



## Knot on Shabbos: Introduction to *Melechtes Kosheir* (Part 1)

*Kosheir* – tying a knot – is one of the thirty-nine *Melachos* of Shabbos and most of its Halachos are concentrated in *Perek v'Eilu K'sharim* (15) in *Maseches Shabbos*.<sup>1</sup> Forming certain types of knots violates an *Issur d'Oraisa*, others may only be a contravention of *Issurei d'Rabbanan* and are *Patur Aval Asur*, and still others are entirely permissible<sup>2</sup>. In this series of essays, we will examine what constitutes a *Kesher* (a knot), forms of attachment that are not considered a *Kesher*, and when one can consider a *Kesher* to be temporary – a "*Kesher l'Zman*". This essay will focus primarily on the *Sugya* and future essays will examine practical ramifications.

We will also examine several contemporary cases for features of *Melechtes Kosheir*. These include cable ties, patient identification bracelets and tags, and twist ties for plastic bags. Does the strong attachment using these items mean that their use is a violation of *Melechtes Kosheir*, or does the absence of an actual knot mean that they cannot be classified under the banner of this *Melacha*? From the physician's perspective, questions of *Melechtes Kosheir* most commonly arise in the context of suturing wounds<sup>3</sup>.

### The Essence of *Melechtes Kosheir*

Is the definition of *Melechtes Kosheir* that it is forbidden to create a "*Chibur*" (an attachment), or is it that it is forbidden to create a "*Kesher*" (a knot)? In other words, is the *Melacha* defined as attaching two separate and distinct items (such as two strings, or the two ends of a string), or would a person even be liable for forming a knot that does not tie two things together, such as a single knot on a string?

A related question arises with regard to the manner in which a knotted attachment is undone. If two things are usually detached by tearing them apart rather than untying the knot, does the fact that the *Chibur* of the two items is impermanent also mean that the *Kesher*

<sup>1</sup> As opposed to other *Melachos*, whose *Dinim* are spread across the entirety of *Maseches Shabbos*.

<sup>2</sup> Tying certain types of knots is permissible because knotting something is often just a form of "*Shimush*" (usage) and not a creative or productive act. Therefore, creating an impermanent knot is not a *Melacha* at all (see *Shabbos* 74b). However, with regard to other *Melachos*, it is forbidden even to create something temporary (as long as it is significant) as other *Melachos* are inherently creative and do not resemble "*Shimush*". See our previous essays regarding *Melechtes Tofeir*.

<sup>3</sup> See our previous essays on *Melechtes Tofeir* for a discussion of whether suturing wounds on Shabbos is a violation of *Melechtes Tofeir*.



should be considered impermanent, or is the *Kesher* considered to be permanent given that it remains in place even after the *Chibur* is detached?

The *Rema* (O.C. 317:1) cites the *Semag* who rules that it is forbidden to tie a knot in a single string, as a knot of this sort does not come apart. This implies that the definition of *Kosheir* is the creation of a *Kesher* rather than the creation of a *Chibur*.

However, Rav Nisim Karelitz *zt"l* (*Chut Shani*) contends that the *Semag's* ruling only applies to a string which is made up of several, intertwined threads and where the knot is designed to prevent the threads from coming apart (like the knots that some make at the end of woolen *Tzitzis* strings). One would not be liable merely for forming a knot in a single thread.

One could perhaps challenge Rav Karelitz' position from the Gemara in *Shabbos* (112a) that rules that one is liable for creating a *Kishra d'Ushpechi*. *Rashi* explains that this was a knot made on a shoelace to prevent it from slipping out of the shoe. Assumedly, this knot did not serve to join two parts of the lace together, and it was nevertheless prohibited since it prevented the lace from becoming detached from this shoe. The same is implied by the *Mordechai* (*Shabbos*, 386).

