

פרק שנים-עשר – הבונה Introduction to

We have thoroughly explored issues related to carrying and now the משנה focuses on the remainder of the מלאכות – identifying, as we did for הוצאה, the minimum שעור for liability. This short פרק will explore בנין and חרישה and related אבות but most of the focus will be on כתיבה.

2.12.1

102b (משנה א) → 103a (דקעביד בארעא דחבריה)

- I. בנין of שיעורים – all are "כל שהוא" (no minimum – חייב for the least amount)
- a. variations: includes building, chiseling stone, striking with a hammer or with an axe, drilling a hole
 - i. note: chiseling stone is liable for בונה (רב) or for מכה בפטיש (שמואל)
 1. and: drilling an air-vent in a chicken coop is בונה (רב) or מכה בפטיש (שמואל)
 2. and: plugging a handle into the socket of a shovel is בונה (רב) or מכה בפטיש (שמואל)
 - a. justification: if we only had 1st dispute, א"סד"א that רב would agree that #2 is מכה בפטיש – not "בנין"
 - b. and: if we only had 2nd dispute, א"סד"א that רב holds that an airvent is בנין דרך, but not the 3rd – קמ"ל
 - c. and: if we only had 3rd dispute, א"סד"א that שמואל only holds מכה בפטיש there, per above – קמ"ל
 - ii. question (asked of ר' יוחנן): what is אב of chiseling?
 1. Answer (which he pantomimed): מכה בפטיש
 - a. Challenge: משנה lists מסתת and מכה בפטיש
 - b. Answer: read "מסתת – מכה בפטיש" (i.e. definition)
 - iii. Drilling: only רב fits with משנה; to שמואל, it isn't מכה בפטיש, as he hasn't completed מלאכה
 1. Defense: case where he leaves drill bit in hold (to plug hole)
 - b. rule: any מלאכה done which remains "as is" on שבת – liable
 - i. including: a case where he hollowed out a small area within a piece of wood fit for more
 - c. דש"ג adds striking the anvil with a hammer – it is a תיקון
 - i. Reason (דבה ורב יוסף): he is training his hands for work
 1. Challenge: if he observed an artisan and learned what to do – would he be חייב?
 - ii. Rather (אבני רבא): those who would hammer out small pieces of metal for משכן would do so (ברייתא corroborates)
- II. Significance of negligent size ("כל שהוא") for בנין
- a. ד' ירמיה a poor man digs a small hole to bury his coins
 - i. Parallel in משכן: stitchers of curtains would bury their needles
 - ii. Challenge (אבני): that causes them to rust → they don't bury them
 - b. אבני: poor man makes tiny legs for a small כירה
 - i. Parallel in משכן: if they didn't make enough dye for curtains, they would make a small כירה for that
 - ii. Challenge (אחא בר יעקב): there is no sign of poverty in the place of splendor (משכן)
 - c. ד' אחא בר יעקב a person will seal up the smallest hole in his house
 - i. Parallel: if a קרש had a worm(hole), they would seal it with a small piece of lead
- III. שמואל's ruling about laying down building stones – if he sets it in place he is liable for בנין
- a. Challenge: ברייתא – if one puts down the stone and the other puts the mortar – the latter is חייב
 - b. Counter: (ibid) יוסי ר' maintains that even if he put a stone on top of a frame of stones – חייב (without צידוד)
 - i. Rather: there are 3 levels; at foundation, צידוד needed; at middle levels – mortar; and on top – just placing
- IV. חורש and related מלאכות – no minimal amount for liability ("כל שהוא")
- a. Related מלאכות: weeding, trimming tree, cutting off little shoots
 - b. Collecting wood: if to help tree – כל שהוא; if for fire – enough to cook "light" egg
 - c. Collecting grass: if to improve land – כל שהוא; if for food – enough to fill goat-kid's mouth
- V. Discussion
- a. Value of negligible plowing: for one gourd – parallel in משכן – it is fit for one stalk of dye-plant
 - b. ברייתא: if he uproots endives or trims shoots; if for eating – שעור; כגורגרת is שעור; to feed to an animal – שעור is one full goat-kid's mouth; for fuel – enough to cook a "light" egg and if to beautify the land – כל שהוא
 1. Challenge: all of these beautify the field
 2. Answer 1 (דבה ורב יוסף): context is a marsh (no קרקע)
 3. Answer 2 (אבני): even in a regular field – as long as his intent isn't to beautify land
 - a. Challenge: רבא and אבני hold that ר"ש agrees in a case of פסיק רישיה that אסור that דבר שאינו מתכוין אסור
 - b. Defense: case may be where he is working in another's field – no interest in קרקע