

Bo

Hilchot Shabbat— Kotzer

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ב"ה

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As part of the Warm the Winter program and our attention to Shabbat, we will be focusing the written Dvar Torah on various topics that arise in the observance of Shabbat.

Is one permitted to smell flowers attached to the ground on Shabbat?

Is one permitted to use a swing attached to a tree?

What if my child's ball gets stuck in a tree?

The **Talmud** (Shabbat 107b) defines the prohibition of kotzer as detaching something from its place of growth- "Abaye said: One who detaches mushrooms from the handle of a pitcher is liable for detaching an object from its source of growth." Even though mushrooms do not grow from the ground, one still violates the prohibition of kotzer by picking them, since he has detached something from its place of growth. Accordingly, **Rema** (Orach Chaim 336:8) rules that if a branch with fruit has already been detached from a tree, one is permitted to pick fruit off the branch, since it is no longer attached to its source of growth. Based on the **Talmud** (Sukkah 37b), **Shulchan Aruch** (336:10) states that if a fruit is still attached to a tree, one is not even permitted to smell it, since we are concerned you will be so enticed by the smell that you will pick it off to eat. You are permitted however to smell a flower still attached to the ground or a tree, because explains **Mishnah Berurah** (336:48), there is less concern you will pick it, since your sole objective in smelling the flower can be accomplished while it is still attached.

The sages instituted certain enactments meant to distance us from violating the prohibition of kotzer. Among these enactments, the **Talmud** (Betzah 36b) states that one is not permitted to climb a tree on Shabbat, because it might lead one to break off a branch. In addition, the **Talmud** (Eruvin 100a) states that one is not permitted to make use of a tree or bush that is 3 tefachim (approximately 10.5 inches) above the ground. The **Talmud** (Shabbat 155a) qualifies this prohibition, stating that one is not permitted to use the tree itself, but if another object is attached to the tree, then one is permitted to make use of that other object. Accordingly, **Shulchan Aruch** (336:13) rules that if a swing is tied directly onto a tree, one may not use the swing on Shabbat, however if the swing is attached to a nail or the like which is nailed into the tree, one may use the swing, as long as it does not cause the tree to sway. Similarly, **Mishnah Berurah** (336:63) says that one is permitted to lean lightly on a tree, but not more than that, since that would constitute usage of the tree. Along these lines, **Rema** (336:1) rules that one is not permitted to take an object down from a tree on Shabbat, and **Mishnah Berurah** (336:12) adds that therefore one should be careful not to hang anything from a tree before Shabbat, because you might come to take it down on Shabbat. If a ball got stuck in a tree, **Shemirat Shabbat K'hilchatah** (16:7) rules that one may not take it down either by hand, with a stick or by shaking the tree, again because this is considered using the tree. He quotes **R. Shlomo Zalman Auerbach** about a case of the ball falling down on its own. If it was there before Shabbat, one may not use it, since it was considered muktzeh when Shabbat started, however if it got stuck on Shabbat and fell down on its own, one is permitted to use it.

*Many of these discussions are based on notes from Rabbi Yosef Zvi Rimon of Yeshivat Har Etzion.



Turn Over

THIS PAST WEEK AT...

THE TUESDAY NIGHT PARSHA SHIUR

It seems a bit awkward to share a parsha shiur when describing a shiur from the past week, because its content is the same as what is on the other side of the page. However, this week presents a unique opportunity, because we've taken a brief hiatus from writing the weekly Dvar Torah about the parsha to write about the halachot of Shabbat, and that gives me an opportunity to talk about the parsha on this side of the page. This past Tuesday night's parsha shiur developed a little differently than I had expected. My plan was to focus the majority of the time on the *parshanim* who develop Moshe's feeling of fragility in each of his interactions with Pharaoh. For example, after the plague of darkness, when Moshe again requests that the Jews be let to leave Egypt, Pharaoh throws Moshe out of the palace in disgust. The Klei Yakar suggests that Moshe felt humiliated and needed to be reassured that each of these incidents was a stage of the forthcoming redemption, which Hashem does in the subsequent verses.

However, we were diverted to the pesukim immediately following that discussion in which the Jewish people are instructed וישאלו, that they should borrow golden and silver utensils from their Egyptian friends. They did not plan to return them before leaving, though. Some of those studying with us were bothered by this deception that the Jews were commanded to perform. We, therefore, switched our focus to this ethical question. We saw that, possibly for that exact reason, some commentators, including the Ibn Ezra and Rashbam, translate וישאלו as they should request as gifts. In this understanding, the Egyptians miraculously agreed to present the Jews with much of their wealth, not expecting it to be returned.

We studied another approach, offered by the Klei Ykar. He argues that the Jews needed to take the Egyptian's wealth from Egypt, while it still belonged to the Egyptians. The reason for this strange requirement is that God wanted that the Jews be paid for their decades of labor. Had the riches been given as gifts to the Jews, as Rashbam and Ibn Ezra understand, the Jews would be rich but not paid. Therefore, when the Jews left Egypt they did it with Egypt's wealth, settling the financial part of Egypt's debt. We noted that this interpretation has implications on how we view German reparations and on the question of whether you can separate financial and ethical debts.

—Rabbi Yitzi Genack