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Digest
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סימן שט"ז סעיף י"ב

Halacha Highlight

Trapping cats and dogs

Rema Siman 316 Seif 12 (b)
חתול דינה כשאר חיה
A cat is categorized as an undomesticated animal

Rema cites authorities who take issue with Shulchan Aruch's position regarding undomesticated animals and birds that were raised in one's home. Shulchan Aruch ruled that it is permitted to trap them since they will return and thus it is as if they are already captured. Rema cites authorities who contend that it is prohibited to trap an undomesticated animal or bird that was raised in one's home but if one did so he is exempt from having to offer a Chatas. Mishnah Berurah (ס"ק נ"ז) relates that later authorities rule in accordance with this opinion. He also explains that this stringency applies when one traps the animal or bird outside or in a house where if it wanted to evade capture, it would be able to do so for a period of time. Therefore, one may not direct birds that are running around in one's home into their coop since that would involve actual trapping. However, if one's intent is to prevent it from causing damage there is room for leniency (מ"ב ס"ק נ"ח). Biur Halacha (ד"ה לצוד) explains that in such a case it is a *melacha she'aina tzricha l'gufa* which is only Rabbinically prohibited and additionally, it is creature which does not require full-fledged trapping so the trapping one does is only Rabbinically prohibited. In a circumstance of potential financial loss one may be lenient regarding these two Rabbinic prohibitions.

Rema concludes his remarks by relating that a cat is considered an undomesticated animal for this purpose and it is prohibited to grasp a cat on Shabbos. In other words, it is prohibited to trap even a cat that one raised in his home (ע' ערוה"ש סע' ל"ח). Accordingly, Ben Ish Chai (שנה ב' וארא אות ה') rules that in places where it is common for people to have cats in their home, it is prohibited to close a door if a cat remains in that room. Rav Nissim Karelitz (תורת המלאכות הצד ס"ק כ"ב) rules that cats nowadays have the same status as domesticated animals and are not subject to the prohibition of trapping and he writes the same regarding dogs (שם ס"ק ק"י"ח).

Overview

Siman 316 Seif 12 (b):

Some maintain that it is prohibited to trap undomesticated animals and birds in one's property but if one did so he is exempt. If one trapped a cow, horse and certainly other undomesticated animals and birds that rebelled, one is liable to offer a Chatas and this opinion is primary. A cat is categorized as an undomesticated animal and it is prohibited to grasp it on Shabbos.

- Rema refers to where one will not be able to grasp it in one pursuit and later authorities follow this opinion. If birds escape and one is concerned that they will be stolen, and there are children who will capture it, one need not protest against them and it is also permitted for a gentile to capture it since it is only a שבות דשבות. Magen Avrohom writes that it is permitted to push a bird into a house if the house is large enough that one will not be able to grasp it in one pursuit since in such a case it is not fully trapped. If the bird does not flee, the prohibition against trapping does not apply altogether and it may be pushed into the house or one could chase it into a small room or coop. (M.B. 57)
- If one intends to chase it into a coop so that it does not cause damage in one's home it is possible that one may be lenient. (M.B. 58)
- The prohibition of trapping does not apply to cows and horses even Rabbinically but other animals that flee are at least subject to a Rabbinic prohibition of trapping. (M.B. 59)
- Shulchan Aruch agrees that one is liable to offer a Chatas for trapping them. If the house is large enough that one will not catch it in one pursuit, it is permitted for a gentile to bring it into the house when there is a concern for a financial loss. If children are running after it to send it into the house, one need not protest against their behavior. (M.B. 60)