

YESHIVAT HAR ETZION
ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

TALMUDIC METHODOLOGY
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Dedicated by the Wise and Etshalom families
in memory of Rabbi Aaron M. Wise,
whose yahrzeit is 21 Tamuz. Y'hi Zikhro Barukh.

Shiur #22: The Prohibition of *Chores* (Plowing) on Shabbat

Among the 11 activities necessary to process grains into baked goods (known as the “*sidura de-pat*”), the first forbidden activity is plowing, “*charisha*.” Interestingly, the *mishna* in *Shabbat* (71) cites this prohibition AFTER that of sowing seeds. The *gemara* explains that the *mishna* was addressing the agricultural practices in *Eretz Yisrael*, where the land is often rocky and plowing is therefore often performed AGAIN, AFTER the sowing, to insure that the seeds are properly planted. Chronologically, however, *plowing* or *charisha* is the first *melakha* performed when planting.

The *gemara* in *Pesachim* (47b) discusses a scenario in which someone plows and thereby violates multiple *issurim*. The *gemara* concludes that if the plowing was performed on a rocky surface that is not conducive to planting, no *charisha* has been violated. The simple reading of this *gemara* suggests that *charisha* is purely a “*zeriya*-enabler.” Any act that facilitates subsequent planting violates *charisha*; if the area cannot be planted, no *charisha* has been perpetrated, even though one has plowed. ALTERNATIVELY, one might argue that the purpose of the *melakha* (and its forbidden aspect) is IMPROVING land not enabling planting. However, as the primary use for land is to plant, the improvement that results from plowing must be “planting-oriented.” Hence, plowing a rocky, untellable area would not be considered improvement. According to the latter explanation, the essence of the *melakha* is capital improvement, NOT planting enhancement.

The *nafka mina* between these perspectives is evident in situation in which the potential for planting exists (it is tillable land), but planting will not ensue for technical reasons. If *choresh* is defined as creation of capital improvement by enabling planting, even the ABSTRACT potential for planting

would suffice to create an *issur*. If, however, *choresh* is forbidden because it actually enables planting and not because it enhances the land, the violation would only be realized if planting ACTUALLY follows the plowing.

There are at least three such scenarios of plowing that yield abstract, but not actual, planting potential.

The first concerns plowing in a cemetery. This issue arises in a fascinating context: If someone dies on *chag*, the halakha allows certain flexibilities to enable his timely burial. If the burial is on the first day of the holiday, gentiles can perform the forbidden activities; if the burial takes place on the second day, even Jews are allowed to perform most activities. A question arose among the authorities regarding filling in the hole with earth, as filling in holes generally constitutes *charisha*. The Rema permits filling in the grave with dirt if the Jews are tending to a second-day burial. The Terumat Ha-Deshen, however, claims that we are stringent and avoid performing any *de-oraita issurim* even for second day burials. Filling in the dirt should be therefore be forbidden – assuming it constitutes real *charisha*.

Some claim, however, that since this *charisha* is performed on land which will not be planted, perhaps it should be permitted to fill in the hole after a burial *me-de-oraita*. The Magen Avraham (526:10) cites different opinions, some of which allow Jews to fill in the dirt. Perhaps these authorities viewed *charisha* as a planting enabler; when planting will surely never occur since it is a grave – even though the potential for planting exists – *charisha* has not been violated (at least *de-oraita*).

A second scenario may concern digging a hole in *afar tichoach*, very loose dirt that will immediately return to its previous state. Although there are varying degrees of “immediate,” it appears that there is fundamental *machloket* about whether *charisha* is violated in the case of *afar tichoach*: the *gemara* in *Shabbat* (39a) implies that it is permitted, whereas the *gemara* in *Beitza* (8) seems to insinuate that it is forbidden. R. Hai Gaon states clearly that a violation exists, and he re-engineered the *gemara* in *Shabbat* to reflect that position. Most *Rishonim*, however (see, for example, Tosafot’s explanation of Rashi’s position), claim that digging a hole in *afar tichoach* is permitted, as the simple reading of *Shabbat* 39a implies. According to these opinions, the *gemara* in *Beitza* was referring to unique circumstances in which the walls of the hole from which the loose ground was removed were formed from rigid earth. Namely plowing in ACTUAL loose earth is permitted.

In essence, the *Rishonim* debate whether *charisha* would be violated in a situation of loose ground that would immediately “fall in” on itself. Perhaps this reflects our original question. If *charisha* is essentially land enhancement measured by its enabling planting, perhaps this would be forbidden even in a situation of *afar tichoach*. Moving ground always improves it, and planting will be

enabled, if only for a few seconds. However, since no actual planting will occur, perhaps we cannot consider this a direct planting facilitator and we cannot forbid this as *charisha*.

