



Volume 2. Issue 7.

Melechet Tzad – Capturing an Animal

The *Mishnah* in the thirteenth *perek* talks about the prohibition of capturing an animal - *tzad*. This *melacha* was mentioned in the famous *Mishnah* in the seventh *perek* where all the *melachot* were listed. We are used to the idea that in order to be liable for performing a *melacha* on *Shabbat* it must be a *melechet machshevet* – a creative and constructive action. A clear example is *melacha* of cooking. One has taken an object that was raw and turned it to an edible food. This concept is repeated many times throughout *messechet Shabbat*. Having said that, we should try to understand what is the concept that makes capturing an animal an action that is prohibited on *Shabbat*. Ostensibly, it seems that there is no actual change in the object that has been captured therefore no constructive action has been performed and one should not be liable.

We can think of two ways of understanding the concept of this *melacha*:

1. This *melacha* is written with all the *melachot* that have to do with preparing a meal. It was forbidden to do any of the actions that a normal person does in order to prepare his meal. Since in order to prepare a meal containing meat an animal must be caught, hunting is forbidden. In other words, we understand that there is no need for the standard of *melechet machshevet* that we find throughout *hilchot Shabbat* since this is part of preparing the meal.
2. Capturing an animal can be seen as an action with clear outcomes. There is a significant difference between an animal that is out in the wild and an animal that is now in one's house. In our language this difference could be seen through the change in the naming of the animal. It is no longer a wild animal but rather a pet. Obviously not all animals will be called pets once they have been captured but this difference can tell us a bit about the nature of this *melacha* and its significance.

Is this question reflected in the discussions of the *Gemara*, *Rishonim* or *Achronim*? The *Tur* (O"Ch 316) cites the opinion of the *Sefer HaTrumah* that discusses a special fly trap. They had a contraption that once the fly would enter, the person would place something in the entrance of the trap preventing the fly from leaving. The *Sefer HaTrumah* understood that putting something that will seal the entrance of the trap, thus not letting the fly out of the trap epitomises the *issur* of *melechet tzad*. This appears to be an obvious *psak* since this seems like the regular case of capturing an animal.

The *Tur* himself however, right after citing the *Trumah*, disagrees. The *Tur* explains that if a person would want to literally grab the fly he would have to open the trap resulting in the fly escaping without him being able to capture it. The *Tur* argues that the *melacha* of capturing is only when the animal is in the trapper's hands enabling him to do with it whatever he likes.

The *Trumah* will argue that by limiting the animal from going wherever it wants you are doing an action of capturing. The *Tur* will say that the *melacha* of capturing is only when a person captured the animal in a way that he captures any animal that he would want to *shecht* and eat - meaning in his hands.

It is possible to understand the argument of the *Tur* and *Sefer HaTrumah* in a way that will go back to what we said in the beginning. The *Tur* understands that *melechet tzad* is part of the list of *melachot* that have to do with preparing a meal. It is for that reason that he will forbid capturing an animal only in a case where it will be obvious that this is the first step of preparing a meal. On the other hand *Sefer HaTrumah* understands that taking an animal and removing its liberty is an action that has a big enough effect that can define the *melacha* as constructive. The *Halacha* accords with the *Tur* implying that the *issur* of *tzad* is part of the list of the *melachot* that are intended for preparing a meal.

Raphael Wein & Asher Shafrir

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Revision Questions

שבת י"ג ד' – ט"ז ג'

- How much of a thread must one dye to perform the *melacha* of *tzove'ah*? (י"ג ד')
- Which other three *melachot* share the same *shiur* described in the previous question? (י"ג ד')
- Other than literally trapping a deer, when would one have transgressed the *melacha* of *tzad* (hunting)? (Include all three opinions.) (י"ג ה')
- If a deer wandered into a house, and one then closes the front door trapping it in the house, have they performed the *melacha* of *tzad*? (י"ג ו')
- Regarding the previous question, if two people closed the door, when would they be *chayav*? (י"ג ו')
- If a deer enters a house and one person stands in the doorway and does not completely cover the entire entrance, and then another person stands next to him covering the entire entrance, who is *chayav*? (י"ג ו')
- If a deer enters a house and one person stands in the doorway and completely covers the entire entrance, and then another person stands next to him; then the first person leaves, leaving the second covering the entire entrance, who is *chayav*? (י"ג ו')
- When is one *chayav* for killing a creepy-crawly? (י"ד א')
- Is one *chayav* for trapping a domesticated animal? (י"ד א')
- What is *hilmi* and why can't one prepare it on *Shabbat*? (י"ד ב')
- What is the general principle set out in the *Mishnah* regarding eating foods that have medicinal properties? (י"ד ג')
- What advice does the *Mishnah* give to one who has a toothache on *Shabbat*? (י"ד ד')
- What rule does *R' Meir* give for determining whether one is *chayav* for tying a knot on *Shabbat*? (י"ד א')
- List some knots that are completely permissible to tie on *Shabbat*? (י"ד ו')
- When is one allowed to fold clothing on *Shabbat*? (י"ד ג')
- Explain the debate between *R' Yishmael* and *R' Akiva* regarding whether one can prepare on *Shabbat* for *Yom Kippur* (that falls on Sunday)? (י"ד ט')
- Can one save a *tefillin* bag when saving *tefillin* for a house set on fire? (י"ד ז')
- How much food is one allowed to save from a fire? (Include both opinions) (י"ד ז')
- Regarding the previous question, would it make a difference if all the food was contained in one basket? (י"ד ז')
- Can one invite others to also take food for themselves from the fire? (י"ד ז')

[NB: For all of the questions above, when asking whether one is *chayav* it is asking whether, if they performed the act *be'shogeg*, they are *chayav* a *korban chatat*]

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16 th October י"ג תשרי	17 th October י"ד תשרי	18 th October ט"ו תשרי סוכות א'	19 th October ט"ז תשרי סוכות ב'	20 th October י"ז תשרי	21 st October י"ח תשרי	22 nd October י"ט תשרי
Shabbat 16: 4-5	Shabbat 16: 6-7	Shabbat 16:8 - 17:1	Shabbat 17: 2-3	Shabbat 17: 4-5	Shabbat 17: 6-7	Shabbat 17:8 – 18:1

