

The Prohibited Labor of Reaping (*Kotzer*)

Is it permitted on Shabbat to take flowers out of a vase filled with water?

Is there a problem with walking or sitting on grass?

May one smell a fruit or plant that is attached to the ground?

Is it permitted to retrieve a ball that is stuck in a tree or a bush?

Definition of the labor

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

One who reaps, one who picks grapes, one who harvests dates, one who collects olives, and one who gathers figs have all performed one type of labor.

The examples stated in the Gemara all involve picking a fruit that is attached to a tree or the ground. Similarly, one may not pick any part of a plant that is attached to the ground, including branches, leaves, or flowers. Does the prohibition of Reaping apply also to plants that are not attached to the ground? May one, for example, pick a leaf from a severed branch or from a flowerpot? The general principle in this regard is based on a passage in the **Gemara** (107b–108a):

The definition of Reaping: Detaching an item from the place of its growth

Abaye said: One who detached a mushroom from the handle of a pitcher is liable for **Uprooting an item from the place of its growth**.

Rav Oshaya raised an objection: One who detaches a plant on Shabbat from a perforated flowerpot is liable, and one who detaches a plant from an unperforated pot is exempt. [The Gemara answers:] There, in the case of an unperforated pot, that is not the way a plant grows; whereas here, with regard to a perforated pot, that is the way it grows.

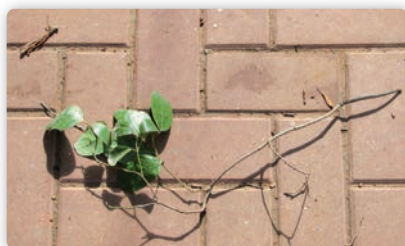


It is prohibited to detach mushrooms from the place of their growth.

In other words, the prohibition of Reaping does not refer specifically to detaching something that is connected to the ground, but to **uprooting an item from the place of its growth**. Since fungus grows on the handle of a vessel, its detachment from that location constitutes Reaping, as that is the place of its growth. By contrast, if a plant grows in an unperforated pot, the detachment of its parts is not prohibited by Torah law due to Reaping, as the pot is not considered its place of growth, since generally one does not sow seeds in a flowerpot (**Rashi**).¹

It is permitted to detach leaves and fruit from a severed branch

According to this opinion, it is permitted to detach fruit or leaves from a severed branch (as long as it is not *muktze*), as the fruit and the leaves had already been uprooted from the place of their growth before Shabbat when the branch was chopped off. Indeed, the **Rema** rules accordingly (336:8).



One may detach leaves and fruit from a severed branch.

1. Nevertheless, the detachment of part of a plant growing in an unperforated pot is prohibited by rabbinic law (**Mishna** 95a, cited above, p. 592; **Shulhan Arukh** 336:7). For additional details with regard to the *halakhot* of flowerpots on Shabbat, see our discussion of the labor of Sowing p. 592.

One may ask whether the prohibition is due to the severing of **the physical connection** of the produce and its place of growth, or its detachment from **the point of its sustenance**. This basic question has practical ramifications, for example in the case of a plant that is attached to but no longer nourished by the ground. The *Rishonim* discuss this question, in light of a **Gemara in *Hullin*** (127b). The Gemara there rules that a fruit that has dried out while on the tree is still considered attached to it, and one who picks it on Shabbat is liable due to Reaping. Yet, **Rashi** (ad loc., s.v. *ei deyavshu*) and **Tosafot** (*Shabbat* 150b, s.v. *bemeḥubar*) imply that a fruit that is dried-out to the degree that even the stem by which it is attached to the tree has dried out is equivalent to detached fruit, and therefore the prohibition of Reaping does not apply to it. In contrast to this opinion, the **Rambam** (8:4) simply writes that one who picks fruit that has dried out from a tree is liable. The **Magen Avraham** (336:1) maintains that according to the Rambam the prohibition of Reaping applies to all attached fruit, even if its stem has entirely dried out.²

Severance of the connection, or cessation of the sustenance?

2. Using a dried-out tree: This dispute has other practical ramifications with regard to a dried tree. The Sages prohibit making use of a tree on Shabbat, lest one detach something from it, as we will see below. It appears from the **Gemara in *Eiruvim*** (100b) that one may make use of a dried-out tree in the summer. **Rashi** (ad loc.) explains that a dried-out tree is not considered attached to the ground, and the prohibition of Reaping does not apply to it; therefore, there is no reason to prohibit its use. Nevertheless, the Sages prohibit its use in the winter due to the appearance of impropriety, as during this season it is difficult to distinguish between a dried-out tree and a living one. Rashi here is consistent with his opinion that the prohibition of Reaping does not apply to a plant that is entirely dry. By contrast, the **Rambam** (21:6) rules that it is prohibited to use a dried-out tree, and the **Magen Avraham** (ibid.) explains that the Rambam, in keeping with his opinion, maintains that the prohibition of Reaping applies even to a dried-out tree by Torah law; therefore, it is appropriate to issue a decree against using a tree of this kind as well.

