

# Laws of Shabbos Chapter 20 (Auto Translated)

English

Auto Translated

## Shiur Overview

### Lecture Notes — Rambam Hilchos Shabbat, Chapter 20

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**Halacha 1: Rest of Animals on Shabbat — Prohibition of Carrying Loads, Leading Animals, and the Lav of "Lo Ta'aseh Kol Melacha... U'vehemtecha"**

The Rambam's Words

"It is forbidden to take out a load on an animal on Shabbat, as it says 'lema'an yanuach shorcha vachamorcha' (so that your ox and donkey may rest) — both your ox and donkey and all animals, beasts, and birds. And if the animal carried, even though he is commanded regarding its rest, he does not receive lashes because it was removed from the category of a positive commandment. Therefore, one who leads his animal on Shabbat — is exempt."

The Rambam says further that the lav of "lo ta'aseh kol melacha... u'vehemtecha" does not speak of the rest of the animal (i.e., that the animal itself should rest), but rather of a person who does melacha with his animal — such as plowing — which is the rest of man, not the rest of the animal.

Explanation

There is a positive commandment that a Jewish animal (beast, bird — all types) should rest on Shabbat. The source is "lema'an yanuach shorcha vachamorcha" — a language of a positive commandment. Because it is only a positive commandment (not a lav), one is exempt from lashes if one transgresses. "Mechamar" — one who walks with and leads his animal that is carrying a load — is also exempt. The lav of "lo ta'aseh kol melacha... u'vehemtecha" speaks of a case like plowing, where the person himself does melacha with the help of the animal, and this is the rest of man, not the rest of the animal.

Novel Points and Explanations

**1) Why doesn't the Rambam count the rest of animals as a separate positive commandment in the enumeration of mitzvot?**

The rest of animals is clearly a commandment from the Torah — why doesn't the Rambam count it as a separate positive commandment? Commentators try to say that the rest of animals is included in the general positive commandment of "tishbot" — i.e., "tishbot" includes not only that you should rest, but also that your animal should rest. But in any case, it is essentially a separate law of rest that applies to the animal.

**2) "Shorcha vachamorcha" — not specifically, includes all animals, beasts, and birds**

"Shorcha vachamorcha" is not specifically ox and donkey, but includes all types — animals, beasts, and birds. The Rambam doesn't list "fish" here, but later in the chapter he brings explicitly that there is also rest for fish. The answer: it's simply

less practically relevant — because it's rare that one finds a way to do melachot with fish.

**3) The distinction between "taking out a load on one's animal" and "mechamar"**

The Rambam says two things: First, "it is forbidden to take out a load on the animal" — he places a load on the animal. Second, "one who leads his animal" — he walks with it, he leads it, he accompanies the animal. This is not a repetition of the same law, but a greater novelty: even with "mechamar," where the person does do some action (he walks with it, he leads it), he is still exempt because it is only a positive commandment.

**4) "Exempt" — exempt but forbidden, but here from the Torah?**

The great principle is that "exempt" in Hilchos Shabbat means "exempt but forbidden" (rabbinically). But here it doesn't fit smoothly, because taking out a load on one's animal is forbidden from the Torah (positive commandment)! The distinction: the essence of taking out a load on one's animal — this transgresses a positive commandment from the Torah. But the fact that the person walks with it (mechamar) — this itself is perhaps only rabbinically forbidden, because the small action of mechamar is not considered an action. If it were a lav, perhaps mechamar would be different, but because it is only a positive commandment, mechamar is only rabbinical.

**5) Perhaps there are two separate prohibitions — a positive commandment on the rest of the animal, and a separate rabbinic prohibition on mechamar**

Perhaps there is a positive commandment from the Torah that the animal should rest (taking out a load), and in addition a separate rabbinic prohibition on being mechamar. The novelty of the Rambam: a person might have thought that with taking out a load he is exempt because he doesn't do any action — but with mechamar, where he does do an action, he should be liable. The Rambam comes and says: no, even mechamar is exempt, because it's not a lav at all — it's only a positive commandment, and even a "lav she'yesh bo ma'aseh" doesn't help when it's not a lav at all.

**6) The lav of "lo ta'aseh kol melacha... u'vehemtecha" — speaks of the rest of man, not the rest of the animal**

It says explicitly in the Ten Commandments "lo ta'aseh kol melacha... u'vehemtecha" — a lav! Why does the Rambam say there is no lav on the rest of the animal?

The Rambam answers: the lav of "lo ta'aseh kol melacha... u'vehemtecha" does not speak of the rest of the animal (that the animal itself should rest). It speaks of a case like **plowing** — where the person himself does melacha with the help of his animal. This is the rest of **man**, not the rest of the animal. The novelty of "u'vehemtecha" is: you shouldn't think that because you do it with an animal it's not like you're doing it — no, "atah u'vehemtecha" means that you are plowing, you are transgressing with stoning. The animal is like a "power tool" —

a strong implement, the person stands and leads the animal, he tells it where to go, he stands over with the plow — but this means that the **person** is plowing.

### 7) The distinction between "plowing with an animal" (= rest of man) and "animal carries a load" (= rest of animal)

The fundamental distinction: with plowing — the person does melacha, the animal is only a tool, he transgresses with stoning like any melacha. With taking out a load on an animal — the animal does it itself, the person doesn't do it, it's only a positive commandment of the rest of the animal. The lav of "u'vehemtecha" doesn't come to say a new thing that the animal itself shouldn't work — it comes to say that when you work with an animal, it also means you are working.

### 8) No lashes even for the separate lav of "u'vehemtecha"

A person might think that if he plows with his animal, he at least receives lashes for the lav of "u'vehemtecha" in cases where there is no stoning (for example, defective warning). The Rambam says **no** — this is a "lav she'nitan le'azharah le'mitat beit din": since the same lav also includes stoning-cases (plowing on Shabbat), one never receives lashes for it, even when stoning is practically not applicable.

### 9) Question: Why does one need to say this at all?

The verse "lo ta'aseh kol melacha... atah u'vehemtecha" is **one verse**, not two separate lavim. The Rambam doesn't count it as a separate lav. If so, why would one even need to mention that one doesn't receive lashes? It's the same lav as all desecration of Shabbat! The answer: "atah u'vehemtecha" is not a new lav, but a novelty in the laws of plowing — to reveal that working **with** an animal is also attributed to the person.

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### Dispute Among Rishonim in Understanding the Rambam — Ramban vs. Maggid Mishneh

#### The Rambam's Words

#### (Continuation of Halacha 1 — the lav of "u'vehemtecha" and mechamar)

#### Novel Points and Explanations

##### 1) The Ramban's understanding:

Mechamar according to the Rambam is **not a Torah lav** — only a prohibition of a positive commandment (or rabbinic). Therefore, when the Rambam says "lo shena talash et ha'esev" it must speak of **plowing** (where the person actually does melacha together with the animal), not of mechamar. A great distinction between plowing (person does together with animal = stoning) and mechamar (animal does, person encourages = only positive commandment/rabbinic).

##### 2) The Maggid Mishneh's understanding:

The Rambam means that mechamar **is indeed a Torah lav**, just such a lav that one doesn't receive lashes. Why? Because the same verse "lo ta'aseh kol melacha... u'vehemtecha" includes **both plowing and mechamar**. Since in the same verse there is also stoning (for plowing), it is a "lav she'nitan le'azharah le'mitat beit din" and one doesn't receive lashes even for mechamar.

##### 3) The distinction between the two understandings:

According to the **Ramban** there is a great distinction between plowing and mechamar. According to the **Maggid Mishneh**,

plowing and mechamar are **both** in the same verse, both similar — both are about how the person does melacha together with his animal. Only plowing = stoning, mechamar = lav (without lashes). But even according to the Maggid Mishneh the distinction remains: plowing has a **ma'aseh**, mechamar has **no ma'aseh**.

#### 4) Mechamar — lav she'ein bo ma'aseh

The fundamental reason why mechamar cannot have stoning/lashes (even according to the Maggid Mishneh) is because **hotza'ah is a light melacha** — the person does nothing physical, he only walks next to the animal. This is a **lav she'ein bo ma'aseh** — without an action, beit din cannot give lashes (Rabbi Yochanan's principle).

#### 5) Question: If the person himself placed the package on the animal, and afterwards he is mechamar — is he then liable?

Placing on is one thing (but which melacha is that?), and the carrying is done by the animal, not the person. The person's role remains mechamar — which is fundamentally different from plowing in the sense that with plowing the person does an action, with mechamar not.

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### Laws of Lending, Renting, Selling a Large Animal to a Non-Jew

#### The Rambam's Words

**"It is forbidden for a Jew to lend or rent a large animal to a non-Jew so that he not do work with it on Shabbat, for he is commanded regarding the rest of his animal."**

**"The Sages forbade selling a large animal to a non-Jew, a decree lest he lend it or rent it."**

**"And if he sold, they fine him up to ten times its value."**

#### Explanation

The commandment of the rest of one's animal means not only that you yourself shouldn't work with your animal — also when a non-Jew works with your animal you are transgressing. Therefore, one may not lend or rent a large animal to a non-Jew. Even **selling** — where the animal becomes the non-Jew's property — the Sages forbade, a decree lest he lend it or rent it. If he sold, they fine him up to ten times the price — he must buy it back.

#### Novel Points and Explanations

##### 1) Three levels of decree:

(1) Melacha with one's own animal = from the Torah (positive commandment); (2) lending/renting to a non-Jew = forbidden (positive commandment/rabbinic); (3) selling = rabbinic decree upon a decree.

##### 2) Shevurah — a broken animal:

Even a broken animal (that one can no longer plow with) may not be sold — **a decree lest he fix it**, we fear he will heal it.

##### 3) Sarsur — selling through a broker:

**"It is permitted to sell through a broker, for a broker does not lend or rent."** The broker's job is **only to sell**, he has no connection to lending/renting. Therefore, the reason for the decree falls away.

##### 4) Horse — permitted to sell:

**"It is permitted to sell a horse, for a horse stands only for riding."** A horse serves only for riding, not for work (plowing, pulling packages). Riding is not forbidden from the Torah because **chai nosei et atzmo** — a living creature carries itself, therefore riding on a horse is not hotza'ah. Even if riding is rabbinically forbidden, it's not a Torah prohibition, therefore one may sell a horse.

#### 5) One suspected of selling to non-Jews:

**"And just as it is forbidden to sell to a non-Jew, so it is forbidden to sell to a Jew who is suspected of selling to non-Jews."** The prohibition extends to a second level — even selling to a Jewish broker (middleman) who will sell it further.

#### 6) Why such stringencies on a positive commandment?

It is suggested that perhaps there is an additional reason — not only "lema'an yanuach" (that the animal should rest), but also a connection to idolatry (one may not sell lifnei eideihem ule'achar eideihem). Idolatry brings great stringencies.

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#### Selling a Cow for Slaughter, Small Animals, Large Beasts

##### The Rambam's Words

**"It is permitted to sell them a cow for slaughter and he slaughters it before him, but he should not sell generally, even a fattened ox, lest he delay it and work with it."**

**"A place where they were accustomed to sell small animals — they may sell, a place where they were accustomed not to sell — they may not sell."**

##### Explanation

One may only sell a cow when the non-Jew slaughters it right before him. But to sell generally — even a fattened ox that usually stands for slaughter — is forbidden, because perhaps the non-Jew will not slaughter it immediately and will meanwhile work with it on Shabbat. Small animals (like sheep/goats) are different from large animals, because one doesn't do as many melachot with them — therefore it depends on the local custom.

##### Novel Points and Explanations

**1) Chayah gasah** (large wild beasts) have the same law as large animals — everywhere they may not sell.

**2) Lending/renting small animals:** The Rambam doesn't say it clearly. The Beit Yosef brings from poskim that apparently all the leniencies (local custom for small animals, fattened ox for slaughter) are only for selling — which is a second-level prohibition. But for renting one may truly not, because renting is stricter (because the animal remains yours).

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#### One Who Was Overtaken by Darkness on the Road — Using an Animal, Non-Jew, Deaf-Mute, Imbecile, and Minor

##### The Rambam's Words

**"One who was overtaken by darkness on the road and did not have a non-Jew with him to take his purse" — if he has an animal, he may "place his purse on it while it is walking," and "when it wants to stop" he should take it off, "so that it not stand with his purse on it, so that there be neither akirah nor hanachah."**

**"But it is forbidden for him to lead it even with voice as long as his purse is on it, so that he not be mechamar on Shabbat."**

##### Explanation

When someone got stuck on the road erev Shabbat with his purse, and there is no non-Jew, he may place the purse on the animal while it is walking, but must take it off when it stops — so that there is no akirah ve'hanachah by the animal. Even in this special case where it was permitted to place the purse, he may not lead/encourage the animal — not even with voice — because this is mechamar on Shabbat.

##### Novel Points and Explanations

**1) The mechanism:** The person makes the akirah (placing on) when the animal is walking, and takes off before it stops — therefore the animal has neither akirah nor hanachah. When he takes it off from the animal, he must remain standing — he may not continue walking with the purse in hand (because that would be hotza'ah).

