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Boundaries of Bonding

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1.

A FORBIDDEN MIXTURE

Regarding the verse,¹ “You shall not plow with an ox and a donkey together,” the mishnah in tractate *Bava Kamma* says:² “Whether an ox or any other animal.... If so, why does Scripture say an ox or a donkey? Because Scripture speaks of commonplace scenarios.” The Gemara³ goes on to clarify: “*Kilayim*⁴ of plowing is derived from a link between the word, ‘ox’ {used in our verse, and the word} ‘ox,’ used in the context of Shabbos” (as it says,⁵ “Your ox and your donkey, and all of your animals”— Rashi).⁶

Among the *Rishonim*,⁷ there is a dispute about the details of the law:

Rambam rules,⁸ “Regarding both an ox and a donkey, and any other two species **when one animal is non-kosher, and the other is kosher...** a person is liable for lashes according to Scriptural law.” Rambam further notes, “However, according to **rabbinic law**, whenever it is forbidden to crossbreed two species (meaning, any two species, kosher or non-kosher), it is forbidden to plow with them together, to pull or to lead them.”

On Rambam’s ruling, the *Rosh*⁹ comments, “His words don’t seem correct.” The *Rosh* rules that whether both animals are kosher or non-kosher, there is still a Scriptural transgression.

The basis for their dispute lies in the interpretation of a mishnah in *Kilayim*:

¹ *Devarim* 22:10.

² *Bava Kamma* end of ch. 5 (54b).

³ *Bava Kamma* 54b.

⁴ {Lit., “mixture,” any forbidden mixture, such as certain seeds, clothing materials, or animals.}

⁵ *Devarim* 5:14.

⁶ {Rashi on *Bava Kamma* 54b.}

⁷ {Lit. “the first ones” — referring to the leading rabbis who lived approximately during the 11th to 15th centuries, in the era following the *Geonim* and before the codification of the *Shulchan Aruch*.}

⁸ *Mishneh Torah*, “*Hilchos Kilayim*,” ch. 9, par. 8; see Rambam’s *Commentary on Mishnah*, “*Bava Kamma*,” end of ch. 5; *Kilayim* 8:2; Rambam’s *Sefer Hamitzvos*, negative commandment 218.

⁹ {Rabbi Asher ben Yechiel, 1250?-1327.}

The mishnah says:¹⁰

Regarding *kilayim* of animals, it is permitted to raise and keep them, and it is only forbidden to crossbreed....

The subsequent mishnah continues:

A domesticated animal with a domesticated animal, a wild animal with a wild animal... a non-kosher animal with a non-kosher animal, a kosher animal with a kosher animal, a non-kosher animal with a kosher animal, and a kosher animal with a non-kosher animal, are forbidden to be used to plow....

The *Rosh* understands that “our mishnah (the second mishnah) groups together non-kosher animals with non-kosher animals; kosher, with kosher; kosher, with non-kosher; and non-kosher, with kosher.” In other words, the prohibition of “*kilayim* of plowing”¹¹ also applies to non-kosher animals plowing together with non-kosher animals and kosher animals together plowing with kosher animals.

However, Rambam (in his *Commentary on Mishnah*) understands that the first few cases of the second mishnah are a continuation of the prohibition of just crossbreeding discussed in the first mishnah. Only the cases of “non-kosher with kosher, and kosher with non-kosher” are included in the concluding statement “...are forbidden to be used to plow....”

So, according to Rambam, the meaning of the mishnah is as follows: “A domesticated animal with a domesticated animal...{may not be crossbred} **but** a non-kosher animal with a kosher animal... may also not be used to plow together....” This interpretation makes sense, especially according to Rambam’s version of this mishnah, which begins, “**In what case does this apply**” (when are these mixtures of animals forbidden **only** “from crossbreeding”)?

¹⁰ *Kilayim* 8:1-2.

¹¹ Wording used in *Bava Kamma* 54b.

We can posit that there is also an underlying rationale behind this matter, and the cause for the dispute does not (only) stem from how they interpret the mishnah but also from their understanding of the prohibition's underlying rationale. Moreover, because they argue about the rationale, a dispute emerges in their interpretations of the mishnah (and the determination of the mishnah's correct version).

2.

