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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן שט"ז סעיף ט'

Overview

<u>Siman 316 Seif 9:</u>

A flea, called ברגו"ת in Arabic, may not be trapped unless it is on one's skin and stinging him and it is prohibited to kill it. It is also prohibited to crush it in one's hand out of concern that he will kill it; rather he should take it by hand and throw it away. **A louse may be killed. One removing lice from his garments should not kill them, instead he should crush them by hand and throw them away but it is permitted to kill lice that one removes from his head.**

- Although fleas are not a species that is commonly trapped, it is still Rabbinically prohibited. If it is night and one is uncertain whether it is a flea or a louse it may be removed but it may not be killed. (M.B. 36)
- The Rabbinic injunction against trapping a flea is not in force when it is stinging and it may be trapped and thrown away. There is a dispute whether the leniency applies only when it stings or even when one is concerned that it will sting. If it is possible to throw it on the ground without handing it by hand one should be stringent to do so. (M.B. 37)
- Lice are not the product of a male and female and thus it is not considered a creature that would otherwise be subject to the prohibition against killing it. (M.B. 38)
- The intent is to crush it and weaken it so that it does not return. (M.B. 39)
- Killing creatures that grow on rotting meat or beans is Rabbinically prohibited but if it is the product of a male and female, it is Biblically prohibited to kill it. Those creatures that develop on fruit that are detached may not be killed even Biblically since it is a full-fledged *sheretz*. (M.B. 41)
- Since fleas are commonly found there it is prohibited to kill the lice out of concern that one may also kill a flea but it is permitted to throw it into water. Fleas may not be thrown into water since killing them constitutes a Biblical prohibition. (M.B. 42)
- Fleas are not commonly found on one's head and thus the decree does not apply. (M.B. 43)

Halacha Highlight

<u>Using bug spray</u>

Shulchan Aruch Siman 316 Seif 9
ואסור להרגו
And it is prohibited to kill it

Shulchan Aruch rules that it is prohibited to kill a flea on Shabbos. Rema adds that one may not even crush a flea to weaken it (מ"ב ס"ק ל"ט) without the intent to kill it out of concern that he may inadvertently kill the flea while crushing it. Mishnah Berurah (ס"ק ל"ח) explains that since rams were killed for their hide while manufacturing the Mishkan, we infer that it is prohibited to kill creatures on Shabbos. Included in the prohibition is any form of killing the animal since the main component of the prohibition is the taking of the life of the creature. Even if the flea is stinging the person he may not kill it.

Poskim discuss the permissibility of using a toxic chemical to kills bugs. Shvus Yaakov (ח"ב סי' מ"ה) maintains that putting down a toxic chemical is permitted when it is not placed on the bug directly and offers the following rationale. The person does not kill the bug directly (גרמא), and it is only a *melacha she'aina tzricha l'gufa* since one will not make use of the dead bug. These two factors combine and make it permitted. On the other hand, Teshuvas HaElef L'cha Shlomo (או"ח סי' קל"ה) ruled that it is prohibited. *Poskim* also debate the permissibility of spraying toxic bug spray near bugs but not on them directly. Rav Nissim Karelitz (חוט שני ח"א פט"ו סק"ב) rules that it is permitted whereas Ketzos HaShulchan (סי' קכ"ב בדה"ש ס"ק י"א) rules that it is prohibited out of concern that one will inadvertently spray onto the bugs directly. Shvus Yaakov (שם) maintains that it is prohibited, regardless of whether there is a concern that he will kill a bug directly because the spray itself is *muktzah* and thus may not be handled on Shabbos. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ה הע' כ"ח) disagreed, arguing that the spray is not *muktzah*. His reasoning is that when the bugs are very disturbing it is permitted to kill them since, as mentioned, it is done indirectly and is only a *melacha she'aina tzricha l'gufa*. Since it is possible to use the spray on Shabbos in a permitted manner, the spray is not considered *muktzah*.