**2) Difficult question on the prohibition of mechamar here:** If the animal doesn't do akirah ve'hanachah (because he takes off the purse before it stops), what is the prohibition of mechamar? Mechamar usually speaks when the animal does an actual hotza'ah! Two possible answers: (1) Perhaps mechamar itself is a prohibition — because the person makes as if the akirah by telling the animal to go/stop; (2) Perhaps this is rabbinic — because it looks like one is working with his animal, even if technically there is no hotza'ah. This is a difficult problem that the commentators also haven't clearly addressed. The Beit Yosef himself doesn't have a clear answer.

#### 3) Rabbinic decree — not to give an animal to a non-Jew:

**"It is a rabbinic decree that a Jew not leave an animal with a non-Jew."** One doesn't first use the advice of giving the purse to a non-Jew (instead of placing it on the animal) because it is a rabbinic decree that one should not leave an animal with a non-Jew. The advice of akirah/hanachah with an animal is only when there is no non-Jew.

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#### Laws of Priority: Animal, Non-Jew, Deaf-Mute, Imbecile, and Minor

##### The Rambam's Words

**The Rambam says one should first give to a non-Jew before using the animal. "If he had before him a deaf-mute, imbecile, and minor" — one should rather place on the animal than give to them, "because they are Jewish people." "If he had before him a deaf-mute and imbecile — he gives it to the imbecile. Imbecile and minor — he gives it to the imbecile."**

##### Explanation

The non-Jew is easier than the animal; deaf-mute, imbecile, and minor are stricter than the animal; the imbecile is easier than the deaf-mute, and easier than the minor.

##### Novel Points and Explanations

#### 1) Why is a non-Jew easier than an animal?

An animal is a **Jewish animal** — the rest of one's animal is a law that can be **from the Torah**, while amira le'nochri is **always only rabbinic**. Therefore, the animal is stricter. Even though both are rabbinic prohibitions — with an animal there is a **way** for it to be from the Torah, but with a non-Jew

it is never from the Torah. Therefore, one first lets the non-Jew.

## 2) Deaf-mute, imbecile, and minor — "Jewish people":

Although they are exempt from mitzvot, they are Jews, and one may not do melacha through them. The principle: if there is rest of animals, there is certainly rest of deaf-mute, imbecile, and minor — they are more important than an animal. He has a mitzvah regarding the rest of his son, but not a mitzvah regarding the rest of non-Jews.

### 3) Deaf-mute vs. imbecile:

A deaf-mute is only a **type of imbecile** — he cannot hear, one couldn't teach him. He is "somewhat imbecile like an imbecile" — but still one rather gives to an imbecile.

### 4) Minor vs. imbecile:

A minor is a **"passing defect"** — he will soon grow up. An imbecile is like **"a minor who never stopped being a minor."** Therefore, the imbecile is easier.

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## Less Than Four Amot — When One Has No Other Option

### The Rambam's Words

**If one has no animal, no non-Jew, no deaf-mute, imbecile, or minor — "he walks with less than four amot."**

**"And even a found object that came into his hand — he walks with it less than four amot."**

### Explanation

The last resort is that he himself carries, but stops every less than four amot. The leniency applies not only to his own money, but even to a found object that he just found.

### Novel Points and Explanations

**1) Less than four amot is a leniency**, not just a restriction — this is explicit.

**2) Distinction between found object and one's own money:**

In other laws it is said that a found object is **not a financial loss** — one doesn't have as much compassion. But **here** we see differently — a found object also gets this leniency.

### 3) A remarkable distinction:

With **one's own money** — one must first give to a **non-Jew**, and only if there is no non-Jew may one use less than four amot. But with a **found object** — one may **not** give to a non-Jew, but one may use less than four amot. This means: if a person has both — his own money and a found object — the own money he gives to the non-Jew, and the found object he carries less than four amot.

### 4) Chapter 6 parallel:

In Chapter 6 there is already a similar law ("one who lost something") regarding payment on Shabbat and amira le'nochri. There it says that a found object cannot be given to a non-Jew, but one can walk less than four amot. This is no contradiction — they are two separate laws.

**5) The Rambam's position regarding less than four amot:**

In the Gemara it says that the Sages **did not want to state** the leniency of less than four amot. The Rambam **did state it**,

but with a limitation: only if there is no non-Jew and no other option.

## 6) Found object that came into his hand vs. before it came into his hand:

The Rambam distinguishes: **After it came into his hand** (he already has the found object) — one may use less than four amot, even initially. **Before it came into his hand** (he has not yet acquired it) — there is no leniency of less than four amot. Then they let him **wait until dark** (wait until after Shabbat). "Lehachshir" means: if he can make it kosher (i.e., he can get it without desecrating Shabbat), he must. Only if he cannot make it kosher, then he gets the leniency.

### 7) Ra'avad's dispute:

The Ra'avad says this is an error — he holds **not** that one can use less than four amot for a found object. In practice: only the **Rambam** permits less than four amot for a found object. **Most poskim** (Ra'avad, Shulchan Aruch, others) say one may not.

## 8) Question on "found object that came into his hand":

A found object that came into his hand is already **his** — he already acquired it. What is the novelty that it's still called a "found object"? The answer: there is no **"adam bahul al mamono"** — he is not yet so attached to it. But this creates "funny problems": how long must a person have something for it to still be called a "found object" and not "his"?

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## What an Animal May and May Not Carry on Shabbat — Meteg Ve'resen

### The Rambam's Words

**"It is permitted to pull the animal with a meteg ve'resen... provided it is suitable for that resen. Horse — shir, camel — afarsar, naakah — chotem, donkey — soger. But if he took out an animal with a meteg that it is not guarded with... such as tying a rope in the horse's mouth... or with a meteg that it doesn't need but for a lesser guarding than it, such as taking out a donkey with a horse's shir... this is a load. For all excessive guarding or lesser guarding is a load."**

### Explanation

One may lead an animal with a resen/meteg that fits it. Each animal has its own type of resen. But if the resen is too weak (the animal can escape) or too strong (more than it needs), this is a load.

### Novel Points and Explanations

**1) The principle: excessive guarding or lesser guarding — is a load.**

Not only too weak guarding (which is useless), but also too strong guarding (which is excessive) is considered a load. The logic: the excessive part of the guarding is simply a burden that the animal carries unnecessarily. Example: a donkey with a horse's shir — this is too strong for it, therefore the excessive part is a load.

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## One Should Not Tie Camels to Each Other and Pull

### The Rambam's Words

**"One should not tie camels to each other and pull... because it appears like one taking them to market to**

**sell or to bring merchandise with them there."**

**"But he may bring the ropes into his hand."**

#### Explanation

One may not tie a group of camels one to another and pull them. The reason: it looks like one is taking them to market to sell — a weekday activity. One may hold all the ropes of several camels in one hand.

#### Novel Points and Explanations

**1)** The prohibition is **not** about load or hotza'ah, but about **marit ayin** — it looks like a weekday activity.

**2) Measure of the rope:** The rope that hangs out from the hand may not be more than a tefach, and the rope between the animal's mouth and the hand must be higher than the ground a tefach — so it shouldn't look like it's dragging.

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#### The Animal Should Not Go Out with a Bell on Its Neck

##### The Rambam's Words

**"The animal should not go out with a bell on its neck even if it is plugged and doesn't make sound."**

#### Explanation

An animal may not go out with a bell on its neck, even if it is plugged and doesn't make sound.

#### Novel Points and Explanations

**1)** Is the prohibition because **making sound on Shabbat** (like musical instruments), or because **it looks like one is going to market**? The Rambam's language "u'min ha'ta'am hazeh" connects it with the same reason as camels — **appears like taking to market**. This explains why even a plugged bell (without sound) is forbidden — because the appearance itself is the problem.

**2)** With a person there is a prohibition of musical instruments, but with an animal the main reason is the marit ayin of market.

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#### List of Things an Animal May Not Go Out With

##### The Rambam's Words

**"And not with a bell in its covering, and not with a seal on its neck, and not with a seal in its covering, and not with a strap on its legs, and not with a ladder on its neck..."**

#### Explanation

- **Bell in its covering** — bells in the animal's blanket.

- **Seal on its neck / in its covering** — a sign/label of whom the animal belongs to (similar to a seal on a slave).

- **Strap on its legs** — a strap on the feet (to limit stride).

- **Ladder on its neck** — a device on the neck so the animal won't turn its head.

#### Novel Points and Explanations

**1)** The general reason for all: **it might fall off**, and the owner will pick it up and come to carrying four amot in the public domain. This is the same principle as with a woman with jewelry that might fall off.

**2)** With **strap between its horns** — there is no difference if it's for beauty or for guarding, both are forbidden. When it's for beauty, why shouldn't we say it's like jewelry? The answer: it might fall off.

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#### Donkey with Mardaat / Ukaf

##### The Rambam's Words

**"A donkey does not go out with a mardaat unless it was tied to it from erev Shabbat."**

**"A donkey does not go out with an ukaf unless it was tied to it from erev Shabbat."**

#### Explanation

A donkey may not go out with a saddle blanket (mardaat) or saddle unless it was tied from erev Shabbat.

#### Novel Points and Explanations

A mardaat (blanket) is different from an ukaf — a mardaat helps the animal (warmth), but an ukaf is only for carrying (for the person's benefit).

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#### Camel with Metutelet

##### The Rambam's Words

**"And the camel does not go out with a metutelet hanging from its hump or its tail... and it does not go out tied unless it is tied to its tail and its hump."**

#### Explanation

A camel may not go out with a pouch hanging from its hump (deveshet) or tail, unless it is well tied at both — tail and hump (choteret).

#### Novel Points and Explanations

Deveshet and choteret are both words for the camel's hump.

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#### Camel with Bound Hand or Bound Foot

##### The Rambam's Words

**"And the camel should not go out with bound hand or bound foot."**

#### Explanation

A camel should not go out with bound hands or feet (from the language of akeidah). The reason: it might fall.

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#### Lambs, Sheep, Calves — Specific Prohibitions

##### The Rambam's Words

**"And lambs do not go out with threads or with straps on their legs."**

**"And sheep do not go out with a wagon under the tail."**

**"And the ewe does not go out with wood that they place in her nose so she will sneeze and the worms in her brain will fall out."**

**"And the calf does not go out with a small yoke that they place on its neck so it will get used to it and be easy for plowing."**

#### Explanation

- Lambs may not go out with threads or straps.

- Sheep have a large heavy tail (alyah) that drags, one makes a small wagon under it — may not on Shabbat.

- One places a piece of wood in the sheep's nose so it will sneeze and expel worms from its brain — forbidden on Shabbat.

- A young calf that one is training to plow with a small yoke, may not go out with it on Shabbat.

### Novel Points and Explanations

With the calf: this is a type of "education" for an animal — one accustoms it from youth to carry a yoke so it will later be a good plower.

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### Sevachah, Or HaKufad

#### The Rambam's Words

**"It should not go out with a sevachah."**

**"The cow should not go out with the skin of the kufad."**

#### Explanation

- **Sevachah** — a net on the mouth so the animal won't bite and won't eat.

- **Or hakufad** — a cow has valuable udders, and other animals also want benefit from the milk. One places a prickly skin of a kufad (porcupine/hystrix) on the udders, so vermin will flee — forbidden on Shabbat.

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### Goat with a Groove Between Its Horns

#### The Rambam's Words

**"A goat that has a groove carved between its horns may place a halter tied in the groove on Shabbat."**

#### Explanation

A goat that has a carved-out place between its horns, one may place a resen there, because this is the regular guarding for such a goat.

#### Novel Points and Explanations

**1)** This is only with a **young goat** that is "techuf bein karneha" — the horns are close together, the resen sits well.

**2)** With an **old goat** (zekenah) or a **natiach** (a butting goat) — it is forbidden, because **shema tenatach** — it can tear it off, it falls down, and the person will pick it up. A goat is a "wild character" — very wild, and can easily tear off

the resen.

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### Males Go Out with Leather Tied on Their Maleness

#### The Rambam's Words

**"Males go out with leather tied to them on their maleness so they won't mount the females; and with leather on the heart so wolves won't fall upon them."**

#### Explanation

Male animals may go out with a piece of leather on their maleness (so they won't mount the females), and with a piece of leather on the heart (so wolves won't attack).

#### Novel Points and Explanations

The principle: **Everything that is for the benefit of the animal — to protect it, to help it — is permitted.** This is the foundation for why all these things are permitted: it is in the interest of the animal, not only of the owner. Even when the owner also has benefit from it, the main thing is that it's a benefit for the animal.

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### Ewes with Tied Tails

#### The Rambam's Words

**"Ewes go out when their tails are tied upward on their backs so that males won't mount them."**

### Explanation

Young sheep may go out with their tails tied up, so males won't mount them.

### Novel Points and Explanations

This is again the same principle — it is for the benefit of the animal. The condition is that it should be well tied so it doesn't fall off (because if it falls off, the person will pick it up and carry it).