THE CRUX OF THE DISPUTE

Seemingly, we could explain that the dispute is based on the principle that “Scripture speaks of commonplace scenarios.” This rule is mentioned in the mishnah in *Bava Kamma* (also) regarding the *kilayim* of animals:

According to the *Rosh*, when the mishnah says, “Scripture speaks of commonplace scenarios,” it is meant absolutely, {these examples are mentioned} **only** because these scenarios were “commonplace.” This implies that we cannot use logic to exclude any animal based on the Torah's words, “with an ox and a donkey.” In fact, the prohibition applies to all animals.

Conversely, Rambam's viewpoint is that notwithstanding the rule that “Scripture speaks of commonplace scenarios,” it is implausible to say nothing at all can be inferred from the verse's **specification** {of “an ox and a donkey”} when the verse could have just said “*kilayim*,” in general. Therefore, Rambam says that from the verse's specifications, we infer the general category {of animals discussed in the verse}. Namely, the forbidden mixture must consist of one kosher animal and one non-kosher animal.

[Although concerning other laws listed in the mishnah in *Bava Kamma* (such as “falling into a pit” and “double payments” {as it applies to a thief} and the like), everyone agrees that these laws apply to **every** domesticated animal, wild animal, and bird. And when the Torah mentions an ox and a donkey, it is

only because “Scripture speaks of commonplace scenarios.” However, *kilayim* is different:

Under the laws applicable to “falling into a pit” and similar scenarios, the (primary) issue is the compensation to **the owner** for the damage he incurred. In these scenarios, there is no logic to differentiate between the **types of animals** damaged.

In contrast, regarding *kilayim* of plowing, where the subject of the prohibition is the harnessing of **two species** together, and the Torah is precise in writing “with an ox and a donkey” (not “your animals,” in general, unlike *kilayim* of crossbreeding)¹² — we learn that the prohibition applies only in cases of a kosher and non-kosher species.]

However, upon closer scrutiny, we cannot explain the argument between the *Rosh* and Rambam this way. To do so means that Rambam rejects the straightforward meaning of the principle that “Scripture speaks of commonplace scenarios,” maintaining that even so, inferences can be drawn from such verses.

Moreover, Rambam explains the mishnah in *Bava Kamma* regarding the *kilayim* of plowing to refer to **any** two animal species (also including kosher animals with kosher animals and non-kosher animals with non-kosher animals). Only he adds, “This is according to rabbinic law, but, according to Scriptural law, it is not forbidden... but only a kosher animal with a non-kosher animal alone {are forbidden}, similar to an ox and a donkey.” Consequently, it becomes apparent that according to Rambam’s view, as well, the principle that “Scripture speaks of commonplace scenarios” {and does not exclude uncommon scenarios} in the mishnah applies to all species.¹³ Thus, we cannot base the rationale of Rambam’s view on his interpretation of the Mishnah’s principle that “Scripture speaks of commonplace scenarios.”

¹² *Vayikra* 19:19.

¹³ This is also evident from Rambam’s *Commentary on Mishnah*, “*Kilayim*,” 8:2 (at the end). However, further analysis is necessary to understand how the phrase “**the verse** speaks of a common scenario” can be applied to a matter of rabbinic origin. (Rambam similarly applies this principle to all species in *Guide for the Perplexed*, vol. 3, ch. 49.) We can suggest that this resembles an *asmachta* {an allusion found in the Torah that supports rabbinical prohibitions or other halachic ordinances}.

3.

ANOTHER APPROACH

Regarding the reason behind the *kilayim* prohibition of plowing, we find various approaches:

Some authorities¹⁴ say that the prohibition “stems from the *kilayim* prohibition of crossbreeding animals,”¹⁵ as “the common practice among farmers was to bring their livestock under yoke into one barn and crossbreed them.”¹⁶

Others say¹⁷ that “among the reasons for this commandment is the prevention of animal suffering.”

On this basis, it can be said that Rambam and the *Rosh* disagree on this point:

According to *Rosh*, the prohibition “stems from the *kilayim* prohibition of crossbreeding animals” because plowing with them together ultimately leads to crossbreeding. Consequently, the prohibition applies to plowing with any two different species together, similar to the *kilayim* prohibition of crossbreeding.

However, according to Rambam’s view, the prohibition against plowing with animals of two different species is to prevent animal suffering.

