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# THE LAWS OF SHABBAT

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Shiur #34:

*Kotzer*, Part II

III) Rabbinic Decrees: Using a Tree

CLIMBING A TREE

The Sages made a number of decrees lest one come to detach a fruit or branch from a tree. The Mishna in *Beitza* (36b) states:

The following are forbidden as a *shevut*: one may not climb a tree; one may not ride an animal…

In other words, the Sages banned climbing a tree or riding an animal on Shabbat lest one come to violate an actual *melakha*, a type of decree known as a *shevut*. The Gemara (ibid.) explains the reason for the prohibition:

“One may not climb a tree” — this was banned lest one detach.

“One may not ride an animal…” — this was banned lest one remove a branch.

In other words, **it is forbidden to climb a tree** lest one come to detach a branch or leaf (see OC 336:1).[[1]](#footnote-1) Similarly, **it is forbidden to ride on an animal**, lest one come to remove a branch to direct and guide the animal (OC 305:18).

From the Gemara in Eruvin (100a), it arises that the rabbinic prohibition extends beyond climbing a tree or riding an animal to using them in other ways:

The roots of the tree that are three handbreadths above the ground… one may not sit on them, because one may not climb a tree; one may not be suspended from a tree; one may not lean on a tree; and one may not climb a tree while it is still day [Friday] and sit there throughout the entire day. The same applies to a tree or any animal.

If so, one should not make any use of a tree or other plant with a height of three handbreadths (about 24 centimeters or 9.4 inches) or more: one may not lean on it or be suspended from it, one may not leave objects on it (Mishna Berura ad loc. 3, according to Rashi and Tosafot, Shabbat 154b), and one may not tie an animal to it (Mishna Berura ibid., according to the Gemara in Eruvin 63a). Only a plant which is lower than three handbreadths — e.g., a stump or roots protruding from the ground — may be used, since they are considered like the contours of the ground itself (Eruvin 100a).

We must emphasize that the problem is not in moving or shaking the plant, but rather in the very fact of making use of it, and therefore these actions are forbidden even if the tree is very strong and there is no concern that it will move.

However, the Gemara in Chagiga (16b) indicates that the prohibition to lean on animals or trees applies only when one leans with all one’s strength, but gentle leaning is not considered to be making use of them. This is also indicated by the Yerushalmi (Beitza 5:2), which says specifically that a weak person may not lean, since such a person leans with all of his or her strength, and this is cited by the Or Zarua (Vol. II, Ch. 366) and the Me’iri (Shabbat 154b). The Mishna Berura (336:63, Bei’ur Halakha ibid. 13, s.v. *U-muttar*) rules accordingly:

One may lean on a tree if one is healthy, but for a weakened person, this is forbidden. The reason is that a healthy person only leans on it a bit, so that it is not considered to be making use of something attached to the ground, but one who is weakened must lean on it with all of his or her strength, and this is called using something which is attached to the ground and is therefore forbidden. This applies even when one does not cause it to move. Indeed, this is forbidden even for a healthy person if one causes it to move, as this is considered to be use [of the tree].

If so, a healthy person may lean lightly on a tree, as long as he or she does not move it all.

**DESCENDING FROM A TREE**

The aforementioned Gemara in Eruvin (100a) discusses the case of someone who climbs a tree before or on Shabbat and then wants to climb down on Shabbat. This situation is problematic because in the midst of climbing down, the person is using the tree; at the same time, remaining in the tree also constitutes making use of it. The Gemara’s conclusion is that one who climbs a tree purposely on Shabbat is punished by the Sages and compelled to remain there until the end of Shabbat; however if one climbs the tree while it is still daytime on Friday or on Shabbat itself inadvertently (i.e., without realizing that this act is forbidden or forgetting that today is Shabbat), one may come down. The Shulchan Arukh (336:1) rules accordingly:

If one climbs a tree inadvertently on Shabbat, one may climb down; if one does this on purpose, it is forbidden to climb down. If one climbs a tree while it still day [on Friday], in any case it one may climb down once it has grown dark.