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### Goats with Tied Udders

#### The Rambam's Words

**"Goats go out with their udders tied so they will dry up from the milk, but if he tied them so the milk won't come out until he eats it in the evening — these should not go out."**

#### Explanation

Goats may go out with tied udders so the milk will dry up (for the benefit of the animal). But if one ties them to save the milk until evening — one may not.

#### Novel Points and Explanations

**1)** The distinction is clear: when it is **for the benefit of the animal** (drying up) it is permitted; when it is **for the benefit of the owner** (saving milk) it is forbidden.

**2)** Moreover, when it is only "until evening" it is more weakly tied, and we fear it will fall off and the person will carry it — lest he come to prohibition.

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### Horse with Fox Tail, Bell Between Its Eyes

#### The Rambam's Words

**"And the horse should not go out with a fox tail or with a bell between its eyes."**

#### Explanation

A horse may not go out with a fox tail (a segulah against the evil eye) or a bell between the eyes.

#### Novel Points and Explanations

The fox tail is a segulah against the evil eye — it is asked: who gives evil eye to a horse, other horses or people? It remains unclear.

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### Kelaster, Sandal, Kameia

#### The Rambam's Words

**"And an animal should not go out with a kelaster in its nose, or with a sandal on its foot, or with a kameia that is not proven for animals."**

#### Explanation

An animal may not go out with a feeding device hanging on it, not with shoes, not with a kameia that is not proven (hasn't helped three times for animals).

#### Novel Points and Explanations

We see that there was a practice of kameiot for animals. But a kameia that is proven for people is not automatically proven for animals — it must be proven specifically for animals. This shows that animal-kameiot were treated as a separate category.

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### Wound, Break, Afterbirth — Permitted

### The Rambam's Words

**"But it may go out with a bandage on the wound, and with bindings on the break, and with afterbirth hanging from it."**

#### Explanation

An animal may go out with a bandage on a wound, with a splint on a break, and with afterbirth (placenta) still hanging.

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### Laws in a Courtyard — Plugging a Bell, Mardaat

#### The Rambam's Words

**"He may plug the bell on its neck (in a courtyard)."**

#### Explanation

In a courtyard one may plug the bell on the animal's neck (so it won't ring).

#### Novel Points and Explanations

- 1) In the public domain one may not go out with a bell (it looks like one is going to sell). In a courtyard one may — but only when it is plugged.
- 2) The novelty: one shouldn't say "lo plug" — that because a ringing bell is forbidden, a plugged one should also be forbidden. No — a plugged bell is permitted in a courtyard.
- 3) A mardaat that one placed on Shabbat on the donkey — in a courtyard one may (according to Rabbi Elazar), but not in the public domain.

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### Halacha 20: Rest of One's Slave — The Foundation

#### The Rambam's Words

**"Just as a person is commanded regarding the rest of his animal on Shabbat, so he is commanded regarding the rest of his slave and maidservant, even though they are intelligent and act on their own understanding."**

#### Explanation

Just as a person is obligated that his animal should rest, so he is obligated that his slave and maidservant should rest — even though they are intelligent and can understand on their own.

#### Novel Points and Explanations

- 1) **The great novelty:** With an animal it is simple that everything it does is the owner's responsibility, because it has no understanding. But with a slave — he is intelligent, he understands on his own what the owner wants. One might have thought that when the slave does melacha on his own, this is not the owner's transgression. The Rambam comes and says: no — "the master is commanded to guard them and prevent them from doing melacha on Shabbat." The owner must actively protest and ensure that the slave rests.
- 2) The verse is "lema'an yanuach shorcha vachamorcha veyinafesh ben amatcha veba'ger" — the slave must actually rest, not only that the owner may not make him work. "Le'da'at atzman" also means "le'chovat atzman" — even for themselves.

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### Which Slave — Dispute Between Rambam and Ra'avad

#### The Rambam's Words

**"The slave and maidservant who are commanded regarding their rest are slaves who were circumcised**

**and immersed for the purpose of slavery and accepted the mitzvot that slaves are obligated in."**

**"Slaves who were not circumcised and not immersed — these are like the children of the seven commandments that the children of Noah were commanded in alone."**

#### Explanation

The slave of which we speak is a Canaanite slave who had circumcision and immersion for the purpose of slavery — he took upon himself all mitzvot like a woman. He is in a certain sense a Jew. Slaves who did not have circumcision/immersion — they have only the law of Bnei Noah.

#### Novel Points and Explanations

#### 1) Dispute 1 — when the slave does melacha for himself:

- **Rambam:** The master has a special mitzvah to ensure that his Jewish Canaanite slave doesn't do any melacha — even for his own needs.
- **Ra'avad:** A slave who was circumcised and immersed is a Jew — he himself is obligated in Shabbat. What do we need the master for? The Ra'avad means that the law of rest of one's slave speaks of a **ger toshav slave** (a non-Jew who has not yet had circumcision/immersion). With such a slave it is only forbidden from the Torah when he does it for the needs of the owner, but for his own needs he may.

#### 2) Dispute 2 — slaves who were not circumcised and not immersed:

- **Rambam:** They have only the law of Bnei Noah.
- **Ra'avad:** Specifically such slaves (ger toshav who is a slave) are the main subject of rest of one's slave. But — ger toshav is only accepted when Yovel is in effect. Therefore, according to the Ra'avad, in current times there is no law of rest of one's slave (because all slaves who were circumcised and immersed are already Jews, and ger toshav doesn't exist nowadays).

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### The "Ger" in the Verse — Ger Toshav Who Is Hired

#### The Rambam's Words

**The Rambam speaks of a "ger toshav shelakut secharo shel Yisrael" — a ger toshav who works as a hired worker for a Jew. The Jew has an obligation that the ger toshav should not do melacha for him on Shabbat.**

#### Explanation

The "ger" in the verse "veyinafesh ben amatcha veba'ger" speaks of a ger toshav — a non-Jew who accepted the seven Noahide commandments — who has an employment relationship with a Jew. Such a ger toshav may do melacha for himself on Shabbat, but not for the Jew.

#### Novel Points and Explanations

- 1) **The language "shelakut secharo":** Two possibilities: (a) he is a day-laborer (hired work), (b) he is like a sharecropper — he goes to glean his portion from the fields (lekutot). The concept "lakut sachir" is mentioned as a common expression — a type of part-time worker or day-laborer.

- 2) **The distinction between private and for a Jew:** A ger toshav may do melacha for himself on Shabbat (because he is not obligated in rest), but when he has a "deal" with a Jew —

an employment relationship — he may not do melacha for the Jew. This is the law of "ben hamusar" — that he not do melacha for his Jewish master on Shabbat.

**3) Is this more than amira le'akum:** With most melachot a non-Jew may do for himself, and the prohibition of amira le'akum is only when one tells him. But here it seems that the ger toshav may not do melacha for the Jew at all, even in cases where there would not be a prohibition of amira le'akum. This is apparently a stricter law.

**4) The distinction between a slave and a ger toshav who is not a slave:** With a ger toshav who was his slave — the prohibition is clear: the master may not tell him to do melacha, and the slave may not do it for the master. But the slave may do melacha for himself. According to the Rambam it seems that the "non-Jew" who needs the extra prohibition is the ger toshav who was a slave — that is, it's the same thing,

not two separate laws. In the glosses it says there can be a separate law of a slave, but the Rambam himself doesn't seem so.

**5) Lack of clarity:** It remains not entirely clear what exactly the Rambam means with this prohibition, and whether it's a separate law or only an application of rest of one's slave.

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### Conclusion of Chapter 20

With this concludes Chapter 20 of Hilchot Shabbat, which dealt with the rest of animals (taking out loads, leading animals, selling/renting to a non-Jew, one overtaken by darkness on the road, what an animal may carry) and rest of one's slave (Canaanite slave who was circumcised and immersed, slave who was not circumcised and not immersed, ger toshav who is hired by a Jew).

## Full Transcript

### Rambam Laws of Shabbat Chapter 20 — Rest of Animals and Servants

#### Introduction to the Shiur

Good. We are learning Laws of Shabbat in the Rambam, Sefer Zemanim. We are going to learn the twentieth chapter, which discusses shevitat behemah v'eved (the rest of animals and servants). The mitzvah, the law that also a Jew's servant or a Jew's animal may not work on Shabbat.

Before we go to the shiur we must with hakaras hatov (gratitude) thank all those who help bring out the shiur, and first and foremost the main sponsor of our shiur, our dear friend the generous patron Rabbi Yoel Halevi. May others learn from him and do likewise, supporting our shiur and bringing more learners, and revealing to other Jews ta'amu ki tov (taste and see that it is good).

#### Halacha 1: The Prohibition of Taking Out a Burden on an Animal on Shabbat

##### Introduction: The Difficulty of the First Halacha

Alright, yes? We are going to learn the chapter, the twentieth chapter. So the first piece is a somewhat difficult Rambam, we are going to try our best to explain it, but there are still more approaches, and if someone wants they can delve into the various commentators on how to learn it. Yes?

The Rambam says as follows. Yes, so let's just say it like this, it's a very clear introduction.

##### Foundation: Positive and Negative Commandments in Resting on Shabbat

We have learned in the Laws of Shabbat there is a mitzvah to rest on Shabbat, "tishbot," and a prohibition, "lo ta'aseh melacha." The prohibition we have learned means the thirty-nine melachot, meaning on each one there is a positive commandment and a negative commandment, and there is on this an obligation of a sin-offering, stoning, karet, depending on whether it's intentional, unintentional, with warning. So the Rambam wrote in the first chapter, yes.

Now, besides this there are still certain prohibitions of resting on Shabbat, or mitzvot of resting on Shabbat, first among them the mitzvah that your animal and your servant, as we will discuss later in the chapter, must also rest. It states explicitly in the Torah that a Jew's animal must also rest.

#### Question: Why Doesn't the Rambam Count Shevitat Behemah as an Additional Positive Commandment?

Seemingly it could have been counted by the Rambam as an additional positive commandment, it's a true question why he doesn't count it separately. I see commentators trying to say that it's included in the general positive commandment of "tishbot," it's not only that you should rest, but that your animal should rest. But in any case, it's essentially an additional law, an additional mitzvah of rest that applies to the animal, and the entire chapter discusses this. The first two halachot are only to clarify which prohibitions actually apply to animals. Right?

#### The Rambam's Words: Prohibition of Taking Out a Burden

Right, very good. So the Rambam says as follows: **"It is forbidden to take out a burden on an animal on Shabbat."** A Jew may not have his animal carry. That means, making it so that a Jew, he knows he's an honest Jew, he doesn't want to carry, but his animal should carry it. One may not. He's speaking here specifically when the Jew places the burden on it. Very good. That means, he may not make the animal carry.

But this is the law. It says, yes? And I also say, when the animal carries something just like that, that's a kind of rest. The non-rest is when one makes it work for the person. But these are already details.

#### Source: "Lema'an Yanuach Shorcha V'Chamorecha"

How? It says, what does it say in the verse? It states in the verse a mitzvah that one should rest on Shabbat, **"uvayom hashevi'i tishbot lema'an yanuach shorcha v'chamorecha"** (and on the seventh day you shall rest so that your ox and donkey may rest). The Rambam says, "shorcha v'chamorecha" doesn't mean specifically your ox and donkey, but rather **"echad shorcha v'chamorecha v'echad kol habehemah v'chayah v'of"** (whether your ox and donkey or any animal, wild beast, and bird). Any animal, wild beast, and bird, a person may not make it do work on Shabbat.

A Jewish one, not only may he not make it, because I want to tell you, a Jewish animal must rest. Obviously if he does nothing about it, we're talking, but it could actually be relevant to this. But a Jewish animal must rest.

**Remark: Fish Are Not Included**

The Rambam didn't include fish here. It seems that fish only do melachot in the karmelit anyway. Okay, I don't know. He brings explicitly from below, that if a Jew has a fish, he also may not do any work, even shevitat dagim (rest of fish). The law fell into the question, and it's just less relevant, because someone finds a way to make them do work with the fish, well. Come think about it. Say for now with the weeks like this.

**"V'im Hotzi'ah Habehemah" — Exempt from Lashes**

So, this is the law. This is the law, it remains the true law, there's no doubt, there is a prohibition, a positive commandment, we've already seen. One may not, a Jewish animal must rest.

But, now one can go into the **"v'im hotzi'ah habehemah"** (and if the animal took out). If one transgressed this prohibition, one did carry on the animal, **"af al pi she'hu metzueh al shevitata"** (even though he is commanded regarding its rest), even though there is a mitzvah that the animal should rest, but he doesn't get lashes, he doesn't receive any lashes for this.

Why? He says, **"lfi she'husrah bo miklal aseh"** (because it was removed from the category of a positive commandment). The language of the verse that speaks about this, "lema'an yanuach shorcha v'chamorecha," is a positive commandment, "uvayom hashevi'i tishbot." It doesn't say "lo ta'aseh melacha lema'an yanuach shorcha v'chamorecha," then it would have been an additional prohibition on this prohibition, then there would be lashes. But since it's stated in the language of a positive commandment, this is a violation of a positive commandment, so "eino lokeh lfi she'husrah bo miklal aseh" (he doesn't get lashes because it was removed from the category of a positive commandment). It's from the law of a positive commandment, it's a positive commandment, for a positive commandment one doesn't receive lashes.

