



Trapping Animals Indoors

The *Mishnah* (13:7) teaches that one can be liable for trapping an animal in their house by simple sitting and blocking the entrance to the house. The *Mishnah* also teaches that if someone was already sitting at the entrance and then another person sat next to him, if the first person left, leaving the second person now blocking the entrance, the second person would not be liable.

The *Bartenura* explains that when the second person sat at the entrance, the animal was already trapped in the house by the first person. When the first person left, the second person has not done any act of trapping, since the animal was already trapped. Instead, the second person is now simply preventing the animal from escaping.

The *Mishnah* explains that this case is similar to the case where one locked the door to their house, in which an animal was trapped inside. The *Ran* explains that, since the door was already closed, the animal was already trapped inside the house. One might have thought that locking the door is an act of trapping because it prevents someone from opening the doors and freeing the animal. The *Mishnah* however teaches that locking the door is simply an added level of protection for guarding an already trapped animal. Alternatively, the *Ran* adds that the *Mishnah* is teaching that if the animal was tied up when the door was shut and then the animal released, we do not obligate the person to open the door. This is because when the door was shut, it was permitted to do so. The *halacha* appears to follow the *Ran*'s understanding. See *Mishnah Berurah* (316:23).

The *Ran* however cites the *Rashba* who, based on the *Yerushalmi*, explains that one is allowed to close the door to his house to secure his house, even if there is a deer

inside and one will intentionally be trapping it in the processes¹. It would only be prohibited to shut the door if his sole intention was to trap the deer.

The *Ran* however finds this explanation difficult. Just because one needs to secure their house, how does that justify the *melacha* of trapping the deer? The *Ran* reasons that the intention of the *Yerushalmi* was that if one closed their house without any consideration or knowledge of a deer inside, and then after discovers that it was trapped inside, he is not obligated to open the door to free the deer. This is indeed how the *Tifferet Yisrael* explains the *Mishnah*.

The *Chazon Yechezkel* (*Tosefta* 13:6) however also addresses the *Rashba* and notes the difficulty with his explanation. It would seem that according to the *Rashba*, even though the deer will definitely be trapped – it is a *pesik reisha* – the *Rashba* nonetheless permits closing the door!

The *Chazon Yechezkel* suggests that according to the *Yerushalmi* this case is different. Closing the door of the house is not a *melacha* per se. It is only if there happens to be a living create inside the house, and closing the door traps it there, that the act becomes defined as a *melacha*. To be clear, unlike threshing or harvesting, the act of closing a door alone is not a *melacha*. The context needs to define it as such in order for it to be prohibited. Consequently, when one intends to close the door to secure the house, despite the animal being trapped inside, the act is not defined as a *melecha*. The act is associated with securing the house and the animal simply trapped by the by. Consequently, this cases is different, and cannot be compared to a normal case of a *pesik reisha*.

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¹ The *Mishnah Berurah* (*Shaarei Tzion* 316:33) understands the according to the *Rashba* the prime intention would still need to be for securing the house.

Revision Questions

שבת י"ב: ג' – ט"ו: ב'

- If one intended to carry a satchel on his back, yet when walked into the public domain the satchel had swung around to the front, would he be *chayav*? (י: ד')
- If two people carried one object, when would they be *patur*? (י: ה')
- Explain the debate regarding biting one's nails on *Shabbat*? (י: ו')
- Explain the debate regarding throwing an object from one private domain to another via the public domain. (י"א: א')
- What is *moshit* and in what case specifically is one *chayav* for performing such an action? (י"א: ב')
- What are the dimensions of a rock, such that it is defined as a *reshut ha'yachid* even if it is in the *reshut ha'rabim*? (י"א: ב')
- When calculating whether a hole in *reshut ha'rabim* is considered a *reshut ha'yachid*, would one consider the walls around the top of the hole when calculating the depth? (י"א: ב')
- In which of the following cases is one *chayav* for *hotza'ah* if:
 - One threw an object for a distance of more the four *amot* in *reshut ha'rabim* yet it got stuck on wall at a height of greater than ten *t'fachim* from the ground.
 - One threw an object further than four *amot*, yet the object rolled back to a distance of less than four *amot*.
 - One threw an object less than four *amot*, yet the object rolled further to a distance of greater than four *amot*. (י"א: ג')
 - One threw an object further than four *amot* in the ocean. (י"א: ד')
- Explain the case of *rekak mayim* and why does the *Mishnah* repeat itself? (י"א: ד')
- Is one *chayav* for *hotza'ah* if they threw an object from: (י"א: ה')
 - The sea to the land?
 - From a boat into the sea?
- When can one carry from one boat to another? (י"א: ו')
- What are the four cases where one throws an object four *amot* in *reshut ha'rabim* yet is *patur*? (י"א: ו')
- What is the minimum measure for one to be *chayav* for performing:
 - *Bo'ne*?
 - *Ma'ke be'patish*? (י"א: ז')
 - Ploughing?
 - Collecting wood? (NB: List both cases.) (י"א: ח')
- Using which hand to write, would an ambidextrous person be *chayav* for writing? (י"א: ט')
- Is one *chayav* for writing in Japanese? (י"א: י')
- Explain the debate regarding drawing symbols? (י"א: י')
- Is one *chayav* if they intended to write the name "שמעון" yet stopped after writing "שמ"? (י"א: י')
- Explain the debate regarding whether one is *chayav* from scratching letters into their skin? (י"א: י')
- Provide a definition of the *melacha* of *kotev* (writing). (י"א: י')
- Is one *chayav* if they wrote letters in sand? (י"א: י')
- Is one *chayav* if they wrote over existing letters? (י"א: י')

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Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
1 January ח' טבת	2 January ט' טבת	3 January י' טבת	4 January י"א טבת	5 January י"ב טבת	6 January י"ג טבת	7 January י"ד טבת
Shabbat 15:3-16:1	Shabbat 16:2-3	Shabbat 16:4-5	Shabbat 16:6-7	Shabbat 16:8-17:1	Shabbat 17:2-3	Shabbat 17:4-5