The Eglei Tal (*Kotzer* 24) writes that one who climbs inadvertently or before Shabbat is not only allowed to descend, but in fact obligated to do so immediately, because remaining there would constitute use of a tree. Rav S.Z. Auerbach adds (*Shemirat Shabbat Ke-hilkhata*, Ch. 26, n. 42) that even one who climbs a tree on purpose on Shabbat itself, if he or she can make it down from the tree with a single jump, that person should do so, because one does not use the tree in climbing down, while in remaining there, one is using the tree.

**FREEING AN OBJECT FROM A TREE**

The Gemara (45a) says that one may not put a lamp on a palm tree before Yom Tov, since there is a concern that after it goes out (on Yom Tov itself), one may remove the lamp and violate the prohibition of using a tree. Rashi (ad loc., s.v. *Al Gabbei Dekel*) indicates that the very removal of the lamp is considered using the tree, while the Rosh (5:2) writes that taking an object out of a tree is not in itself considered a use of a tree, and the decree is based on a concern that someone may climb the tree in order to remove the object.

The Rashba (Eruvin 100a) explains that we only allow descending from a tree for a person who has actively climbed it, as every moment that he or she remains there, the tree is being utilized; but when it comes to an object left on a tree before Shabbat, one should not bring it down from there on Shabbat, since leaving an object there is not considered making use of the tree. The Rema (336:1) rules in accordance with this view:

This applies only to a person who climbs up there, but if one leaves an object there while it is still day [Friday], one may not take it on Shabbat.

Therefore, if a ball or other object lands in a tree or bush higher than three handbreadths from the ground, whether the object falls there before Shabbat or on Shabbat itself, one may not get it down on Shabbat, either manually or with a pole.[[2]](#footnote-2)

As we have said, the Sages also forbid leaving an object on a tree before Shabbat lest one come to take it down on Shabbat. Therefore, it is forbidden, for example, to hang a towel on a tree before Shabbat. However, one may put on the tree before Shabbat objects which have the status of *muktze*, as it is forbidden to move them on Shabbat, so there is no concern that one may take them down from the tree (Gemara 45a; OC 277:4). Similarly, one may put on a tree items which usually remain upon it before Shabbat, as there is no concern that one may come to remove them on Shabbat (Tehilla Le-David 277:7).

**IV) Rabbinic Decrees: Indirect Use of Trees and Plants**

**ITEMS SUPPORTED BY THE TREE OR ITS SIDES**

The **Gemara** (155a) addresses the question of whether one may use the sides of the tree, i.e., things which are attached to the tree or are supported by it. The Gemara concludes by distinguishing between different cases:

The law is that the sides (*tzedadin*) are forbidden, but the sides of the sides (*tziddei* *tzedadin*) are permitted.

Rav Ashi said: “Now that you have ruled that the sides are forbidden, one must not rest a ladder on a palm tree, because that is like the sides; one must rest it on pegs extruding from the tree, and when one ascends, one must place the foot not on the pegs, but on the rungs.”

Thus, the prohibition of use does not relate solely to the plant itself. It is also forbidden to make us of items **which are attached to or supported by plants in the ground** (OC 336:13). Therefore, it is forbidden to climb a ladder which is leaning on a tree or to climb pegs which are stuck in a tree, even if one will not touch or move the tree at all. Similarly, one may not hang a garment on a nail stuck in a tree or leave a vessel on a shelf which is attached to the tree. In addition, one may not take down objects which are located on the sides of a tree (e.g., a coat which is hanging on a nail stuck in a tree), just as one may not take objects down from the tree itself (Mishna Berura 336:63).

However, one may use on Shabbat what is defined as “*tziddei* *tzedadin,*” i.e., **items attached to or supported by the sides of plants** (OC ibid.). If, for example, a string is attached to a nail and the nail is stuck in a tree, it is permissible to hang an object on the string. According to this, it would be forbidden to hang a basket on a nail which is attached to a tree, but if the basket was already hanging on the nail before Shabbat, one may put things in the basket or take things out from it on Shabbat. Similarly, it is indeed forbidden to hang a towel on a string which is attached to a tree, but if the towel is hanging on a string such as this before Shabbat, one may dry one’s hands on it (but one may not take the towel itself down, as then one is using the string, as the Mishna Berura ibid. states).