In fact, this would also seem to be the logical position. In all likelihood a person violates the *Melacha* of *Kosheir* by dint of the fact that he created a *Kesher*, provided that the *Kesher* is both beneficial and significant. Consequently, just as a person may not form a *Kesher* that ties two things to one another (as the outcome is beneficial), he may also not tie a knot that prevents his shoelace from escaping his shoe. It is only when a knot will provide no benefit whatsoever (such as a knot in a single piece of string), that tying it does not constitute a *Melacha*.<sup>4</sup>

If we are correct in our assertion that *Melechtes Kosheir* is defined as the creation of a knot, it would follow that a *Kesher* that is usually torn apart (rather than untied) should be considered a permanent knot since it will never be untied. However, *Rashi* implies otherwise. Based on the Gemara in *Shabbos* (157b), *Rashi* explains that it is permissible to make a knot in a material that will come apart of its own accord despite the fact that the knot itself may not necessarily come apart. This indicates that the essence of the *Melacha* is

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<sup>4</sup> An alternative explanation as to why *Kishra d'Ushpechi* was forbidden is that the knot in the lace could be considered to be attaching the lace to the shoe. (However, one is liable for tying the knot in the lace even before it is inserted in the shoe. See the *Mirkeves haMishna*, *Shabbos* 10.)



the creation of a *Chibur*, which is why one does not violate the *Melacha* when the *Chibur* will not last.

Perhaps a *Kesher* that is not designed to bring about a permanent attachment cannot be considered a permanent *Kesher*, even if the knot itself will remain intact for good. Rav Shlomo Zalman Auerbach *zt"l* (cited in *Shemiras Shabbos Kehilchasa* 35, footnote 67) makes this argument regarding a *Kesher* that is made in an item that will ultimately be discarded. We can certainly extend the same logic to something that a person will actually tear apart at a later date.

To summarize: The most straightforward definition of *Meleches Kosheir* is that “it is forbidden to create a knot.” However, that knot must serve a purpose. If it will be untied, then the action of the *Melacha* will ultimately be reversed and the knot cannot be considered to be permanent.

It follows that *Meleches Kosheir* is a *Melacha* where the purpose is an inseparable element of the *Melacha*, and without accomplishing that purpose, a person cannot be liable at all (see *Tosfos, Shabbos 73b s.v. v'Tzarich l'Eitzim*).

### **The Difference Between *Tofeir* and *Kosheir***

Rav Moshe Feinstein *zt"l* (*Igros Moshe, O.C. 2:84*) explains that the difference between the *Melachos* of *Kosheir* and *Tofeir* is that it is possible to undo the product of a *Chibur* made by means of *Meleches Kosheir* but not one made by means of *Meleches Tofeir*. The creation of a *Chibur* that cannot be undone is only a violation of *Meleches Tofeir*.

However, this doesn't appear to be a logical distinction. If a person makes a complex knot that cannot be undone, why shouldn't that be *Meleches Kosheir*? On the contrary, as stated earlier, the Gemara tells us explicitly that the *Melacha d'Oraisa* of *Kosheir* is specifically when forming a permanent knot – how can we suggest that a knot that cannot be undone is considered *Tefira* but not a *Kesher*? In addition, *Tefira* itself can often be undone!

An alternative approach is offered by both Rav Shlomo Zalman Auerbach *zt"l* (*Minchas Shlomo 2:3*) and Rav Nissim Karelitz *zt"l* (*Chut Shani 34, p217*). They contend that *Meleches Tofeir* is characterized by the attachment of two items so that they become one, whereas *Meleches Kosheir* is defined by the type of knot that is formed. If the knot will be permanent and never undone, it would be considered a *Melacha*; if it is intended to be



undone, it is considered "*Shimush*" (usage of the items – e.g. fastening an item of clothing), not a creative act that could be deemed a *Melacha*.

A *Nafka Mina* between these approaches is the use of cable ties on Shabbos to attach two items together. From the perspective of the attachment, there seems to be no reason to say that a *Kesher* is only formed by looping one thread over another, and even soldering or welding could be considered a *Tolda* of *Kosheir*. However, in terms of the "knot", since the cable ties cannot be undone, it would not meet the definition of a *Kesher* according to Rav Moshe *zt"l*. However, according to Rav Shlomo Zalman and Rav Karelitz *zt"l*, since this does not actually attach the two items together but merely ties them together, it would be considered *Kosheir*.

