

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 and 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)

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 might 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:

* 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 wheelchair is also permitted.(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)

* 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)

* 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 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, however, 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 or out the door 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 a factor. It is, however, still Rabbincally forbidden to wash an unpaved 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: If a boy or girl under bar/bas mitzvah age damages another person's property, is he or she obligated to make up the loss?

DISCUSSION: According to the strict letter of the law, a minor is not responsible for his actions and is not required to pay for any damage that he caused. The same holds true for a minor who stole - he is not required to repay the money or replace the stolen object (if the stolen object is no longer around). The parents, too, are halachically exempt from paying for damage or theft by their minor children. Still, the poskim recommend (8) that upon reaching adulthood, a person should compensate for any damage or theft he was responsible for when he was a minor.(9)

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 close relative and his burial, is exempt from all of the positive mitzvos (mitzvos asei), both Biblical and Rabbinic. He is, therefore, exempt¹⁰ from davening and reciting Kerias Shema, saying berachos,

bentsching, putting on tallis and tefillin, 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 blessing of al netilas yadayim over his washing.(11) If he did not know the halachah and recited the blessing by mistake, Amen should not be answered.(12)

The same holds true after using the bathroom. He should clean and wash his hands, but should not recite Asher yatzar.(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 Shemiras 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 on Parashas Ki Savo.

4 Mishnah Berurah 337:20

5 O.C. 337:2 and Beur 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 Lifnim mishuras ha-din.

9 Entire Discussion based on ruling of Mishnah Berurah 343:9. See Pischei Teshuvah, C.M. 349:1.

10 Since he is exempt, he may not choose to be stringent and perform these mitzvos anyway, as it is considered "degrading" to the honor of the deceased.

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

12 Minchas Shelomo 1:91-5.

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

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