

Joining fruit into one unit

One who makes
a string of figs is
liable

Based on the above, the labor of Gathering applies only in the place where an item grows. Yet, matters are in fact somewhat more complex. The **Rambam** (8:6) rules:

With regard to one who gathers figs and makes a ring of them or perforates figs and inserts a string into them until they form one unit, this is a subcategory (*tolada*) of Gathering and he is liable. The same applies to every similar act.

In other words, one who gathers figs and strings them together, thereby transforming them into one unit, is liable due to Gathering. The Rambam notes that this is a **subcategory** of the labor, and subcategories are also prohibited by Torah law, just like primary labors. The plain meaning of the Rambam's statement is that although the figs are not being collected in the place where they grew, nevertheless one can be liable due to Gathering.

Indeed, some contend that the Rambam disagrees with the above-cited *Rishonim*, and maintains that the prohibition of Gathering applies even not in the place where the items grow (*Ohel Moed, Shaar HaShabbat, Derekh Revi'i* 6; *Eglei Tal*, Gathering 2). Nevertheless, the **Shulhan Arukh** (340:9) rules that the prohibition of Gathering applies only in the place where the items grow, and still he cites verbatim the ruling of the Rambam with regard to the fig rings, indicating that this action is prohibited by Torah law even in the house.

Perhaps the Rambam maintains that the leniency that one is exempt for gathering items in the house applies only to those acts of gathering that are normally done in the field. By contrast, specifically with regard to making a ring of figs, this action is sometimes

performed in the house, not necessarily in a field, and therefore one is liable for this act even in the house. This is how the *Mishna Berura* (340:38) explains this matter in the name of the *Maaseh Roke'ah*.

Yet, the wording of the **Rambam** himself (21:11) implies that this *halakha* has further application, and that any pressing together of several pieces of fruit into one mass is prohibited due to Gathering, even if this is done in the house. Based on this, several *Aḥaronim* write that the **Rambam** differentiates between two types of gathering: **gathering fruit into a heap**, which is prohibited only in the place where the fruit grows; and **pressing pieces of fruit into one mass**, which is prohibited even if it is done elsewhere.⁹ For example, the *Shulḥan Arukh HaRav* writes (340:15):

Gathering applies only in the place where the items grow, like stalks of reaped grain that are bundled into sheaves in the place where they grow... Similarly, [Gathering applies to] one who

There is a difference between gathering fruit and joining pieces of fruit together



Pressing fruit into a single unit is prohibited by Torah law.

9. Some infer from the Rambam's statement that one is liable for the labor of Gathering only for pressing the pieces of fruit together into one mass. For example, *Responsa Maharaj Or Zarua* writes (214): "Gathering, I do not know how to define it. Does it mean only gathering stalks together, even without tying them into one bundle; is that Gathering? Or is it Gathering only if one ties them together as one bundle? The [Hebrew term for this labor] seems to imply that it is not considered Gathering unless it is tied into one bundle... and the language of the Rambam also implies this... Accordingly, if one gathers fruit together and does not make it into one mass, this is not Gathering, and if so, gathering eggs together is also not Gathering... As for Rava's statement, "One who gathers salt from salt pools is liable due to the labor of Gathering," I maintain that the salt is gathered from where the water evaporates and it is then pressed together so that it forms one piece; perhaps even without pressure, merely by piling a large quantity together, it becomes one piece."

Nevertheless, the plain meaning of the Rambam's statement is that the creation of one mass is required only for actions such as sticking figs to each other, whereas gathering stalks in the place where they grow is prohibited even if one does not tie them as one bundle, as stated above.

collects [individual pieces of] fruit and gathers them together in the place where they land when they fall from the tree. But if they are scattered in another place, it is permitted to gather them ... and some say that one who presses [pieces of] fruit together until they form a single mass is liable due to Gathering, even not in the place where they grow, e.g., one who collects dates and makes a pressed cake from them, or one who perforates figs and inserts a string through them until they are pulled together as one body; this is a subcategory of Gathering, and one is liable.

The *Nishmat Adam* is also of this opinion (13:1).

