

Rabbinic decrees due to detaching

The Sages
prohibited
climbing a tree and
riding an animal

The Sages issued several decrees to prevent one from detaching a fruit or branch from a tree. The **mishna** in *Beitza* (36b) states:

And these are the acts prohibited by the Sages as *shevut*: One may not climb a tree on Shabbat, nor may one ride on an animal.

In other words, there is a *shevut* (a decree of the Sages to prevent one from violating a prohibition by Torah law) against climbing a tree or riding an animal on Shabbat. The **Gemara** (ibid.) explains the reason for the prohibition:

One may not climb a tree. This is a decree that was made lest one detach branches or leaves while climbing... Nor ride on an animal... a decree that was made lest one cut off a branch.

In other words, **it is prohibited to climb a tree** lest one detach a branch or leaf (see *Shulḥan Arukh* 336:1).¹¹ Similarly, **it is prohibited to ride an animal**, a decree to prevent one from removing a branch to direct and guide the animal (see *Shulḥan Arukh* 305:18). It is possible that these actions are unbecoming for the honor of Shabbat and are considered weekday activities (see **Rambam** *Sefer Zemanim*, *Hilkhot Yom Tov* 5:2; *Ḥayei Adam* 97:1; **Responsa Ḥatam Sofer** 6:97).

Any use of a tree,
plant, or animal is
prohibited

The **Gemara** in *Eiruv* (100a) implies that the prohibition by rabbinic law extends beyond climbing a tree or riding an animal, as it includes using trees or animals in other ways:

Climbing a dried-
out tree

11. As mentioned above (note 2), the *Rishonim* disagree as to whether it is prohibited to climb a dried-out tree. This dispute depends, among other factors, on the question of whether the Torah prohibition of Reaping applies to such a tree. As for the *halakha*, the *Shulḥan Arukh* (336:1) rules, in accordance with the **Rambam**, that one may not climb any tree. As already mentioned in the aforementioned note, there are conflicting opinions with regard to this matter: Does the **Rambam** maintain that the prohibition of Reaping applies even to a dried-out tree, or does he rule stringently about climbing such a tree only as a precaution, despite the fact that the prohibition of Reaping does not apply to it?

With regard to roots of a tree that are three handbreadths above the ground... one may not sit on them because one may not climb a tree, nor may one hang from a tree by one's hands, nor may one even lean against a tree on Shabbat. And similarly, one may not climb a tree on Friday and remain there the entire day of Shabbat. This *halakha* applies to a tree and to all animals.

Consequently, one may not make any use of a tree or other plant, at a height of at least three handbreadths: One may not lean on it nor be suspended from it, nor may one place items on it nor tie an animal to it (*Mishna Berura* 336:3, based on *Eiruvim* 63a). Only a plant that is lower than three handbreadths, e.g., a stump or roots protruding from the ground, may be used, since these are considered part of the ground itself (*Eiruvim* 100a). It should be emphasized that the problem is not moving the tree, but using it, and therefore these actions are prohibited even if the tree is very strong and there is no concern that it might move.



It is prohibited to hang items on a tree or to use a tree in any other way.

Yet, the **Gemara** in *Hagiga* (16b) implies that the prohibition against leaning on animals or trees applies only when one does so with force, but gentle leaning is not considered making use of them. Likewise, the **Yerushalmi** (*Beitza* 5:2) states that it is specifically a weak person, who is apt to lean with force, who may not lean. The **Or Zarua** (2:366) and the **Meiri** (*Shabbat* 154b) write likewise, and the *Mishna Berura* (336:63, *Beur Halakha* *ibid.* 13, s.v. *umutar*) rules accordingly:

It is permitted to lean lightly on a tree if one does not move it

With regard to leaning on a tree, if one is healthy it is permitted, but if one is weak, it is prohibited. The reason is that a healthy person leans only slightly, so that it is not considered to be making use of an item attached to the ground. One who is weak must

lean on it with force, and this is considered using an item that is attached to the ground, and is therefore prohibited. This applies when one does not cause [the tree] to move, but if one causes it to move it is prohibited even for a healthy person, as this very action is use [of the tree].

Consequently, a healthy person may lean lightly on a tree, provided that it does not move at all. Of course, it is permitted to sit in the shade of a tree.

