

SHE'AILOS U'TESHUVOS

by Rabbi Doniel Neustadt

QUESTION: Which activities are prohibited on Shabbos because of the first of the Thirty-Nine Forbidden Labors, Choresh - Plowing? Does the prohibition of choresh have any non-farming applications?

DISCUSSION: The Shabbos Labor of Choresh prohibits one from doing any activity which either prepares or improves the ground for planting. Since most people are not farmers who would understand or appreciate the various aspects of this Labor, we shall give a partial, brief, general list of agricultural activities that prepare or improve the soil for planting: Loosening the soil, digging holes or making furrows in the soil, leveling the soil so that one is planting on an even surface, fertilizing, weeding, removing stones, watering the soil, etc.

QUESTION: May children dig in a sandbox on Shabbos?

DISCUSSION: It is permitted to play in a sandbox if the sand is dry and any holes dug in it will immediately collapse; this type of "digging" is not considered choresh. If, however, the sand is damp and clumpy and the holes that are dug will retain their shape for a while, it may be a violation of choresh to dig such holes.⁽¹⁾

But it is only permitted to play with dry play sand in a sand box. Industrial sand which is designated for building purposes is considered severe muktzeh and may not be moved on Shabbos for any reason.

QUESTION: Which additional activities did Chazal prohibit so that one does not come to violate choresh min ha-Torah?

DISCUSSION: As in all of the forbidden Shabbos Labors, the Rabbis prohibited other, related activities because they were concerned that performing them may lead one to transgress the Biblical prohibition itself. Depending on the case, sometimes the restriction applies only to the ground outdoors, while other times Chazal felt that the restriction should include indoor flooring as well. The following is a partial list of activities which are restricted because of choresh mi-derabanan:

1. Pulling or dragging heavy items across the ground - since the weight of the objects will inevitably make a furrow in the ground. Pulling or dragging lightweight items which will not inevitably make a furrow in the ground is permitted. Pushing a heavy baby carriage or a wheel chair is also permitted.⁽²⁾

2. Playing games which require a ball [or nuts] to be rolled on the ground, such as marbles, soccer, kickball, hockey and golf. Playing these games can easily result in the player leveling the playing field. It is forbidden to play these games even on a paved court.(3)

3. Securing a table or a bench to the ground - since it may lead one to level the ground so that the table or bench will stand straight and firm. (4)

4. Sweeping a paved or unpaved outdoor courtyard - since it may result in leveling the ground. Sweeping the floor inside the house, however, is permitted nowadays, since all of our homes are floored and there is no issue of leveling the ground.(5)

QUESTION: We have established that nowadays it is permitted to sweep the floor indoors. Is there a permissible method of washing an indoor floor indoors on Shabbos?

DISCUSSION: The normal method of washing a dirty floor, using a mop, rag or sponge, is strictly forbidden on Shabbos because one will definitely transgress the Shabbos Labor of Sechitah, squeezing the mop or the rag.

There are, though, some other methods of washing a floor which do not entail "Squeezing." Pouring a pail of water on the floor and then pushing the water down the drain with a plastic or nylon squeegee, or turning on a hose and spraying the dirty area (in commercial or institutional kitchens), are some of the methods where sechitah is not employed. It is, however, still Rabbincally forbidden to wash the floor with the squeegee or the hose as well, because doing so may result in leveling the ground.

It is commonly accepted that even nowadays, when none of our homes have dirt floors - and sweeping indoors is permitted - it is still prohibited to wash the floors inside the home.(6) Still, under extenuating circumstances, e.g., the floor is extremely dirty, smelly or dangerously slippery, etc., many poskim permit washing the floor as long as no transgression of sechitah is involved.(7)

QUESTION: Does an onen wash his hands and recite al netilas yadayim before eating bread?

DISCUSSION: An onen, the term given to a mourner during the period of time between the death of a relative and his burial, is exempt from all of the positive mitzvos (mitzvos asei) of the Torah, both min ha-Torah and mi- derabanan. He is, therefore, exempt from davening and Kerias Shema, reciting berachos, benching, putting on tefillin and tzitzis, and learning Torah.