Some disagree with the Magen Avraham's interpretation of the Rambam. The wording of the **Maggid Mishne** (ibid.) implies that in his opinion the Rambam would concede that there is no prohibition of Reaping by Torah law in the case of a dried-out tree, but the Sages nevertheless prohibited

The dispute is likely based on the aforementioned question: According to **Rashi** and *Tosafot*, the prohibition of Reaping involves **uprooting an item from the point of its sustenance**. Therefore, if the fruit no longer draws its nourishment from the ground, there is no prohibition in detaching it. According to the **Rambam**, the prohibition is **severing the physical connection between the plant and the ground**, and it does not matter whether or not the plant is nourished from the ground.³

using such a tree, as a precautionary measure. Similarly, some contend that the Rambam agrees with the opinion of Rashi and *Tosafot* that there is no prohibition of Reaping for picking dried-out fruit if its stem has dried out (*Tosefet Shabbat* 336:1; *Eliya Rabba* 336:16).

As for the *halakha*, the *Shulhan Arukh* (336:12) simply cites the statement of the Rambam, that one who detaches dried fruit that was attached to the trees is liable. The *Aḥaronim* disagree as to whether this applies even if the stem has dried out, just as they disagree with regard to the ruling of the Rambam himself (see also note 11, below). In any event, even according to the opinion that the prohibition of Reaping does not apply here by Torah law, it is possible that there is a prohibition by rabbinic law (see *Beur Halakha* 336:12, s.v. *ḥayav*).

3. Another dispute between the *Rishonim* can be explained in a similar manner. The **Gemara** (81b) states that one who raises a perforated pot from the ground and leaves it suspended on pegs in the air is liable due to Reaping. **Rashi** (s.v. *ḥayav*) and *Tosafot* (s.v. *vehiniho*) explain that the Gemara does not mean that there is liability for violating a prohibition by Torah law; rather, it is only a prohibition by rabbinic law. The reason is that the pot continues to draw sustenance even when it is in the air. By contrast, the **Rambam** (8:4) writes that this is a violation of a prohibition by Torah law. Perhaps all agree that the pot continues to draw sustenance while it is in the air, as implied by the **Gemara** in *Gittin* 7b. The difference is that Rashi and *Tosafot* maintain that the prohibition of Reaping depends on nourishment, and therefore as long as the tree continues to draw its sustenance there is no liability for Reaping, whereas the Rambam contends that the prohibition of Reaping depends on a physical connection, and therefore one who detaches the flowerpot from the ground is liable despite the fact that it continues to draw sustenance (see *Ḥidushei HaGram HaLevi* on the Rambam ad loc.).

This dispute has the opposite outcome with regard to detaching leaves from a pot suspended in the air: According to **Rashi** and *Tosafot*, this detachment is prohibited by Torah law, as the pot is still considered attached to

Lifting a flowerpot
from the ground

Picking leaves off a
hanging flowerpot

One possible ramification of the above discussion concerns the inverse case, that of items that draw nourishment from a certain place but are not attached to it. In this regard, the **Yerushalmi** (7:2) states:

The Sages of Caesarea say: One who fishes or removes anything from its place of sustenance is liable due to Reaping.

The Yerushalmi: Removing a fish from water is prohibited due to Reaping

In other words, one who takes a fish out of the water is liable due to Reaping because this removes the fish from its place of sustenance.⁴ According to the **Yerushalmi**, the concept of removing an item from the place of its growth is not limited to plants; it applies to any living thing that one detaches from its source of sustenance.

The **Bavli** (107b) apparently disagrees with the **Yerushalmi** concerning this point:

According to the Gemara, removing a fish from water is prohibited only due to Slaughtering

Shmuel said: With regard to one who removes a fish from the sea, once an area on the skin the size of a *sela* (approx. 1 inch or 2.5 cm) of the fish has dried up, he is liable.

In other words, one is not liable immediately for removing a fish from the sea, but only when a portion of the fish's body, of the diameter of a *sela* coin, becomes dry. **Rashi** (s.v. *hayav*), **Tosafot** (*Taanit* 24a, s.v. *haSholeh*), and the majority of the **Rishonim** explain that the liability is for the prohibition of Taking a life, on the assumption that after a spot on the fish's body with a diameter of a *sela* has dried

the ground. According to the **Rambam** it is prohibited at most by rabbinic law, since this pot is already considered detached. As far as the *halakha* is concerned, the wording of the **Shulhan Arukh** (312:3) implies that he rules in accordance with the opinion of **Rashi** and **Tosafot** (see **Magen Avraham**, ad loc., 3; **Beur Halakha** 336:8, s.v. *afilu*). For more *halakhot* involving flowerpots on Shabbat, see above, pp. 592–597.