Descending from
a tree

The **Gemara** in *Eiruv* (100a) discusses the case of one who climbs a tree before or on Shabbat and then wants to climb down on Shabbat. This case presents its own difficulties, as in the act of climbing down, one will use the tree; and yet remaining in the tree also constitutes making use of it. According to the conclusion of the Gemara, one who climbs a tree intentionally on Shabbat is penalized by the Sages and compelled to remain there until the end of Shabbat. But one who climbed the tree before the start of Shabbat or unwittingly on Shabbat itself may climb down. The *Shulḥan Arukh* (336:1) rules accordingly:

One who climbs a tree inadvertently on Shabbat may climb down; if one does this on purpose, it is prohibited to climb down.¹² If one climbs a tree before Shabbat, in all cases [whether on purpose or inadvertently] 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 “permitted to descend,” but is in fact obligated to do so immediately, because remaining there constitutes the use of a tree. **Rav Shlomo Zalman Auerbach** adds (*Shemirat Shabbat KeHilkhata* 26, note 42) that even with regard to one who climbs a tree intentionally on Shabbat itself, if they can descend from the tree with a single jump, they should do so, because

12. By contrast, one who climbs onto the back of an animal on Shabbat, even intentionally, must get down, due to the prohibition against inflicting unnecessary pain on an animal (*Shulḥan Arukh* 305:18).

there would be no making use of the tree by climbing down in that manner, whereas remaining there makes use of the tree. Alternatively, one may bring a ladder (that does not lean on the tree) and then come down via the ladder. **Rav Ovadia Yosef** (*Hazon Ovadia* 4, p. 94) adds that a minor (including one near the age of adulthood) who climbed a tree on Shabbat is permitted to come down even if they knew that it is prohibited to do so and climbed it on purpose, as the Sages did not apply their penalties to a minor, who is not obligated to observe the mitzvot (see *Mishna Berura* 434:16).

The **Gemara in Eiruv** (32b) states that if one placed ones *eiruv tehumin* (food item used to merge Shabbat boundaries) on a tree before Shabbat he is not allowed to remove it on Shabbat, since this would constitute use of the tree. This demonstrates that the prohibition against using a tree includes removing an item that is upon it. **Rashi** (s.v. *ha mishtamesh*) implies that the very removal of the lamp is considered using the tree, whereas according to other *Rishonim* merely taking an item from a tree is not in itself considered using that tree; rather, the decree is due to a concern that one might climb the tree in order to remove the object (**Rosh**, 5:2), or out of concern that one may inadvertently lean on the tree (**Ritva**, *Eiruv*, ad loc.).

It is prohibited to take an item from a tree

The **Rashba** (*Eiruv* 100a) explains that we permit descending from a tree only with regard to a person who has climbed it, as every moment that one remains there is considered using the tree. But when it comes to an item left on a tree before Shabbat, one may not bring it down on Shabbat, as merely leaving an item there is not considered making use of the tree. The **Rema** (336:1) rules accordingly:

This applies only to a person who climbed up there, but one who left an item there before Shabbat may not take it from there on Shabbat.

Therefore, if a ball or other item lands in a tree or bush that is more than three handbreadths from the ground, whether the item fell there before Shabbat or on Shabbat itself, one may not

take it down on Shabbat,¹³ neither manually nor with a stick.¹⁴ However, if the object is stuck in a bush with soft branches, the object may be removed, as the prohibition does not include a plant with soft branches, as will be explained below.



One may remove a ball or other object from a bush with soft branches, but not from a tree.

Placing an item
on a tree before
Shabbat

The **Gemara** (45a) states that a candle should not be placed on a palm tree before Yom Tov, lest one come to take it from there on Yom Tov itself and thereby make use of the tree, which is prohibited. Hence it is prohibited to leave an item on a tree before Shabbat, lest one take it down on Shabbat. Therefore, it is prohibited, for example, to hang a towel on a tree before Shabbat. On the other hand, the **Gemara** (ad loc.) states that a candle may be placed on a tree before

If one's *tallit* got
caught in a tree]]

13. Several *Aḥaronim* (**Responsa Shevet Halevi** 7:44, *Hayei Adam* (98); **Responsa Shevet HaKehati**, 4:99) wrote that if one was walking and one's *tallit* (prayer shawl) became entangled in tree branches and the like, one may disentangle it and remove it from the tree. In this case, the concern that one will climb or lean on the tree is relatively insignificant, and at the same time this act does not really count as making use of the tree because this is not how one makes use of trees, since the tree merely here is merely an interference, and the person wishes to disconnect from it (as opposed to who knowingly put something on the tree and now wants to take it. In this latter case, the person was in effect expressly using the tree and only now does he want to stop using it). While the would seem to apply to a situation where a ball gets caught in a tree, the concern that one may climb or lean on the tree is greater here. Consequently, one should be stringent and not remove it from the tree.