Similarly, it is forbidden to swing on a hammock which is tied to a tree directly, but one may swing in a hammock which is tied to a nail which is stuck in the tree. However, use such as this is allowed only on the condition that during the time of using the hammock, the tree itself does not shake (Mishna Berura ibid.).

**USING GRASS OR SOFT BRANCHES**

The prohibition of using plants attached to the ground applies only to plants as hard as trees; soft branches or vegetables and the like may be used while they are attached to the ground. This distinction is cited by the Rema:

This is all true about a tree and the like, but branches which are as soft as vegetables may be used even though they are attached to the ground; there is no prohibition to use a vegetable.

The Taz (4) disputes this and rules stringently about every attached plant; however, most *Acharonim* accept the Rema’s ruling, including the Mishna Berura (15). Therefore, it is permitted **to sit or lie down on grass**, even if it is longer than three handbreadths. It is also permissible to move the grass with one’s hand, if it is attached (Mishna Berura 312:17, 19); however, once the grass has been uprooted, it is *muktze* *mechamat gufo* (set aside due to its lack of designated permitted use, like sticks and stones) and one may not move it.

**It is also permitted to walk on grass on Shabbat,** even though it may be that some blades will become detached, since one has no intention for thus, and there is no inevitability (i.e., no *pesik reisha*) that one will uproot grass (OC 336:3). However, if the grass is long, one should walk gingerly and not run, in order to avoid a situation in which some blades of grass will certainly be detached (Mishna Berura ad loc. 25).[[3]](#footnote-3)

**SMELLING A PLANT WHICH IS ATTACHED**

The Sages forbid **sniffing a fruit** which is attached to a tree lest one make a mistake and pick it on Shabbat in order to eat it. The Gemara in Sukka (37b) states in this regard:

Rabba said: “An attached myrtle may be sniffed, but an attached citron may not be sniffed.”

What is the reason? A myrtle is destined to be sniffed, so if one is allowed to sniff it, one will not come to pick it; a citron is destined to be eaten, so if one is allowed to sniff it, one will come to pick it.

In other words, an edible fruit may not be sniffed while it is attached lest one come to pluck it in order to eat it, while flowers or aromatic plants which are not edible may be smelled while they are attached, because we have no concern that one may pick it; one is able to enjoy their scent in the same measure without picking them. The Shulchan Arukh (336:10) rules accordingly. The Mishna Berura (ad loc. 48; *Shaar Ha-tziyun* 42) adds that one is even allowed to touch these plants and move them if there is no concern that one may come to detach, disputing the views of two *Acharonim* who forbid this: the Taz (ad loc. 10), who rules stringently about this because one is making use of the tree (according to his above-mentioned view, that the prohibition applies also to soft branches), and the Magen Avraham (312:6), who rules stringently about this because of the prohibition of *muktze*. The view advanced by the *Mishna Berura* has a precedent in the Me’iri (ibid.), who allows touching the myrtle and moving it while one smells it, and this approach is also followed by Rav Ovadya Yosef (*Yabbia Omer*, Vol. V, OC, 26:2).

**A Final Philosophical Note:**

There is a famous story about Rav Yaakov Yisrael Kanievsky, known as the Steipler Gaon or simply “the Steipler”, who was forced to serve in the Russian Red Army as a young man. One time he had guard duty on Shabbat, and he realized that the soldier who had the watch before him had hung his coat on a tree. Though it was viciously cold, the Steipler decided that there was no threat to his life and he should leave the coat on the tree, as the Sages forbade taking objects down from a tree on Shabbat. He served his watch in cold and misery. Later in his life, it become clear that his ears had been savaged by the frigid weather, and this caused him to be hard of hearing.

When I went to visit him in his final years, one could not speak with him directly. I wrote my questions on a piece of paper, and the Steipler voiced his responses. The Steipler was a great Torah scholar who wrote about the entirety of the Talmud. When I spoke with him, it was easy to see the powerful love and unique holiness radiated by this great righteous man.

