

Reaping (*Kotzer*)

What is the labor of Reaping?

The **Gemara** (73b) states:

With regard to one who reaps, one who picks grapes, one who harvests dates, one who collects olives, and one who gathers figs – they are all one labor.

These examples relate to the picking of fruit attached to a tree or an item attached to the ground, but it is clear from the **Gemara** that the prohibition of Reaping relates to **any uprooting of an item from the place of its growth**, even if it is not attached to the ground. The **Gemara** determines that one who picks a **mushroom** that grew on the handle of a vessel is liable due to Reaping, since that is the place of its growth.

The *halakha* concerning removing a plant **from a flowerpot** depends on the circumstances. If it is a **perforated flowerpot** and it is placed on the ground, and sometimes even if it is hanging in the air above the ground, the plant is considered attached to the ground, and detaching it is prohibited by Torah law. If it is an **unperforated flowerpot**, **then** since the plant is not attached to the ground and the flowerpot is not considered the place of its growth, detaching a plant from it is permitted by Torah law but is prohibited by rabbinic law (*Shulhan Arukh* 336:7).

On this basis, it is permitted to detach fruit or leaves from a **detached branch** (if it is not *muktze*), since the fruit and the leaves were already uprooted from the place of their growth before Shabbat with the severing of the branch, and so rules the **Rema** (336:8) (pp. 647–648).

Does the prohibition of Reaping apply to an item that is not physically attached to the place of its growth? Does the prohibition of Reaping apply to items that do not grow from the ground?

According to the **Yerushalmi** (7:2): “One who removes a fish from water is liable due to Reaping.”

This opinion is based on two assumptions:

1. The prohibition of Reaping is, in its essence, severing an item from its life source.
2. The prohibition of Reaping applies also to living beings and not only to plant life.

By contrast, it is taught in the **Bavli** (107b): One who removes a fish from water is liable due to Taking a life and not due to Reaping.¹ Why is the liability not due to Reaping?

Meiri – The Bavli disagrees with the first assumption and holds that the prohibition of Reaping applies only to severing a physical connection.

Ramban and Rashba – The Bavli disagrees with the second assumption and holds that the prohibition of Reaping applies only to plant life.

What is the *halakha* in a case where one removed a fish from water and then returned it to the water before it died?

According to the **Yerushalmi**, by **uprooting the item from its place of growth** one would violate the prohibition by Torah law of Reaping. According to the **Bavli**, **there would be no prohibition by Torah law, since there was no taking of a life** (pp. 649–655).

Primary category and subcategory

PRIMARY CATEGORY: Reaping or picking grapes with an implement (see **Rashi** 73b, s.v. *tolesh*; **Rambam** 8:3).

SUBCATEGORY: Detaching by hand (see **Rashi** 73b, s.v. *tolesh*; **Rambam** 8:3). With regard to figs, detaching by hand is also a primary category, as that is the typical manner of picking figs (*Eglei Tal*, **Kotzer** 13).

1. Both the Bavli and Yerushalmi are discussing a fish that lacked trapping, in other words, it was in a small pond and there would be no difficulty trapping it; otherwise, he would be liable for Trapping as well.

Where was reaping performed for the Tabernacle?

For the Tabernacle, the plants from which they prepared the dyes for the curtains were reaped.

Practical ramifications of the labor of Reaping

Is it permitted to detach leaves from a flowerpot?

As stated, it is prohibited by Torah law to detach fruit, flowers, leaves, and the like from a plant attached to the ground. Likewise, it is prohibited to detach plants and mushrooms from their place of growth, even if they are not attached to the ground, since by doing so one uproots the item from the place of its growth. It is prohibited to detach fruit or branches even from a **dried-out tree** planted in the ground (*Shulhan Arukh* 336:12), and likewise, it is prohibited to detach these **from a plant growing in a flowerpot**, whether it was perforated, in which case the prohibition is by Torah law, or unperforated, in which case the prohibition is by rabbinic law (*Shulhan Arukh* 336:7) (pp. 674, 656).

Is it permitted to remove flowers from water in a vase?

It is permitted to detach fruit or leaves **from a branch that was detached before Shabbat** that is not *muktze* (*Rema* 336:8). Yet, when the reference is to an action typically performed in the field, one must be careful to avoid the labor of Threshing (pp. 705–711 and note 14). It is also permitted to remove flowers or branches **from water in a vase** if they did not take root (*Shemirat Shabbat KeHilkhata* 26:26, citing Rav Shlomo Zalman Auerbach) (p. 656).

Rabbinic decrees due to Reaping

Is it permitted to climb a tree or ride an animal?