4. This is apparently referring to fish that do not need to be trapped, i.e., they are in a small pool where it is easy to catch them, which is why there is no separate liability for the labor of Trapping. The **Penei Moshe** and the **Korban HaEda** on the **Yerushalmi** write likewise, as do **Rashi**, **Tosafot**, and other **Rishonim** on the Gemara, as we will see below.

up, it has no chance of survival, even if it were to be put back into the water. It appears from the wording of the Gemara that if one catches a fish and releases it back into the water before it has dried out to that specified extent, there is no violation of a prohibition by Torah law. This contradicts the ruling of the Yerushalmi that one who takes a fish out of the water is liable immediately due to Reaping, regardless of whether or not one subsequently puts the fish back into the water.⁵

The root of the dispute

What is the basis of the dispute between the Bavli and the Yerushalmi?

It is possible that the dispute depends on the matter discussed above. According to the **Bavli**, the prohibition of Reaping consists of **the severing of a physical connection**, and as the fish is not actually attached to the water, there is no prohibition of removing it from the water due to Reaping. The **Yerushalmi**, by contrast, maintains that the prohibition involves **separating an item from its place of sustenance**, and therefore it also applies to the removal of fish from water, which is its place of sustenance (see also *Devar Avraham* 1:24, 4).

Meiri: The detachment of a fetus from its mother's womb is prohibited due to Reaping

According to this interpretation, the Bavli would concede that the prohibition of Reaping could apply to animals, provided that there is severance of a physical connection. In fact, the **Gemara** later states that one who inserts a hand into the birth canal of an animal and pulls out its fetus is liable. The straightforward meaning of the Gemara is that one is liable due to Reaping, and this is how the **Meiri** explains it (ad loc.). In this case, there is the severance of an actual connection, not merely the removal of a living thing from its place of sustenance. Consequently, the prohibition of Reaping applies even according to the Bavli, despite the fact that this case involves animals.

Ramban and Rashba: There is no prohibition of Reaping with regard to animals

The **Ramban** and the **Rashba** (ad loc., s.v. *ha de'amrinan*) explain

5. It stands to reason that the Yerushalmi would concede that one who leaves the fish outside the water until it can no longer survive after being put back into the water has violated the prohibition of Taking a life. The novel idea of the Yerushalmi is that even one who does not keep the fish out of the water for that long is liable for Reaping as soon as the fish has been removed from the water.

the dispute differently. According to them, the Bavli maintains that the prohibition of Reaping does not apply to animals at all, even if one severs an actual connection. This is similar to removing hairs or cutting nails, which renders one liable only for the labor of Shearing, not Reaping.⁶ The **Ramban** writes:

If one shears or plucks a bird's wing while it is alive (74b), this does not render one doubly liable, [once for Shearing, and] once for Uprooting an item from the place of its growth. So too, if one cuts hair or nails or trims his mustache (94b), the prohibition of Uprooting an item from the place of its growth does not apply, that one should be doubly liable. Accordingly, the principle of Uprooting an item from the place of its growth, which is a subcategory (*tolada*) of Reaping, applies only to items that grow from the ground... Furthermore, Reaping and Threshing are certainly derived from the Tabernacle in the same manner: Just as the Sages (75a) state that Threshing applies only to items that grow from the ground, so too, they would certainly say that Reaping applies only to items that grow from the ground... As for what they said in the Yerushalmi... this is not in accordance with the opinion of our Gemara.

The **Ramban** and the **Rashba** understand that the opinion of the Bavli is as follows: Just as the prohibition of Threshing applies only to items that grow from the ground, as it was performed in the Tabernacle, so too, Reaping applies solely to items that grow from the ground.⁷ This interpretation makes it difficult for the Ramban

6. It should be noted that it can be inferred from *Sefer Yere'im* (274) that cutting fingernails, hair, and the like is indeed prohibited due to Reaping, not just Shearing.

7. It can be claimed that the category of items that grow from the ground includes those items that are not attached to the ground and do not draw sustenance from it directly, as the Gemara states that the prohibition of Reaping applies if one removes a mushroom from the handle of a pitcher, as we saw above. Perhaps mushrooms are considered, for these purposes, as items that grow from the ground, since they grow through a certain assistance

Summary: A dispute between the Bavli and the Yerushalmi

and the Rashba to account for the Gemara's later statement with regard to removing a fetus from an animal. They have to maintain, unconvincingly, that the Gemara is saying that one who removes a fetus is liable due to Taking a life, not Reaping, as Reaping applies only to items that grow from the ground.⁸

The ruling of the Yerushalmi, that one who removes a fish from the water is liable due to Reaping, is based on two assumptions:

1. The basis of the prohibition of Reaping is removing an item from the place of its sustenance.
2. The prohibition of Reaping is not limited to items that grow from the ground, but is applicable to animals as well.

