The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ו סעיף א'

Overview

Siman 336 Seif 1:

One may not climb a tree, whether dry or moist, nor may one hang from it, or use anything attached to the ground out of concern that one will climb the tree and detach a branch. If one inadvertently climbed onto a tree on Shabbos it is permitted for him to climb down but if he did so intentionally, it is prohibited to climb down. If he climbed onto the tree before Shabbos, in all cases it is permitted to climb down on Shabbos. Some maintain that this is true when he intended to climb down before Shabbos but if he did not intend to climb down before Shabbos he may not climb down on Shabbos since his intent was to remain there during a prohibited time. This applies when a person climbed the tree but if one left an object on a tree, it is prohibited to take it from there on Shabbos. These restrictions apply to trees and similar items but it is permitted to use reeds that are soft as a vegetable even though they are attached to the ground since there is no prohibition against using a vegetable.

- This is true even if the branch is completely dried so that there is no longer a concern that one will detach the branch, nevertheless, it is prohibited as a "fence" to the *halacha*. Some are lenient during the summer when it is evident to all that it is dry. (M.B. 1)
- It is also prohibited to lean on it. (M.B. 2)
- For example, to place an object upon it, to remove something from it or to tie an animal to it. (M.B. 3)
- Although on the way down he will use the tree it is permitted since while he is sitting in the tree he is also using the tree. (M.B. 6)
- It doesn't matter whether he intended to climb down before Shabbos or not. (M.B. 8)
- *Halacha* follows the first opinion. (M.B. 10)
- There is no prohibition for a utensil to rest upon a tree and the only prohibition involves removing it. The reason this was prohibited is that it is easy for one to lean on a branch or the tree and for that reason any part of the tree higher than three *tefachim* is included. It is prohibited to suspend permitted utensils on a tree on *erev* Shabbos out of concern that one will remove them from the tree on Shabbos. (M.B. 12)
- Many *Poskim* maintain that if the reeds will harden they are prohibited even while they are yet flexible. (M.B. 14)
- Taz disagrees with Rema and prohibits using reeds or vegetables but Elya Rabba cites many authorities who follow Rema's position but limits the application to reeds that are as flexible as a vegetable. (M.B. 15)

Halacha Highlight

Removing one's *talis* that became caught in a bush

Rema Siman 336 Seif 1
אבל אם הניח שם חפץ
But if he placed an object there

Shulchan Aruch discusses the allowance for a person to climb out of a tree on Shabbos. He distinguishes between one who climbed onto the tree on Shabbos and one who climbed onto the tree before Shabbos. If he climbed the tree on Shabbos intentionally, he is penalized and may not climb down until after Shabbos, but if he climbed the tree inadvertently he is permitted to climb down the tree. If he climbed on the tree before Shabbos he is permitted to climb down regardless of whether he climbed on the tree intentionally or not. However, there are authorities who maintain that this allowance applies when he intended to climb down before Shabbos but if he intended to climb down on Shabbos he may not climb down on Shabbos.

Rema notes that the above parameters apply when a person is in a tree on Shabbos, but if one placed an object on a tree, even if he placed it there before Shabbos, he may not remove it on Shabbos. The reasoning is that in contrast to a person, there is no prohibition for an object to remain in a tree on Shabbos and the removal of that object involves using the tree which is prohibited. Thus it is prohibited to remove the object from the tree. The reason Chazal prohibited removing objects from a tree is out of concern that in the process of removing that item he will lean on the tree or one of the branches. Some *Poskim* maintain that if one's *talis* gets caught on a bush that is less than ten *tefachim* tall and as a result it fell onto the bush, it is permitted to remove it. Since it is so small there is no concern that the owner will climb on the bush and since it became caught inadvertently, we do not consider it as though he is making use of the tree. Consequently, it is permitted for the owner to remove it from the tree (שו"ת שבט הלוי ח"ז סי' מ"ד).