The Sages prohibited climbing a tree due to the concern that one will ultimately detach a branch or leaf (*Beitza* 36b; *Shulḥan Arukh* 336:1), and likewise, they prohibited riding an animal due to the concern that one will ultimately detach a branch in order to spur the animal or to direct it (*Beitza* 36b; *Shulḥan Arukh* 305:18). In addition, these actions may detract from the deference due Shabbat, or constitute a weekday activity (*uvdin deḥol*) (p. 658).

Is it permitted to lean on a tree or place an item on it?

The Sages prohibited not only climbing a tree or riding an animal but also utilizing them in other ways. Therefore, one may not make any use of an animal or tree, or of any plant that is three handbreadths or taller. It is prohibited to lean or hang on them (*Eiruvin* 100a), to place items on them, to tie an animal to them, and the like (*Mishna Berura* 336:3, based on *Eiruvin* 63a).

These actions are prohibited even if the tree does not move at all; the prohibition does not concern moving the tree, but using it.

Light leaning is not considered use (*Hagiga* 16b); therefore, a healthy person, who does not need support, may lightly lean on a tree provided that they do not move it at all (*Mishna Berura* 336:63; *Beur Halakha* 336:13, s.v. *umutar*). Obviously, it is permitted to sit in the shade of a tree.

The status of a tree that is less than three handbreadths tall, i.e., a trunk that was chopped down, or roots that protrude from the ground, is that of the ground, and one is permitted to use it (*Eiruvin* 100a) (p. 659).

Is it permitted for a person who climbed a tree on Shabbat to descend?

The Sages penalized one who climbed a tree intentionally on Shabbat, and decreed that the person must remain in the tree until the

conclusion of Shabbat and may not use the tree to descend. By contrast, one who climbed a tree before Shabbat, or climbed it on Shabbat unwittingly, may descend from the tree on Shabbat (*Eiruvim* 100a; *Shulhan Arukh* 336:1), and is even required to do so (*Eglei Tal, Kotzer* 24).

Rav Shlomo Zalman Auerbach rules (*Shemirat Shabbat Ke-Hilkhata* 26, note 42) that even one who climbed a tree intentionally on Shabbat may descend from it in a manner that does not involve using the tree, e.g., descending with a single jump, or stepping from the tree directly to a ladder that is standing alongside the tree but not leaning on it. **Rav Ovadia Yosef** (*Hazon Ovadia* 2, p. 94) adds that minors who climbed a tree may descend in the standard manner even if they climbed it intentionally (pp. 660–661).

What may be done if a ball got stuck in a tree on Shabbat?

If a ball or another item fell onto a tree or on a bush three or more handbreadths tall, whether it fell before Shabbat or on Shabbat itself, **it is prohibited to retrieve it**, whether with one's hand or with a stick (**Rema** 336:1, based on **Gemara** *Eiruvim* 32b). If the item landed on the tree on Shabbat and then fell from there by itself it is permitted to use it (*Shemirat Shabbat KeHilkhata* 16, note 20, citing **Rav Shlomo Zalman Auerbach**). If the bush has weak branches which bend easily, an object may be retrieved, since the prohibition does not include this kind of bush (pp. 661–662).

Is it permitted to hang items on a tree before Shabbat?

The Sages (**Gemara** 45a) prohibited placing an item on a tree even **before Shabbat**, due to the concern that one will ultimately retrieve it on Shabbat. Therefore, for example, it is prohibited to hang a towel on a tree even before Shabbat. By contrast, it is permitted to place a *muktze* item on a tree before Shabbat, since there is no concern that any person will retrieve it from the tree (**Gemara** 45a; *Shulhan Arukh* 277:4). Similarly, it is permitted to place on a tree an item that is typically found there when there is no concern that one will retrieve them (*Tehilla LeDavid* 277:7) (pp. 662–663).

Using the sides of a tree: Is it permitted to climb a ladder resting on a tree?

The Gemara (155a) concludes that the prohibition to use a tree is relevant not only with regard to the tree itself, but also for the “sides of the tree”; **items that are attached to or leaning on the tree are included in the prohibition** (*Shulḥan Arukh* 336:13). Therefore, it is prohibited to climb up a ladder that is leaning on a tree or to climb a tree using pegs embedded in it. This applies even if one is careful not to move, or even touch, the tree. Similarly, it is prohibited to hang an article of clothing on a nail embedded in a tree, or to place an item on a shelf attached to a tree. In addition, one may not take down items that are on the side of a tree, such as a coat hanging on a nail embedded in a tree, just as one may not take down an item that is on the tree itself (*Mishna Berura* 336:63) (pp. 663–664).

Using the sides of a tree: Is it permitted to swing on a hammock tied to a tree?

