

HALOCHOSCOPE

This week's question:

May one give children bendable-dolls that bend into different shapes, to play with them on *Shabbos*? Assuming it is permitted, may an adult bend it back into shape for the child?

The issues:

- A) The *melachos* of *boneh*, *sosair*, *makeh bepatish* and *tikun kli*, building, demolishing finishing touches and repairing, and how they apply to utensils**
- B) *Derech tashmishan*, when the normal use involves assembling and dismantling**
- C) Children and adults regarding *Shabbos* issues**

A) *Boneh*, *sosair*, *makeh bepatish* and *tikun kli*

Boneh is the Scriptural *melacha* of building a structure. *Sosair* is the *melacha* of demolishing the same structure. To be liable, one must have demolished it to further the general cause of the building, so that it is constructive activity. *Makeh bepatish*, literally banging with a hammer, refers to finishing a metal pot. After having fashioned the general shape, the kinks are beaten out with a hammer. This is also a Scriptural *melacha*. *Tikun kli* refers to making repairs to a utensil. Usually, this is a Rabbinical extension of *makeh bepatish*. Sometimes it is Scripturally included. *Nireh kimesaken*, the appearance of fixing, is an extension of *tikun kli*. This applies when the item is readily usable without the activity done to 'fix' it. The activity might be done to permit its use *halachically*, but effects no visible physical improvement. It might actually cause a physical improvement that is nonetheless really unnecessary.

Constructing a utensil always involves some activity forbidden on *Shabbos*. For example, making a metal utensil involves melting, kindling a fire, fashioning a shape and the like. These are usually Scriptural *melachos*. Additional Rabbinical prohibitions might also apply. In some cases, no *melacha* is involved, and adjustments might be permitted.

Boneh and *sosair*, the Scriptural *melachos* of building and demolishing are normally associated with structures attached to the ground. The most minor adjustment can involve the Scriptural *melacha*, such as screwing a screw, which can also involve *kodaiach*, boring, a sub-*melacha*. The poskim raise the issue with regard to hanging a decoration on the wall. *Sosair* can apply to minor demolishing, such as stripping some paint or scratching a tiny bump. This *melacha* applies Scripturally only when it is done for constructive purposes, such as to paint on top of it. Nonetheless, even destructive activities are forbidden Rabbinically when done with intent.

The Talmud concludes that these *melachos* do not apply to utensils. However, many poskim qualify this, in that minor activities do not constitute these *melachos* on a utensil. Fashioning an entire utensil does involve them, in addition to the *melacha* of *makeh bepatish*, finishing touches, that certainly apply to utensils. An example of this debate

can be seen in the question of screwing a door back on a chest. *Tokaia*, tightening a screw, is either *makeh bepatish*, or also *boneh*, depending on the view. Accordingly, the poskim point out that *sosair* can also be debated in the same way, when partially demolishing a complete utensil with a constructive purpose. Thus, one might make a minor break in order to facilitate finishing the utensil. It is not *boneh* or *makeh bepatish*, since the utensil is not finished through this activity, but it might involve *sosair*. The Talmud cites the case of a shovel handle. It is wedged into a hole on the shovel head and secured with a dowel or screw. In one view, this is *boneh*. The other considers it *makeh bepatish*. Removing the dowel to replace it with a new one raises the *sosair* issue.

Because it is such a common activity in its various forms, there are many extensions of this *melacha*, to prevent violation. Scriptural *makeh bepatish* applies to adding finishing touches, even if the utensil is functional without it. Trimming loose ends of thread on a garment, banging out dents in a pot, polishing or sanding a wooden item, or charring a wick are examples of *makeh bepatish*. Repairing a broken violin string is a Scriptural violation. Tuning a violin is needed for its functioning. This activity is always done. One could suggest that it is the normal way to use the instrument. However, since this is not part of the playing, one must at the very least consider it a type of 'repair'.

