

OVERVIEW of the Daf

1) Muzzling animals

A Baraisa is cited that discusses the prohibition of muzzling an animal that is working with food.

A contradictory Baraisa is cited.

Two resolutions to the contradiction are offered.

The Gemara seeks clarification regarding the circumstances when a person is involved in threshing grain that was designated as terumah and ma'aser.

The earlier resolution that one of the sources represented the opinion of R' Yehudah is unsuccessfully challenged.

A third resolution to the earlier contradiction between the two Baraisas is offered.

It is suggested that this resolution could be used to resolve other questions but this suggestion is immediately rejected.

2) Muzzling a sick animal

R' Sheishes was asked whether there is a prohibition against muzzling an animal that is sick and food will aggravate its condition. R' Sheishes proves that it is not prohibited.

3) Asking a non-Jew to muzzle one's animal

The Gemara inquires whether it is permitted to ask a gentile to muzzle the animal and thresh with it.

The two sides of the question are explained.

Two unsuccessful attempts are made to resolve this inquiry.

4) Castrated animals

Tangentially, Rava and Abaye discuss the penalty for having an animal castrated.

Selling the castrated animal to an adult son is a sufficient penalty for one who castrated an animal but there is a dispute whether it is sufficient to sell the animal to a small child.

A related incident is presented.

5) Muzzling animals (cont.)

Rami bar Chama inquires whether putting a thorn into the animal's mouth violates the prohibition against muzzling an animal.

Additional related questions are presented and clarified.

An unsuccessful attempt to resolve one of the inquiries is

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Distinctive INSIGHT

Preventing the animal from eating by screaming at it

רבי יוחנן אמר חייב עקימת פיו הויה מעשה

The Torah prohibits muzzling an animal while it is working with agricultural products (Devarim 25:4). The details of this law are outlined in our Gemara. What is the halacha of one who prevents his animal from eating by raising his voice and distracting or frightening the animal? Does this איסור apply only when the owner places a physical barrier between the animal and the food (a muzzle), or does the Torah prohibit any action which results in the same outcome?

Rabbi Yochanan says that one who stops the animal from eating by screaming at it is in violation of this halacha, because we say that the curling of one's lips in order to speak (עקימת פיו) is an action and the speaker is liable. Reish Lakish says that he is exempt, because speaking is not an action, so it is not punishable.

Ra'aved (cited in Shitta Mikubetzes) questions the opinion of R' Yochanan. It seems that R' Yochanan considers screaming at the animal a punishable infraction because making a loud noise by mouth is, in and of itself, an action. Ra'aved asks that it is possible to also make a loud noise without curling one's lips (i.e., whistling or coughing). Why, then, is making a noise, by definition, something that entails an action? In fact, in regards to cursing the name of Hashem, and in terms of conspiring witnesses (עדים זוממין), neither of these are defined as sins which entail an act, even when an act is performed, because it is possible to commit these infractions without an act. Here, too, because screaming does not require an act, even when an act is done it should not be interpreted as an integral part of the prohibition.

Ra'aved answers that screaming at an animal is accomplished by either saying "הן הן" or "דא דא" (see Pesachim 112b). Neither of these noises can be produced without the lips. This is why R' Yochanan says that in this case, curling of the lips to make a noise constitutes an action, and it is therefore liable for lashes.

Ramban explains that R' Yochanan agrees that one is liable for lashes for using his voice to stop an animal from eating while working, if he indeed moves his mouth. However, R' Yochanan was referring to whether the person would have to bring a chattas offering. This offering is only for sins which are perpetrated by an action, as we find in the verse (Vayikra 4:2): "If he *does* one of these infractions..." Speech, or making sounds, is not always done by moving the mouth, so a person would not bring an offering even when he does move his lips when screaming at the animal, based upon the verse in Bemidbar (15:29) which teaches that "one law" applies to cases of שוגג. If there is no קרבן when noise is made without moving the lips, there is also no קרבן even when the lips are moved. ■

REVIEW and Remember

1. How is it possible to thresh terumah or ma'aser?

2. May one ask a gentile to muzzle an animal while it works?

3. Is it permitted to muzzle the animal before it starts working?

4. What is the point of dispute between R' Yochanan and Reish Lakish?

HALACHAH Highlight

The prohibition against asking a gentile to perform labor on Shabbos

אמירה לנכרי שבות

Instructing a gentile to perform labor is a shvus

Regarding the prohibition of a Jew's asking a gentile to do work on Shabbos the Mechilta¹ cites a verse that states **כל מלאכה לא יעשה בהם**. This verse teaches, states the Mechilta, that neither you nor your friend may perform labor on Shabbos nor may one ask a gentile to perform your labor on Shabbos. Semag² understands this to constitute a Biblical prohibition for a Jew to ask a gentile to perform labor on Shabbos. Ramban³ disagrees and maintains that the prohibition for a Jew to ask a gentile to perform labor on Shabbos is only Rabbinically prohibited and the verse is just a mnemonic (**אסמכתא**) to the prohibition but does not elevate the restriction to a Biblical prohibition.

