

Flee, Fly!

September 7, 2023

Q My outdoor garbage bin is inundated with flies and bees. When I deposit a garbage bag and close the lid, I'm trapping insects inside. May I do so on Shabbos?



A *Tzad* (trapping a live creature) is one of the 39 *melachos* of Shabbos.

The Rama (O.C. 316:3) rules that it is therefore forbidden to close a box that has flies inside. Even though the user doesn't intend to trap the flies—he just wants the box closed—this is a case of *psik reisha* (“cut off the head,” i.e., the unintended outcome is inevitable), because the flies will surely be trapped.

Mide'Oreisa, the *melacha* of *tzad* only applies to a species that is commonly trapped (*bemino nitzod*), e.g., livestock animals, which are useful for work, meat, and hides (Shulchan Aruch O.C. *ibid.* 1). Most insects are of no use to people and so are not *b'mino nitzod*. Because this case is only forbidden *mideRabanan*, certain leniencies apply:

- If the garbage bin is very large, and the flies inside have enough free space to fly around to avert a trapping attempt, it is permitted to close the lid (Mishnah Brurah *ibid.* 15). While usually *tzad* applies (*mideRabanan*) even in a large enclosure, here it is permitted because the quarry is not *bemino nitzod*.
- If you are unsure whether there are flies in the bin, you may close it. Because trapping flies is *asur* only *mideRabanan*, the rule of *safeik deRabanan lekula* applies (Mishnah Brurah *ibid.* 16).
- If the bin has a hole, even a fly-sized one, you may close the lid. Because the flies could potentially find the hole and escape, their trapping is not inevitable, so there is no *psik reisha* (Mishnah Brurah *ibid.* 14). If there is no hole, you may close it if you leave the lid slightly open to allow egress. Some say that bees are *bemino nitzod* because they produce honey, so the above leniencies don't apply. But most *poskim* equate bees with other insects (Mishnah Brurah *ibid.* 13).