



Parshas Va'eschanan 5763

August 8, '03

Volume II Issue 41

If I find an apple under my apple tree on Shabbos, am I permitted to eat it?

First we must understand what problem might be involved with eating an apple that fell off a tree. We know that it is an *issur d'oraisso* (biblical prohibition) to pick a fruit off a tree on Shabbos, but once the apple has fallen off the tree what could be the problem?

The *poskim* tell us that there are two problems.

The first problem is that *Chazal* were afraid that if one were permitted to eat the apple that fell off the tree on Shabbos, one might 'forget oneself' and pick another one and violate an *issur d'oraisso*.

The second problem is that the fruit is *muktze*. The reason is that when Shabbos began, it was known that the fruit was on the tree and it is therefore out-of-bounds for Shabbos. When in due course it fell off the tree it remains out-of-bounds, or *muktze*, for want of a halachik term.¹

If I do not know when it fell off the tree, may I eat it on Shabbos?

The *Yerushalmi*² teaches us that even when in doubt one may not³ eat the fruit.

Even if the fruit fell off the tree before Shabbos, one may not gather a few together and bring them inside, because of the *issur* of *מעמר*.⁴ The maximum a person may do is eat one fruit at a time. [*מעמר* is an *An Melacha* and it entails the prohibition of collecting items found in the field where they were grown. This *melacha* involves other details which we will *be"H* discuss in later shiurim].

Am I permitted to fashion a toothpick on Shabbos?

Several details must be taken into account when deciding whether one may fashion a toothpick on Shabbos.

The first pertains to **muktze**. If the piece of wood one wishes to fashion the toothpick from was not prepared for use before Shabbos it is *muktze*. The *halacha* talks about fashioning a toothpick from straw used to feed animals which is not *muktze*.⁵ Another possibility is to use a matchstick. Although a match is *muktze* on account of it being a *k'li she'melachto l'issur*, nevertheless it may be used *l'tsorech gufo*.

The second pertains to **making a k'li**. *Chazal* tell us that it is permitted to fashion a toothpick from food intended for an animal such as straw, even with a knife.⁶

¹ *Simon* 322:3 and *M"B* 7.

² *Yerushalmi Pesachim*, mentioned in *Tosefos Pesachim* 56b.

³ The *Sha'ar Ha'tsiun* 8 explains that it is based on the concept of *דבר שיש לו מתירין*. Since the fruit can be

eaten *b'heter* after Shabbos, one may not eat it on Shabbos.

⁴ *M"B simon* 322:6.

⁵ *Simon* 322:4.

⁶ *Simon* 322:4, and see *M"B* 12.

However, if the straw is not animal food, or if one wishes to fashion a matchstick into a toothpick, it is forbidden to do so. Breaking the matchstick with one's hands is an *issur d'rabanana* and shaping it with a knife or any other instrument is an *issur d'oraisa*.

What if there are pieces of meat stuck between the teeth and it impinges on human dignity?

We find that *Chazal* cared for a person's dignity and waived aside their restrictions in certain circumstances. In such a case, when a person is embarrassed to open his mouth because of pieces of food stuck between his teeth, one would assume that one would be permitted to handle *muktzeh* in order to clean his teeth. However, the *halacha* is that since one should have known that it is possible that it may be necessary to clean one's teeth on Shabbos, a toothpick should have been prepared before Shabbos. Therefore one may not violate any *issurim*. If however one is invited to a friend and thus he could not have prepared a toothpick before Shabbos and he finds himself in an awkward predicament, as mentioned, he may handle *muktzeh* to clean his teeth or even break a piece of wood with his hands (not with an instrument) and use it as a toothpick. This is on condition that it is indeed an embarrassing situation.⁷

What about breaking an herbal sprig in order to smell the fragrance?

Since the purpose of breaking the sprig is not to fashion a *k'li*, rather it is merely to break open the cells encasing the fragrance, it is permitted. One may not cut a hard branch or stem with an instrument, one may only break or rub it between one's fingers. Therefore, if one wishes to break a *hadassim*

branch (myrtle), one may do so but one may not cut it with a knife or scissors.⁸ One may not break such a branch in order to use as a toothpick.

Vort on the Parsha

The possuk tells us that Hashem did not choose Am Yisrael because they are many rather he chose them because they are small amongst the nations. The *S'fas Emes* asks that it is true that we are the smallest so how can one think that we might be chosen on account of our multitude?

He beautifully explains that Am Yisrael has two facets, one of greatness, which is represented by the name Yisrael and one of smallness, represented by the name Ya'akov. Their greatness manifests itself in their ability to reach great heights far higher than any other nation. Their smallness manifests itself in their ability to lower themselves and be totally subservient to Hashem's will, far more than any other nation of the world. It is for this humbleness that Hashem chose them from amongst the nations.

Food For Thought

Is one permitted to take a hot shower on Shabbos?

Is one permitted to take a cold shower on Shabbos?

May one warm one's wet hands next to a fire?

What is the halacha with regards to using a hot water bottle on Shabbos?

Answers coming next week.

⁷ M"B *simon* 322:14 and *Sba'ar Ha'tsiun* 12.

⁸ *Simon* 322:5 and M"B 17.

One may receive and distribute these weekly shiurim by calling or writing: Office 99 Rechov Bayit Vegan, Yerushalayim, Phone Numbers: U.S. and Canada 732-370-3344 Israel 972-3-616-6340 South Africa 2711-728-4275 UK 020-8731-6666 Australia 61-296835626 Switzerland 0114143 333 0288 • e-mail: shabbosweekly@shemayisrael.com, or www.shemayisrael.com, weekly sponsorships are available as well.

If you would like to send a question to Rav Ostroff, you can write to him at shabbosweekly@shemayisrael.com.

Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.