The onen, however, is not exempt from washing his hands before eating bread. Since it is prohibited to eat bread without washing, the onen is obligated to wash like everyone else. He will not, however, be able to recite the berachah of al netilas yadayim over his washing, since he is exempt from reciting berachos.(8) If he did not know the halachah and recited the berachah by mistake, amen should not be answered to his berachah.(9)

The same holds true after using the bathroom. He should clean and wash his hands, but should not

recite the berachah of Asher yatzar.(10)

QUESTION: What is the correct Halachic procedure to follow before eating Israeli-grown produce, e.g., Jaffa oranges, Carmel tomatoes or Arava peppers sold in stores in the United States?

DISCUSSION: Israeli-grown produce sold in the U.S. is generally - unless specifically marked otherwise - considered safek tevel, which means that we are unsure whether or not terumos and ma'asros were separated from it. Although today, for technical reasons, we no longer give our terumos and ma'asros to the kohanim, the leviim or the poor, as prescribed by the Torah, we are still required mi-derabanan to separate terumah and ma'aser from all Israeli produce. Since, as stated, we do not know whether or not terumah or ma'aser was separated, we must do so ourselves before we are allowed to eat it.

QUESTION: How, exactly, do we separate terumah and ma'aser from Israeli produce bought in the U.S.?

DISCUSSION: One should follow this step-by-step process:

- * Place all of the fruits and vegetables that need to be tithed in one place and cut or break off a little more than one percent of the entire lot. If there is more than one type of fruit or vegetable that requires tithing, a little more than one percent of each type must be separated.
- * Place a coin - worth a nickel or more - near [or with] the separated produce. If more than one type of produce is being tithed, at least a nickel is required for each type.
- * Recite the appropriate hafrashas terumos uma'asros text which is found in many siddurim and sefarim, but do not recite the berachah - unless you are absolutely sure that no terumah and ma'aser was ever taken from this food (vadai tevel). If one does not have the text readily available, he may declare the following [or similar]: The terumos and ma'asros being separated here should be valid according to the text which is written in the siddur or the sefer which is in my possession elsewhere.
- * Wrap up the separated fruit or vegetable in a bag or a piece of plastic and discard. The coin, too, must be disposed of in such a manner that it would never be used again.(11) The produce is now permitted to be eaten.

QUESTION: Is it permitted to separate terumah and ma'aser on Shabbos or Yom Tov?

DISCUSSION: No, it is not. Since it is forbidden to eat Israeli-grown produce before it was tithed, tithing it on Shabbos appears as if one is "fixing" something which was previously "broken."(12) If, however, one did not know this halachah and tithed on Shabbos, it is permitted to eat the food.(13)

FOOTNOTES:

1 See Mishnah Berurah 498:73; 89. In addition, playing with wet sand may be a violation of Lishah,

Kneading; Mishnah Berurah 321:50.

2 This is permitted because the depressions caused by wheels on the ground are not considered furrows; no soil is being dug out; it is merely being pressed into the ground; see Shemtras Shabbos K'hilchasah 28:42.

3 Mishnah Berurah 338:20. Other poskim permit playing these games on a paved court; see The Weekly Halachah Discussion, pg. 518.

4 Mishnah Berurah 337:20

5 O.C. 337:2 and Beiur Halachah s.v. v'yeish.

6 Mishnah Berurah 337:17.

7 See Shemiras Shabbos K'hilchasah 23:6 and Orchos Shabbos, 18, note 76, for an elaboration.

8 Pischei Teshuvah Y.D. 341:1; Sha'ar ha-Tziyun 640:48.

9 Harav S.Z. Auerbach, quoted in Pnei Baruch, Aninus, note *14.

10 Aruch ha-Shulchan Y.D. 341:10.

11 If a coin worth more than a nickel is used, the coin may be used again; a dime may be used twice, a quarter may be used five times, and a fifty- cent piece may be used 10 times.

12 O.C. 261:1; 339:4.

13 Mishnah Berurah 339:25.

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