



Parshas Balak 5767

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Animal Services

What do we learn from the possuk למען ינוח שורך וחמורך?

The *Rambam* writes ¹ that this *possuk* teaches us that one may not use an animal to carry baggage on Shabbos. Although the *possuk* specifically states an ox and donkey, it includes all animals and fowl. ² The *gemora* even refers to fish pulling a wagon (the fish is in a river and is harnessed to a wagon on the river bank).

Does carrying baggage refer to a donkey in a stable?

No, carrying means doing a *melacha*, for example carrying something on its back for a distance of more than four *amos* in a *reshus harabim*, complete with *akira* and *hanacha* (walking and halting), or carrying an item from a *reshus harabim* to a *reshus hayachid* and vice versa.

But that means that an animal may have a load on its back but does not perform melacha?

Indeed yes. The word *menucha* in relation to Shabbos means abstention from *melacha*; it does not mean physical resting. ³ We find in *halacha* ⁴ that permitting an animal to stand with a load on its back for no reason involves *tza'ar ba'alei chaim*, and one must do whatever possible to relieve the animal of its burden, which is a separate issue.

What is the biblical punishment for violating this issur (making an animal do a melacha)?

¹ *Hilchos Shabbos* 20:1.

² *Rambam* *ibid*.

³ Although physical exertion might be a violation of *menucha*, generally speaking *menucha* refers to abstention from *melacha*.

⁴ *Simon* 266:10.

The *Rambam* writes that since the *issur* is learned from a *mitv'zas aseh* namely, your animal should rest, and is not a לאו (negative commandment) there are no lashes (*malkot*) or other punishments.

The *Rambam* continues to ask but as there is a לאו when it says ובהמתך...לא תעשה כל מלאכה, meaning one may not plow with one's animal and similar *melachos*, why is one exempt from punishment?

He answers that this particular לאו is utilized to forewarn that doing a *melacha* can result in the death penalty and as a result is not open to warn against lashes. (We further find a *machlokes* between the *Maggid Mishne* and the *Ramban* whether the *Rambam* learns that there is a לאו or not, see the *Rambam* inside.)

Are there practical applications to this halacha?

A question that arose in previous years regards using a chimpanzee or similar animals to assist the disabled such as paraplegics, cerebral palsied people and others in their daily routine. As long as the assistance does not involve *melachos* it is not a problem, but when it involves turning on lights, cooking food etc. which these animals are trained to do, the problem is real.

Obviously the necessity is great and cannot be brushed aside but the *issur* of *mechamer* (causing an animal to do a *melacha*) and having an animal do a *melacha* must be taken into consideration. It is far simpler to use a gentile on Shabbos for the ill, because many *halachos* are waived aside regarding using gentiles for the ill, unlike using an animal etc., but this may not always be a practical solution.

If it is ossur to make an animal do a melacha, how can an animal be led into a field to eat grass attached to the ground?

Indeed the animal will be uprooting grass, the *melacha* of *ketzer*, but it is for its own benefit. The *gemora* teaches that it is permissible to allow an animal to do a *melacha* for its benefit from the *possuke* למען ינוח, the animal must rest and if it cannot eat naturally it is not resting.⁵

For this reason one may walk a dog wearing a collar and leash in a *reshus harabim*, because it is for the animal's benefit. The *Mishna Berura* writes⁶ that just as we wear clothing in a *reshus harabim* and it is not considered carrying, so too an animal may wear protective gear in a *reshus harabim*. A collar and leash are protective gear.

Is my animal permitted to walk in a reshus harabim with an item that is intended only for decoration?

The *gemora Shabbos* 52a writes that Rav Huna's animals were in a *reshus harabim* with decorative collars around their necks, which is a problem, because a previous *gemora* wrote that decorations are *ossur*.

Rashi and the *Ran* learn that commonly worn decorations may be adorned on Shabbos as well, but *Tosefos* and R' Yerucham learn that the decorative collar was slightly loose, enabling one to catch the animal if necessary. In other words, *Tosefos* learns that it is *ossur* to adorn decorative items solely for that purpose and the collars of Rav Huna's animals were used for safety as well. The *Mishna Berura* concludes⁷ with the *Bach* saying that he *paskened* like *Tosefos lechumra*.

May one carry a leash attached to a dog in a reshus harabim?

If one is careful not to drag the dog, since it protects the dog it is permitted, however the leash must not protrude from one's hand more than 9 cm.⁸ Likewise, the leash should not be slack and be within 9 cm. to the ground.⁹ Both these *halachos* are because of *mar'is ayin*. The first

is *ossur* because it appears as if one is carrying a rope, the second because the rope does not appear to be protecting the dog.

Vort on the Parsha

The *gemora* says¹⁰ that all the *b'rachos* Bil'am blessed eventually became curses except one – מה טובו, which remained a *b'racha*, namely that yeshivos and shuls never ceased in Am Yisrael. Rav Shlomo Zalman asked, how does the *gemora* know that מה טובו did not turn to a curse and all the others did?

The *gemora* bases it on the *possuke*, לך את הקללה, לברכה ויהפוך ה', meaning a single curse remained a *b'racha* and did not become a curse.

The *possuke* מה טובו is the only *possuke* mentioned in 2nd person while all the others are in 3rd person. A *b'racha* is given in 2nd person because it is direct from person to person (we can add that it is from one's heart to the other person's heart) whereas 3rd person might be praise etc. not *b'rachos*.

When the *gemora* says that a single *b'racha* remained, מה טובו is the only *b'racha* and all the others are praises.

This is an incredible lesson of how one is to bless another person. Not abstract and detached, but from heart to heart.

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לזכר נשמת חנה בת ברוך

⁵ *Simon* 324:13 and *M"B* 33.

⁶ *Simon* 305:1.

⁷ *Simon* 305:12.

⁸ *Simon* 305:16.

⁹ *Ibid*.

¹⁰ Rav Ezriel Auerbach *shlita* told me this *vort* in the name of his illustrious father, ר"מ Rav Shlomo Zalman *ztz"l*.

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Note: The purpose of this series is intended solely for the clarification of the topics discussed and not to render halachic decisions. It is intended to heighten everyone's awareness of important practical questions which do arise on this topic. One must consult with a proper halachic authority in order to receive p'sak.