Just as for all of resting on Shabbat one doesn't receive lashes, only because there is a prohibition are there punishments on it, but on the positive commandment of "shevut" there are no lashes.

**"Lfikach Hamechamer Achar Behemto B'Shabbat" — Exempt**

Therefore, says the Rambam, therefore this remains the rule, **"hamechamer achar behemto b'Shabbat"** (one who drives his animal on Shabbat), here one needs to understand a bit what he's saying here, "v'hu hadin l'masi'a" (and the same applies to one who leads), **"patur"** (exempt).

**Discussion: Is "Mechamer" a Repetition of the Same Thing?**

Rabbotai (my teachers), seemingly above he says again, he repeats the same thing that he said at the beginning of the halacha, that rabbotai, placing a burden on the animal he is exempt because it's only a positive commandment.

But I don't agree at all, it doesn't say the same thing here. Earlier it says "l'hotzi masa al behemto," and afterwards it says "mechamer." The Rambam doesn't explain what it means, but "mechamer" means that a person goes along with his animal, he leads it, not only is he taking out his animal going with something on Shabbat, he goes, he drags it along. And seemingly there's a greater novelty here, even if he does perhaps a bit of an action, he goes along with it, still he is exempt because it's only a prohibition of a positive commandment.

**Remark: "Patur" — Exempt But Forbidden**

And another thing one must remember, that the word "patur," a great principle in the Laws of Shabbat, "patur" means "patur aval asur" (exempt but forbidden). Which doesn't fit so well here, here there is a problem, one must say that here there is a problem. "Patur aval asur" usually means that it's only rabbinically forbidden. Here seemingly it's biblically forbidden. Seemingly.

**Explanation: Mechamer Is Perhaps Only Rabbinically Forbidden**

But one can say no, if I want to learn the Rambam's language this way, one can say thus: "hotza'at masa al behemah," that means when an animal does work one transgresses a positive commandment. The fact that the person walks along with the animal, that's a rabbinic prohibition, but it doesn't add another positive commandment. Or perhaps there's a way that he's only a mechamer, I don't know, perhaps it's possible. But in any case, being a mechamer, the actual act of leading the animal, let's say regarding carrying out, the action already was on erev Shabbat, God forbid, in a way that there shouldn't be any even positive commandment at all, there's only a rabbinic prohibition, because the small action isn't called an action. If it were a prohibition, perhaps it would be different.

But mechamer is another thing, I want to say clearly here, mechamer is certainly another thing from simply taking out a burden or making the animal do work, but approximately it's the same law that it's exempt, and that's what it says here.

**Novelty: Even With an Action It's Exempt Because It's Only a Positive Commandment**

Perhaps I wanted, perhaps perhaps, let's say like this, there's a greater prohibition, there are two prohibitions, there's certainly a rabbinic prohibition to be a mechamer, besides the fact that there's a positive commandment that the animal should carry, there's a prohibition to do the mechamer action. I would perhaps have said thus, that a person could have thought that when one takes out a burden on his animal on Shabbat he's exempt, because he doesn't do any action, and therefore he's exempt. So if by mechamer there's a way of taking out a burden on his animal where there is indeed an action, let it be a bit, let it be a prohibition, let there be on this that he should indeed be liable. He says no, this is even if there are no lashes and no punishment, because it's a prohibition without an action, because even if you find a way to do it with an action, like in mechamer which is taking out a burden on his animal on Shabbat by doing an action, he's also exempt, because even though here there is indeed a prohibition with an action, he says it's not a prohibition at all, it's only a positive commandment.

**Great Question: The Prohibition of "Lo Ta'aseh Kol Melacha... Uvehemtecha"**

The Rambam says further, but let's remember, the Rambam wrote for Jews who learned Chumash, and now they're learning Rambam, right? They don't know anything in between. So every Jew who learned Chumash and he reads the Rambam, yes, the Rambam brings very nicely a verse, "lema'an yanuach," that's indeed a positive commandment, a language of a positive commandment, a thing not to do, but it's a positive commandment that the ox and donkey should rest.

Every Jew remembers that it states in the Torah in the Ten Commandments **"lo ta'aseh kol melacha atah uvincha**

**uvitecha v'avdecha va'amatcha uvehemtecha"** (you shall not do any work, you, your son, your daughter, your servant, your maidservant, and your animal). It indeed says a prohibition, what are you telling me Rambam that there's no prohibition on the animal? It states explicitly that the animal may not work on Shabbat. If so there should be lashes, perhaps even stoning, I don't know, just lashes I still don't understand here, but there should be at least some prohibition on the animal working on Shabbat.

**Answer: "Lo Ta'aseh Kol Melacha... Uvehemtecha" Speaks of Plowing — Rest of Man, Not Rest of Animal**

The Rambam answers, the prohibition of "lo ta'aseh kol melacha" speaks of something else, this doesn't speak of carrying a burden, rather it speaks of **"shelo yacharosh bah"** (that he should not plow with it), this is an additional prohibition that a Jew may not do work, this speaks of other types of the thirty-nine melachot that if one does them with an animal. For example, plowing is done with an animal, **"v'chayotza bo"** (and similar to it), the things that are similar to plowing, whatever one does with an animal. So this is an additional prohibition that when a person does work with an animal, you shouldn't think that because you do it with an animal it doesn't count as if you're doing it. No, when you do "atah uvehemtecha," you with your animal, "atah uvehemtecha" it's also the same plowing, you transgress plowing.

**The Distinction: Plowing With an Animal Is Rest of Man**

And what's the distinction? When you do this you transgress the prohibition of stoning for plowing, that's called plowing.

What's the prohibition here? That means, not "mechamer," let's say, meaning, "mechamer" means that the animal walks, you just go along, you lead it, you make sure that the animal should do the work, you don't do the work but the animal does, you help a bit let's say, and the like.

Plowing, as the Ramban brings, plowing is like, I look at it like a person doing work with a power tool. An animal is a powerful tool, the person stands and he leads the animal completely, he just tells the animal where to go, he stands over the animal with the plow, I don't know exactly what this looks like practically, but plowing is a person plowing. And when you say here there's a bit of a novelty, a person can say that the animal is helping me, am I exempt, but in practice he's liable.

**"Lo Ta'aseh Melacha... Uvehemtecha" — Not a New Thing of Rest of Animal**

But in any case, "lo ta'aseh melacha uvehemtecha" doesn't speak of a new thing that the animal should do work by itself, or even it does work and you help it, he tells you no. It speaks of a person doing work with the animal. Yes? So it's completely a different type of thing, we're not speaking here of rest of animal, here we're speaking of a novelty that this is also called rest of man. You shouldn't think that this means the animal is plowing, therefore it's perhaps only a weaker prohibition, no, this means that you are plowing.

**"V'chayotza Bo" — Other Melachot With an Animal**

V'chayotza bo, says the Rambam, or other melachot that one does with an animal, that are relevant to do with an animal. The Rambam says, therefore it comes out that every time a person does such a type of plowing, he transgresses the actual prohibition of Shabbat which carries stoning, but he also transgresses the prohibition that's stated here. The additional prohibition comes to say the thing "atah uvehemtecha," that

when a person does work together with the animal it's a prohibition.

**Remark: No Lashes on This Prohibition**

So a person shouldn't think that in a case when there's no stoning, he'll receive at least lashes for the prohibition. So they learn perhaps in the Rambam, I mean that they squeezed in here a few words.

So, a person thought, you just told me now that when a person plows with his animal, besides the regular way we derive all thirty-nine melachot, there's still something of a prohibition. A person thought that there's a place where one should receive lashes for this.

The Rambam says, no, even then one doesn't receive lashes. Why? Because in any case, "lav shenittan l'azharas mitat beit din" (a prohibition given as a warning for a court-imposed death penalty), that if a person does this type of plowing, he plows with his animal, he indeed transgresses the "lo ta'aseh," but he also transgresses the actual prohibition of Shabbat which carries stoning, a warning for a court-imposed death penalty. And the rule is that something that has on it a warning for a court-imposed death penalty and there's also a prohibition of lashes, one doesn't receive the lashes, one receives the greater punishment, one receives the warning for a court-imposed death penalty.

And even if it happens that one can't give the stoning, for example there wasn't the proper warning, or for example one warned him only about... for example, the one who warned was an am ha'aretz (ignoramus), he thought it's only a prohibition. He told him, "Don't do this, don't plow with an animal, it's a prohibition." One would have said that in such a case there's no stoning, but there is a prohibition. But no, there is however the rule that "lav shenittan l'azharas mitat beit din," a prohibition that's connected to something that has stoning on it, one doesn't receive lashes.

**Question: Why Does One Need to Say This at All?**

One must just say, the problem with this explanation is that it doesn't come in here at all, it doesn't work out, because you can say the law in all of Shabbat desecration. If one warned about the melacha, one doesn't receive lashes. Why should I think here that there's a prohibition? It's the same prohibition, it's not a different one.

Why is this not a different prohibition? The verse that states that one may not work on Shabbat, the same verse states "atah uvehemtecha." It's not another verse. The Rambam doesn't count it as another prohibition. It's the same exact prohibition, it's not a new prohibition.

**"Atah Uvehemtecha" — Not a New Prohibition, But a Novelty in the Laws of Plowing**

**The Rambam says it's not that the extra prohibition comes to teach the concept of "you and your animal." No, it's not. No. It's the opposite, that's the explanation here. That "you and your animal" doesn't mean a new chiddush (novel teaching) that the animal should rest. It means that you shouldn't work. That's what it's talking about. You shouldn't work with the animal. It could be that you're right that there's a chiddush in it, but it's like a law in the laws of plowing. Not a new prohibition.**

So, it remains a bit difficult. The prohibition seems to indeed need to say explicitly that this means plowing. I don't know if

it needs to. I could be that it needs to. Let's say, let's assume, he answers "that he should not plow with it." Not that we indeed need the verse for this. I'm not sure. Perhaps he means to say that it would have been that way anyway. Perhaps the verse comes to teach the chiddush. Even if yes, it's not a different prohibition. It's still like a law in the laws of Shabbos, in the laws of the prohibition of work on Shabbos.

### **Dispute Among Rishonim in Understanding the Rambam – Ramban vs. Maggid Mishneh**

We must say here that the language is a bit problematic. And how we should learn is according to the understanding of the Ramban. We must mention that there is a dispute among the Rishonim how to interpret the Rambam.

#### **The Ramban's Understanding: Leading an Animal is Only a Positive Commandment or Rabbinic**

The Ramban learned as we have said until now, I mean, that leading an animal (machmir) according to the Rambam, there is no Torah prohibition at all, only a rabbinic prohibition, or a prohibition of a positive commandment. There is a prohibition of a positive commandment, and we said that machmir is a bit more, but in any case there is a prohibition of a positive commandment, but not a negative commandment. And according to that, what he says "whether he pulled up the grass," must be speaking of plowing.

#### **The Maggid Mishneh's Understanding: Leading an Animal is Indeed a Prohibition, Just Without Lashes**

But the Maggid Mishneh and other commentators learned that the Rambam means no. The Rambam means to say that there is indeed a prohibition, just such a type of prohibition that one doesn't receive lashes for it. Why? Because in the same prohibition there is also the proper plowing. Both, it means actually both. "You shall not do any work... and your animal" means both plowing and leading an animal. Because it lies in the same verse, there is also stoning, one doesn't come to... prohibition, lashes even in cases when one doesn't do it when it's liable to stoning.

#### **The Difference Between the Two Understandings**

And it comes out that according to the first understanding that he says according to the Rambam, there is a big difference between leading an animal and plowing, and it looks like by plowing you do it together with the animal, and by leading an animal the animal does it but you are somehow, you encourage the animal.

And according to the second understanding, they look at it as the same thing, the way to plow with the animal... is through working with it, and the way of carrying and making sure that the animal carries is through walking next to it. But also according to the second understanding, plowing is stoning, and leading an animal is only a prohibition.

Only a prohibition.

Only a prohibition.

#### **Discussion: Why is Leading an Animal Only a Prohibition?**

**Speaker 1:** Yes, but according to how the Maggid Mishneh learns the understanding, he looks at leading an animal as a way how you do the work together with the animal, why should it be like plowing?

**Speaker 2:** Huh? No, why not? Certainly, fundamentally so... No, here is the difference. Only a prohibition? Yes, it's spoken... the same verse... he says that the same verse speaks also of leading an animal and also of "he shall not plow." The

simple meaning is they are both similar, both look like you do the work together with your animal.

**Speaker 1:** True, but the showing, basically the reason, as Rabbi Yochanan said, let's not go into the Gemara, but the reason why he doesn't come with this, because carrying (hotza'ah) is a light work? That's a difference between carrying and the other things?

**Speaker 2:** So because carrying doesn't have a real action, only when the person does it... you understand?

#### **Leading an Animal – A Prohibition Without an Action**

Yes, it's a simple thing, leading an animal means a person walks next to his animal, in front of it, leads it, he does nothing. It's not a way how one makes the animal carry.

