

OVERVIEW of the Daf

1) Making a wall of vessels containing liquid (cont.)

The Gemara finishes explaining why there is no contradiction between different rulings of Rabanan and R' Yosi.

2) **MISHNAH:** The Mishnah rules that although a non-Jew may not be asked to extinguish a fire he does not need to be stopped as opposed to a child who must be stopped even if he comes on his own.

3) Finding a non-Jew to extinguish a fire

R' Ami ruled: If a fire is burning one is permitted to announce to non-Jews, "Anyone who extinguishes the fire will not lose."

A proof to this ruling is suggested, but then rejected.

A Baraisa relates a story about non-Jews who came to extinguish a fire.

4) The reason a child may not extinguish the fire

R' Yochanan explains that a child may not extinguish the fire because he is doing so on behalf of his father's interest as opposed to the non-Jew who acts in his own self interest.

5) **MISHNAH:** The issue of moving utensils to prevent damage or to cover the waste of a child is discussed.

6) The waste of a child

A story is told involving R' Chanan bar Rava who, while visiting Avin's home, taught that the Mishnah does not refer to covering a child's waste, rather the Mishnah permits moving a utensil to cover a chicken's waste found in a trash heap in a chatzer.

7) Dangerous creatures

R' Yehoshua ben Levi ruled: Any lethal creature may be killed on Shabbos.

R' Yosef challenges this ruling from a Baraisa which indicates that only five creatures may be killed on Shabbos.

R' Yosef, himself, answered that R' Yehoshua ben Levi's ruling applies when the creature is chasing someone, whereas the Baraisa refers to creatures that may be killed even if they are not chasing someone.

The Gemara presents a disagreement between R' Huna and his son Rava whether one may kill dangerous creatures indiscriminately on Shabbos.

A Baraisa dealing with snakes is quoted.

A snake once fell into the Beis Midrash and after someone killed it, Rebbe made a vague comment which left the Gemara uncertain whether he approved or disapproved of the killing of the snake.

8) Treading upon spittle

An incident is recorded wherein R' Yehudah's ruling permitting a person to tread upon spittle innocently, i.e. without the intention to level out the ground, is applied.

9) Statements of R' Abba bar Kahana

R' Abba bar Kahana ruled: The lanterns in rebbe's household may be moved on Shabbos. When asked by R' Zeira R' Abba explained that he referred specifically to small lanterns. ■

Distinctive INSIGHT

Instructing a Gentile on Shabbos

נכרי שבא לכבות אין אומרים לו כבה וכו'

Rashi (here, and later on 150a) comments that giving instructions to a gentile to do labor on Shabbos is prohibited because our sages enacted a rule that this is not allowed. In other words, Rebbe's law of "amira l'nochri" is a rabbinic decree which was made to guard the sanctity of Shabbos.

The Gemara in Bava Metzia discusses whether a Jew may ask a gentile to muzzle an ox owned by a Jew and to plow with it. This is an act which is prohibited if done by a Jew. The conclusion of the Gemara (Bava Metzia 90a) is that the Jew may not give instructions to a gentile in this regard. The restriction not to instruct a gentile to perform acts which are prohibited for a Jew is not only true in regard to the halachos of Shabbos, but it is also applicable in other areas of halacha as well. The question which must be addressed is why did Rebbe illustrate this rule in our Mishnah, in reference to the laws of Shabbos, when it is actually a universal rule not to ever ask a gentile to do an act which is sinful for a Jew to do?

Rabbi Betzalel Zolti, ז"ל, explains that Rashi agrees with the premise which is found in the Hagahos Maimonis (on Hilchos Shabbos 6:2). He writes that the reason giving oral instructions to a gentile is not allowed on Shabbos is that strictly speaking, we hold that a gentile can be considered the messenger of a Jew. This means that if the gentile does not carry through and perform his charge, the Jew is not guilty of any wrongdoing. Therefore, in regard to any sinful act, whether the laws of Shabbos or in other areas of halacha, the Jew is held accountable if and when the gentile acts as his agent. This is the understanding of the Gemara in Bava Metzia and muzzling an animal which plows.

Yet, in reference to Shabbos specifically there is another aspect to this law. The verse in Yeshaya teaches us that the manner in which we speak on Shabbos must be different than the way we speak during the week. As Rambam rules (Hilchos Shabbos 24:1), partners or associates may not discuss business ideas or plans which are anticipated for the week. This is prohibited even if the plans never come into fruition. This is because we are commanded to refrain from speech on Shabbos which is inappropriate.

