The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ה סעיף ח'-י"א

Overview

Siman 305 Seif 8:

It is permitted to place a marda'as on a donkey to protect it from cold provided that one does not tie it because in the process of tying it in place one must stand near the animal and he may lean on the animal. One may not place a marda'as on a horse since it is not distressed by the cold. It is prohibited to remove a marda'as from a donkey as well as a horse on Shabbos since the animal is not distressed if it remains in place. A saddle may not be put in place or removed whether for a donkey or for a horse.

- Shulchan Aruch refers to where it will remain in his yard and may not go into the public domain with a marda'as. (M.B. 29)
- One may not even tie it with a temporary knot. (M.B. 31)
- Gra asserts that according to Rashi one may place a marda'as on a horse or other animal if it will remain in one's yard since they are distressed by the cold and will benefit from the warmth. When it is cold and we see that the horse is bothered or during the summer when there are flies distressing the horse it is permitted to place a marda'as or other garment on it. (M.B. 32)
- It is considered unnecessary exertion. (M.B. 33)

Siman 305 Seif 9:

If there is a saddle on the back of a weary donkey that returned from a journey and one must remove it so that the animal could cool down, one may not remove it with his hands. He should untie the rope that is beneath it and then walk the donkey back and forth in the yard until it falls off by itself.

- Although the donkey will feel better if it is removed, since it is not in distress as a result of its presence it is prohibited to remove it. (M.B. 36)

Siman 305 Seif 10:

One may not hang on a donkey's neck a טרסקל (A basket made peeled willow covered with leather) **so that he could put food in the basket so that the donkey can eat from it. It is permitted to hang it on calves or foals that have small necks and it is distressing to eat off of the ground, provided that the animal will remain in the yard but may not go out with it.**

- Anything which only gives pleasure to the animal is an unnecessary burden and prohibited. (M.B. 37)

Siman 305 Seif 11:

It is prohibited for a horse to go out with a fox tail hanging between its eyes to protect it from the evil eye and may not go out with a strap as an adornment. Goats may not go out with a pouch on its udders which is tied in place so that its udders do not become scratched. A cow may not go out with a muzzle in its mouth that prevents it from grazing in other fields. Animals may not go out with sandals on its feet so that it does not become injured. It may go out with a bandage on a wound and with splints on a fracture, which are boards that are bound around the broken bone or with a placenta that partially emerged but still hangs there. One must muffle the bell around an animal's neck and walk in the yard but may not go out with a bell into the public domain even if it is muzzled, irrespective of whether it is on the animal's neck or on its coat.

- The items enumerated here do not safeguard the animal and thus are a burden except for the sandal that may come off and he will transport it and according to some this is the concern for the pouch on the goat's udders. (M.B. 39)
- It is acceptable for a horse to wear shoes since they are nailed into its hoof. (M.B. 41)
- This gives the appearance that one is taking out the animal to sell it. This implies that animals that are not taken out for sale with a bell on its neck may be taken out with a muzzled bell but Semag implies that even in this case it is prohibited. In cases where an animal may not go out into the public domain because the article is a burden, in a yard it is permitted even if there is no eruv. There is a dispute whether it is permitted in a karmelis. In what we consider a public domain it is for sure prohibited. When the concern is that the article may fall and he will transport it all opinions agree that it is prohibited in a karmelis. Something that is prohibited because it gives the appearance that one is going to sell the animal it is prohibited even in a mavoi that has an eruv since many people are there but others question this ruling. (M.B. 43)
- This garment is made for horses so that they do not become soiled. (M.B. 44)

Halacha Highlight

An animal going out to a karmelis

Shulchan Aruch Siman 305 Seif 11

ופוקק זוג שבצווארה

One must plug the bell that is around its neck

Shulchan Aruch (סעי' י"א) discusses the permissibility of allowing an animal to go out on Shabbos wearing a bell. He rules that if the bell is plugged so that it does not produce sound it is permitted to allow the animal to go out into the yard. The reason the bell must be plugged is that it is prohibited to make noise on Shabbos (מ"ב ס"ק מ"ב). Even if the bell is plugged the animal may not be taken out to the public domain. Mishnah Berurah (ס"ק מ"ג) explains that when the animal wears a bell it appears as though one is taking the animal to the market to sell it.

Biur Halacha (ד"ה ופוקק זוג) cites Magen Avrohom who maintains that the restriction is limited to taking the animal into a full-fledged public domain but it is permitted to bring the animal into a karmelis. The basis of his position is the Gemara in Shabbos (153b) which states that whatever is only Rabbinically prohibited for a person is permitted even l'chatchila for a donkey. Biur Halacha cites authorities who challenge Magen Avrohom's proof and Biur Halacha presents his own challenge to this position. He explains that whatever is Biblically prohibited in a public domain is Rabbinically prohibited in a karmelis out of concern that one will confuse the two. Therefore, since it is Bibically prohibited for an animal to go out carrying things on Shabbos it is Rabbinically prohibited for an animal to go out with that item into a karmelis. As far as the Gemara's principle is concerned it is limited to where one does not perform the actual melacha. For example, if one lifts an object (עקירה) and transports it but does not place it down (הנחה), he has not performed an actual melacha and it is in such a case that it is permitted for an animal to perform that action.