Very good, but there is a general principle in the entire Torah, as Rabbi Yochanan said, one doesn't bring a sin offering and therefore not a prohibition, therefore not stoning because of the calculation, for something that has no action. It's a positive commandment... it's a Torah positive commandment, it's a prohibition according to how we learn according to the...

Maggid Mishneh's understanding. But there is a problem, the court or the... cannot give lashes if one doesn't see that a person does something with his hands. There is no positive commandment in the Torah...

You mean a prohibition without an action, but not people...

Lashes for people... it's also a novelty, it's not an action.

#### **Discussion: If He Loaded the Package**

If he loaded the package... not loaded, yet he didn't load... but if he did yes... will you say yes? Then he is both, both he loads and afterwards he walks leading? Certainly. Will you say yes he is liable with the Rabbis? Could be.

Yes, you know, leading an animal is not like... loading is one thing, I don't know which work is loading, one must ask another question. He loads, but he doesn't carry, right? The animal carries. So on the animal there is a positive commandment, or perhaps a resting of his animal, but there is no... the one who carries, he doesn't do. What does he do? He leads the animal. Leading an animal is very different than... although different than plowing in the sense that plowing does an action, and leading an animal doesn't do an action, and without an action one cannot give lashes.

#### **Laws of Resting One's Animal – Lending, Borrowing, Selling an Animal to a Non-Jew**

So, before we go further, let's again... basically what the Rambam said here is, that one may not make the animal do work, even something like carrying, and even if it's only a positive commandment, or perhaps it's certainly that one doesn't receive lashes, which is not like plowing with the animal. But basically, there is doing work with the animal together, which is exactly like a prohibition of stoning, this is attributed to the person, the person does work together with the animal. When the animal does work, and the person helps, leads, the person does so, he encourages the animal, but this is only a weaker prohibition, or a rabbinic prohibition, or a positive commandment. Certainly one may not, this is according to all opinions, one may not. There is a question why one may not.

And now the Rambam goes into the details of the prohibition of resting one's animal, what one may not do with the... and also of leading an animal a bit, let's see.

### Lending and Renting – First Level

The Rambam says thus: **"It is forbidden for a Jew to lend or rent a large animal to a non-Jew."** It doesn't mean only in the Jew's domain, or his own animal when he himself does it is forbidden, rather the commandment is that your animal that belongs to you should not do any work on Shabbos. Therefore one may also not lend or rent a large animal, an animal with which one easily does work, to a non-Jew. Why? **"So that he should not do work with it on Shabbos"**, because if the non-Jew will make the animal work on Shabbos, he will transgress the positive commandment, the commandment, **"for he is commanded regarding the resting of his animal."**

This is apparently another level, right? I don't know what he transgresses, but it's still a prohibition, perhaps apparently a rabbinic prohibition, that lending... and you don't do any transgression at the time of lending. But the Rabbis don't allow lending when the non-Jew has to do the work afterwards. Basically they say lend, tell the non-Jew you shouldn't do on Shabbos, you understand? Another level of decree, like that. Right?

### Sale – Second Level (Rabbinic Decree)

Then you'll see that there is another level, a third level. **"And the Sages forbade selling a large animal to a non-Jew."** Not only lending and renting, when then he is actually transgressing, but selling, apparently now it becomes the non-Jew's animal, it's no longer your problem. But **"And the Sages forbade selling a large animal to a non-Jew."** The Sages also forbade selling a large animal to a non-Jew. Why? **A decree lest he lend it or rent it.** When he is permitted to sell, one will perhaps forget about the prohibition of lending and renting. A great stringency.

### Fine for Selling

**And if he sold**, if he did indeed sell a large animal, there is a fine for this, **"they fine him up to ten times its value"**, that he must let himself be penalized up to ten times as much, or up to a tenth more than the price. Up to ten times what he made from it, and he must buy back the animal.

### Broken Animal

And not only that, but even **"broken"** it's called. A person thinks that an animal that is broken, that one no longer does any work with it like plowing, one will be able to. No, even a broken animal one also may not. It's also a decree, **"we are concerned lest he fix it."** Ah, he says that one can indeed do work with a broken one. There is simply a solution, it's not a trick.

### Broker – Selling Through a Broker

But one may however sell, a person may take a broker to sell his animal. **"It is permitted to sell through a broker."** One may indeed sell through a broker, through a middleman. Why? **"Because a broker doesn't lend and doesn't rent."** A person himself who owns an animal has different ways: he can lend his animal, he can rent it, and he can sell it. We are afraid that when he is open for business, he sells, he will also do lending and renting. But the agent's job is only to sell, therefore... not the same agent sells and lends, so it seems.

### Horse – Permitted to Sell

And the Rambam says that all these things are for a large animal, but a horse one may. **"It is permitted to sell a horse."** One may indeed sell a horse. Why? **"Because the**

**horse stands only for riding."** A horse serves only for riding, and with a horse one doesn't do such things for example plowing. It was only made for a person to ride on it, not for action, not to drag packages.

And it continues further to do further working many hours with his animal. The answer is not working many hours with his animal, because they learned that when a person carries a living person, it's not called carrying, because **a living being carries itself**, a living person carries himself.

### Continuation of Laws of Selling a Large Animal to a Non-Jew

**Speaker 1:** So even let's say he did yes, he rode on the horse on Shabbos, the non-Jew did yes, it's simple that a Jew may not ride on a horse on Shabbos for other reasons, which will be learned later rabbinically. But it's not a Torah prohibition to ride on a horse, therefore one may indeed sell a horse.

He hasn't yet said that one may lend. We will still see about lending.

Yes, says the Rambam, **and just as it is forbidden to sell to a non-Jew, for the same reason why one may not sell to a non-Jew because the non-Jew will do work, so it is forbidden to sell to a Jew who is suspected of selling to non-Jews**, the prohibition goes so far, one also may not sell to a Jew whom one knows that the Jew will sell to the non-Jew, so the Jew is not a broker.

Says the Rambam, **it is permitted to sell them a cow for slaughter and he slaughters it before him**, one may indeed sell a cow if one actually sees that the non-Jew will immediately slaughter it before him. **But he may not sell indefinitely**, he may not simply sell a cow and rely that the non-Jew will slaughter it, **even a fattened ox**, even a fattened ox which usually stands for slaughter one may not, **lest he delay it and work with it**, perhaps he will indeed slaughter it eventually, but in the meantime he will do work on Shabbos, one may not.

### Stringencies on the Prohibition

It's interesting, one sees they made stringencies on this, even if it's only a positive commandment they made several levels of stringencies, even for a Jew who perhaps sold to a non-Jew and so forth. The point is very important, because Jewish animals also come to rest on Shabbos.

I thought about this that it's not "so that it may rest." Perhaps there is still some other reason, because one may not sell before their holidays and after their holidays. One may not sell to a non-Jew... in short, selling an animal to a non-Jew is not simple, it's very difficult.

A Jewish animal, Jews... not only Jews must rest on Shabbos, Jewish animals must also rest on Shabbos.

**Speaker 2:** Did you know about this?

**Speaker 1:** No.

**Speaker 2:** But there is a Jew who behaves like an animal, I don't hold myself in any happiness.

**Speaker 1:** But it seems to me like... perhaps there is some reason why a Jew shouldn't sell to a non-Jew an animal. One sees, one sees that there are stringencies in halacha, but Shabbos is halacha, but idolatry is a great stringency. One learns about idolatry, great stringencies about selling to a non-Jew an animal. But I don't know why you need this.

The reason, so that it may rest, I thought, that the Torah wants that your Jewish animal should rest, an animal also needs a day of rest, not only a person. But there are stringencies that don't fit so well with this. Selling to a Jew, because perhaps he will sell, and when he will sell, then perhaps it will be forbidden to rent. There are levels of stringencies.

**Speaker 2:** I don't understand. Levels of stringencies. A Jewish animal must rest. Therefore one may not sell even to a Jew, because perhaps the Jew will sell. And when the Jew will sell, there's no problem at all.

**Speaker 1:** But earlier you didn't agree with renting either.

**Speaker 2:** I need to understand. What is indeed a concept that a Jew should have his animals, and every Shabbos he should rent them to non-Jews, will the animals ever have rest? An animal also needs to have rest.

### Law of Small Animals

**Speaker 1:** The Rambam says further, until now we spoke about large animals, with which one usually does work. Yes, yes, says the Rambam further, **"In a place where they were accustomed to sell small animals, they may sell."** Small animals have to do with custom, because small animals, it seems, one doesn't do work, or there isn't so much perhaps, or one doesn't do work. Therefore it has to do with the custom. Places where they were accustomed, they may sell, **"in a place where they were accustomed not to sell"** where they were stringent, **"they may not sell"**.

**Speaker 2:** Actually, regarding renting, did he also say large animals?

**Speaker 1:** Certainly, one may not.

**Speaker 2:** No, but earlier when he said "it is forbidden to rent," did he say large animals.

**Speaker 1:** Ah, to rent... but he doesn't say.

**Speaker 2:** In every place they don't sell a large wild animal.

**Speaker 1:** A large wild animal... a wild animal.

**Speaker 2:** Yes, a wild animal.

**Speaker 1:** Just as it is not customary with large animals, it doesn't have this law. A large wild animal has a law like a large animal.

### Discussion: What About Renting Small Animals?

**Speaker 2:** Why indeed is a small animal different?

**Speaker 1:** What he says, a small animal doesn't do work so strongly, there are perhaps other concerns, it leads to riding the animal. But he hasn't yet told us the... what happens with lending and renting a small animal?

It seems that one may not. Because so much there is indeed, in general, as if it should be stricter than selling, but he doesn't say it clearly.

Right, also the Beis Yosef interprets, he brings from the poskim that apparently the Beis Yosef also, all these permissions that we have now learned are only the permissions on sale, which is a second level prohibition. But on renting one indeed may not. So he brings here.

**Speaker 2:** Yes. I don't know. It's interesting, he already says once that riding a person is not carrying, but... well, the animal will sit on him, means the animal will never take a bag or... I still hold a concern, some burden. Let's say that the main thing is riding a person, but...

**Speaker 1:** Okay. Again, the Gemara says a decree. A decree goes on everything. There is no minority. It sometimes happens... you understand, the decree is on the thing being carried. A horse one rides, a horse... you can ask simply, perhaps one always goes with the burden, a horse pulls a wagon. Then it would indeed apparently be forbidden.

It seems that it wasn't introduced then that a horse should pull a wagon. A wagon pulls a cow or some ox. You understand? If the horse pulls something, it's certainly indeed a burden.

**Speaker 2:** Okay.

### One Who Was Overtaken by Darkness on the Road – Using an Animal

**Speaker 1:** Until here are the essential laws of resting one's animal, and selling and lending an animal to a non-Jew that will rest it.

Now one can learn what are special laws, apparently they are leniencies, if a person got stuck on the road, and he has however an animal that he can perhaps use to go home. But perhaps it is so, that we learned that one also may not tell a non-Jew to do work, but still there is something when one is indeed permitted to tell a non-Jew. I want to know now whether one may use the animal in the same way as resting one's animal.

### One Who Was Overtaken by Darkness on the Road Without a Non-Jew to Take His Purse

**One who was overtaken by darkness on the road, and he didn't have a non-Jew with him to take his purse,** we already learned earlier that in such a case, the Sages (Chazal) will, and they know that the person is now concerned about his money (bul al memono), they permitted it, even though normally it would be a rabbinic prohibition (issur shevut) of causing [an animal] to carry. But what happens when there's no non-Jew? What about an animal?

If he does have an animal, then although initially (lechatchila) we said one may not place a load on an animal, one may now, when it's Friday evening at the time [Shabbos is approaching], and he's concerned about his money. But when we learned that one may not, we learned that if the animal does carrying (hotza'ah), because here the animal doesn't do any carrying.

### The Trick of Akira and Hanacha (Lifting and Placing)

He gives here a trick of how one can use the animal and still not stumble into the prohibition of carrying. But they only did it in such a difficult situation, that **he places his purse on it while it's walking**, when the animal is walking he may place the sack on the animal. **When it wants to stop**, the animal stops, he should take it off, **so that it shouldn't stand with his purse on it**, the animal shouldn't stop and make a placing (hanacha), make a stop with the bag on it. **So that there should be neither lifting (akira) nor placing (hanacha)**, the whole way the animal has neither lifting nor placing. That means because the person places it on the animal, it's not called, the person isn't walking, the person makes... like with a person, like with a wall, the animal doesn't have lifting and placing. The animal doesn't have lifting.