It is permitted to use that which is considered **sides of the sides of a tree**, i.e., **items that are attached to the sides of a tree or leaning on it** (*Shulḥan Arukh* 277:4). If, for example, a rope is connected to a nail, and the nail is connected to a tree, it is permitted to hang items on the rope. Therefore, although it is prohibited to hang a basket on a nail attached to a tree, if the basket was hanging on the nail before Shabbat, it is permitted to place items into the basket or remove items from it on Shabbat.

Similarly, it is prohibited to hang a towel on a rope attached to a tree. But if a towel was hung on that rope before Shabbat, it may be used for drying one’s hands. In this case, one may not remove the towel itself, as that would be considered using the rope (*Mishna Berura* 336:63).

Likewise, it is prohibited to swing on a hammock tied to a tree, but it is permitted to swing on a hammock tied to a nail stuck in a tree, or attached to a loop in a rope attached to a tree. Using it in that

manner is permitted only provided that the tree does not move while the hammock is being used (*Mishna Berura* 336:63) (p. 664).

Is it permitted to lie or walk on grass?

This prohibition applies only to use of a rigid plant like a tree. It is permitted to use attached soft branches, vegetables, and the like (**Rema** 336:1; *Mishna Berura* 336:15, contrary to the opinion of the *Taz*).

Therefore, it is permitted to sit or lie on the grass on Shabbat, even when the grass is three handbreadths long. It is also permitted to move the grass by hand even if it is attached (*Mishna Berura* 312:17, 19). By contrast, grass that is detached is *muktze* by its very essence, and therefore it is prohibited to move it.

It is also permitted to walk on grass on Shabbat even though it is possible that grass will be detached, since detaching the grass is not one's intention, and it is not inevitable that grass will be detached (*Shulhan Arukh* 336:3). If the grass is long, one must walk slowly and not run, to avoid a situation where it is inevitable that the grass will be detached (*Mishna Berura* 312:25) (p. 665).

Is it permitted to smell a plant attached to the ground?

It is prohibited to smell a fruit fit for consumption, due to the concern that one will pick it in order to eat it. It is permitted to smell fragrant flowers or plants that are not fit for consumption, as, because detaching them is not needed in order to smell them, there is no concern that one will pick them (*Sukka* 37b). This is the ruling of the *Shulhan Arukh* (336:10). The *Mishna Berura* (336:48) and the *Shaar HaTziyun* (336:42) add that it is permitted even to touch those soft plants, if there is no concern that one will ultimately detach them (pp. 666–667).

Fruit that fell from a tree on Shabbat: Is it permitted to eat it?

The Sages issued an additional decree prohibiting the consumption of fruit that fell from a tree on Shabbat, due to the concern that one will

ultimately pick fruit from the tree on Shabbat (*Beitza* 2b–3a; *Shulḥan Arukh* 322:3). The fruit that fell is *muktze* for the duration of Shabbat (*Shulḥan Arukh* 322:7). It is permitted to eat them immediately at the conclusion of Shabbat (*Shulḥan Arukh* 322:3) (p. 667).

