*.) By defining stone shaping as *boneh*, Rav may be accenting construction as the core of the *boneh* prohibition. Any activity typically associated with construction is prohibited as *boneh*, even if performed without any fusion of materials.

Similar logic may drive a second *machloket* between Rav and Shmuel about locking in a module of a hoe or a pick. Rav bans this as *boneh*, whereas Shmuel does not. Leaving aside for a moment the question of *boneh* applicability for portable items, why shouldn't *boneh* apply? Again, the Rid justifies Shmuel's denial of *boneh* based on the fact that no fusion of material has occurred. By simply sliding a locking mechanism into place, no previously separate materials have been bonded. In the absence of this bonding, *boneh* is not violated. Shmuel consistently views *boneh* as integration of material and denies *boneh* in two separate instances of construction without this fusion: carving stones and fastening components of utensils.

Perhaps the definition of *boneh* also impacts a different dispute between Rav and Shmuel about hollowing out a hole in a sealed container meant to house animals. The hole will allow aeration of the container, rendering it usable, and Rav therefore considers this a violation of *boneh*. Without providing any rationale, Shmuel argues and denies any *boneh* violation (choosing instead to prohibit this based on *makeh be-patish*). Tosafot claims that *boneh* would not apply because this hole allows foul air to exit the container but is not outfitted for entry. As such, it does not resemble a doorway, which typically facilitates **exit and entry**. Essentially, *boneh* only applies to activities that produce **conventional architectural** results. Presumably, Shmuel believes that *boneh* is not merely assembly-related activity, but classic construction; he denies *boneh* for activities that produce elements unassociated with construction. Tosafot's reading of Shmuel would then be discrepant with that of the Ri, who claims that Shmuel cast *boneh* as assembling different items, and therefore denied *boneh* in the case of fastening a lock on a shovel.

If indeed *boneh* entails integration of separate items, it may not apply to situations in which items were attached but not fully merged or integrated.

The *gemara* cites a *machloket* between R. Eliezer and the *Chakhamim* about braiding hair. R. Avahu (*Shabbat* 94b) understood that they were debating the applicability of *boneh* to braiding hair, with R. Eliezer prohibiting this activity and the *Chakhamim* permitting. Perhaps the *Chakhamim* could not consider this process as *boneh* because the hairs are twisted together, but not physically or chemically integrated (as the materials are through the process of curdling cheese).

Finally this question – whether *boneh* entails construction related activities or only assembling items – may explain an interesting debate about sweeping a floor. The Ramban (*Milchamot Hashem, Shabbat* 94b) writes that sweeping a floor would be considered *boneh*, even independent of filling holes in the ground. The very act of sweeping a floor and improving the leveling of the ground (or moistening it to prevent swirling dust) constitutes a violation of *boneh*. Clearly, no assembly of separate elements has occurred. The only way to prohibit this activity as *boneh* would be to cast the *boneh* prohibition as construction related. Of course, the Ramban's position is still surprising, as sweeping a floor is not inherent to construction! However, the only manner of understanding the Ramban is to cast *boneh* as related to construction and upkeep of edifices even in the absence of integration of separate building materials.