Using a ball which
fell from a tree

14. If the ball became stuck in a tree **on Shabbat itself**, it is permitted to use it after it falls to the ground (***Shemirat Shabbat KeHilkhata*** 16, note 20, in the name of Rav Shlomo Zalman Auerbach). If it landed in the tree before Shabbat, at the start of Shabbat it becomes *muktze* for the whole of Shabbat, and therefore, even if it later falls to the ground, one may not use it (ad loc. 26:15).

Shabbat; since the candle is *muktze* and one will not remove it on Shabbat. This is the ruling of the *Shulḥan Arukh* (277:4) The same is true of other *muktze* objects as there is no concern that one will remove them from the tree. Similarly, before Shabbat one may put on a tree those items which usually remain upon it, as there is no concern that one might remove them on Shabbat (*Tehilla LeDavid* 277:7).

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

And the *halakha* is that use of the sides of a tree is prohibited on Shabbat, but use of the sides of the sides is permitted. Rav Ashi said: Now that you said that use of the sides is prohibited, with regard to this ladder that one climbs to an elevated area, a person may not lean it against the palm tree itself because it is considered use of the sides of the tree on Shabbat. Rather, one should lean it on stakes that are external to the trunk of the palm tree.¹⁵ And when climbing the ladder, one should not place his foot on the stakes. Rather, he should place it on the rungs of the ladder.



One may not climb or use the sides of a tree.

Accordingly, the prohibition of use does not apply solely to the plant itself. It is also prohibited to make use of items **that are attached**

15. On Shabbat itself one may not lean a ladder on stakes protruding from a palm tree, as this thereby uses stakes that are classified as the sides of the tree. The meaning of the Gemara is that one must lean the ladder on the stakes **before the onset of Shabbat**, and in this manner, it is permitted to climb the ladder on Shabbat itself, as this is not considered using the sides of the tree (*Mishna Berura* 336:60).

The use of items leaning on the sides of a tree is permitted

to or lean on a tree. This is the ruling of the *Shulḥan Arukh* (336:13). Therefore, one may not climb a ladder which is leaning on a tree or climb pegs which are embedded in a tree, even if they will not touch or move the tree at all. Similarly, one may not hang a garment on a nail that is embedded in a tree, or place a vessel on a shelf which is attached to a tree. In addition, one may not take down items that are located on the sides of a tree (e.g., a coat hanging on a nail embedded in a tree), just as one may not take down items from the tree itself (*Mishna Berura* 336:63).

In contrast to the above, the Gemara concludes that one may use on Shabbat what it calls “the sides of the sides” i.e., items **that are attached to or supported by the sides of a tree**, and the *Shulḥan Arukh* rules accordingly (336:13). If, for example, a string is attached to a nail and the nail is embedded in a tree, it is permitted to hang an item on the string. Consequently, while it is prohibited to hang a basket on a nail which is embedded in a tree, if the basket was already hanging on the nail before Shabbat, one may place items in the basket and remove them from it on Shabbat. The nail is classified as the sides of the tree and is prohibited for use, whereas the basket is considered “the sides of the sides” and is therefore permitted.



It is permitted to use the sides of the sides of a tree. Therefore, one may dry his hands on the towel, but may not take the towel down.

Similarly, it is prohibited to hang a towel on a string which is attached to a tree, but if the towel was hanging on a string of this kind before Shabbat, one may dry his hands on it. One may not take down the towel, as this is considered using the string (*Mishna Berura* 336:63).

By the same token, one may not swing in a hammock that is tied to a tree, but one may swing in a hammock that is tied to a nail that is embedded in a tree. This type of usage is permitted only provided that the tree itself does not shake when one uses the hammock (*Mishna Berura* ad loc.).

It is permitted to use grass and soft branches

The prohibition against using plants attached to the ground applies only to hard plants, such as trees; soft branches or vegetables may be used while they are attached to the ground. This is implied by the **gemara in Eiruvin** (34b) and the **Rema** (336:1) rules accordingly:

All this applies to a tree and the like, but reeds that are as soft as vegetables may be used even though they are attached to the ground; there is no prohibition against using vegetables.