Translated by Rav Yoseif Bloch

**Using a Tree on Shabbat**

One may not put things on something attached to or resting on a tree. Therefore, one may not hang a towel on or take it off a nail stuck in a tree. One may not climb a ladder leaning on a tree. One may not take items out of a coat hanging on a tree. One should not use a swing attached to a tree.

One may use the sides indirectly

One may not use a tree’s sides

One may not use a tree

One may not climb a tree

This is forbidden even if one does not climb. Therefore, one may not hang a coat or towel on a tree, and if a ball lands in a tree, one may not bring it down. One may not hang things on a tree before Shabbat, lest one come to bring it down on Shabbat.

However, one may lean on a tree as long as it does not shake.

This is banned lest one detach; one may not climb even a dry tree. If one climbs on purpose, one must stay there; if by accident, one may come down. One may use grass or soft branches; one may even sleep on grass. One may touch leaves or flowers and move them, as long as they will not be detached, but one may not sniff an attached fruit, lest one pluck it to eat it. One may walk on the grass on Shabbat, but if it is very high, one should walk gently.

One may put items in or take items out of a basket which is hung before Shabbat on a nail in a tree (but one may not remove the basket). One may not hang a towel on a string attached to a tree, but if the towel is hung on it while it is still day, it is allowed to dry one’s hands on it. One may swing in a hammock which is attached to a nail stuck in a tree (on the condition that it was set up before Shabbat), if the tree does not shake as a result of one’s using the hammock.

1. What about climbing a tree that is completely dried out? As we have noted in our previous *shiur*, the *Rishonim* dispute whether the rabbinic prohibition applies to such a tree, which depends, among other factors, on the question of whether the Torah prohibition of *kotzer* is relevant to such a tree. Halakhically, the Shulchan Arukh (OC 336:1) rules, following the Rambam, that one must not climb any tree, and we have already mentioned there that there are differing views about this question: does the Rambam understand that the prohibition of *kotzer* applies to a desiccated tree, or does he rule stringently about climbing such a tree only because of a precaution, even though the prohibition of *kotzer* does not apply to it? [↑](#footnote-ref-1)
2. What about using a ball which falls from a tree? If the ball falls out of the tree on its own after getting stuck in the tree on Shabbat itself, one is permitted to use it after it falls to the ground (*Shemirat Shabbat Ke-hilkhata*, Ch. 16, n. 20, in the name of Rav S.Z. Auerbach). However, if it lands in the tree before Shabbat, it becomes *muktze* for all of Shabbat at sunset, and even if it falls afterward to the ground, one should not use it (ibid. 26:15). [↑](#footnote-ref-2)
3. We should consider what the law would be if it is clear to one that some grass will be uprooted in the course of one’s walking, but not by each step. Rav S.Z. Auerbach (*Shemirat Shabbat Ke-hilkhata*, Ch. 26, n. 62, as well as *Tikkunim u-Millu’im* ibid.) writes that this should be allowed because in each step there is no *pesik reisha* that grass will be pulled out. However, combing with a comb or a thick brush is forbidden on Shabbat, even though the certainty that one will pull out hairs is not in every sweep, but rather in the overall process of combing. Rav Auerbach explains that combing is forbidden because the result may be seen as intentional. However, the Rivash (*Responsa*, Ch. 394) explains that combing is forbidden because we see all of it as one prolonged action. It may be that concerning walking on grass there is more of a reason to be lenient, because the detachment is done in an irregular way, and is also considered to be an act of *kilkul* (ruination); beyond this, it is a *pesik reisha* which one is not interested in, and if so, naturally there is good reason to argue to allow it (the confluence of a *pesik reisha* which one is not interested and two separate mitigating rabbinic factors, because it is both irregular and ruinous). Indeed, the Mishna Berura forbids running on grass when there is a *pesik reisha* that one will detach some blades, perhaps because of the suspicion that one will get stuck on a blade of grass and the detachment will fall into the category of desirable (Rav S.Z. Auerbach ibid., n. 64). However, practically speaking, as it is not clear that something will be uprooted in each step, the tendency is to be lenient about this. [↑](#footnote-ref-3)