If the repair is not essential for the functioning of the item, such as straightening a bent pin, the Rabbis instituted a Rabbinical extension of *makeh bepatish*. This is further extended to forbid activities that could lead to *makeh bepatish* or *tikun kli*. One may not reattach a loose chair leg, even loosely, unless it is such that one normally does not really tighten it. Swimming is forbidden, lest one be tempted to fashion a float (or, in current terms, to inflate a swimming aid). Beating a beat without an instrument is forbidden, as an extension of the avoidance of using instruments. *Toiveling* new food utensils is also forbidden, because it is *nir'eh kimesaken*, has the appearance of *tikun kli*. The same applies to tithing produce or removing the *challah* tithe from dough.

A standard example of how this applies is a watch. If it has stopped, winding it or changing the battery is clearly *tikun kli*. The now useless watch would also be *muktzeh*, unless worn as jewelry. Winding it up when it has not stopped, adjusting the hands, setting the alarm or setting it not to go off, are all subjects of debate. [See Shabbos 31b 41b 47a-48b 74b 102b-103a 122b 146a-b, Eruvin 34b-35a, Beitza 10a 11b 22a 33b, Poskim. Tur, B.Y. Sh. Ar. O.C. 314 317 322:4 338:1-3 340:MA11, commentaries.]

B) Derech tashmisho

Adjustments done routinely as part of the common use do not raise this issue. Thus, opening a door, screwing a bottle cap, and adjusting knobs on a stove, do not constitute *tikun kli*. The Talmud discusses at least three cases relevant to this discussion, (apart from the shovel handle, which is sometimes removed after each use). Removable cupboard shutters, when there are no screws, are the subject of a debate. The lenient view, which is followed, maintains that they may be returned because there is no issue of *boneh* for utensils. Evidently, even those who apply it to completing a utensil, would not apply it when the item is always used in this way. There were certain types of portable beds, that required assembling and dismantling. The Talmud discusses whether the parts would be tightened. If it is made of wood, tightening them could be forbidden. We follow the le-

nient view on this bed, provided it is not tight. If it can be tightened, one may not even assemble it loosely, lest he come to tighten. The same discussion applies to a cup made of separate parts. There is also debate on a lamp made up of parts.

One may not return a screw, even loosely, lest he tighten it. One may not thread laces into a shoe for the first time, nor stuff a pillow, but may return these if they fell out.

Our cases involves an item that has movable parts that are bent into shapes that then remain until they are changed physically. Many dolls have articulated limbs. The joints are clearly visible on the outside. They are like hinges of a door. They pose no issue of fixing or fashioning a utensil. These dolls come in three main types. Some of them have the same type of articulated parts but are covered up with plastic and padding. While one does not see the joints, they are still really plain hinges. There should be no issue with using this type of doll. The second type is made of the same type of flexible tubing used for goose-neck desk lamps. When this material is used in construction, such as for gas lines or electric cable, the intent is to bend it into the position in which it will remain. This could be considered *boneh*. When it is used as a lamp neck, it is meant to be adjusted all the time. This should be permitted due to *derech tashmisho*. An electric lamp could pose other issues, but in terms of *boneh* or *tikun kli*, it should not pose a problem. There is no assembling and tightening like the lamp of the Talmud. The flexible neck is already tightened as much as it will be. In the case of the dolls, there is even more reason for leniency. The lamp is flexible to allow different positions. Once it is adjusted, it will probably remain this way for a while. The doll is meant to be contorted all the time.

The third type of doll is made of solid material that is pliable, like soft metal. This type raises some of the issues we have discussed. For example, we discussed the issue of straightening a bent pin. Though it might not fix the utensil, it is forbidden as an extension of *tikun kli*. Certainly, if the bending or straightening makes the item more functional, it could even be somewhat similar to tuning the violin. However, in the case of the dolls, the entire method of use is by contorting the limbs. Furthermore, the material used for it is not meant to be set in a particular shape. Violin strings must be tuned exactly. They are only left to be adjustable so that they may be tuned exactly. Sometimes a string can become stretched or broken. The tuning ability is for perfecting the instrument. It is more like tightening a screw in a bed made of parts.

