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

Overview

Siman 316 Seif 10:

Any undomesticated animal or swarming creature that bites and causes certain death may be killed on Shabbos even if it is not running after someone. Other dangerous creatures, for example, snakes and scorpions in places where they do not kill, may be killed if they are pursuing someone but if not, they may not be killed. It is permitted to stomp on them in the course of walking and one may even do so intentionally as long as he gives the appearance that he did not do so intentionally.

- One may kill it even if it is running away. (M.B. 45)
- According to Rambam this permitted only when there is a possibility for danger whereas according to others it is permitted even if there is only a possibility that the animal will cause pain. (M.B. 46)
- It is also permitted to place a utensil over it. (M.B. 47)
- There is not even a Rabbinic prohibition to kill an animal in such a circumstance but one must do so in a manner that others will not think that it was done intentionally to prevent them from concluding that it is permitted to kill creatures on Shabbos and won't know to differentiate between dangerous animals and non-dangerous animals. One may not step on ants or other bugs even in the course of walking. (M.B. 48)

Siman 316 Seif 11:

One may not rub spittle with one's leg on the ground out of concern that he will smooth out holes. It is permitted to stomp on it in the course of walking as long as he does not intend to smooth it out or smooth out the ground. It is permitted even though the spittle will be smoothed since he does not intend to do so because otherwise it is repulsive.

- Whether it is permitted on a tiled floor is subject to the debate recording in 337:2 and according to Rema it is prohibited. The prohibition against smearing (מירוח) is limited to rubbing one thing against another but in this case one's intent is for the spittle to become absorbed in the ground. (M.B. 49)
- Although there is a concern that he will forgot and inadvertently smooth out a hole in the ground, nevertheless, since its presence is repulsive it is permitted. (M.B. 50)
- Even though when stepping on saliva it is common to rub one's foot since it is not inevitable it is permitted but one may not walk to spittle to step upon it. Rather one may stand upon it and exercise caution not to rub his foot on it. Magen Avrohom writes that nowadays since people do not consider spittle repulsive one must be careful not to rub it and may only stand upon it but phlegm that comes from one's mouth or nose is repulsive and one may step upon it as he walks innocently and in a *bais haknesses* it is even permitted to walk on spittle out of respect for the *bais haknesses*. (M.B. 51)

Halacha Highlight

Rubbing cream onto a wound

Shulchan Aruch Siman 316 Seif 11

לא ישפשף ברגליו רק על גבי קרקע

One may not rub spittle with his leg on the ground

Shulchan Aruch (סע' י"א) rules that one may not rub spittle on the ground with his feet on Shabbos since in the process he will level out holes. However, it is permitted for one to trample it casually if he does not intend to smear it or level out the holes. Even though the spittle will be smeared, as long as that is not his intent it is permitted since leaving it there is repulsive. Mishnah Berurah (ס"ק מ"ט) notes that whether one may rub spittle on a tiled floor is subject to the debate in *siman* 337:2 regarding the permissibility of sweeping a floor, and since Rema there prohibits sweeping even a tiled floor he would also rule that it is prohibited to rub spittle onto a tiled floor. On the other hand, it is permitted according to all opinions for one to rub spittle onto a bench. The issue of leveling out holes does not apply to benches and the issue of smearing applies only when one smears one material onto another with the intent that it should be smeared but in this case one's intent is for the spittle to become absorbed rather than smeared.

Chazon Ish (או"ח סי' נ"ב ס"ק ט"ז) ruled that it is prohibited to smear ointment or cream onto a wound on Shabbos. All that is permitted is for one to place it onto a wound without smearing it. Shevet HaLevi (ח"ד סי ל"ג וח"ה סי' ל"א אות ג') also only permits (in a case of someone who is not dangerously ill) squeezing the cream or ointment onto the wound or if necessary dabbing it with one's finger onto the wound but without smearing it. Rav Nissim Karelitz (חוט שני ח"א פי"ד סק"א) explains that although one's intent when smearing is merely to spread the ointment over the entire wound, nevertheless, it is prohibited since it is possible that one wants some of the ointment to remain on the skin to become absorbed some time later. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פל"ג הע' נ"ח) ruled that it is permitted if one makes sure that all of the cream becomes absorbed into the body since it does not resemble the *melacha* of smearing where the intent is for one material to remain on the other.