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

Overview

Siman 305 Seif 18:

It is prohibited to ride on an animal or lean on it and one may not even make use of the animal's side. However, it is permitted to make use of the "side's side," for example, if something is resting on the animal it is permitted to lean on the side of that object. If one climbed on an animal, even intentionally, it is permitted to descend due to the distress that it causes the animal. For this reason it is permitted to remove a burden from it. How is this done? One places his head under the package and pushes it to the other side so that it falls by itself. It is prohibited to sit in a wagon that a gentile drives since it involves using the animal and to assure that one does not cut a branch off a tree.

- The decree is out of concern that one will cut a branch off the ground to lead the animal. (M.B. 61)
- In other words, one leans on the side of the object that rests on the back of animal but it is prohibited to use the top of the item that rests on the animal's side. (M.B. 63)
- It is even permitted to remove an item that is muktzah as long as one does so without using his hands. (M.B. 65)
- Sitting on a wagon is comparable to using the animal's side and it is not even permitted to use the board that extends out the back of the wagon since it is all considered a single item. (M.B. 67)

Siman 305 Seif 19:

If an animal fell into a canal of water and the water is so deep that he cannot take care of it where it is, he may bring pillows and blankets and place it beneath the animal out of concern for the animal's distress even though he will thereby nullify the utensil from its use. The law of cooling an animal on Shabbos is the same as cooling it on Yom Tov.

- If the water is not so deep and one can provide the needs of the animal where it is so that it won't die, it is not permitted to place pillows and blankets beneath it since one will nullify the items from their use. (M.B. 68)
- The animal's distress which is a Biblical principle overrides the Rabbinic prohibition against nullifying a utensil from its use. (M.B. 69)
- It is prohibited to take the animal out by hand since animals are muktzah. Elya Rabba cites Poskim who are lenient and permit taking the animal out by hand if using pillows and blankets will not prove effective. All opinions agree that one may ask a gentile to remove the animal and that is preferred to even using pillows and blankets. (M.B. 70)

Halacha Highlight

Wiping one's hands on a fox's tail

Shulchan Aruch Siman 305 Seif 18
ולא נתלין עליה
One may not lean on an animal

Shulchan Aruch (סעי' י"ח) rules that one may not ride on the back of an animal. The prohibition is a Rabbinic injunction out of concern that one will break off a twig from a tree that is still attached to the ground so that he will be able to direct the animal (מ"ב ס"ק ס"א). He then rules that one may not even hang from the side of an animal. The reason is that when Chazal instituted this injunction they included any use of the animal as well as use of an animal even when it is not possible for one to break off a twig from a tree. Thus, for example, it is prohibited to hang from an animal even when one does not even want the animal to walk anywhere so that one does not require a twig to lead the animal. Similarly, it is prohibited to ride on an animal even in the dessert where there are no branches available for use to lead the animal.

Shulchan Aruch (סי' ש"ב סעי' י"א) rules that it is permitted for one to wipe his hand with a fox's tail which seemingly violates the prohibition addressed by Shulchan Aruch in our siman. Biur Halacha (שם ד"ה מקנחה) answers in the name of Tosefes Shabbos that Shulchan Aruch there is discussing a fox's tail that is not attached to the animal since otherwise it would be prohibited to use an animal. Biur Halacha wonders whether it is necessary to draw this conclusion since it is possible that Chazal prohibited using an animal's body but using an animal's hair may be permitted. Rav Shlomo Zalman Auerbach (שמירת שבת כהלכתה פכ"ז הע' נ"ג וח"ג שם) notes that although generally the prohibition against using an animal is violated when one places all his weight on the animal, nevertheless, wiping dirt off of one's hands may be prohibited since it is certainly considered to be using the animal even though one does not lean his weight on the animal.