We see that there are two laws regarding telling a gentile to do labor on Shabbos. We have the rule not to appoint a gentile to act as our agent לחומרא. We also have the rabbinic enactment not to speak inappropriately on Shabbos, which includes not instructing a gentile to do labor for us. Finally, Rambam (ibid. 6:1) features another rule, and that is that we are not allowed to give instructions even during the week for a gentile to do labor for us on Shabbos. The reason for this is that the Shabbos should not be cheap and insignificant in our eyes. ■

HALACHAH Highlight

Trapping rats, raccoons, squirrels, wild birds, etc.

כופין קערה...ועל העקרב

A) Where there is the threat of rabies

Animals that can pose a threat of pain or injury, such as rats, raccoons and the like may be trapped on Shabbos if necessary. This is especially true in areas where the spread of rabies or other diseases by animals is prevalent.

Examples:

If a raccoon or squirrel got into the house, the door to that room (if not very small or narrow) may be closed to seal it off. (However, a non-Jew should preferably be asked to do so.)

Similarly, a large chest or wooden box may be inverted over a rat to keep it contained (but a crack should be left open for air if the rodent is to remain securely confined as such).

b) Trapping a raccoon in the vicinity

If a raccoon is merely in one's vicinity, one should not trap (or kill) it even when suspecting that it may possibly have rabies. However, one must tell a non-Jew to telephone the authorities. If one knows that the raccoon is rabid, he may kill it if necessary.

Example: The raccoon is a nocturnal animal (active at night, sleeping by day). If one sees a raccoon during the day he should suspect that it may be disorientated because it is afflicted with rabies and is therefore dangerous.

c) Capturing an animal that has bitten a person

A dog or other animal that attacked and bit a person may be captured on Shabbos or Yom Tov because it is necessary to examine the animal to determine if it is infected with rabies. This information is important in order to know how to properly treat the patient and could have life-saving importance. Appropriate authorities should then be contacted to retrieve the animal.

d) If a wild bird flew into the house

If a small wild bird accidentally flew into the house, one should open windows and doors, and encourage it to escape. If one is not successful in chasing the bird out, and leaving doors and windows open will cause the house to become uncomfortable, the doors and windows may be closed, because the entrapment of the bird inside the house is a Rabbinic level of confinement which

REVIEW and Remember

1. What is the permitted way to get a non-Jew to extinguish a fire on Shabbos?
2. Is Beis Din obligated to stop a child from violating a prohibition he does in his own interest?
3. Is a child's waste muktza?
4. Is it preferred to please the pious ones or the Sages?

is permitted when one has no interest in the bird, and leaving the doors or windows open would impose a hardship.

One may also force the bird into an individual room of the house to keep it at bay, because a small wild bird that is confined to a room is not considered trapped on a M'deoraisa level, since it can still elude capture by flying from one corner of the room to another. However, under no circumstances may one trap the bird into small closet, cabinet, box, or crate.

Setting traps

One is not permitted to set any kind of trap on Shabbos (with the exception of dangerous situations) even though the animal only becomes caught later on its own.

Example:

One may not set a spring-trap or glue-trap on Shabbos to catch rodents, even though the mouse will become trapped only through its own movements, and only after the act of setting the trap was completed.

However, it is of course perfectly permitted to set a trap before Shabbos even though an animal will become trapped on Shabbos. This is no different from turning on lights and household appliances (e.g. a refrigerator or stove, etc.) before Shabbos and allowing them to remain operating during Shabbos, which is permitted. ■

1 The 39 Melachos, by Rabbi Dovid Ribiat, pages 882-884. Used with permission of the author.

Distinctive INSIGHT

The Reward of Honoring the Shabbos

לערב שיגר לכל אחד מהן שתי סלעין ולאפרוכו
שבחן חמשים

Sfas Emes points out that the story of Yose ben Simai presents us with several peculiar problems. Our sages ruled that a gentile does not have to be discouraged from extinguishing a fire on Shabbos. Yet Yose ben Simai chased away the gentiles

who came to douse the flames. Furthermore, why did he send them money after Shabbos, when they did not even do anything for him?

Sfas Emes explains that the dispensation of our sages to allow the gentiles to put out the flames was made in order to prevent financial loss. However, Yose ben Simai held the honor and esteem of Shabbos to a high degree. The possible loss of money was meaningless in his eyes, in contrast to the compromise of the sanctity of Shabbos which would have occurred, albeit

one which the sages allowed. As far as paying them is concerned, Ben Yehoyada explains that Yose ben Simai wanted to show everyone that the reason he sent these gentiles away was not in order to save money by not having them work on Shabbos, but rather it was due to his honoring of the Shabbos. This is why he willingly paid the full price, as if they had actually worked. Another reason why he paid them is that he did not want to benefit directly from the miracle which was done on his behalf. ■