

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
By Rav Moshe Taragin

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In loving memory of Fred Stone, Yaakov Ben Yitzchak A”H
beloved father and grandfather,
Ellen & Stanley, Jacob, Zack, Ezra, Yoni, Eliana and Gabi Stone, Teaneck NJ

Shiur #23: The *Melakha* of Planting

The *melakha* of *zeriya*, planting, exhibits a unique dynamic. Typically, *melakhot* yield an IMMEDIATE result; the prohibited action yields an instantaneous effect. For example, tearing produces a torn item; plowing immediately produces a plowed field. Planting, however, creates no IMMEDIATE result or impact, as the planting process occurs over a period of time spanning from the original planting until the seeds actually take root. The only comparable *melakha* is the act of *bishul*, cooking, which also occurs over a period of time. In fact, many authorities compare the two and apply the *halakhot* of one to the other. In this *shiur*, we will primarily address the structure of *zeriya*.

An intuitive approach would suggest that the *melakha* consists of simply placing seeds in the ground. As long as there is potential for future growth, even though the seeds have not yet taken root, placing seeds in the ground constitutes a *melakha*, since that act TYPICALLY leads to growth. This is the approach of the Minchat Chinukh in his comments to *Parashat Yitro*. The mere action of embedding seeds in the ground constitutes the prohibition of *zeriya*.

Alternatively, we may claim that the entire process of planting, INCLUDING THE SEEDS TAKING ROOT, is part of the prohibition. Even though the final stage of rooting happens automatically, it is considered a consequence of the original act of placing seeds in the ground. Halakha provides ample precedent for attributing the “automatic” END of a process to someone who performed an earlier stage of that process. For example, if someone shoots an arrow that, in the course of its projection, tears clothing, he is considered as having torn the clothing himself. Similarly, we may attribute the final rooting to the original “planter,” even though he did not participate in the actual rooting process.

Thus, we may define the act of *zeriya* in two very different manners. Either the forbidden act consists of merely placing seeds in the ground, independent of the continuation of the process, or the prohibition encompasses the entire process, which is attributed to the performer of the ORIGINAL activity.

The *nafka mina* emerges in a situation in which the process was unnaturally interrupted. What would happen if someone planted seeds and subsequently removed them from the ground? Was the *melakha* of *zeriya* violated? This issue is debated between the Rashash (*Shabbat* 74), who claims that removing seeds eliminates the prohibition, and the Iglei Tal (*se'if* 8), who claims that the removal of the seeds would not affect the prohibition. Interestingly, the Rashash compares planting to baking; just as the *gemara* in *Shabbat* claims that one has not performed the *melakha* of *bishul* if he removes dough from the oven before full baking occurs, removing seeds before rooting has occurred, similarly, exempts one from the *issur* of planting.

Perhaps the Rashash and the Iglei Tal are debating the aforementioned issue. If the *melakha* is defined as “placement of a seed” in an environment of potential growth, the *issur* has been violated independent of the future interruptions of the process. Even if that process is interrupted, the *issur* has been violated, as the Iglei Tal argues. However, if the *issur* encompasses the entire process, which is attributed to the original planter, perhaps the removal of the seeds suspends the process and no *issur* is violated, as the Rashash argues.

A related question pertains to planting without intention to allow rooting. Even if seed removal would not suspend the prohibition, perhaps ORIGINAL INTENT to immediately remove the seeds would disable the *issur*. In fact, the Iglei Tal makes this very point. Even though he argues that seed removal WOULD NOT suspend the *issur*, original intent to remove seeds would avoid it. In order for the entire process to be “back-attributed” to the planter, the process must be “front-loaded,” or intended at inception. If it was not, the eventual rooting cannot be viewed as a natural continuation of the original planting. If, however, the *issur* is defined solely as placing seeds in an area of potential growth, perhaps the *issur* is violated even if the conclusion of the process was not intended. In fact, this is the position of the Minchat Chinukh, who argues that *zeriya* is violated even if the planter never intended the rooting of these seeds

Having inspected two situations in which the ensuing process may not be attributed to the planter, perhaps we can locate additional *nafka minot*. Would literal and formal planting be necessary to entail a violation, or is any act that facilitates ultimate rooting forbidden? Theoretically, if the *issur* covers the ENTIRE process of both placement and ultimate rooting, any form of placement of seeds would suffice to begin the overall process, which would then be attributed to the originator. If, on the other hand, the *issur* consists solely of

planting of seeds in typical fashion with growth potential, perhaps only typical and classic ACTS of planting would be forbidden.

In a well-known piece, the Yerei'im (*Yerei'im Hashalem siman 274*) forbids scattering a large volume of seeds for birds. As the seeds may not be completely consumed, they may take root, and the violation of *zeriya* may be breached. Perhaps this position may be disputed. Although a process that will eventually LEAD to rooting has been initiated by seed-scattering, no actual act of planting, has been performed by merely scattering seeds; *zeriya* requires a classic planting activity.

An additional scenario that begins a process of growth but may not entail an act of planting concerns someone who places wheat-germ in water. The Rambam (*Shabbat 8:2*) forbids this activity based on *zeriya*. Once again, a process that yields growth has commenced, and the performer of the original act is in violation of *zeriya*. This is true if *zeriya* is defined as authoring an entire process of growth. If, however, the prohibition consists solely of an act of planting, perhaps this immersion in water is not defined as a classic act of planting and should not be forbidden.