

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

Shiur #01: The *Melakha* of *Kosheir*

The *melakha* of *kosheir* is loosely defined as fastening two items through use of a "tying material," such as a rope. The examples cited by the *gemara* in *Shabbat* (112-113) include fastening animals to stalls, boats to piers, and buckets to wells. In this *shiur*, we will assess the nature of the *melakha*.

Presumably, the prohibition entails fastening two items together. Accordingly, the **type** of knot is less significant than the **solidity** of the fastening. If so, this *melakha* would be very similar to the *melakha* of *tofer*, which prohibits weaving garments and, by extension, any other form of fusing two items. Many question the difference between these two *melakhot*. Some claim that *kosheir* applies when the fastening can be easily reversed (by untying the knot, itself forbidden on Shabbat as the *melakha* of *matir*), whereas reversing the effect of *tofer* would demand destroying the newly fused item.

If this basic definition were true, the only parameter governing the prohibition should be the **strength** of the knot. In fact, the *gemara* in *Shabbat* (74b) indicates that the prohibition is dependent upon this strength – or, as the *gemara* terms it, the level of *kesher shel kayama* (permanence) that was generated. Many *Rishonim* (including Rashi and Tosafot) claim that this variable **alone** determines whether a knot is Biblically forbidden, Rabbinically forbidden, or completely permissible.

However, another *gemara* in *Shabbat* (112a) appears to differentiate between knots fastened by ordinary people and those made by professional tradesmen (*ma'aseh uman*). Many *Rishonim* (Rabbenu Chananel, the Rif, and the Rambam) claim that a knot is only Biblically forbidden if it is professionally manufactured **and** will last for an extended period. Evidently, these *Rishonim* defined the prohibition very differently from our original assertion. *Kosheir* is not merely **fastening** two items through a rope or the like. The very **act** of creating a "**knot**" for any reason is forbidden. Although knots are typically employed for fastening, that is not always the case. A knot also prevents something from unwinding, creates tautness in a rope, and can serve multiple other functions. In fact, a knot does not actually fasten to an item; it merely prevents a rope from slipping through a ring or hook. In reality, the item is fastened to the ring. According to these *Rishonim*, creating a formal knot is forbidden, and only professional knots are Biblically prohibited.

Even Rashi and Tosafot – who claimed that the knot's strength is the only determinant – may agree that the *melakha* is not defined as fastening two items, but rather as creating a knot. Nevertheless, they did not employ the variable of *ma'aseh uman*, the level of professional manufacture, to determine the identity of a knot. Only its long-term durability determines the identity of the knot and the level of the prohibition.

This approach to *kosheir* which views the *melakha* as crating a knot and not merely fastening items appears to underwrite an interesting statement of the Mordechai in the beginning of *Chullin*. He claims that tying the knot of *tefillin* would be prohibited on Shabbat even according to the opinion that the knot should be re-crafted on a daily basis (see Rabbenu Eliyahu in Tosafot, *Menachot* 36a). Even though the *tefillin* knot is not a *kesher shel kayama* (since it is recrafted daily), it is still forbidden to create it on Shabbat because the Torah refers to this knot as a "*kesher*." Why should the Torah's formal designation of *tefillin* as a *kesher* prohibit a knot that is only temporary? If the *melakha* of *kosheir* is defined solely as fastening, the formal nomenclature should be irrelevant. If, however, the prohibition is defined as manufacturing a "knot," the formal designation **is** relevant. Common knots are defined solely based on their durability, or, possibly on whether they are professional knots. Torah-recognized knots that possess halakhic function are considered formal knots even if temporary.

This question likely affects whether the prohibition includes knots that do not actually fasten two items. Would tying a string or rope together be a violation of this *melakha*? The Avnei Nezer (180:1) addresses this issue and attempts to prove that it **does** violate the prohibition based on a *gemara* in *Eiruvim* that applies the prohibition to tying various parts of a *tefillin* strap into a knot. Presumably if *kosheir* applies to tying two ends of a rope together the essence of the *melakha* isn't fastening; nothing is being connected or fused.

Even if *kosheir* forbids this scenario, it may still be defined as an act of fastening; the strip of leather or rope is still being fastened by tying its two loose ends together! What about crafting a knot on the edge of a string or rope? Would that violate *kosheir*? In this instance absolutely nothing is being fastened, but a **knot** is still being fashioned. The Yerei'im (274) prohibits this as *kosheir*, whereas the Ohr Samei'ach claims that no prohibition is violated unless two separate items are fastened together. This debate may reflect two very different versions of the prohibition of *kosheir*.

Admittedly this question may also have been debated by the *Tanna'im* in two different disputes. R. Meir and the Rabbanan (*Shabbat* 111) debate whether a knot that can be undone with one hand is prohibited. Presumably, the debate surrounds a robust and durable knot (possibly even a professionally manufactured one) that can be released with one hand. If left undisturbed, the knot may last permanently, yet the ability to release it one-handedly renders it permissible according to R. Meir. Perhaps R. Meir claimed that the *issur* is defined as creating a formal knot, and by definition a knot that can be released so easily is not considered a *kesher*. Of course, the Rabbanan, who disputed this claim and prohibited even these forms of knots,

may have also defined the prohibition as creating a formal knot, but they insisted that the definition of a formal knot is based on durability and possibly professional crafting, and not the ease of releasing it.

Among those who disagreed with R. Meir and prohibited even knots that can be released with one-hand, a secondary debate ensued about the status of a bow. It is not clear what type of bow is under discussion, but it is clearly not a double knot or a professionally designed knot. R. Yehuda claimed that bows are Biblically forbidden, whereas the Rabbanan claimed that they are not. It is possible that the Rabbanan maintained that a bow – although durable and strong – does not reflect the classic features of a knot and is therefore not Biblically forbidden. R. Yehuda, in contrast, may have dispensed with formal concerns, defining the prohibition in purely practical terms – any strong and durable fastening mechanism is forbidden.