Certain toys raise issues of *boneh*, *sosair* and *tikun kli*, and are discussed by the poskim. The best known are puzzles and interlocking building blocks. [Jigsaw puzzles raise other issues, such as writing and drawing. The puzzles referred to here are made up of small parts to attach and detach.] If the locking devices do not get tight, they are compared to the bed and the lamp of the Talmud. This applies to some types of dolls as well. They are played with by pulling them apart and putting them back together. If the joints are loose, there is no issue of *melacha*. Furthermore, while the lamp or the bed are assembled before use, these toys are actually assembled as part of their use. They are more like a screw cap on a bottle or a screw top on a pitcher or salt shaker. These may be moved around or removed during use. In our case, there is yet more reason to permit playing with the dolls. They are not even separate pieces that need to be assembled.

On the other hand, the very fact that the other toys are made up of separate parts

means that they are not being made into shapes. In our case, the wire is being bent into a shape. This could be compared to bending a piece of wood to make a toothpick or shaping a leaf to make a spout, which are forbidden. It is certainly forbidden to bend a regular piece of wire into a shape for use. This is pure *tikun kli*. The difference between that and our case is that the doll is already in some form. The bending simply changes the shapes for play purposes. One may not assemble a new bed on *Shabbos*. The permissibility applies to a loosely assembled bed that is routinely assembled and dismantled. In the same way, making a ring out of wire is forbidden. Opening and closing a ring that was already fashioned before *Shabbos* should be permitted. The dolls in our case were previously made into bendable forms. [See previous section. References to Halochoscope IX:21. Chazon Ish OC 38:2. Minchas Yitzchok I:58 II:110 III:37. Tzitz Eliezer I:20:9. Shmiras Shabbos Kehilchas (I) 15. Kitzur Hilchos Shabbos 37:22.]

C) Oneg shabbos for the children

The questioner raised the possibility that there is a separate issue for adults. This applies in two ways. The issue of *muktzeh* arises. An item that has no valid use on *Shabbos* is *muktzeh*. Toys have no use for adults. The poskim debate their *muktzeh* status. For children, they have use and are not *muktzeh*. Nonetheless, an adult may move a toy when giving it to the child. First, the adult automatically had in mind that he would be moving the toy to give it to the child. In addition, this is a 'use' for the adult, albeit a very passive use. Thirdly, there is an issue of *oneg Shabbos*, enjoying *Shabbos*. Both the child and the adult caring for him gain enjoyment from the playing, provided it is permissible.

The second issue is that the adult does not 'use' the toy in the same way that the child does. If the adult simply straightens the shape, there could be some issue of *nireh kimesaken*. This would seem to apply when the adult does it after the child finishes playing with it. Before putting the toy away, he would straighten it. While the child is playing, he might ask an adult for some help in straightening it. While it is not a real use for the adult, the same dispensation that is applied to *muktzeh* could be applied here. If the adult always meant to tidy the toys after the children played with them, he would not consider them *muktzeh* at this point either. [See Shabbos 141b-142a, Poskim. Tur Sh Ar OC 308:45 338:5 343:1, commentaries. Minchas Shlomo II:60:21. Chut Shani 68:1 Shemiras Shabbos Kehilchasa (I) 15: esp. note 7.]

In conclusion, the toys may be played with on *Shabbos*. Adults may also straighten them for the children.

On the Parsha *Why don't you just water the sheep and go pasture them? .. We are unable .. to roll off the stone ..* [29:7-8] Yaakov had already seen the size of the stone [v. 2-3]. Why did he expect the shepherds to move it? Yaakov assumed that any stone would work to cover the well. Why had they used this large stone that would mean moving it was like demolishing? They answered that this heavy stone had been designated for good reason.

Sponsored by J. Sindler in memory of Meir Simcha ben Rav Yosef Tzvi Halevi a"h,

whose first *yahrzeit* is on the 15th of Kislev. ☞

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