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Shabbos Daf 106

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All those who act destructively are exempt, except for one who injures another and one who burns an object.

The *Mishna* stated that if one acts in a destructive manner, he is exempt.

Rabbi Avahu taught a *braisa* before Rabbi Yochanan: For all acts of destruction on *Shabbos*, one is exempt, except for one who injures a person or burns something on *Shabbos*.

Rabbi Yochanan said: Go teach this outside (*somewhere else*). This teaching regarding injuring a person or burning something is not a reliable teaching (*as they are also exempt*). And even if it is, it could only be in a case when one inflicts a wound in order to give his dog blood, or when he burns something because he needs the ashes. [*He would be liable in such a case for there is a purposeful intent to his destructive act.*]

The *Gemora* asks from our *Mishna* which stated that for all acts of destruction one is exempt.

The *Gemora* answers that the *Mishna* follows the opinion of Rabbi Yehudah who maintains that one is always exempt for destructive act. The *braisa*, however, is following the opinion of Rabbi Shimon

who maintains that one is liable for injuring someone and for burning something, even though those acts are destructive.

The *Gemora* asks: What is Rabbi Shimon's reason?

The *Gemora* answers: Since a verse is required to permit circumcision (*on Shabbos*), it follows that for wounding elsewhere one is liable. And since the Torah forbade burning in respect of a *Kohen's* (*adulterous*) daughter (*a wick of lead is heated and then the molten lead is poured down the offender's throat*), it follows that for kindling a fire in general one is liable.

Rabbi Yehudah, however, maintains that there (*in both cases*) he effects an improvement (*and is a constructive act, and therefore would be liable*), in accordance with Rav Ashi, for Rav Ashi said: What is the difference whether one repairs (*the child by*) circumcision or one repairs a utensil? What is the difference whether one cooks (*melts*) the lead wick or one cooks herbs?

The *Mishna* had stated: The standard of whitening (*is twice the width of a sit*).

Rav Yosef indicated the double (*measure; two times the amount of space between an extended index*

finger and the middle finger). Rabbi Chiya bar Ami showed the single (measure; *one time the amount of space between his thumb and index finger, which is the same amount of space as double the amount of space between an extended index finger and the middle finger*). (106a)

There is a dispute regarding what is considered trapping of a deer on *Shabbos*.

Rabbi Yehudah maintains that one who traps a bird by chasing the bird into a closet, or traps a deer by chasing into a house, is liable for trapping on *Shabbos*. According to Rabbi Yehudah, trapping a bird in a house is insufficient, as the bird can fly out the window. Similarly, trapping a deer in an enclosed area is insufficient to be liable as the deer is not rendered trapped in a closed area other than a house. The Chachamim agree with Rabbi Yehudah that a bird is only considered trapped in a closet, but the Chachamim maintain that a deer is considered trapped in any enclosed area, even in a garden or a courtyard. (106a – 106b)

One may not trap fish from a pond on Yom Tov, and one cannot feed the fish on Yom Tov, but one can trap wild animals or birds that were already trapped before Yom Tov, and one can feed wild animals and birds on Yom Tov.

Fish in a pond can escape into holes, so they are not considered trapped merely by being in the pond. Bringing fish into the pond also does not constitute trapping. One may not trap fish from a pond on Yom Tov, and one cannot feed the fish on *Shabbos*, because fish are *muktzeh*, and one cannot exert oneself for an object that is *muktzeh*. One may, however, catch wild animals or birds on Yom Tov if

they were trapped before Yom Tov, as wild animals and birds that are already in enclosed areas are considered trapped. Furthermore, since one may catch wild animals and birds on Yom Tov, they are not considered *muktzeh*, and one may feed them on Yom Tov. (106b)

The *halachah* follows Rabbi Shimon be Gamliel who maintains that one is only liable if he traps a deer into a smaller area than it was trapped previously.

Rabbi Shimon ben Gamliel maintains that if one drives an animal into an enclosed area but the animal is still not trapped, one is exempt, but if the animal does not need to be trapped further, then one is liable. This is also the opinion of the Chachamim, as we learned previously that one may not trap a wild animal in a large enclosure on Yom Tov, whereas one is permitted to trap a wild animal on Yom Tov in a small enclosure. We see from that ruling that the Chachamim also only permit one to take an animal from a small enclosure, where the animal is already trapped. (106b)

One who traps a deer that is blind or sleeping is liable, but one who traps a lame, old or sick deer is exempt.

A deer that is blind or that is sleeping can escape, so if one succeeds in trapping the deer, he is liable. One who traps a lame, sick or old deer is exempt because the deer is not likely to escape. A deer that is sick with fever will still escape, so one who traps it is liable, but one who traps a deer that is sick with fatigue is not liable, as this deer cannot run away. (106b)



There is a dispute regarding one who traps grasshoppers, *gizin*, hornets and mosquitoes on *Shabbos*.

