The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, Jan 17 2024 ■ ז' שבט תשפ"ד
סימן שט"ז סעיף ו'-ז'

Overview

<u>Siman 316 Seif 6:</u>

If one person sat at the entrance and filled it, it is permitted for a second person to sit next to him and even if the first person then stands and walks away the second person is not only exempt but it is permitted for him to do this and only the first person is liable.

- Even if his intent is for the deer to be trapped, it is permitted since it was already trapped by the first person. (M.B. 24)
- As long as the second person does not have to move he may remain there until after Shabbos even though his intent is to confine the deer and has not transgressed even a Rabbinic injunction. If the second person originally sat in a place that requires him to move when the first person leaves so that the deer remains trapped he will violate the Biblical prohibition. It is prohibited to close one's door to protect valuables if there is a deer present even though he does not intend to trap the deer since the result is inevitable. If one person sat by the entrance but did not fill it and a second person sat next to him filling the entrance, the second person is liable. It is permitted to open a door in front of a deer or to release it from a trap as long as one does not move the animal by hand. (M.B. 25)

<u>Siman 316 Seif 7:</u>

One who traps a snake on Shabbos or some other destructive creeping creature, if his intent is for medicinal purposes he is liable but if his intent is so that it will not bite him he is exempt.

- For this purpose it is considered a creature that is commonly trapped. (M.B. 26)
- It is permitted to trap them even in a place where snakes do not kill nor do they run after people and the reason is that it is a *melacha she'aina tzricha l'gufa* since one does not benefit from having the snake trapped other than it won't bite. (M.B. 27)

Halacha Highlight

<u>Trapping a dangerous snake</u>

Shulchan Aruch Siman 316 Seif 7
ואם בשביל שלא ישכנו מתר
It is permitted if one's intent is so that it does not bite him

Shulchan Aruch (סע' ז') discusses one who traps a snake, scorpion or other swarming creature that causes damage. In his ruling he draws the following distinction. If one traps the creature to use it for medicinal reasons he is liable since it is considered a creature that is commonly trapped (מ"ב ס"ק כ"ו). Rav Nissim Karelitz (חוט שני ח"א פט"ו סק"ב) explains that although most people do not trap snakes, for this *halacha* we focus on the intent of those people who do trap snakes and since such people capture snakes for medicinal purposes rather than to protect themselves from harm, they are considered a species that is commonly trapped. In the event that one traps the snake or other creature to prevent it from biting, it is permitted.

Mishnah Berurah (ס"ק כ"ז) explains that the reason it is permitted to place a utensil over it to trap it or to tie it up is that it constitutes a *melacha she'aina tzricha l'gufa* since one's intent is not to use the creature; it is to assure that it does not bite or harm someone. In the event that one was certain that the snake would not bite or harm anyone he would not even bother to trap it. Although generally, it is Rabbinically prohibited to perform a *melacha she'aina tzricha l'gufa*, in this case where there is a potential danger it is permitted. Furthermore, even Rambam who maintains that it is Biblically prohibited to perform a *melacha she'aina tzricha l'gufa* agrees that it is permitted since the act is categorized as *mis'asek* – preoccupied, rather than a *melacha she'aina tzricha l'gufa* since his intent is not to trap the animal, it is to keep it away. Aruch HaShulchan (סע' י"ט) explains that when one's intent is to repel the animal to keep it away which is the opposite of trapping it which involves the intent to draw it closer, it is not considered an act of trapping at all.