Rav David HaLevi Segal

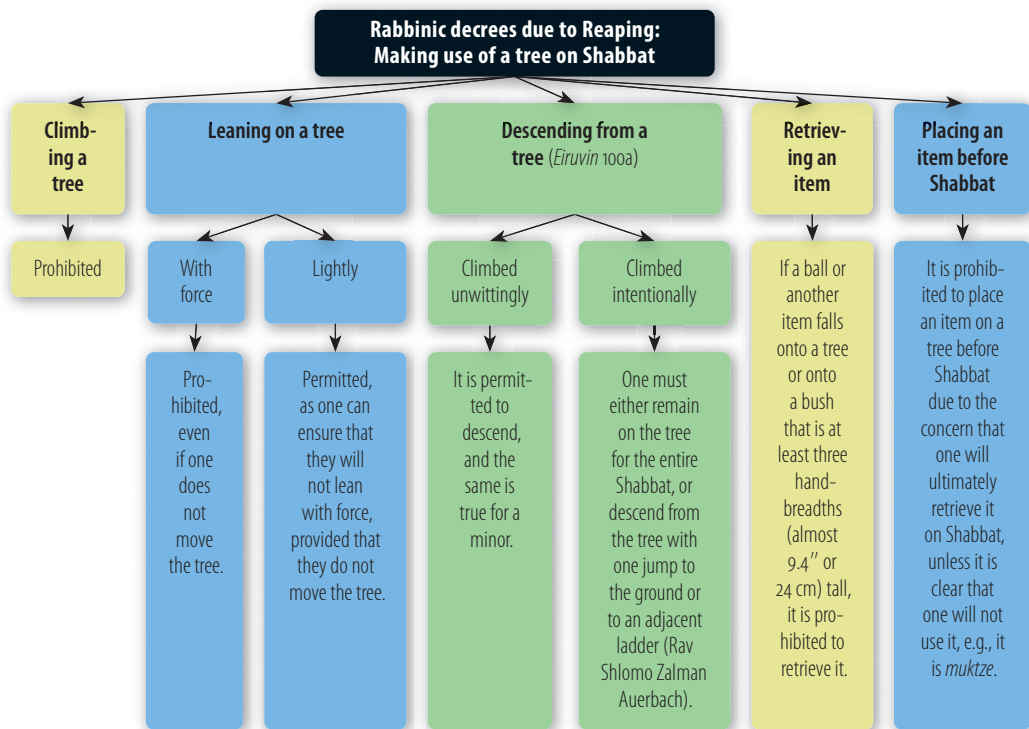
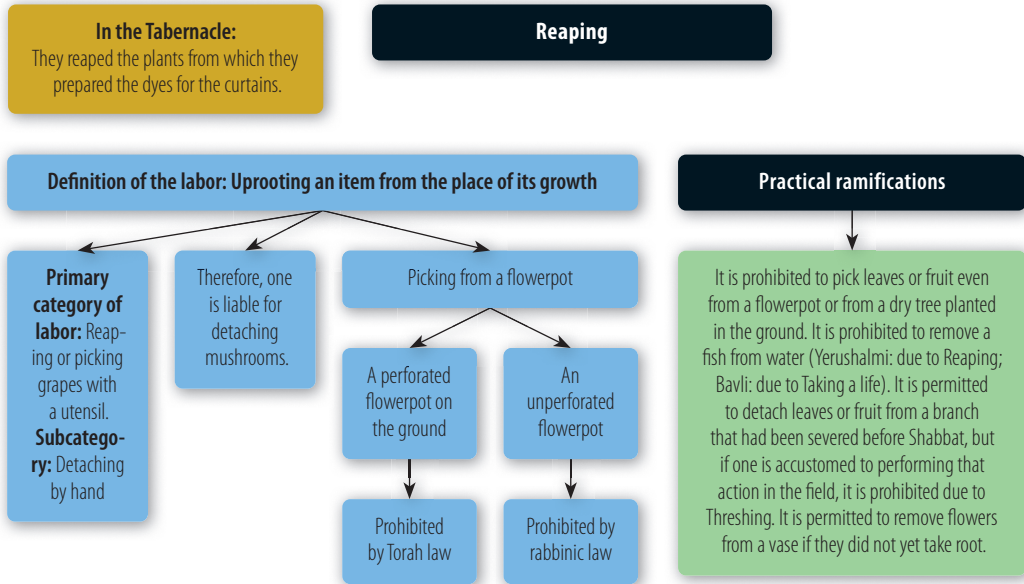
[*Turei Zahav*, the *Taz*]

Rav David, the *Taz*, was born in Ludmir in 1586. From a young age this prodigy was recognized for his unique talents, and Rav Yoel Sirkis, the *Bah*, arranged for him to marry his daughter. The *Taz* mentions his father-in-law many times in his commentary, invariably introducing him with the phrase “And my teacher, my father-in-law, wrote . . .” Sometimes he agrees with him, but often he takes issue with his opinion.

Rav David’s foremost work is *Turei Zahav*, a commentary on the *Shulḥan Arukh* (he also wrote a commentary on the Torah called *Divrei David*). Since there were at the time many different halakhic opinions and disputes, the *Taz* wrote his commentary on the *Shulḥan Arukh* in order to clarify the law and issue practical halakhic rulings. The *Turei Zahav* is considered one of the most important commentaries on the *Shulḥan Arukh*. One of his contemporaries was the *Shakh* (*Siftei Kohen*) who also composed a major commentary on the *Shulḥan Arukh*. The *Shakh* saw the commentary of the *Taz* and wrote down his disagreements in a series of notes known as *Nekudot HaKesef*. The *Taz* occasionally responded to these comments (in a work called *Daf Aḥaron*), and sometimes the *Shakh* offered his own counter-retorts called the *Kuntres Aḥaron*. Both of these are usually printed at the back of the *Shulḥan Arukh*. There are no clear rules as to whether we rule in accordance with the *Shakh* or the *Taz*, but Lithuanian Jews have often followed the rulings of the *Shakh*, while hasidic authorities often follow the opinion of the *Taz*.

The *Taz* served as rabbi of Poznan and later of Ostroh, where he was also *rosh yeshiva*. He managed to escape the Chmielnicki massacres of 1648, but was forced into exile from Poland. Later he returned to Poland and was appointed rabbi of Lvov (now “Lviv”), where he died in 1667.

HALAKHIC OVERVIEW



Rabbinic decrees due to Reaping: Making use of a tree on Shabbat (continued)