**Speaker 2:** The same thing.

**Speaker 1:** Yes, but when he takes it off the animal, what does he do? Does he stand in one place?

**Speaker 2:** He doesn't do anything. He holds it, he puts it down, there's no difference, but he may not walk with it.

**Speaker 1:** And once the animal is ready, it walks back, he places it back.

**Speaker 2:** He has to stand next to it, and wait until he comes home.

**Speaker 1:** He has to stand until he comes home.

**Speaker 2:** Okay.

#### The Prohibition of Being a Donkey Driver (Mechamar)

**Speaker 1:** Says the Rambam, **but it's forbidden for him to lead it even with his voice as long as his purse is on it**, he may walk next to it and place [the purse] on the animal, but he may not show the animal the way, or whatever being a leader (manhig) means, encourage the animal, even if he doesn't do it with actions, only with voice. He tells the animal, go. Why? **So that he shouldn't be a donkey driver (mechamar) on Shabbos.** Because that's worse than the very fact that the animal does work on Shabbos. That's called mechamar. Like at the beginning of the year we learned here two things, there's when the animal does the work for a person's work, and there's when the person is the one who shows it the way, the person is the one who encourages it – that's called mechamar.

**Speaker 2:** Very good.

**Speaker 1:** And here you see that mechamar is worse than...

**Speaker 2:** Right.

#### Question: Mechamar When There's No Akira and Hanacha

**Speaker 1:** Also there's an interesting problem here, because seemingly, if the animal doesn't do any lifting and placing, what does the mechamar matter? There's no melacha. It seems that mechamar itself... It seems that the mechamar would itself be a prohibition, because now he's making as if the lifting, because as if now you're telling the animal, stop and go forward. There's an extra prohibition of mechamar, meaning that one shouldn't see a Jew leading an animal. This relates to rabbinic [law], not a true mechamar which is a biblical prohibition. Or from here we see that mechamar is indeed rabbinic.

Seemingly we're talking here about rabbinic [law], because the animal doesn't do proper carrying. But it's that it looks like someone is working with his animal, because he says, he does...

**Speaker 2:** Yes?

**Speaker 1:** Not clear. I don't understand, it looks like he's indeed working with his animal. The question is only if the animal does a melacha. Do you understand what I'm saying? But he doesn't do more than... We're talking here also in a manner where there's no lifting and placing, but still he's leading it with voice.

**Speaker 2:** But that's what I'm asking you. The mechamar usually is discussed when the animal does indeed do real carrying, right? Here the animal doesn't do any carrying. It's just... whatever it is. Do you understand my problem?

**Speaker 1:** Not clear.

**Speaker 2:** Okay. He doesn't know. The commentators (mefarshim) also don't know. Don't worry. When we don't know, do you know the story with the barber (galach), yes? I love the story very much, because you look in the commentators to see that another one doesn't know. Another one doesn't know, I have pleasure from that. The holy Beit Yosef didn't know, how can the barber know?

**Speaker 1:** Okay.

#### Rabbinic Decree – Not to Give an Animal to a Non-Jew

**Speaker 1:** That's what he said, says he, **and it's a rabbinic decree**, says the Rambam, the things we learned here, that from the time of darkness, we already said that the best advice is through lifting (hagbaha). We learned earlier that there's no non-Jew to do this with an animal. Why indeed? Why shouldn't one first try through a non-Jew?

Says the Rambam, **"It's a rabbinic decree that a Jew shouldn't place an animal with a non-Jew"**, that the advice is only with the slave. Even with the advice of lifting and placing, giving to a non-Jew is still different. It's a rabbinic decree.

#### Animal vs. Non-Jew – Why Is a Non-Jew Easier?

We learned this earlier, that one should give to a non-Jew that he should do with the animal. Why indeed? Why should one first try through a non-Jew?

Says the Ramban: **"The Sages decreed because of 'it shall not rest except on an animal' and not through a non-Jew"**, that the advice is only after the fact (bedieved). Even with the advice of lifting and placing, giving to a non-Jew is still different. This is a rabbinic decree.

#### Question: Why Isn't an Animal Better?

**Speaker 1:** But what indeed? It's interesting, because one could have thought the opposite, do it with the animal, because with the animal you have the advice of stopping, so there shouldn't be any lifting and placing, when the non-Jew will be worse, because the non-Jew will indeed go and do a complete melacha. But the answer is no, not so. The non-Jew is still easier.

**Speaker 2:** No, an animal is almost a biblical prohibition, the resting of your animal (shevitat behemto). It's worse. An animal is a Jewish animal. A Jewish animal is much more important that it should keep Shabbos than a non-Jew.

**Speaker 1:** No, but the animal, the animal won't stumble God forbid into Shabbos desecration, because the animal won't do any lifting and placing. The animal doesn't just do that. It's a rabbinic Shabbos desecration, the Rabbis permitted it because it's a leniency (koach deheterah). You're saying that's still worse than a non-Jew?

**Speaker 2:** It's not simple, because both are rabbinic prohibitions.

#### Answer: The Ramban's Explanation

**Speaker 1:** No, no. The Ramban doesn't answer your question, it's brief. The Ramban answers, he says why one may not do it initially. Why may one not do it initially? Because the Rabbis don't permit the animal to do work, even not half-works, rabbinic prohibitions (shevutim). It's a shevut, lifting and placing is a shevut in any case, not a permitted melacha. So the Sages don't permit it. If there's a need, pain to animals (tza'ar ba'alei chaim), a time of difficulty, if possible, they do permit it. Right? But if there's a non-Jew, why should they permit it? You have a non-Jew.

**Speaker 2:** Because you're saying both are rabbinic prohibitions.

**Speaker 1:** Both are rabbinic prohibitions, but this is worse rabbinically. In any case, here there's... with an animal there's a way that it should be biblical. A non-Jew is always only rabbinic. In any case, the non-Jew is permitted differently.

**Speaker 2:** I don't know why you're saying both are rabbinic. It's always that one permits a non-Jew differently than a Jew should do a shevut. You mean?

**Speaker 1:** Yes. It's not clear, never. Here you see clearly the difference.

#### **Deaf-Mute, Imbecile and Minor vs. Animal**

Further. Okay, further. **If before him were a deaf-mute, imbecile and minor**, who are exempt from commandments, is there someone who thinks you should give to the deaf-mute, imbecile and minor? No. **Rather he places his vessels on his donkey and doesn't give to any of them, because they are Jewish people.** They're Jews. Rather the animal should carry than a Jew. They're Jewish people. What has more...

#### **Laws of Priority Between Deaf-Mute, Imbecile, and Minor**

**If before him were a deaf-mute and imbecile and one of the animals**, and now he wants to tell you between the... They held earlier that because they are Jewish people, what's the meaning? Although essentially they're exempt from punishments, but one may not do a melacha through a deaf-mute, imbecile and minor. That's the point. But he means to say that if there's resting of an animal, certainly there's resting of a deaf-mute, imbecile and minor. It's not clear. A free person (ben chorin), one can say the "so that may rest the free person and free person," even if it's not a true slave, but since it's with the master's knowledge, perhaps it's forbidden. But resting of his son... yes, resting of his son, he has a commandment about his son's resting, he doesn't have a commandment about non-Jews' resting, as we learned by sorting barrels. But here it's easier for the donkey instead of them, because they're more important. It's all levels, what does one do after the fact. All these things must be biblical. Except if there's a biblical prohibition, then there's no question.

From this he brings that those who say that one carries with a deaf-mute, imbecile and minor, means further, he makes another condition. He gives it because the deaf-mute is while the other is walking. Not clear.

Okay, **if before him were a deaf-mute and imbecile.** Now he'll say laws of priority, who between deaf-mute, imbecile and minor, who is worse. **If before him were a deaf-mute and imbecile and one of the animals, he gives it to the imbecile**, rather to the imbecile. Because a deaf-mute is only a type of imbecile. A deaf-mute is in such a state, he can't hear, they couldn't teach him, whatever it is, he's only an imbecile like an imbecile. **Imbecile and minor, also gives it to the imbecile.** Do you know why? A minor is a temporary defect, soon he can become an adult. An imbecile... an imbecile is a minor who never stopped being a minor. Minor, no difference, one gives permission from his domain, they have the same law.

#### **Less Than Four Cubits – When One Has No Advice at All**

Okay. What if he has no advice at all? We already learned all these things, we learned about other difficulties we learned. He has no animal, no non-Jew, no deaf-mute, imbecile and minor, a poor Jew who is so broken, he has no animal, no non-Jew, no deaf-mute, no imbecile, no minor, nothing is there. Then **he walks less than four cubits at a time**, there's the other permission that he himself should do in a manner that there's no "do not stand by your neighbor's blood."

And even... It seems that less than four cubits at a time is a permission, it's not just minimizing. Yes, we've seen this several times, this is explicit.

#### **A Found Object That Came to His Hand**

He says, "**and even a found object that came to his hand**", you shouldn't think that the permission is only... right. Says the Rema, "**and even a found object that came to his hand**", this is not only when the person has his own purse and his own money, but even he just found money, which in such a case regarding other things we say that doesn't mean loss of money, we don't have mercy on him for that. Where did we learn this, a difference between a found object and a... no no, we already had somewhere after Shabbos if I remember correctly, that on his own money we are concerned about his money (adam bahul al memono), on a found object not so much, but you see here it's different. "**And even a found object that came to his hand, he walks with it less than four cubits at a time**".

#### **Parallel to Chapter 6**

And also all these other things, yes, one may also place it on the animal and on the non-Jew, yes. He says, seemingly, "**but all this is not exact**", he says that in Chapter 6 there was a similar law.

**Speaker 2:** And you didn't bring me, in Chapter 6 we talked about a found object, but what was said there about a non-Jew? Does it say that in Chapter 6? I don't know.

**Speaker 1: "One who lost something"**, the law, by the way, it's exactly the same law, I don't know why it's not standing. The law itself was already in Chapter 6, "**One who lost something**". Sanctified items and days, **and if there's no appointed time, he carries and gives with the non-Jew to transport it.** There he spoke about the topic of Shabbos wages, about the laws of telling a non-Jew, that he may pay him. Yes. So he says, not only is it discussed about his purse, but a found object to give to a non-Jew. But he transports less than four cubits at a time. This is no contradiction. There he said there's a permission, he's talking about an eruv.

**Speaker 2:** No, but here he also says, what he says here, even a found object less than four cubits at a time, specifically less than four cubits at a time, the found object cannot be given to a non-Jew.

#### **Innovation: Found Object vs. One's Own Money**

**Speaker 1:** Ah. It's very interesting, because he says here that less than four cubits at a time is more of a master than giving to a non-Jew. It's only if one doesn't have a non-Jew. But regarding a found object we say differently, a found object one may not give to a non-Jew, but with a found object one may indeed use the trick of less than four cubits at a time. So it's very interesting, it comes out that when a person has his own money and he also found a found object, the own money he had to give to a non-Jew, and the found object he could carry less than four cubits at a time. Interesting.

#### **The Rambam's Position**

Yes, the Maggid Mishneh, in the Gemara it says that this is a permission that the Sages didn't want to say explicitly, the topic of less than four cubits at a time. And the Rambam did say it explicitly, and the Rambam said that this is discussed that this may only be done if there's no non-Jew and there's no other advice. So says the Rambam.

Says the Rambam, but the thing, a found object, is only **before it came to his hand**. Excuse me, the found object is only **after it came to his hand**. **Before it came to his hand**, he found a found object, he wasn't yet acquiring it, then there isn't the permission of less than four cubits at a time, and he's alone with everything, they let him, they let him wait until dark.

**Discussion: What Does "To Make It Fit" Mean?**

**Speaker 2:** No, no, no, the opposite, it's money. No, no, that's not such a thing. Does it say such a thing that a person has to walk with money before Shabbos? How does it say such a thing? He has to go eat his three Shabbos meals, and this is a similar question.

**Speaker 1:** It's similar to what we learned by tefillin earlier, that if it's not a dangerous place, he can stand there, he has to stand there. But if he can't, when he can't stand as a commandment of returning a lost object?

**Speaker 2:** No, he doesn't have to do the commandment. If you want the commandment, you want to have it, you have to make it fit (lehachshir), you can't carry on Shabbos. But if you can, you must. If you can't, or not, why must you? If he can make the commandment fit?

**Speaker 1:** From this, one means to say you can't immediately, you have to do something more than make it fit. You have to do less than four cubits at a time. You can't make it fit, but if you can't avoid making it fit. Or not, if you can't make it fit, then they give you the permission to walk less than four cubits.

The other thing is, a found object that came to his hand doesn't need to be made fit. Even if it's late afternoon, one may do initially the less than four cubits at a time. But before it came to his hand, in a manner that it's already to make it fit or not to make it fit, whatever is the meaning of to make it fit, he doesn't say what it means, or there's no time, or it's a dangerous place, and the like.

**The Ra'avad's Dispute**

The Ra'avad doesn't agree. The Ra'avad says this is an error. The Ra'avad doesn't hold that one can take less than four cubits at a time for a found object. So if someone finds a found object on Shabbos, he has to know that only the Rambam permits it. Most authorities (poskim), the Ra'avad and the Shulchan Aruch, others say that one may not [use] less than four cubits at a time. Yes, because they don't agree with the law.

