

VEBDE REBDE

Getting a Kite Down from a Tree on Shabbat

Question: If one flies a kite on Shabbat and it gets stuck in a tree, may he extricate it from the tree?

Answer: We wrote in the past about whether it is permitted to fly a kite on Shabbat. We concluded that there are not sufficient grounds to forbid it, despite the possibility a person could make mistakes in the process (as is possible regarding many permitted Shabbat activities). Your question relates to an important scenario, especially because kites often get stuck in trees.

It is certainly forbidden to climb the tree in order to free the kite. It is forbidden to climb trees on Shabbat, out of concern that one who does so will pull off a branch or fruit from the tree (Beitza 36b). Although there is discussion if this prohibition applies to totally barren trees (see Eiruvim 100b), the halacha is that it applies to all trees and firm vegetation (Shulchan Aruch, Orach Chayim 336:1) as long as it is above three tefachim off the ground (ibid. 2). It is also forbidden to lean a ladder against the tree and climb the ladder, due to a prohibition to use a tree or that which is considered the "side of the tree" (Shabbat 154b; Shulchan Aruch ibid. 13).

Is it permitted to, without climbing, free the kite by pulling on the kite string strongly? In many cases in which the kite is strongly intertwined with the leaves and branches, pulling strongly enough to remove the kite will certainly knock off parts of the tree even if that is not his intention (p'sik reisha). Assuming that one has no use for what comes off, this would be only a Rabbinic violation of Shabbat even if done on purpose (see Shabbat 73b). According to most poskim, a p'sik reisha is forbidden even on a Rabbinic prohibition (Mishna Berura 314:11; Yabia Omer I, OC 19 cites poskim on both sides of the debate).

What about cases in which it is not definite that any part of the tree will be severed? It is forbidden to shake trees or parts of trees (Rama, OC 336:13; Mishna Berura 336:63, based on Beit Yosef in the name of Orchot Chayim). This is forbidden because it is using the tree (see above) (see Shabbat 155a; Aruch Hashulchan, OC 336:37). Since this is not just a violation of muktzeh, it is forbidden not only when one does so directly with his hand, but even with another instrument, e.g., the kite string (see Shabbat 155a). This is apparently so even if he did not do so intentionally but as a p'sik reisha. Seemingly whenever one has to pull on a caught kite, branches and leaves will be moved.

Even if one could just lift the kite out without moving anything, it would still

be forbidden. The gemara (ibid.) forbids placing things on a tree, as it is prohibited to use a tree on Shabbat. The Rama (OC 336:1) is among those who say that it is likewise forbidden to remove things from a tree. Some understand that the Rosh (Shabbat 5:2) does not view removing things from a tree as using it (see Shevet Halevi IV:74). This is part of the Shevet HaLevi's grounds for allowing one to easily pick a tallit that accidentally fell on a low bush. However, assuming the part of the tree in question is at least 10 tefachim (about three feet) high, there would still be a prohibition out of concern one might climb the tree in order to remove the object (see Rosh ibid.; Mishna Berura 336:12; Shevet Halevi ibid.). Indeed, Sh'mirat Shabbat K'hilchata (16:7) forbids removing a ball on Shabbat from a tree upon which it fell, whether doing so by hand or with the help of a pole. While it is not necessary to point this out from a halachic perspective, note that the chances one will come to climb the tree to rescue the kite are probably higher than in the classic case of placing something in a tree above ten tefachim.

In conclusion, once the kite is stuck in the tree, it should not be taken down on Shabbat, in any manner. This is something the kite flyer should consider before flying it. A rabbi might be wise to consider the chances that kids will know/remember this halacha and be disciplined enough to follow it, when setting policy for his community.