The reason for the difference: Pressing pieces of fruit together creates a new item

What is the reason for the difference between gathering fruit into a pile and pressing them together? This distinction can be understood in light of the above explanation. As stated, the gathering of produce outside the place where it grows is permitted, as it is not an act of creation or improvement. Assembling a heap in the place where the produce grows is considered a significant act because one thereby completes the labor of Reaping, whereas making a pile elsewhere is merely an act of moving fruit from one place to another, as there is no improvement or alteration of the fruit. By contrast, when one takes several figs and fashions a necklace, this is **the creation of a new entity**, as it is a significant act,¹⁰ despite the fact that it is not performed in the place where they grew.¹¹

10. The *Maaseh Roke'ah* has a similar explanation, aside from the one cited above, which he states in connection to the Rambam's ruling (8:6): "One who gathers figs and the like ... as this is not like the other examples of Gathering; here one must have intent [to perform] the labor, to make a ring or to pierce holes in the figs and string them together, because this is skillful work, and there is no logical reason to distinguish [between the place where they grow and elsewhere]." In other words, this act is considered creative labor and skillful work whether or not it is performed in the place where the fruit grows, since it requires intent and attention, and it is not merely the moving of fruit from one place to another.

11. According to this opinion, the labor of Gathering applies by Torah law to any situation where one binds several plants together in such a manner that this establishes a significant connection. By contrast, according to the

If so, the **primary labor** of Gathering is the **completion of Reaping** by gathering the harvested produce into one heap, and a **subcategory** of this labor is pressing produce together into a mass in such a manner that one **creates a new entity**, even if the produce is no longer located in the place where it was reaped.

Although pressing pieces of fruit together into one mass is prohibited even outside the place where they grew, it is certainly not so that every joining, and not even every binding of produce, is considered Gathering. The other limitations of the labor of Gathering apply equally to this act: The prohibition against joining items applies only to items that grow from the ground, and only if they have not undergone any processing or alteration. It is clear, for example, that the prohibition of Gathering does not apply to joining pieces of paper or slices of cheese together, or preparing a salad from small pieces of vegetables or preparing dough. These acts may be prohibited due to Building or Kneading, but the labor of Gathering certainly does not apply, as it applies specifically to unprocessed items that grow from the ground (see *Shevitat HaShabbat*, Gathering, *Be'er Rehovot* 9; also see *Ketzot HaShulhan* 146; *Badei HaShulhan* 49:24).

According to the Rambam's ruling, one may not run a string through dried fruit and thereby fashion a necklace. The *Shevitat HaShabbat* (Gathering 5) adds that it is perhaps also prohibited to string a necklace of pearls, as they are considered an item that grows from the ground. By contrast, making a necklace out of items that do not grow from the ground, e.g., candies or beads, is permitted. Clearly one may not make a permanent necklace on Shabbat or fix a broken necklace, as such actions present a problem of Fixing a utensil, i.e., either

When is pressing items together prohibited due to Gathering?

Making necklaces from various materials

explanation of the *Mishna Berura* cited above, this prohibition applies only to items which are usually strung together in the house, such as figs, but not to other types of items. There might be a difference between these opinions in a case where one presses pieces of fruit or vegetables together into a sizeable mass, but it is unusual to do so in the house. Yet, this has few practical ramifications, as it is hard to find a case where one wishes to bind vegetables together in the house in such a way that their binding would give them a new identity.

repairing or creating a vessel (*Ketzot HaShulhan* 146; *Badei HaShulhan* 49:25). But it is permitted to prepare a temporary necklace for children, provided that one does not tie the string in a prohibited manner.



Fashioning a necklace for fun is permitted, but one must take care not to tie it in a prohibited manner.

Summary: The labor of Gathering

IN CONCLUSION, it is prohibited by Torah law to **gather** fruit or vegetables **in the place where they grow** into one spot, even if one does not tie them or press them together into a single mass (e.g., collecting fruit in a basket or box). It is also prohibited by Torah law **to string** figs and the like on a string, or to press several pieces of fruit together, even **in the house**. No prohibition by Torah law is violated if one gathers scattered pieces of fruit in the house, even if one puts them into a vessel. We will be discuss below whether and when this involves a rabbinic prohibition.