**Question: What Does "A Found Object That Came to His Hand" Mean?**

Okay. It's funny, because a found object that came to his hand is already his. What's the innovation of a found object that came to his hand? Because there's no concern about his money (adam bahul al memono)? Concern about his money because it's his. It's now become his. Is he still not obligated to acquire it? He hasn't yet bought it. He hasn't yet bought it. Why? He's walking with it now on the way. It came to his hand. He's dealing with it, he's now thinking what to do. Came to his hand can mean now, there where he is. I tell you, he was already acquiring the found object, yes? It's already his. I ask you, what if the found object came to his hand two days ago? Then you'll agree it's already his? So how long must a person have something for it to be called a found object? You understand there are funny problems here? One must understand. I'm not

saying it's so hard to understand, I'm just saying one can make a problem if one wants.

**Beginning of Laws of Animal Rest**

**End of Laws of One Who Was Overtaken by Darkness on the Road**

So ends the laws of one who was overtaken by darkness on the road, what to do with all these things. Now one can learn about what an animal may actually carry, since we learned that an animal may not carry on Shabbos, we need to know what constitutes clothing for an animal or an accessory, such things that animals may indeed carry.

Let's say, what may one do? It doesn't mean that an animal must always walk with nothing on it, no, there are things that an animal may have, with a leash an animal is...

**Transition to New Topic: What an Animal May Carry on Shabbos**

So ends the laws of one who was overtaken by darkness on the road, what one does in all these situations. Now one can learn about what an animal may actually carry. We learned that an animal may not carry on Shabbos, one needs to know what constitutes clothing for an animal or an accessory, such things that animals may indeed carry.

**Law: Permitted to Lead the Animal with a Bit and Bridle – The Bridle Must Be Appropriate for the Animal**

**Speaker 1:** The Rambam says thus: What may one do? It's certainly not to think that the animal must always walk with nothing on it, no. There are things that the animal may have. **Mutar limshoch es habehemah b'meseg u'vresen shelo l'sa'asa harabbim**. One may lead the animal with things that one ties to it, you know, a muzzle or whatever it is, because that's not called a burden at all, that's like clothing or something that's for the benefit of the animal.

**Aval v'hu sheteha ra'uya l'oso haresen**, but it must be the type of bridle that the animal wears. So, it must be appropriate. For a horse one puts a shir, for a camel one puts a shmua, which means a halter. For a nakah, whatever it is, what's a nakah?

**Speaker 2:** Okay, some animal. A llama? I don't know what.

**Speaker 1:** On the contrary, in those days one puts a chotam, a type of strap called a chotam, and on a donkey one puts a suger.

**The Principle: Excessive Guarding or Insufficient Guarding – It's a Burden**

But, one must actually put what's appropriate for the animal. **Aval im hotzi behemah b'meseg she'eina mishtemeres bo**, he used a strap or guard that's not mishtemeres, a leash, such a thing that holds it, yes, that's not mishtemeres, meaning, the animal is stronger than it, it can run away, **k'gon shekashar chevel b'fi hasus**, which isn't strong enough, **o b'meseg she'eino tzarich lo ela l'shmira p'chusa mimenu**, meaning, it's too weak a guard or too strong a guard, **k'gon shehotzi chamor b'shir shel sus**, or a chotam he put on a little cat, he put a suger that's meant for a little dog, **harei zeh masa**, this is indeed a burden, this is indeed a prohibition of making the animal carry.

Why? **Shekol shmira me'ula o shmira p'chusa masa hu**. Yes, good. Also it's obvious, it doesn't help at all, just a burden. If it's more, as if the excess, you're carrying it for nothing. Yes. Very good.

**Law: Lo Yikshor Gemalim Zeh Bazeh V'yimshoch****The Prohibition and Its Reason**

**Speaker 1:** Further, **lo yikshor gemalim zeh bazeh v'yimshoch**. One may not make several camels be tied one to the other, and he should drag the knot and all the camels should walk, **afilu hu kashrn erev Shabbos einam nishkachim b'Shabbos**.

What's the prohibition? I think the prohibition is something because it looks weekday-like or something like that.

**Speaker 2:** Ah, it looks like he's taking them to market.

**Speaker 1:** As the Rambam says, but I think that's it. Yes, it's not about the yoke, right? It's more that it comes in here because it looks like laws of animal with animal.

Okay. I remember that it says, he doesn't bring the sources here? The main sources he doesn't bring.

**Speaker 2:** He doesn't bring, yes, it looks somehow not Shabbos-like.

**Aval Machnis Hu Chavalim L'toch Yado – This Is Permitted**

**Speaker 1:** **Aval machnis hu chavalim l'toch yado**. This he may do, that all should be placed in one... in one side of his hand.

**Speaker 2:** Or even the same situation of camels? Many camels.

**Speaker 1:** **V'shiur hachevel mitachas yado tefach**. The rope that sticks out, it says he should hold it near the animal.

**Speaker 2:** Ah, that's the measure.

**Speaker 1:** **V'tzarich sheyihye hachevel shebin pi habehemah ad yado gavoha min ha'aretz tefach o yoser**. The rope with which one ties by the mouth of the animal should be higher than the floor.

Why? **U'mipnei ma amru shelo yikshor hagemalim zeh bazeh?** Why may one not do this? Says the Rambam, **mipnei shenireh k'mi shemolichan lashuk limchor o l'havi behemah o l'havi sechora imahem sham**. Because it looks like he's carrying a group of animals to sell or to make a show, which is weekday-like. It says that actually he's doing it simply for the good of the camels, they should be able to take a walk. He's not doing anything for himself, but it looks like he's doing a weekday thing.

**Law: Lo Tetzei Habehemah B'zug Sheb'tzavarah**

**Discussion: What Is the Reason – Making Sound or Appearance?**

**Speaker 1:** **U'min hata'am hazeh**, for the same reason, **lo tetzei habehemah b'zug sheb'tzavarah**. An animal may not go out with a bell on its neck that makes noise. **Va'afilu hu pakuk v'eino motzi kol**, even if it's a bell that only looks like a bell, but it's stuffed inside, it doesn't make any sound.

If it makes a sound, it looks like an animal... It looks like it's forbidden because of making sound on Shabbos.

**Speaker 2:** No, I think that when one puts such a bell on an animal it's in order to sell, to make a noise, one should hear that it's there. It looks like he's going to market. Again, why is a sound forbidden? Because it looks like he's going to market, to sell.

**Speaker 1:** What's the difference what it looks like? What it looks like, when one puts such a bell on an animal, it looks like he's carrying it to market to sell. And what if it doesn't make a sound? If it does make a sound, then what is it? It's actually...

No, it's that's how it looks. There's no difference. I'm saying, the prohibition is that it looks like it's going to market. There's no difference whether it's a bell that makes a sound or not.

I think making sound is the problem, because the animal is making sound, and there's no... the animal isn't commanded to make sound. For a person there's simply a prohibition of musical instruments, but I didn't know that for an animal there's a prohibition.

In short, this isn't a Shabbos-like thing, one doesn't do it.

**Speaker 2:** Ah, yes.

**List of Things an Animal May Not Go Out With**

**Speaker 1:** **"V'lo yotzah behemah b'zug sheb'chsusa"** – with the coat that has little bells inside.

**"V'lo b'chosam sheb'tzavarah"** – which we already had also for a slave, a seal, a sign of whom the animal belongs to.

The same thing, **"v'lo b'chosam sheb'chsusa"** – if the animal has a garment, a coat, and on it is written a label, one may not.

**"V'lo birtzu'ah shebiragleyha"** – which, as we learned earlier, is also put on women's feet, a strap, so they shouldn't walk with wide steps. I don't understand why. Okay.

**"V'lo b'sulam sheb'tzavarah"** – all these things are forbidden because they can fall off, and one will carry it so he brings. Right. **"V'lo b'sulam sheb'tzavarah"** – this means, one puts such a thing so the animal shouldn't turn its head, the head should be forward.

**Laws of Specific Animals****Donkey with Mardaas**

**Speaker 1:** **"V'ein chamor yotzei b'mardaas"** – a donkey may not go out with a mardaas. What does mardaas mean? That's a saddle, no? Yes, okay, something. **"Ela im ken keshura lo me'erev Shabbos."**

**Camel with Metuteles**

**"V'lo yotzei hagamal b'metuteles hatluya lo b'dabasho o b'znavo"** – when one ties to... on its... on its hump, yes? Not its hump, on its mountain. What does this mean? The dabashas of the camel, yes, the hump that it has. There one puts to tie to it something a little pillow, he says, something like that. Yes. **V'ein yotzei bikshira ela im ken hi keshura lo biznavo u'vchutrasso**.

So all these things are vessels, or it looks like carrying out, it looks like one is dragging something, except if it was erev Shabbos or it's well tied, or because it can fall off. A hump has two words here, dabashas and chutrass, both. The same thing? Yes. Interesting. Yes. Okay.

**Camel with Bound Hand or Foot**

**V'lo yetzei hagamal akud yad**, it shouldn't go with bound hands, **o akud regel**, from the language of akeidah, yes, tying together. Also it's good if it can fall off. All these things can fall off, as they had, as with a woman, as with an animal, things that can fall off, and consequently the owner will pick it up, and he'll come to carrying on Shabbos.

**Lambs and Sheep**

**V'ein hat'la'im yotzim b'chutim**, with little strings, **v'lo birtzu'os shebiragleyhem**, not with the straps on their feet. Further, this is similar. Also the same thing.

**V'ein hakevasim yotzim b'agala shetachas ha'alya**, they have a large tail, and it drags on the floor, it hurts, so one

makes, builds from this a little platform, a little wagon.

#### Sheep with Wood in Its Nose

**V'ein hakivsa yotzeis b'etz shemani'chin lah b'chotmah kedei shetitatesh v'yi'plu hatola'im sheb'mocha.** For sheep one puts such a thing, one puts a piece of wood in their nose, so that it makes them sneeze, they should sneeze, and so it should... worms go into their head, and it goes up to the brain, one puts in such a wood that they should sneeze. One may not do it on Shabbos.

#### Calf with Small Yoke

**V'ein ha'egel yotzei b'ol katan shemani'chin lo al tzavaro kedei sheyikneh v'yihye no'ach lacharisha.** The calf may not go out with the yoke that's put on to teach it, a small calf that one is teaching, it won't do plowing, one teaches it from when it's young so it will eventually be a good plower. Education, this is a mitzvah of education for an animal.

#### Animal with Sevachah

**V'lo tetzei behemah b'sevachah.** Sevachah is a covering on the head **shemani'chin lah al piha.** Ah, we had sevachah earlier too. Sevachah is probably a piece of merchandise, yes, that one puts in the mouth **kedei shelo tishach,** it shouldn't bite, **v'lo tochal.**

#### Cow with Porcupine Hide

**V'lo tetzei hapara b'or hakupod.** A kupod is an animal that has very sharp hair, and one takes the... there's a remedy for a cow. A cow has precious udders from which one takes milk. Besides the people who want the milk, other animals come that want to have benefit from the milk. One puts on it such a sharp, prickly piece of hide from a... porcupine, yes, so the vermin should run away. One may not put it on Shabbos, they may not go out with it in the public domain.

#### Strap Between Its Horns

**V'lo tetzei birtzu'ah shebin karneha.** There's no difference whether the strap is for adornment or for guarding. Interesting, when it's for adornment, why shouldn't one say it's like a garment or jewelry? It can perhaps fall off? Okay.

#### Law: Goat That Has a Hole Carved Between Its Horns – This Is Permitted

One thing one may do: **Ez shechakuk lah bein karneha.** A goat, a she-goat that has had a hole made between its horns, may put on **an afsar hakashur b'chakak b'Shabbos,** because that's the regular guarding.

We discussed that what comes with the animal for the benefit of the animal one may. All these things that were listed here is when the animal perhaps has concern, or it's not the order, or it can fall off, and so on. But the goat one may indeed.

#### Condition: V'hu Tachuf Bein Karneha – Only for a Young Goat

**V'hu tachuf bein karneha.** This is only a goat, a young goat. But if one took for an old animal... old, and its beard from the... yes. They mean **shema tinatach.** It can tear it off. An old male, nati'ach, a goat. A goat, a she-goat, is very wild. It's a wild group, it's a wild goat. So if one puts it between its horns, it can't reach. But if one puts it in danger, a camel doesn't touch it, nothing, the iron that drags, and then the person will want to pick it up.

#### Law: Males Go Out with Hide Tied on Their Reproductive Organs

Already. **Zecharim, the animals that are males, yotzim b'or hakashur lahem al zachrusam,** on their reproductive organs one puts a piece of hide, **he pulls on its hide, kedei shelo ya'aleh al hanekevos.** What one does is so it shouldn't mount the females.

#### Shabbos Rest for Animals – Continuation: Jewelry and Vessels That the Animal Goes Out With

##### Males – Hide on Their Reproductive Organs and on Their Hearts

A goat, a she-goat is very wild, so it's a wild group, it's a wild goat, and so if one puts over they can't reach, but if one puts it in danger, one can this is against the iron that drags so the people will pick it up.

Already is males, the animals that are males, go out, with hide tied on their reproductive organs, on their reproductive organ one puts a piece of hide, their heart's hide, so it shouldn't mount the females – one does it so it shouldn't mount the females. Then one may indeed.