Yet a third scenario concerns someone who drives an object into the ground and does not remove it. Although a hole has been created by the object, the hole is still “filled” and no immediate planting can take place. Alternatively, the potential for planting has been introduced, and this has improved the quality (and price) of the land. Tosafot (*Shabbat* 39a) suggest that this may be a *machloket* between *Tanna'im* concerning sticking an egg into the ground. R. Yosef considered this *choresh*, but Rabba may have disagreed, since the egg would not be removed and no hole would remain. Once again, this would be a situation in which abstract potential for planting is created and land is improved, but immediate planting will not occur and *choresh* as planting facilitator is not performed.

An even more extreme case of *choresh* without direct planting enabling occurs in the *gemara* (*Shabbat* 73b, 103a) which forbids leveling land as a type of *choresh*. For example, if a hole is filled or a raised piece of land is removed, *choresh* is violated. If we assume that *choresh* is a direct planting enabler, it is logical that removing raised land would violate the prohibition, but why should filling in a hole? This would strongly suggest that *choresh* has LITTLE TO DO with direct planting, but rather entails capital improvement of land. Obviously if the land is completely un-tillable, no *choresh* has been violated. However, as long as the land is tillable, *choresh* constitutes any attempt to improve the land.

Perhaps in order to avoid this conclusion, Rashi, in his comments to *Shabbat* (73b), claims that planting has been enabled EVEN BY FILLING IN THE HOLE – the new dirt placed in the hole is softer and less rigid, and can thus facilitate planting. Additionally, now that the land is straight, it is easier to sow the land. Rashi may have maintained that *choresh* is not violated unless PLANTING is IMMEDIATELY enabled. Hence, he had to identify this effect in the *gemara's* forbidden scenario of filling in a hole.

An additional issue that may revolve around the essential definition of *choresh* concerns the *shiur* for the *melakha*. The *mishna* (*Shabbat* 103) declares that even by plowing a minimal amount of land, the *melakha* has been violated. The *gemara* wonders why this should be forbidden, as such minimal plowed space does not enable typical planting. The *gemara* responds that one seed of pumpkin can be planted even in a minimal space.

Rashi is troubled by this description of the minute *shiur* for plowing. A prior *gemara* describes the *shiur* for *hotza'ah* as carrying two seeds, since no one would plant one single seed. If people typically plant TWO seeds, and carrying ONE seed does not constitute *hotza'ah*, why should PLOWING ground to sow ONE seed constitute *charisha*? Based on this question, many *Rishonim* (see, for

example, the *Shitta La-Ran* and the Meiri) assume that the forbidden situation of even minimal *charisha* for ONE seed concerns seeds that have already been planted; the person is digging around a planted seed to enable irrigation. INITIAL plowing to allow sowing ONLY ONE seed would not constitute *choresh* since it does not enable typical planting activities.

Rashi however, takes the *gemara* at face value: even though normal planting has not been enabled, *charisha* has been violated. According to some interpretations (see *Iglei Tal*), this may even be forbidden if the person does not continue to plow extra land, but rather stops at the amount of land necessary to plant ONE seed. Even though his plowing has not enabled normal planting, the *issur* has been violated. Does this suggest that according to Rashi, land-improving *charisha* is forbidden even though typical planting is not facilitated? How can we reconcile this view of Rashi with his statements (*Shabbat* 73b) that leveling is only forbidden BECAUSE IT ENABLES PLANTING? We will not attempt to resolve the apparent contradiction in Rashi in this context, but we will suffice by noting that this issue of minimal plowing that may not enable classic sowing may reflect the two different ways of defining the prohibition of *charisha*.

An interesting final consequence may emerge from an assumption of the Minchat Chinukh. In his section discussing the 39 *melakhot*, he asserts that plowing in an *atzitz nakuv* (a potted plant with holes) would be forbidden. After all, halakha views such a potted plant as "attached to the ground" (*mechubar le-karka*), in which sowing and harvesting are forbidden; *charisha* should therefore be forbidden as well. The Minchat Chinukh does not cite any prior sources, but simply assumes this conclusion. Perhaps our prior question would influence this issue as well. If *charisha* consists of actions that enable planting, the scope of objects forbidden to plow would be identical to scope of objects halakhically forbidden to plant in. If, however, plowing is forbidden because it improves LAND by rendering it more tillable, perhaps it only applies to actual LAND, and not items that are considered halakhically attached to land.