Rashi offers two different explanations regarding the rationale for Chazal to establish this Rabbinic restriction. According to one explanation⁴ the reason Chazal enacted this restriction is that when the gentile performs labor on the instruction of a Jew he is acting as his agent. Although technically halacha does not recognize a gentile's agency for a Jew (**אין שליחות לעכו"ם**), nevertheless, for this matter they adopted a stringent approach and consider the labor performed by the gentile as if he is the agent of the Jew. In another place⁵ Rashi writes that the prohibition is based on the verse **ודבר דבר** that instructs us to avoid discussing the performance of labor on Shabbos. Thus, one may not ask the gentile to perform labor on Shabbos since that violates this injunc-

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made.

R' Yonason asked R' Simai whether it is permitted to muzzle the animal and then bring it into the threshing floor.

R' Simai answers that this violates the prohibition and a Baraisa is cited that supports this understanding.

R' Yochanan and Reish Lakish disagree whether using one's voice to muzzle or lead different species of animals violates a prohibition. ■

tion. A difficulty with this second explanation is that our Gemara wonders whether this prohibition is limited to Shabbos or includes other prohibitions as well. If the source is derived from the verse of **ודבר דבר** it is clearly a Shabbos prohibition so how could the Gemara consider expanding the prohibition to other areas of halacha? Steipler Gaon⁶ answers that the two explanations of Rashi complement one another to formulate the full prohibition. It is prohibited to instruct a gentile during the week to perform labor on Shabbos but that cannot be due to the restriction of **ודבר דבר** since the conversation did not occur on Shabbos. Similarly, a Jew may not instruct a gentile on Shabbos to perform melacha in the coming week. Although at the time the labor is performed there is no restriction against performing labor it is nonetheless prohibited since the verse of **ודבר דבר** restricts this type of conversation on Shabbos. Since both explanations form one broad explanation the Gemara can consider whether this prohibition applies to other areas of halacha as well. ■

¹ מכילתא פרי בא פ"ט.

² סמ"ג לאוין ע"ה.

³ רמב"ן על התורה שמות י"ב: ט"ז.

⁴ רש"י שבת קנ"ג. ד"ה מאי.

⁵ רש"י י"ז ט"ז. ד"ה כיון.

⁶ קהלת יעקב שבת סי' נ"ה. ■

STORIES Off the Daf

The limits of responsibility

"נכרי הדש בפרתו של ישראל..."

On today's daf we find that a gentile plowing with a Jew's ox does not violate **לא תחסום**.

When the Yishuv was first being built in Israel, there was a great deal of cooperation between Jews and Arabs. Very often Jews were required to hire Arabs to farm their lands and do many other tasks which give rise to unusual halachic questions.

A certain Jewish field owner in Petach Tikvah hired some Arab sharecroppers. The Arabs were to receive one quarter of the produce, and the Jewish owner would keep three quarters. But this Jew was new to hiring gentiles to farm his land, since it

was only in Israel that he found agriculture an accessible venture. It is not surprising that the Jew didn't consider for a moment that he must explicitly prohibit the non-Jews from working the land with an ox and a donkey together.

Kilayim is a very strange-seeming mitvah to non-Jews who lack the Torah's insight into the true needs of an animal and what actually causes it pain. The Arabs liked to use an ox and a donkey together to farm and the worker began to till the field with his forbidden team. He was of course shocked when the Jews on the farm protested this and demanded that he use either donkeys or oxen exclusively at any particular time. Why were they so stubborn that he procure a new animal and not use one of those he already owned?

The Arab absolutely refused their illogical protestations and continued plowing.

But the Jews were infuriated at his implacability and began to shout at the Arab workers. Their conversation became so heated that it even came to blows.

The Jews decided to ask Rav Akivah Yosef Schlesinger, zt"l, whether they were required to keep fighting with the adamant Arab. After all, he was working for himself and he was not prohibited to use a mixture of animals as he worked the land.

He replied that they were not obligated to protest at all. "If something is prohibited to him, we cannot enable him because **לפני עור** also applies to non-Jews, but we also do not find any obligation to rebuke a gentile since there is no concept of *arvus* regarding the nations of the world. How much more is this true in your case where the gentile is not even doing an action prohibited to him!"¹ ■

1. שו"ת רבי עקיבא יוסף, יו"ד, סי' קי"ט. ■