One sees one may indeed, one sees that this is the good for the animal. And with hide tied on their hearts, so wolves shouldn't come to them. On the heart of the animal one has put a piece of hide so wild wolves shouldn't come and tear out the heart.

##### Matlaniyos and Amerikanyos – Jewelry for Beauty

And also they may go out with matlaniyos with cloths, amerikanyos, which are decorated. Beautiful pieces of merchandise that one puts for beauty on the animal. One may.

##### Rechelim – When Their Tails Are Tied Up

Rechelim go out, young animals may go out when their tails are tied up on their backs, so males shouldn't mount them. Or tied down so males shouldn't mount them one may, when only with a little string so the hair... like what the thing may one still the things, will the things which is the benefit of the animal, or what doesn't easily fall off in the public domain that people carry.

##### The Principle: That the Animal Has Benefit From It

It seems that the principle is, anything, that the animal has benefit from it. So the essence must be with and except, for and in what they can fall off other decrees. But if the animal doesn't have benefit, it's like from the jewelry. It's many things. So it seems.

Yes, yes. All these matters, or yes males, not males, this is a thing that the animal wants, interest of the animal. Even though also the interest of the owners, but it's the interest of the animal.

##### Melufafos B'matlaniyos – To Keep the Hair Clean

Yes, and they go out melufafos b'matlaniyos, wrapped with pieces of cloth, so their hair should remain clean to keep the hair of the animal clean.

##### Goats – Udders Tied So They Should Dry from Milk

Yes he says further, v'ha'izim yotzos v'hadadim keshuros kedei sheyiveshu min hachalay. One may send out the goats when there's some string put on the udders so the milk should dry up.

This is only so they should dry, but if one tied them so the milk shouldn't come out until one eats it in the evening these may not go out. Because then this isn't the benefit of the animal, rather it's already... He says that if it's dry with hands it's good too, but if it's only for evening it's weakly tied, one is afraid it

will fall off, and you'll carry it further inadvertently lest one come to...

#### **Donkey with Saddle, Horse with Fox Tail**

A donkey goes out with a saddle, with a saddle, only if it's tied from erev Shabbos, and the horse won't go out with a fox tail, which is some segulah, yes, they learned among the things that is... in practice they still have a fox tail, and not with a bell between its eyes. And this is perhaps... I don't know... a mardaas they learned helps for the donkey a bit, so if it's erev Shabbos it's good, but the saddle is only for carrying.

Yes, he says that with a fox tail is evil eye. The fox has something to do with segulos, I don't know. Yes, and these things... who's going to give an evil eye? The other horse or a person? I don't know.

#### **Animal with Kalaster, with Sandal, with Amulet That Isn't Expert**

And an animal may not go out with a kalaster on its nose, a vessel in which one puts the food that hangs on the animal, such a bag. And not with a sandal on its foot, and not with an amulet that isn't expert for the animal. Also not with an amulet where there's no expert, meaning it hasn't helped three times for the animal.

Right, so one sees that there were proper segulos for animals. Just as all these stories of Jews came to show the animal to the tzaddik, it's not so... one sees that it was a Jewish custom. Also there are animal amulets and human amulets, it's not the same animals. Right, what helps for an animal isn't necessarily what helps for a person. I hear.

#### **Aval Yotzah B'eged She'al Gabei Hamakah**

But it goes out with a bandage that's on the wound, if the animal has a wound one may tie something on it. And with bindings that are on the fracture, the animal has a broken hand one puts something to straighten. And with the afterbirth dangling from it, if the animal gave birth to a child, and there's still something there, an afterbirth hanging, one may go out with that. There are such things, or it happens so, or it won't have any concern lest it bring.

#### **Laws in the Courtyard – Stuffing a Bell, Mardaas**

##### **Another Law: Two Things Permitted in a Courtyard**

There's another law - there are two things that one may do in a courtyard. We learned earlier that there are things like placing a bell, a little bell, on an animal. He says, "plug up the bell that's on its neck." If his animal has a bell, one shouldn't walk around with the bell, because it makes a sound. It seems that there is indeed somewhat of a prohibition, a hashma'at kol (making sound). But if one plugs up the bell, then one may.

In the courtyard, not in the... ah, and regarding the street we already learned earlier, the bell - in a reshut harabim (public domain) one may not, because it looks like one is going to sell it or something. But in the courtyard one may. He perhaps wants to say that the bell is not muktzeh or something, or one shouldn't say perhaps lo plug (we don't distinguish), because when it rings one may not, and one cannot do it, but if it's plugged up one may.

"One may lead an animal with a muzzle on Shabbat" - we already learned that if one placed it on the donkey on Shabbat, he may not go out with it. Rabbi Elazar says that even if one placed it on Shabbat, if it's only in a courtyard one may, but to silence it with one's mouth one may not. These are three other

types of things that one may do in a courtyard that one may not otherwise.

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#### **Rest of One's Servant – Law 20**

##### **Just as a Person is Commanded Regarding the Rest of His Animal, So Too Regarding the Rest of His Servant**

We will finish another three laws regarding a servant. And now we're going to learn about the rest of one's servant. We learned now about an animal, and now we're going to learn about the servant.

##### **The Rambam says: Just as a person is commanded regarding the rest of his animal on Shabbat, so too he is commanded regarding the rest of his male and female servants.**

It's interesting why he didn't begin with the servant. The servant is seemingly more important, and in the Torah it's also mentioned earlier, and one ends with "your animal." It could be there are more laws, yes.

##### **Just as a person is commanded regarding the rest of his animal on Shabbat, so too he is commanded regarding the rest of his male and female servants, even though they have understanding.**

Seemingly, a person could have thought, by an animal, everything the animal does is the master's responsibility, because the master makes it do things. But the servant - the difference between a servant and an animal is that the servant can understand on his own what the will of the master is that he should do. Why should it be the master's sin?

##### **The Rambam says: Even though they don't have understanding to know on their own to refrain from doing work themselves, the master is commanded to guard them to prevent them from doing work on Shabbat, as it says "so that your ox and donkey may rest, and your maidservant's son and the stranger may be refreshed."**

That he must indeed rest, not just that the person may not make him do work, but it means, even if let's say the person says nothing on Shabbat, but the servant understands on his own what the master wants, one may not let the servant do it. One must protest to him, one must make sure that he rests.

##### **Which Servant? A Servant Who Was Circumcised and Immersed for the Purpose of Servitude**

And there's a bigger problem here, because we need to understand the law, to say who is the servant of which we speak.

Okay, the Rambam says, "**A male and female servant regarding whose rest we are commanded**" - that the male and female servant - there is a mitzvah regarding their rest, about which type of servant are we speaking?

**The Rambam says: "They are servants who were circumcised and immersed for the purpose of servitude."** He's speaking of a Canaanite servant, where the mitzvah is that a Canaanite servant must be circumcised and immersed for the purpose of servitude, **and he is like a convert regarding all the mitzvot that servants are obligated in.** He is a servant who has received all the mitzvot like a woman, and has received the mitzvot that servants are obligated in.

About this servant we're speaking, where there is upon him a mitzvah of rest essentially. He himself must keep Shabbat, he's a Jew after all. The whole thing is there's another mitzvah for the master, a mitzvah to guard his servant and not let him do work.

The Sefer Devarim says, "to know on their own" he means to say also for their own obligation, even for themselves. Certainly, the Rambam doesn't say for whom he does the work. The master has an obligation to make sure that his servants don't do any work. It shouldn't stand that the servants themselves also have a prohibition.

#### **Dispute Between Rambam and Ra'avad – Which Servant?**

The Ra'avad indeed, we'll see, the Ra'avad says he doesn't understand, he says, "a servant who was circumcised and immersed for the purpose of servitude" is a Jew. What does the master have to do with it?

The Ra'avad says, no, the servant we're speaking of is actually a gentile, a ger toshav (resident alien). What is Shabbat just a minor matter? No, there's a Torah prohibition if they do it for his needs, so says the Ra'avad. If they do it for their own needs, they may do what they want, they're still gentiles.

But the Ra'avad argues that there's an extra Torah prohibition that a Jew has a servant who is a gentile, who hasn't yet been circumcised and immersed, that he shouldn't do any work for the master.

But according to the Rambam it's a different thing, like a rebuke. The master has another special mitzvah not to let his Jewish servants, his Jewish Canaanite servant you can call it, do work on Shabbat.

#### **Two Disputes Between Rambam and Ra'avad**

There are two disputes between the Rambam and the Ra'avad.

Whether, when the servant does for himself, is this the mitzvah of the master. According to the Ra'avad, perhaps there's a mitzvah of necessity, like a protest, that every person who sees a Jew worshipping idolatry has a mitzvah to protest to him. The obligation doesn't go up to the master.

Number two, the question, what happens with a servant who doesn't yet have the status of a Jewish servant?

#### **Servants Who Were Not Circumcised and Not Immersed**

According to the Rambam, the Rambam says explicitly, the Rambam will say, but according to the Ra'avad he says that this is the prohibition of rest of one's servant.

**But servants who were not circumcised and not immersed, these are like those obligated in the seven mitzvot that the children of Noah were commanded alone.** Because we already learned this, that a Jew may not have a servant who doesn't accept the seven mitzvot. He must expel him, he must kill him, we learned in the laws of idolatry. Unless he's a ger toshav.

Such a servant who hasn't had circumcision, because he's uncircumcised, because he may not afterward do these things, the Ra'avad says, you should know, one accepts him as a ger toshav, but only at a time when the Jubilee is in effect. All servants afterward when there are no more mitzvot, and one is only obligated with the seven mitzvot of the children of Noah, he says, rest of one's animal isn't relevant, I mean rest of one's servant, according to the Ra'avad there's no such thing in present times.

Yes, according to the Ra'avad. The Ra'avad says, **since a ger toshav does work for himself on Shabbat.** A ger toshav may do work for himself on Shabbat, because he's only obligated with the seven mitzvot, **and a righteous convert is like a Jew in every matter.**

#### **The Ra'avad's Question: Who is the "Stranger" in the Verse?**

He comes with a question. The Rambam says so, according to the Ra'avad he understands, he's not speaking of a Ra'avad, he's speaking of a convert now, not of a servant. Ah, it's a mistake. When it was said that a convert, not a servant, a convert.

The Ra'avad asks, who is the convert of which we speak that he must also rest? If he's a righteous convert, he's a Jew. If he's a ger toshav, didn't we just say according to the Ra'avad he may do work.

He says only that a ger toshav who is a servant to a Jew, which will be a new innovation. But he's a gentile, who is the gentile who needs an extra prohibition?

#### **The Rambam's Answer: A Ger Toshav Who is a Hired Worker of a Jew**

The Rambam says, we're speaking of a ger toshav who is hired as a worker of a Jew. We're speaking of a ger toshav who works for a Jew.

What does "hired worker" mean? It's a common expression of... it's a day laborer, I don't know. I've seen it in other places, I haven't learned it yet.

#### **A Ger Toshav Who is Hired by a Jew**

According to the Rambam one would have to answer that the ger toshav who was a servant to a Jew - why does he need an extra prohibition, but who is the gentile who needs this extra prohibition?

According to the Rambam he says, we're speaking of a ger toshav who is hired by a Jew, we're speaking of a ger toshav who works for a Jew. What does "hired" mean? It's a difficult expression, does this mean he's a day laborer? I don't know. I don't know, I'll see it in other places, I'll see it. Wages and gatherings he says, these are two types of arrangements - wages, or gatherings, which is like sharecropping, where he can go gather from the fields, I don't know.

Like an indentured servant, that a ger toshav has the law like an indentured servant that he shouldn't do work for his Jewish master on Shabbat. That the ger toshav who may do work for himself, may only do so when he's in his private life, but if he has a deal with a Jew, he may not do any work for a Jew, even in a manner where there's no prohibition of telling a gentile? I don't know, it's not clear to me.

Is it a greater prohibition than usual telling a gentile? Because most work a gentile may do, or if the manner in which the gentile understands is it more severe than usual telling a gentile, seemingly.

#### **The Difference Between a Ger Who is His Servant and a Ger Toshav Who is Not a Servant**

It's even if he's his servant convert, he's forbidden for himself, if the gentile is his servant he may indeed do for himself. Right, this is what the Rambam makes clear, he says that a ger toshav, that is a gentile who has accepted the seven mitzvot of the children of Noah, may do work for himself. The prohibition of rest of a servant is only when the servant does...

the master shouldn't command, but also he shouldn't do work for him.

This means another thing, he may not do, if the ger toshav for example, or a poor gentile, may not do any work for a Jew, but what exactly are we speaking of? Not clear.

He brings here that there's a dispute whether a ger toshav who is not a servant, whether he may do work for a Jew. Perhaps it

says in the Rambam, not clear, it says in the glosses, it could be that it's an extra law of a servant. According to the Rambam it seems that it's the same thing, the gentile is the ger toshav who was a servant.

### **Conclusion**

Okay, until here chapter 20 where we learned rest of an animal and rest of a servant. Yes? Wonderful, yes.