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Digest
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סימן שכ"ב סעיף א'-ג'

Halacha Highlight

Cutting fruit and branches on Shabbos

Shulchan Aruch Siman 322 Seif 3
פרות שנשרו מן האילן בשבת
Fruit that fell from a tree on Shabbos

Shulchan Aruch (סעי' ג') rules that fruit that fell from a tree on Shabbos are prohibited on Shabbos but are permitted immediately after Shabbos. The rationale behind the prohibition is Chazal's concern that if the fruit that falls from the tree on Shabbos would be permitted it could lead to people climbing trees to pluck fruit which is Biblically prohibited. Additionally, since the fruit was attached to the tree at the outset of Shabbos, the owner obviously dismissed those fruit from his mind (אתקצאי מדעתיה) and once it is *muktzah* during the period of *bein hashemashos* it is *muktzah* for the duration of Shabbos (מ"ב סק"ז). Mishnah Berurah (סק"ה) notes that even if one is uncertain whether the fruit fell on Shabbos it is prohibited. Furthermore, the Gemara in Pesachim implies that even if one intends to make the fruit ownerless (הפקר) for the poor to take, the fruit are prohibited due to this Rabbinic injunction.

Above Mishnah Berurah (סי' שי"ח ס"ק ט"ו) indicated that if before Shabbos one designated a fruit to pick on Shabbos for someone who was ill and the fruit was fully ripened so that it no longer needed to remain on the tree, once it is picked for the benefit of the ill person even a healthy person may eat that fruit. The reason the fruit is not subject to the Rabbinic injunction based on the concern that one may climb the tree and pick a fruit is that since it is permitted to pick the fruit for the benefit of the ill person, even *l'chatchila*, Chazal did not apply their injunction (שמירת שבת כהלכתה פ"ל הע' קנ"ו). Similarly, Rav Shlomo Zalman Auerbach (שו"ת מנחת שלמה ח"ב סי' מ"ה) ruled that if an Israeli cut some *aravah* branches on the 2nd day of Sukkos a non-Israeli may use those *aravos* even though for him the day is Yom Tov. The reason is that since the Israeli is permitted to cut down those *aravos* they are not subject to Chazal's injunction out of concern that one may climb a tree and cut them down.

Overview

Siman 322 Seif 1:

It is prohibited even to move an egg that was laid on Shabbos and even if it becomes intermingled with a thousand other eggs the entire mixture is prohibited. One may cover it with a utensil so that it should not break provided that he does not touch it.

- Since it is not fit for consumption it is treated as *muktzah*. It is prohibited since when Shabbos falls after Yom Tov such an egg is prohibited being that it means that Yom Tov prepared for Shabbos. For this reason, when an egg is laid on Yom Tov that follows Shabbos it is also prohibited. Due to these prohibitions, Chazal prohibited eggs that are laid even on a regular Shabbos or Yom Tov even though the above concerns do not apply. (M.B. 1)
- Since it will eventually become permitted it is not nullified, even in a thousand permitted items. Even if it is uncertain when the egg was laid, it is prohibited. If one found the egg before *amud hashachar* it is permitted since it is assumed that it was laid before Yom Tov since most eggs are not laid at night. (M.B. 2)

Siman 322 Seif 2:

When Shabbos occurs before or after Yom Tov, an egg that is laid on one day it is prohibited on the next day.

Siman 322 Seif 3:

Fruit which fell from a tree on Shabbos is prohibited on that day but after nightfall it is permitted immediately.

- Even if it is possible that it fell at night it is prohibited. (M.B. 5)
- Seeds and greens found in a garden are also prohibited for consumption or to be moved. Even when one knows that they fell before Shabbos, one may only take one to eat it but it is prohibited to gather many together since it resembles the *melacha* of מעמר. (M.B. 6)