Rabbi Meir maintains that one who traps grasshoppers, *gizin* (a grasshopper that one is permitted to eat) hornets and mosquitoes on *Shabbos* is liable. The Chachamim, however, maintain that one is liable for trapping any animal that is normally trapped, so one would be liable for trapping grasshoppers and *gizin*, but one is exempt if he traps an animal that is not normally trapped. This would exempt one who traps hornets or mosquitoes, as these animals have no use for man. (106b)

One who closed the door in front of a deer is liable, and if two people close the door they are exempt.

If a deer enters a house on its own and a person closes the door in front of the deer, he is liable, as he is not allowing the deer to escape. If one person was capable of closing the door and two people actually closed the door, they are both exempt. If one person was incapable of closing the door and two closed the door, they are both liable. Rabbi Shimon, however, maintains that in such a case they are both exempt. (106b)

One person who sits by the door but does not completely block the doorway, and then a second person comes and completely blocks the doorway, the second person is liable for trapping the deer in the house.

If one person is not completely blocking the doorway of the house that the deer is in, and a second person comes and blocks the doorway completely, the

second person is liable, as he has caused the deer to be trapped. The first person is exempt, and his assistance in blocking in the doorway is not justification to make him liable. If the first person was already completely blocking the doorway and the second person sits down next to him, even if the first person arises and leaves, the first person is liable and the second person is exempt. The second person is not liable because the deer was previously trapped due to the first person sitting in the doorway. When the first person leaves, the second person is merely guarding the deer in the house. (106b)

INSIGHTS TO THE DAF

Trapping Turtles on Shabbos

One of the thirty-nine forbidden melachos of *Shabbos* is *tzeida* (trapping). The *Gemora* tells us that inhibiting the movement of an animal is considered trapping, only when the animal had previously been free. For this reason, *tzeida* does not apply to a lame or sick deer *medeoraisa*. Such an animal is already considered 'trapped' since it cannot move quickly enough to escape its captor's grasp. There is no Torah prohibition against trapping a trapped animal.

This raises the question of naturally slow animals, such as turtles or ants. Does the Torah permit trapping them, just as it permits trapping lame deer? R' Shlomo Zalman Auerbach zt'l (Shemiras *Shabbos* K'Hilchosa, ch. 27 footnote 145) ruled that there is no prohibition against trapping turtles and ants. Deer are a swift and elusive species, therefore *tzeida* generally applies to them. Nevertheless, the Torah

makes an exception of lame deer, which are easily caught. Since this is an exception to the rule, it remains a Rabbinic prohibition. Turtles, however, as an entire species are easily caught. There is no need to make specific exceptions. Therefore, it is permitted to trap them even according to Rabbinic law (muktzah not withstanding).

As logical as this may seem, we are confronted by a Mishna (*Shabbos* 107a), which seems to rule to the contrary, 'If one traps or wounds one of the eight vermin discussed in the Torah, he is liable (to offer a korban in atonement).' These eight vermin are listed in parshas Shemini (Vayikra 11:29-30): *choled*, *achbar*, *tzav*, *anaka*, *ko'ach*, *lita'ah*, *chomet* and *tinshames*. The Ibn Ezra writes that it is impossible to conclusively identify any of these species. Even Moshe Rabbeinu had difficulty understanding which animals Hashem referred to, until Hashem showed him each one (Menachos 29a, see Maharsha).

In modern Hebrew, the turtle is known as the *tzav*. If this title is accurate, it would seem to be a proof from our Mishna that there is a Torah prohibition against trapping turtles. However, modern Hebrew is known to be imprecise in many areas. R' Shlomo Zalman therefore rejected this proof, explaining that the *tzav* in the Torah does not necessarily refer to turtles. In fact, he cites several proofs to the contrary. Some commentaries instead interpret the *tzav* to be a toad or a weasel. These animals are fairly swift, and it is very reasonable to assume that *melechtes tzeida* applies to them.

In identifying the *chomet*, listed among the eight vermin, we also find ourselves in a quandary. In his attempt to identify it, the Tosafos R'id (Chullin 122a) writes that it is certainly not a form of snail. His

reasoning in reaching this conclusion is the same as R' Shlomo Zalman's. The Mishna rules that *tzeida* applies to the eight vermin, but the slowing moving snail is considered as if it is already trapped, and therefore *tzeida* does not apply to it.

Some time after R' Shlomo Zalman reached his conclusion, he was shown the rulings of R' Yerucham (N. 12, v. 10, p. 82) and R' Ovadia Barternura (*Shabbos* 14:1), that even worms are included in the prohibition against *tzeida*. He then concurred that the matter requires further consideration before rendering a halachic ruling.

R' Elyashiv has been quoted as saying that in his opinion, *tzeida* applies even to slow moving animals (*Orchos Shabbos* ch. 14, footnote 21).