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Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן ש"ה סעיף כ'-כ"ג

Overview

Siman 305 Seif 20:

It is permitted to ask a gentile to milk an animal on Shabbos out of concern for the animal's distress since the milk causes the animal distress but the milk is prohibited on that day. Some maintain that one has to purchase the milk from the gentile for a small amount so that it does not appear as though he is milking the animal for the benefit of the Jew.

- Out of concern for the animal's distress it is also permitted to place food in the back of a goose's throat if that is the way it is accustomed to eat and cannot eat on its own but one may only feed it once. It is preferable for a gentile to feed the goose in this manner but if a gentile is not available it is permitted for a Jew to do so but it is preferable to have a child do it. Rambam writes one who milks an animal into a utensil is liable and if he does it into food he is exempt but the milk is prohibited even if it is in food since it is muktzah. (M.B. 71)
- This opinion maintains that instructing a gentile to milk an animal is permitted only if it is for the benefit of the gentile and that is why it is necessary for the Jew to purchase it for a nominal amount of money. People follow the first opinion but it is preferred to have the gentile milk the animal into food since it constitutes a shvus d'shvus. (M.B. 73)

Siman 305 Seif 21:

Cheese made by gentile maidservants with the milk of a Jew is permitted since they are not instructed to make it.

- Later authorities argue that since the maidservant takes the milk in the presence of the homeowner who says nothing it is assumed that the maidservant is acting with the approval of the homeowner and even if she made the cheese in a gentile's house it would be necessary to protest so certainly one must protest if it is done in the Jew's home. Some suggest that Shulchan Aruch's intent is that if this occurs occasionally it is permitted to benefit from the cheese after Shabbos but if it occurs regularly, the homeowner must protest. (M.B. 74)

Siman 305 Seif 22:

One who has a gentile young man who rides on the back of an animal when he takes the animal out to drink it is unnecessary to restrain him from doing so since a living being supports its own weight. One must restrain him, however, from placing his garments or anything else on the back of the animal.

- Although on a Rabbinic level we do not rely on the principle that a living being supports its weight, that injunction was not applied to animals. (M.B. 75)
- There is no issue with the saddle since it is subordinate to the rider. (M.B. 76)
- If something was left on the animal from erev Shabbos and the animal wants to go out, the owner must prevent it from doing so. If the animal wants to go out of the techum it is not necessary to prevent it but one may not lead the animal out by hand. (M.B. 77)

Siman 305 Seif 23:

It is permitted to give a horse, mule or donkey to a gentile shepherd. It is of no concern that the gentile will use it on Shabbos since it is done without the consent of the Jew who does not anticipate payment from him. If one sees him using the animal he must protest. One certainly does not have to be concerned that the shepherd will take the animal beyond the techum since doing so involves only a Rabbinic prohibition.

- The reason it is permitted to give the animal to the gentile shepherd is that he will be afraid to use the animal out of fear that he will be punished by the authorities. One must protest when he knows that gentile is using the animal even if he did not see it personally. (M.B. 78)
- Pri Megadim is uncertain whether it is acceptable to instruct him to take the animal beyond the techum and it is appropriate to be stringent. (M.B. 79)
- There are authorities that are stringent and do not give the animal to the gentile on Shabbos but common practice is to be lenient. (M.B. 80)

Halacha Highlight

Milking an animal on Shabbos

Shulchan Aruch Siman 305 Seif 20

מתר לומר לאינו יהודי לחלב בהמתו בשבת

It is permitted for one to instruct a gentile to milk an animal on Shabbos

Shulchan Aruch (סעי' כ') permits asking a gentile to milk an animal on Shabbos. The reason it is permitted is that an animal that produces milk will experience pain if that milk is not expressed and it is permitted to ask a gentile to perform a melacha to prevent or alleviate an animal's pain. The milk that the gentile expresses from the animal is prohibited on Shabbos since it is similar to juice that emerged from a fruit on Shabbos which is Rabbinically prohibited. Mishnah Berurah (ס"ק ע"ג) adds that it is preferred to ask the gentile to milk the animal into food so that it is only a shvus d'shvus. In the event that a gentile is not available to milk the animal, the only alternative is to express the milk in a manner where it will be ruined, for example, expressing the milk into a filthy container or directly onto the ground. One may not express the milk into a regular container with the intent to spill it out when one is finished.

Poskim write that it is permitted to use a milking machine on Shabbos subject to the following conditions. The machine must be set on a timer to go on and off at different times of the day. Additionally, the apparatus that attaches to the animal's udders should be connected before the milking machine turns on. In the event that it is necessary to attach the apparatus when the machine is working, the first stream of milk that comes out should be ruined and then one can redirect the milk so that it is captured and kept clean. If it is necessary to clean the animal's udders before milking one should use a stream of water from a hose or the like. If a hose is not available one may not use a wet cloth since that would involve squeezing water out of the cloth. He should use either a dry cloth or a cloth made from non-absorbent synthetic material (שמירת שבת כהלכתה פכ"ז סע' מ"ח – נ"א).