The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן של"ו סעיף י"ב-י"ג

Overview

Siman 336 Seif 12:

Figs whose stems dried and similarly, if the fruit on a tree dried, one who plucks such fruit is liable even though they are considered detached when it comes to *tumah*.

- According to Nishmas Adam the progression of the *seif* is that initially it addresses the circumstance in which the tree is moist but the fruit is dry and then addresses the circumstance of where even the tree is dry and nonetheless, the fruit is considered attached. (M.B. 56)
- Magen Avrohom writes that all opinions agree that one who detaches dry grass is not liable although it is Rabbinically prohibited. (M.B. 57)
- As far as *tumah* of foods is concerned such a fruit is considered detached and thus susceptible to *tumah*. (M.B. 58)

Siman 336 Seif 13:

It is prohibited to use the side of a tree but it is permitted to use the side of the side of the tree. Therefore, it is prohibited to lean a ladder on the side of a tree since one will use the side of the tree as he ascends the ladder, however, if there is a peg protruding from the tree, it is permitted to lean the ladder on the peg since the peg is the "side" of the tree and the ladder is the "side of the side" of the tree. If one inserted a peg and suspended a basket on the peg, the peg is the "side" and the basket is the "side of the side." It is permitted to touch a tree provided that he does not move it. It is permitted to descend into or climb out of a pit, even if it is 100 *amos* deep and one may use the sides to climb down and climb in without concern that he may dislodge some dirt in the process.

- Something inserted in or tied to a tree is considered the "side" of the tree. (M.B. 59)
- It is certainly prohibited to lean a ladder on a tree and even on a peg since that constitutes using the "side" of the tree. (M.B. 60)
- For that reason it is permitted to place fruit in or remove fruit from the basket but one may not take or suspend the basket. A healthy person may lean on a tree but a weak person may not. The reason is that a healthy person leans minimally on the tree as opposed to the weak person and thus it is considered as though he is using the tree. In the event that the tree will move it is prohibited even for a healthy person. (M.B. 63)

Halacha Highlight

Using a laundry line attached to a tree

Shulchan Aruch Siman 336 Seif 13
אסור להשתמש בצדדי האילן
It is prohibited to use the "side" of a tree

Shulchan Aruch (סע' י"ג) prohibits use of the "side" of a tree but permits using the "side of the side" of a tree. Therefore, if a ladder is leaning against a tree it is prohibited to climb the ladder since by doing so he is using the "side" of the tree. However, if there is a peg that protrudes from a tree and the ladder rests on that peg, it is permitted to climb the ladder on Shabbos. The reason is that in such a case he is using the "side of the side" of the tree being that the ladder rests on the peg rather than on the tree directly. Mishnah Berurah (סק"ס) emphasizes that it is prohibited to lean a ladder even on the peg that protrudes from the tree since by doing so he is using the "side" of the tree which is prohibited.

Regarding a laundry line that is tied around a tree, Rav Shlomo Zalman Auerbach (מאור השבת ח"ב מכתב כ"ח אות א') rules that the laundry line is categorized as the "side" of the tree and thus it is prohibited to hang clothing or remove clothing from the laundry line on Shabbos. If the laundry line runs on a wheel and that wheel is attached to the tree, the line is considered the "side of the side" of the tree and it is permitted to hang clothes or remove clothes from the laundry line (in accordance with the *halachos* of hanging laundry to dry on Shabbos, see above *siman* 301: 45, 47). However, one must be cautious not to pull the line around the wheel since moving the wheel involves using the "side" of the tree which is prohibited. If the wheel is not attached directly to the tree, for example, it is tied to the tree by rope or chain, it is permitted to pull on the laundry line since the wheel is considered the "side of the side" of the tree which may be moved on Shabbos (אור לציון ח"ב פל"ח תשובה א').