The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Tues, Jan 16 2024 ■ ו' שבט תשפ"ד
סימן שט"ז סעיף ד'-ה'

Overview

Siman 316 Seif 4:

One may spread a mat over a beehive (A place where bees gather to make honey) **as long as one does not intend to trap them. It must also be a circumstance in which it is not inevitable that they will be trapped so that it should not be a פסיק רישה.**

- One should not attach the mat so tightly so that the bees could escape, at least with difficulty. Alternatively, it is acceptable if the hive contains a hole from which the bees could escape, even if the bees cannot find the hole so easily since we follow R' Shimon who maintains that a *melacha* performed without intent (דבר שאינו מתכוין) is permitted. One who sets a trap and while setting the trap an animal enters, he is liable to bring a Chatas but if it enters afterwards it is only a Rabbinic violation. Magen Avrohom writes that one should be mindful that it is prohibited to set a mouse trap on Shabbos. (M.B. 18)

Siman 316 Seif 5:

If a deer enters a house and one locks the door in front of it he is liable. If two people lock it they are exempt. If one person cannot lock it himself and two people lock it together, they are liable. If the entrance was already blocked, it is permitted to lock it.

- One closed the door even if he didn't lock it. (M.B. 20)
- If one person can do it on his own but the other one cannot and they close the door together, the one who could do it on his own is liable since the assistance of the his friend is inconsequential and the one who could not do it on his own is exempt but violated a Rabbinic injunction. (M.B. 22)
- It is permitted to lock the door since locking the door only protects the animal that was already trapped. (M.B. 23)

Halacha Highlight

Trapping two animals with one act

Shulchan Aruch Siman 316 Seif 5

נעלו שנים פטורים

If two people closed the door they are exempt

Shulchan Aruch (סע' ה') addresses the issue of more than one person completing a *melacha*. He rules that if a deer enters a room and one person closes the door, thereby trapping the deer, he is liable but if two people close the door they are exempt. Mishnah Berurah (ס"ק כ"א) explains that this is based on an exposition that teaches that one is liable for violating a Torah prohibition when he violates the prohibition entirely but he is not liable if he violates the prohibition only partially. Therefore, when two people close the door when it was possible for either one of them to do it by himself, they have both performed part of a *melacha* and thus are not liable. Mikor Chaim (הגה"ה לשו"ע סי' רס"ו) explains that the exposition teaches that the two people who jointly perform a *melacha* are exempt from punishment but they have nevertheless, violated a Biblical prohibition. Avnei Nezer (יו"ד סי' שצ"ג אות ט'-י') contends that Rambam implies that when two people jointly perform a *melacha* they have violated only a Rabbinic injunction. He explains that two people performing a *melacha* is another form of performing a *melacha* in an unusual manner (כלאחר יד) which is only Rabbinically prohibited.

Chelkas Yoav (ח"א סי' י"א) raises the following question. If a person closes a door thereby trapping two animals, has he violated two prohibitions or only one? Do we focus on the result of his action and if two animals are trapped he has violated two prohibitions or do we focus on his action and he performed one act of trapping? Rav Nissim Karelitz (חוט שני ח"א קונטרס מלאכת מחשבת אות י"ב סק"ב) maintains that one has violated two prohibitions. The main feature of the prohibition of trapping is not the action that one performs; it is the result of his action. Therefore, when one's action produces two results, he is liable for two violations.