### What Constitutes a Permanent Knot (a "*Kesher Shel Kayama*")?

There are three types of knots that discussed with regard to *Melechtes Kosheir*. The *Mishna* describes the two extremes. The most stringent case is that of a "*Kesher Sapanin v'haGemalin*" – knots commonly made by sailors or camel drivers. The most lenient case is that of a knot made to fasten clothes, which is permissible. The middle case (an "intermediate knot" which is forbidden but for which one isn't liable – "*Patur Aval Asur*") is described by the *Gemara* as a knot employed when fastening a long strap to the ring in the nose of a camel or when fastening a rope to the bow of a boat. This knot is considered temporary relative to those of sailors or camel drivers, but more permanent than those made to fasten garments.

The *Gemara* (*ibid.* 113a) also cites a dispute as to whether a bow is considered to be a *Kesher* or not. The Halacha is that it does not constitute a *Kesher* and may therefore be tied on Shabbos. Perhaps this Halacha is the basis to permit other types of attachment that are not regular knots.

There are three opinions among the *Rishonim* as to the definition of a *Kesher Shel Kayama*:

1. *Rashi* and other *Rishonim* (listed by the *Mishna Berura* in his introduction to *Siman* 317) explain that a *Kesher Shel Kayama* is defined solely by the length of time that it will last. *Rashi's* example of a *Kesher Shel Kayama* is the type of knots made in the threads of the coverings of the *Mishkan*(the "*Yerios*") that were never undone. If a knot is not permanent, one would not be liable for tying it on Shabbos. Furthermore, it is permissible to form a knot that is intended to be untied that same day.



According to these *Rishonim*, the *Melacha* of Kosheir is unlike other *Melachos d'Oraisa* that are not defined by the permanence of their results. Furthermore, it should be obvious that even these *Rishonim* would agree that a knot that will never be untied but will disintegrate over time is still considered a *Kesher Shel Kayama*. "Permanent" only means that the knot will last for the duration of the life of the garment or thread. However, if a knot is made in a thread that is designed to dissolve, it would not be considered permanent as it is only intended to be temporary).

2. The *Rif* and the *Rambam* hold that there are two criteria required in order to be considered a *Kesher Shel Kayama*. The first the type of knot – is it an expert knot (a "*Kesher Uman*") or not? The second is the lifespan of the knot – will it remain permanently in place? If it is both an expert and permanent knot, one is liable for forming it on Shabbos. If neither criterion is met, it is permissible to tie it on Shabbos. If only one condition is in place, it is *Patur Aval Asur* (i.e., forbidden to tie on Shabbos but one would not be liable if he did).

3. The *Shiltei Giborim* (*Shabbos Perek 15, 1*) deduces from the *Rif* that any extremely tight knot is considered a permanent knot. Therefore, a double knot is considered a "*Kesher Uman*" as the definition of *Kesher Uman* is not the expertise required to tie the knot but the strength of the knot itself. In fact, the *Rema* (beginning of *Siman 317*) rules that one is liable for tying a knot in a single string as that type of knot is usually very tight. This also appears to be the position of the *Mishna Berura* throughout the *Siman*.

This dispute also impacts the definition of an "intermediate knot" that is *Patur Aval Asur*. According to *Rashi*, any knot that will remain in place for an intermediate amount of time is an *Issur d'Rabbanan*. The *Rema* (*O.C. 317:1*) cites a dispute regarding how short the (intended) lifespan of a knot needs to be in order to be entirely permissible. Some hold that only a knot that would usually be untied on the same day can be tied on Shabbos, but anything intended to remain longer would be *Patur Aval Asur*. Others contend that as long as it will be untied within a week it is permissible to tie on Shabbos.

