

# HALOCHOSCOPE



# PE

Congregation Shaaray Tefillah, Pittsburgh, PA

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This week's question?

If on Shabbos a mosquito or other biting or stinging insect lands on a person's skin, what is he allowed to do?

What are the issues?

(A) *Tzeidah* - the Melacha of trapping on Shabbos. (*Melacha* is the term used to describe the thirty-nine activities Scripturally forbidden on Shabbos and their derivatives.)

(B) *Netilas Neshama* - the Melacha of killing on Shabbos.

(C) *Melacha Sh'einah Tzricha Legufah* - when something is done for purposes other than those originally meant in the Torah's prohibition.

(D) Which creatures are exceptions to the above Melachos because of the danger they pose?

(A) Tzad

Trapping living creatures is forbidden Scripturally on Shabbos. However, in order to be a Scriptural violation two considerations must be taken into account. Firstly, *Yesh Bemino Nitzud*: The creature being trapped must be a species that is usually trapped for its uses, such as for its meat, skins or other products, or to be held alive in captivity. This, therefore, includes honeybees caught by beekeepers for their honey, but excludes hornets which are not caught for any purpose. There are some reptiles or insects that are caught for medicinal purposes, and are considered *Yesh Bemino Nitzud*.

The second consideration is *Mechusar Tzeidah*. The manner of trapping must be such that the animal cannot subsequently escape. This means that restricting it in an area big enough for it to dodge the trapper's hands would not be considered *Tzad*. On the other hand, if it is already so restricted that it is easily brought totally under control, then actually bringing it under control or further restricting its movement is not considered *Tzad*. For example, we are taught in the Talmud that there are two types of bird. One type is inactive inside a house so that it is considered trapped once it has entered a house. The second type flies around indoors in the same way that it flies outdoors so that it is not considered trapped until it is in a smaller area such as a closet where its freedom is indeed restricted. Domesticated animals on one's property such as cows and horses or certain pets are therefore considered *Nitzudim Veomdim*, already trapped, and Mideoraisa there is nothing wrong with further restricting their movements by leading them into a stall or barn. Household cats are an exception to this exclusion because they are considered wild enough to run away even in a relatively restricted area. Accordingly,

one may not pick up a cat on Shabbos nor shut it into a smaller restricted area such as a closet. [See Shabbos 106a-b Shulchan Aruch Orach Chaim 316. Aruch Hashulchan 38.]

Even though trapping those species that are not trapped for a purpose is not forbidden Mideoraisa, it is still forbidden Miderabonon. Therefore, hornets, mosquitos or houseflies may not be trapped on Shabbos. As for animals that are Nitzudim Veomdim there is a difference between a trapped wild animal such as a deer and a domesticated animal such as a cow or horse. Cows and horses, provided they are controllable, are never included in the prohibition of Tzad even Miderabonon. Wild animals or birds in captivity may not be further trapped Miderabonon according to some authorities while others permit their trapping. [See Shabbos 106b Tosafos Beis Yosef Orach Chaim 316 Sh. Ar. O.C. 316:12 Mishneh Berura 59.]

It must be noted that even where there is no prohibition Mideoraisa or Miderabonon to trap a particular animal it is still forbidden to pick it up because of Muktzah. [See Shabbos 128b. Sh. Ar. O.C. 308:39.]

Trapping includes actually picking up the creature with one's hands or using a net. It also includes catching it by part of its body, leading it into a trap or even a room or house, if, as mentioned, its movement is sufficiently restricted there. Even shutting the door of a cage or room thereby trapping the animal is forbidden. Closing a box or bottle which has a fly inside is a matter of dispute: If, when the cover is removed, the insect will be able to escape easily immediately, there are opinions that allow covering it. [See Tur and Sh. Ar. O.C. 316:3 and commentaries.]

#### (B) Netilas Neshomo

Killing a living creature on Shabbos is a Melacha, Scripturally forbidden under the category of *Shochet*, slaughtering. Unlike trapping, killing is forbidden regardless of species, the only exception being a certain species of lice. Furthermore, killing is even forbidden when the dead animal is not going to be used at all. This means that stepping on an ant is a Melacha.

Injuring an animal is included in the category of *Shochet* according to some opinions. The Halachos of *Chovel*, injury, vary according to the species and the injury but it is generally agreed that shedding blood is a definite Melacha of some kind, and bruising is also often a Melacha. [See Shabbos 75a-b, 106a, 107a-b, 12a, 121b. and commentaries. See Biur Halacha 316:8. Aruch Hashulchan, there.]