The *Taz* (336:4) disagrees with this ruling and is stringent with regard to every attached plant, but the majority of the *Aḥaronim* accept the Rema's ruling, including the *Mishna Berura* (226:15). Therefore, it is permitted to sit or lie down on grass even if it is longer than three handbreadths. It is also permitted to move grass with one's hand, if it is attached to the ground (*Mishna Berura* 312:17, 19). Once the grass has been uprooted, it is *muktze* and one may not move it.



It is permitted to walk on grass, and even to move it.

It is also permitted to walk on grass on Shabbat despite the fact that some blades might become detached, as the person walking does not intend for this to happen, and the uprooting of grass is not an inevitable consequence of the action (*Shulḥan Arukh* 336:3). If the grass is long, one should walk gently and not run, in order to avoid a situation where some blades of grass will definitely become detached (*Mishna Berura* 336:25).¹⁶

Walking on grass

16. What is the *halakha* in a case where it is clear that some grass will be uprooted at some point while one walks, but not during any particular step? Rav Shlomo Zalman Auerbach (*Shemirat Shabbat KeHilkhata* 26, note 62, as well as *Tikunim UMiluim* *ibid.*) writes that this should be permitted, because with regard to each separate step there is no inevitable consequence that grass will be pulled out. Although combing with a comb or a thick brush is prohibited on Shabbat despite the fact that the certainty that one will pull out hairs does not apply to every act but rather to the overall process of combing, Rav Auerbach explains that combing is prohibited because the

Smelling an
attached plant

The Sages prohibit **smelling fruit** that is attached to a tree, lest one err and pick it in order to eat it. In this connection, the **Gemara** in *Sukka* states (37b):

And Rabba said: With regard to a myrtle branch, while it is attached to the tree it is permitted to smell it. With regard to an *etrog*, while it is attached to the tree it is prohibited to smell it. What is the reason for the difference between them? With regard to a myrtle branch, which exists primarily to smell it, if you permit one to smell it, he will not come to cut it. In the case of an *etrog*, which exists primarily for eating, one may not smell it because if you permit him to do so, the concern is that he will come to cut it from the tree.



It is permitted to smell an attached plant that is unfit for consumption.

In other words, one may not smell an edible fruit while it is attached, lest one pick it in order to eat it. By contrast, there is no prohibition against smelling flowers or aromatic plants while they are still attached, because one can enjoy their scent to the same extent

result of uprooting hairs can be seen as intentional. By contrast, the **Rivash** (**Responsa**, 394) maintains that combing is prohibited because it is all considered one prolonged action. Perhaps in the case of walking on grass, there is more reason to be lenient even according to the Rivash, because the detaching is performed in an unusual manner, and is also considered to be a destructive act. Furthermore, it is an inevitable outcome to which one is indifferent. Consequently, there is good reason to permit it, due to the confluence of an inevitable outcome to which one is indifferent and two separate mitigating rabbinic factors (it is both irregular and destructive). The *Mishna Berura* prohibits running on grass when the detachment of some blades is an inevitable outcome, perhaps due to the concern that one might get stuck on a blade of grass and will then desire the detachment of the grass (**Rav Shlomo Zalman Auerbach** ad loc., note 64). In a case where it is not clear that grass will be uprooted by each step, the authorities rule leniently.

without detaching them. The *Shulḥan Arukh* (336:10) rules accordingly. The *Mishna Berura* (ad loc. 48; *Shaar HaTziyun* 42) adds that one may even touch and move these plants if there is no concern that they might become detached, on condition that it is a soft plant rather than a tree. This contradicts the opinion of the *Taz* (ad loc. 10), who rules stringently in this regard because one is making use of the tree (following his aforementioned opinion that this prohibition applies also to soft branches). The ruling is also in opposition to the opinion of the *Magen Avraham* (312:6), who rules stringently due to the prohibition of *muktze*. Nevertheless, the *Meiri* (ad loc.) also explicitly writes that it is permitted to touch a myrtle and move it while smelling it, and this opinion is also accepted by Rav Ovadia Yosef (*Yabia Omer* 5, *Orah Hayim* 26:2).

The Sages also prohibit eating on Shabbat any fruit that fell from a tree on Shabbat, lest one pick fruit from the tree on Shabbat (*Beitza* 2b–3a; *Shulḥan Arukh* 322:3). Throughout Shabbat, this fruit remains *muktze* (*Mishna Berura* 322:7), but one may eat the fruit as soon as Shabbat ends (*Shulḥan Arukh* ad loc.).

It is prohibited to eat fruit that fell from a tree on Shabbat