Perhaps this dispute is based on two different understandings of why a temporary knot is permissible. According to the first opinion, it is permissible to tie a knot that is defined as an act of "*Shimush*" and has no permanence at all. According to the second opinion, only a temporary knot is permissible, and as people commonly leave their clothes fastened for up to a week, such knots are considered temporary.



According to the Rambam and Rif, there are two knots that fall into the intermediate category: 1. An impermanent *Kesher Uman*. 2. A permanent but non-expert knot.

The *Shiltei Giborim* follows the opinion of the Rif (and Rambam), but adds a stringency. He holds that any double knot is considered a *Kesher Uman*. Therefore, even if one forms a temporary double knot, it would still be an *Issur d'Rabbanan*.

The latter *Rishonim* do not say how long a knot must last to be considered permanent, and it is not clear whether they would follow the opinion of *Rashi* and require that it be tied permanently to be an *Issur d'Oraisa* or that anything beyond immediate would be considered a *Kesher Shel Kayama*. However, the *Poskim* do not appear to distinguish between the *Rishonim* in this regard, and any knot that will not remain permanently in place will not be an *Issur d'Oraisa*, even if it is a *Kesher Uman*.<sup>5</sup>

The *Beis Yosef* concludes that a knot that will remain in place longer than a week is considered permanent and an *Issur d'Oraisa*. However, the *Mishna Berura* does not cite this and rules that there is only an *Issur d'Oraisa* if the knot is actually permanent. In fact, the source of their respective rulings is a comment of *Rabbenu Peretz*, cited by the *Ravya*, and as noted there, *Rabbenu Peretz* only uses the words "*Kesher Shel Kayama*" and does not actually define what this means. Moreover, as the *Rema* cites this very same expression ("*Kesher Shel Kayama*") in the context of *Issurei d'Rabbanan*, it cannot be said that it certainly refers to an *Issur d'Oraisa*.

The *Biur Halacha* (317:4 s.v. *sheEinam Kevuim*) adduces proof from the *Magid Mishna* in the name of *Tosfos* who note that the *Rishonim* were accustomed to tying a bucket to a rope to lower into a well as they did not consider it to be a *Kesher Shel Kayama* as the bucket would often be removed. This proves that the knot needn't be untied on the same day in order to be considered temporary, as long as it won't remain in place for an extended period. The *Biur Halacha* therefore rules that, where necessary, one may rely on this position. Rav Ovadia Yosef *zt"l* held that *Sefardim* may even rely on this position and may tie knots intended to last up to a week *l'Chatchila*.

### **A Permanent Knot – The Source in the *Mishkan***

We have seen that according to *Rashi* one is only liable for *Melechtes Kosheir* when forming a knot that is truly permanent.<sup>6</sup>

<sup>5</sup> See *Sefer Minchas Ish* (15:7).

<sup>6</sup> The *Acharonim* discuss whether this depends on the intention of the person tying the knot, and therefore, if he does not intend for the knot to remain in place permanently then it is not considered a *Kesher Shel Kayama*,



The Gemara (*Shabbos 74b*) asserts that the source of *Meleches Kosheir* cannot be the fact that they would tie the sides of the *Mishkan* to pegs in the ground, as those knots were to be untied each time the *Mishkan* was dismantled. Rather, the source of the prohibition is the tying of the threads of the *Mishkan's* covers (the "*Yerios*"), and those knots were permanent. This indicates that if one ties a knot but plans to untie it in the near future, it is not considered a *Kesher*. The *Acharonim* discuss at length whether this idea can be applied to all of the 39 *Melachos* or whether it is particular to *Meleches Kosheir*.

It is also clear from the Gemara that tying knots made in fishing nets also contravenes *Meleches Kosheir* even though they will be untied when the ropes are changed. This is because the knots would remain in place indefinitely until they are deliberately untied.

*To be continued...*

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or whether it depends on how long this type of knot commonly remains in place. (In fact, according to the *Beis Meir*, there needs to be a reason why this particular knot will certainly be untied in order not to be considered a *Kesher Shel Kayama*.)