

THE SHABBOS WEEKLY

HALACHA SERIES ON HILCHOS SHABBOS

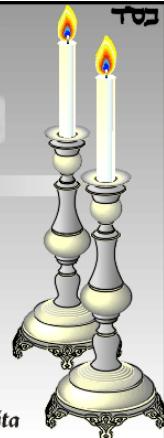
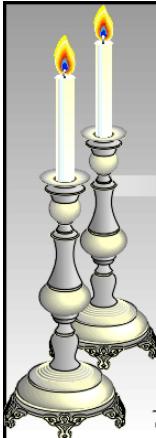
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These halachos were shown by Rabbi Ostroff to HaGaon HaRav Moshe Sternbuch, shlita

Parshas Beha'alochha for Eretz Yisroel 5766

Parshas Nasso for Chutz La'aretz

May one cover an exposed manhole on Shabbos?

Let us disregard *pikuach nefesh* (life danger) for the moment and deal directly with the *melacha* involved.

(I will preface that it is not a simple matter and a rav must be asked).

In times of old when streets were made of pressed sand and stones and a stone became dislodged and formed a ridge or hole in the road, it would be repaired by smoothing the ground and filling the hole. Such an action involves *Boneh* – construction.

The *Rambam* writes: One who flattens the ground inside one's home,¹ either by filling a gap or flattening a ridge is liable for *Boneh*.² This is based on a *gemora* in *Shabbos* 73b - one who removes a bump from one's floor is liable for *Boneh*.

What does this have to do with a manhole?

A street with an open manhole cannot be used and is temporarily 'out of order'. Covering the manhole would repair the street, resulting in the *issur* of *Boneh*.

Surely covering a manhole is merely placing a lid on a 'barrel', not *Boneh*?

The difference between a barrel and a manhole is that the manhole cover is part of the street and must remain closed at all times; it is not an

¹ Floors inside were sand and uneven floors required smoothing. Smoothing a field is *Choresh* – plowing, but a street shares the same category as a house.

² *Perek* 10:12.

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Volume V Issue 26

entrance to a bunker or storeroom.³ A barrel, even when buried in the ground, is like a box with a lid, which when certain regulations are complied with may be opened on Shabbos.⁴

Now what's with *pikuach nefesh*?

Indeed it is an issue and we will *be''H* deal with it below.

May one open a valve cover to shut off the water mains?

Water valves to buildings and houses are most times located outside in the street. According to the above it is prohibited to uncover the valve cover to turn off the water mains because it might involve an *issur d'oraissa* of *Soter* – demolishing. Even asking a gentile is problematic and a rav must be asked.

May I call the electricity company to report a live wire in the street?

One may certainly ask a gentile to do so and out of *Eretz Yisrael* it is not a problem. In all probability it is gentiles who will do the work and therefore not an issue at all. The problem is in *Eretz Yisrael*. Obviously it is a life-and-death matter that must be dealt with promptly, but a very interesting question was raised many years ago regarding this.

³ Based on *p'kak bachalon* in *Bi'ur Halacha simon* 313:1 *ה ולא* 7.

⁴ There are compliances that must be met because it appears like *Boneh* or *Soter* when removing a ground cover. Based on *simon* 308:10.

Rav Shlomo Zalman Auerbach *z"l* ruled that one may surely call the company to report a live wire, on account of *pikuach nefesh*.

On the other hand, Rav Pinchas Epstein *z"l* pointed out that if one were to stand next to the wire and warn people not to come near, the danger would be averted, negating the need to call the electricity company.

Rav Shlomo Zalman countered that by saying one is not obligated to stand there the entire Shabbos and since it is *pikuach nefesh* one may call the company.

His proof is from a *halacha* that says that if one finds a burning coal in the street it may be extinguished so that people will not get hurt,⁵ and *halacha* does not require one to stand guard instead of extinguishing the coal.⁶

One cannot leave a manhole uncovered on account of *pikuach nefesh* and out of *Eretz Yisrael* it is not a problem to call the local council to deal with it. In *Eretz Yisrael* the same argument as above would apply.

Is it permitted to sprinkle sand on an oil spill?

Assuming we don't have a problem with carrying in a *reshus harabim*, the problem here also deals with *boneh* – constructing.

*Mishna Berura*⁷ one may not sprinkle sand and stones in a yard filled with rain because the sand repairs the yard. On the other hand one may cover saliva and dirt with sand because one does not intend to 'repair'. The difference is that a rain-filled yard cannot be used and covering it with sand repairs it, whereas saliva and dirt do not 'ruin' the yard and sand merely covers the dirt.

An oil spill 'ruins' the street and yard and prevents normal use thus covering with sand repairs it. However, the *Binyan Shabbos* writes⁸ that covering with sand is only an *issur d'rabanan* because the sand is not permanent

⁵ Even according to the *poskim* who hold that it is an *issur d'oraissa*.

⁶ See *SS"K* 41:22 and footnote 65.

⁷ *Simon* 313:10 *M"B* 55.

⁸ *Binyan Shabbos* on *Boneh* and *Makeh B'patish* Page 19.

and we find that *Chazal* permitted violating an *issur d'rabanan* for public safety.

Consequently one may cover the oil with sand in a public place but not in private property. In the latter case one should cover the spill with scraps of cloth.

Vort on the Parsha

And Moshe was the most humble person on earth. The *ba'alei Mussar* say that *anavah* – humbleness does not mean that a person is not aware of his positive factors and traits. Rather a person is aware that whatever he has done for *Hashem* is insufficient and not enough good deeds have been performed with the power invested in him. Moshe Rabeinu knew that *Hashem* gave the Torah to *B'nei Yisrael* through him, but he also appreciated *Hashem*'s greatness more than any person alive, which resulted in him being the most humble person.

Food For Thought

May one unblock a blocked sink?

What about a porch drain?

Certain doors have locks that have bolts that go into the floor. The hole is blocked and one cannot lock the door, may one clean the hole?

A picture fell off the wall, may one put it back?

Answers coming be" H next week.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive *p'sak*.