#### (C) Melacha Sh'eina Tzricha Legufah

Regarding Shabbos we are taught that Mideoraisa all the activities that are to be considered Melacha must fit certain guidelines. If they do not fit those guidelines they could still be forbidden Miderabonon. Since the thirty-nine major categories of Melacha are all based on the productive activity involved in the building of the Mishkan, the tabernacle, they are only forbidden when performed with a constructive result. A question arises when the original constructive activity does result from one's actions but the intention of the doer was for an alternative purpose. In this case do we say that he did the Melacha as a "by-product" of his action or that his purpose is the most important factor in defining it as a Melacha? There are two views in the Talmud with a subsequent split ruling in the Poskim. Our practice is to follow the lenient ruling that a Melacha done for a purpose other than the one originally meant in the Mishkan is not Scripturally but Rabbinically

forbidden. [See Shabbos 107b and other places and Poskim.]

*Bimkom Tza'ar*, when the person is doing the Melacha to avoid pain, the above Rabbinic prohibition is lifted and he is permitted to do the Melacha Sh'eina Tzricha Legufah. [See Shabbos 107a Rashi and Tosafos and Kesubos 6b, Tosafos.]

#### (D) Which animals are considered dangerous?

Accordingly, when someone is being chased by an insect, his killing it is not for the purpose of killing the insect, but for the purpose of freeing himself of the pest. This would relegate it from a Mideoraisa to a Miderabonon and possibly permit it totally Bimkom Tza'ar. Similarly, if he can catch it in his hands and release it out of the window, his trapping it is not Mideoraisa even if the species is usually trapped. However, we find different categories of pests regarding how far one may go in trapping or killing them.

Firstly, any animal that is life-threatening even when it is not provoked, such as a rabid dog, may be killed even if it is not chasing the person. Any Melacha is permitted when life is in danger, *Pikuach Nefesh*. Although the Gemara lists these species, the Poskim extend it to include any killer-species. Next come species which are only considered threatening when they are chasing someone when they maybe killed outright. When they are not threatening, they may also be trodden on in the course of one's walking even if at the time the treading was intended also to kill. This is because ultimately the killing was for the purposes of protection, and is a Melacha Sh'eina Tzricha Legufah, and the Miderabonon was lifted in this case because of the potential danger they pose. However, this is only allowed when it does not appear obvious that one intends to kill it. Of course, any harmless creature may not be trodden on "inadvertently". Another way to protect oneself from this category of pest is to trap it by cupping a bowl over it or netting it or tying it up (with a permissible knot.) This, again, is a Melacha Sh'eina Tzricha Legufah. Here one need not try to make it look unintended since Tzad is a less conspicuous Melacha to the observer than is Shochet. [See Shabbos 121b. commentaries. Sh. Ar. O.C. 316:3 and 10 and commentaries.]

If an insect stings or bites deeply which is potentially very harmful, it is included in the above category. However, if it is an insect that merely causes a lot of pain with its bite, although there is an opinion that applies the Bimkom Tza'ar exclusion to allow killing it, we do not follow this opinion. In these cases only picking it off one's body, which is Tzad, is allowed. There are opinions that only if it is already biting may one remove it; however, common practice is to allow removal even if it is not on one's body, but on one's underwear. [See Shabbos 107b. Bais Yosef O.C. 316. Sh. Ar. O.C. 316:9, Aruch Hashulchan 30.]

In conclusion, one may remove a mosquito from one's person to avoid being bitten. Bees and wasps fall into the second category if someone is allergic to their stings, and they may be trapped and removed, but not killed outright, unless they are trodden on while walking. If they are chasing after someone or are on his skin, one may assume that they will sting and he may kill them. Babies must always be considered allergic. When removing a mosquito one should take care not to squash it. If the mosquito is carrying a dangerous disease one may treat it as an allergic person treats a wasp. One may spray insecticide into the air provided one does not spray at a fly. Repellent may be applied to one's skin. [See Be'er Moshe Vol 2 No. 23]

## ANNOUNCEMENTS

### SCHEDULE:

SHABBOS MINCHA	8:15 PM
SHACHARIS SUNDAY	8:00 AM
SHACHARIS MONDAY & TUESDAY	7:00 AM
MINCHA SUNDAY & MONDAY	8:25 PM
CANDLE-LIGHTING 1ST NIGHT SHAVUOS	8:20 PM
MINCHA EREV YOM TOV	8:25 PM

### SHIURIM:

GEMORO MAKOS	SUNDAY	7:15 AM
HALACHA B'IYUN	MONDAY	9:00 PM
HILCHOS SHABBOS	SHABBOS	8:15 AM

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Any and all comments and suggestions are welcome and can be addressed to :  
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