



Parshas Nitzavim/Vayeilech 5763

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May one climb up a tree on Shabbos?

Climbing a tree on Shabbos is not a *melacha* in itself. *Chazal* however were concerned that were it permitted to climb trees on Shabbos one might easily pick a fruit, or break a branch, or remove some leaves from the tree.

In order for the breaking of a branch to be an *issur d'oraissa* it must be broken intentionally¹ and not by merely stepping on it. If so, one may ask, if it does not seem to be a likely probability, why was it necessary to make such a *g'zeira* (decree)?

It is not for us to question the broad mind of *Chazal* (and even if we do not fathom their perception, we must still accept everything they tell us); however, to somehow add spice to the necessity of such a ruling we can say the following. Imagine climbing a tree and without realizing it you need to place your foot on a specific spot, on a branch. The branch is now in the way and your only course of action is to break the branch. Such an action is an *issur d'oraissa*! Likewise, if you were sitting in your tree house and you see a beautiful, rosy apple through the window, you might momentarily forget that it was Shabbos and pick the apple. This too is an *issur d'oraissa*!

Accordingly one should be permitted to climb a branchless, leafless and fruitless tree.

That is a correct observation but *Chazal* did not differentiate between the various trees

and issued an overall prohibition to climb trees.²

May one climb down a tree on Shabbos?

The *Shulchan Aruch*³ presents various scenes, as follows. If one blatantly climbed a tree on Shabbos, *Chazal* did not permit him to climb down. The reason is because in order to climb down a tree one must lean and use other branches. 'Using' those branches is prohibited on Shabbos. Rav Shlomo Zalman Auerbach *ztz"l* adds⁴ that if one is able to jump off the tree from the branch one is on without having to lean on or use other branches, one must do so.

If one forgot the *halacha* or one forgot that it was Shabbos and climbed a tree on Shabbos, one may descend the tree.

Is there a problem placing something on a tree or removing something from a tree on Shabbos?

For the same reason one is prohibited to climb a tree on Shabbos one may not use a tree either. This prohibition includes placing items on trees and removing items placed on trees before Shabbos. One may not tie one's horse to a tree either.

Chazal were so steadfast with their decree that they said that even if a *shofar* was put on a branch before *Rosh Hashana* and this *shofar*

¹ M"B 336:5.

² *Simon* 336:1 and M"B 1.

³ *Simon* 336:1.

⁴ *SS"K* 26 footnote 42, see inside.

was needed for blowing, a Jew may not remove the *shofar* from the tree.⁵
A gentile may be asked to retrieve the *shofar* because one may instruct a gentile to ‘violate’ an *issur d’rabanan* for the sake of a mitzvah.

We even find that *Chazal* prohibited⁶ placing certain items on trees before Shabbos lest one will need that item and remove it from the tree on Shabbos. Rav Shlomo Zalman says⁷ that this is not a blank prohibition and it only refers to items one uses continuously.

- One may not hang a coat or jacket on a tree on Shabbos.
- One may not put a siddur or a sweater (cardigan) on a branch on Shabbos.

Does this issur apply to all types of trees?

This *issur* only refers to trees and branches that are above 3 *tefachim* from the ground. Anything below that is not labeled as a tree⁸ and one may place things on such a branch.⁹ If a certain section of a branch is above 3 *tefachim* and another section is below 3 *tefachim*, each section is treated differently. One may not place items or remove items from the section that is above 3 and one may remove and put items on the section that is below 3 *tefachim*.¹⁰

Vort on the Parsha

Why is it Rosh Hashana is at the beginning of the next year and not on the last day of the year. If it is merely a day of reckoning and judgment, should it not have been at the end of the year?

⁵ *Hilchos Rosh Hashana simon* 586:21.

⁶ *Simon* 277:4.

⁷ *SS”K* 26:50.

⁸ *Simon* 336:2.

⁹ *M”B simon* 336:18.

¹⁰ *Simon* 336:2 and *M”B* 21.

Harav Chayim Friedlander זצ”ל beautifully explains that Rosh Hashana is not the final day of reckoning and judgment. That day is reserved for the future. Rosh Hashana has another purpose. We are all in this world to fulfill a purpose, a mission. *Hashem* grants each and every one of us tools with which to carry out our missions. A factory supervisor hands his workers tools with which to work and manufacture products, and after a while he analyzes and inspects their progress. Diligent and productive workers will be upgraded and handed even better tools and idle workers might even lose the tools they were given to work with. The same applies to the material items we are given in this world. *Hashem* grants us tools that might either be money, material items, children etc. he then sees whether we are utilizing them properly. If we are, he might upgrade them. Most of the davening however on Rosh Hashana has very little to do with materialistic living conditions. The reason is because we are not asking for improved living conditions as a goal, rather we wish to become loyal servants of *Hashem*. This is accomplished by accepting his yolk wholeheartedly. If we are sincere in our goals and we use our current tools wisely, *Hashem* will automatically grant us the necessary ‘tools’ that will enable us to be loyal servants.

Food For Thought

What about leaning on a tree?

May one lie in a hammock tied between trees?

May children play on a swing that is tied to a tree?

What happens if a ball gets stuck in a tree, may one retrieve it?

Answers coming next week.

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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.