Correspondingly, the ruling of the Bavli, that one who removes the fish from the water is liable due to Taking a life, not Reaping, can be understood in one of two ways:

1. **Meiri**: The Bavli disagrees with the first assumption, and maintains that the prohibition of Reaping applies only to severing a physical connection.

of the ground, as implied by the **Gemara** in **Berakhot** 40b ("They certainly grow from the earth") and the commentary of **Rashi** ad loc. ("They grow from the moisture of the earth.")

8. The **Gemara** (107b) equates the removal of a fetus to detaching hops from thorny bushes. Hops, or dodder, is a parasitic plant; it draws its nourishment from the bushes rather than the ground. The Gemara establishes that just as one who detaches hops is liable for Uprooting an item from its place of growth, despite the fact that the hops are not attached to the ground, so too, one who detaches a fetus from the animal is liable due to Uprooting an item from its place of growth. It seems that the Gemara explicitly states that the liability is due to Uprooting an item from its place of growth, and this is how the **Meiri** understands it, as stated. By contrast, the **Ramban** and the **Rashba** maintain that the wording of the Gemara is imprecise, and its intent is only to compare different labors: Just as the prohibition of **Reaping** applies to hops, even though they cannot live on their own but only by means of the bushes upon which they grow, similarly, there is a prohibition of **Taking a life** with regard to the fetus, despite the fact that it has no independent life in utero, but survives only through its mother.

2. **Ramban and Rashba:** The Bavli disagrees with the second assumption, and holds that the prohibition of Reaping applies only to items that grow from the ground.

In conclusion, on Shabbat, it is prohibited by Torah law to detach produce, flowers, or leaves from a plant attached to the ground. Similarly, it is prohibited to pick plants or mushrooms from the place where they are growing, even if they are not attached to the ground.

Summary: The prohibition of Reaping

It is prohibited to detach produce or branches **even if the produce or tree is entirely dried-out.**⁹

It is prohibited to remove **a fish from water**; but opinions are divided as to whether the prohibition is due to Reaping (**Yerushalmi**) or because of Taking a life (straightforward reading of the **Bavli; Ramban; Rashba**).

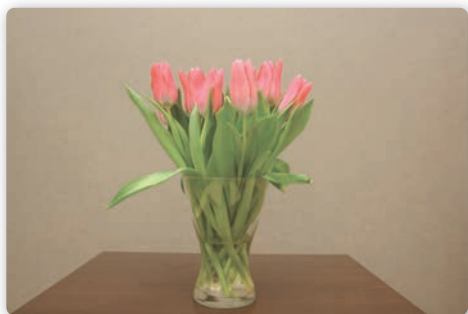
It is prohibited to detach anything from a plant growing in a flowerpot. Detaching any part of a plant growing in a perforated pot is prohibited by Torah law, whereas detaching a part from a plant growing in an unperforated pot is prohibited by rabbinic law (**Shulhan Arukh** 336:7).

It is permitted to detach fruit or leaves from a branch that had been chopped off before Shabbat, that is not *muktze* (**Rema** 336:8).¹⁰ If it is an action that is generally performed in the field, one must be careful to avoid violating the labor of Threshing (see pp. 705–710, and note 14).

9. As we saw above (note 2), the **Shulhan Arukh** (336:12) cites the wording of the **Rambam**, and some contend that according to the Rambam, the prohibition of Reaping applies even when the tree and fruit are entirely dried out. Likewise, it is possible that even those who maintain that there is no prohibition by Torah law, in this case concede that it is prohibited by rabbinic law.

10. Nevertheless, the **Shaarei Teshuva** (651:3) cites a custom not to remove leaves from a *lulav* on a Festival, despite the fact that the *lulav* is detached. Therefore, one who wants to bind a *lulav* with some of its leaves must remove the leaves from the *lulav* before the Festival (see **Shemirat Shabbat KeHilkhata**, 2010 ed. 26, note 38).

REAPING



It is permitted to remove flowers from water and replace them.

It is permitted to remove flowers or branches from a vase filled with water, and this does not constitute the prohibition of Reaping (*Shemirat Shabbat KeHilkhata* 26, note 26, in the name of **Rav Shlomo Zalman Auerbach**), just as one may put them back in the water without violating the prohibition of Sowing, as we saw above (p. 582).