Therefore, the (Scriptural) prohibition only applies to a kosher animal that plows with a non-kosher animal, akin to an ox and a donkey. This is because, specifically in such a case, there is concern that since “this animal chews its cud whereas the other does not, the latter {will see the former chewing its cud and} will think that it is eating, and thus suffer.”¹⁸ Alternatively, as the *Sefer*

¹⁴ Ramban and *Bechayei* on *Devarim* 22:10, and on *Vayikra* 19:19; *Guide for the Perplexed*, vol. 3, ch. 49; *Panayach Raza* on *Devarim* 22:10; *Sefer HaChinuch*, commandment 550.

¹⁵ Wording used in *Sefer HaChinuch*, commandment 550.

¹⁶ Wording used by *Ramban* on *Devarim* 22:10 and on *Vayikra* 19:19.

¹⁷ *Sefer HaChinuch*, commandment 550; *Baalei HaTosfos*, *Baal HaTurim*, *Panayach Raza*, and one explanation of *Chizkuni* on *Devarim* 22:10, and more; Rabbi Chaim Paltiel’s commentary on *Devarim* 22:10; see *Ibn Ezra* on *Devarim* 22:10 (and third explanation of *Chizkuni*).

¹⁸ Wording used in *Panayach Raza* on *Devarim* 22:10. *Baalei HaTosafos*, *Baal HaTurim* and *Chizkuni* on *Devarim* 22:10 give an analogous explanation.

HaChinuch clarifies, the reason for the suffering is that “animal and bird species are tormented when they dwell among animals not from their species, and even more so to work alongside them.” The suffering occurs primarily “with animals from two different species, such as an ox and a donkey, where one is kosher, and the other is non-kosher, as their natures are vastly different.”

However, to learn that the entire *kilayim* prohibition of plowing is solely to prevent animals from suffering is difficult. This is because in the Torah, the verse, “You shall not plow...” is recorded among other verses discussing *kilayim*¹⁹ (such as the *kilayim* prohibition of the vineyard and the *kilayim* prohibition of clothing). Additionally, in Mishnah,²⁰ the laws (of *kilayim* of plowing) are treated in tractate *Kilayim*, in the same context as “the *kilayim* of crossbreeding.”²¹

Moreover, this proposed explanation is particularly challenging since Rambam himself explains in his *Guide for the Perplexed*²² that the reason behind the *kilayim* prohibition of plowing is that “if the animals are paired, it’s not uncommon for one to mount the other.”²³

¹⁹ See *Bachaya* on *Devarim* 22:10.

²⁰ And similarly in Rambam’s *Mishneh Torah* (as mentioned above).

²¹ Wording used in *Bava Kamma* 54b.

²² *Moreh Nevuchim*, vol. 3, ch. 49.

²³ True, it is not necessary for the rationale that Rambam provided for the mitzvah in his *Guide for the Perplexed* to align with his **halachic** approach in *Mishneh Torah* (and in *Sefer HaMitzvos* and his *Commentary on Mishnah*). This is particularly evident in our case, where Rambam explicitly writes in his *Guide for the Perplexed*: “The proof for this that this law extends to animals beyond just an ox and a donkey. It encompasses an ox with a donkey, **as well as any two types** {of animals}, but Scripture speaks of commonplace scenarios...” (similarly stated in the Kapach edition). This approach {clearly} diverges from his halachic opinion. (It would be strained to suggest that in the *Guide for the Perplexed*, Rambam presented the rationale and law from a rabbinic perspective, while from a Scriptural perspective, the prohibition’s reason is {to prevent} animal suffering, as discussed).

Nonetheless, if Rambam’s halachic opinion in *Mishneh Torah* **is grounded in the rationale** for the prohibition, it logically follows that it aligns with his explanation in the *Guide for the Perplexed* (where Rambam elucidated the mitzvos’ rationales). In contrast, according to the explanations below in Sections 4 and 5, Rambam’s halachic opinion is not based on the rationale for this mitzvah {eliminating the need for alignment with his approach in the *Guide for the Perplexed*}.

4.

ANOTHER ATTEMPT

We can suggest that their dispute revolves around whether the *kilayim* of plowing is a subsection of the *kilayim* of crossbreeding or whether the *kilayim* of plowing is an independent law:²⁴

The *Rosh* maintains that *kilayim* of plowing falls under the same principle as *kilayim* of crossbreeding, while Rambam argues that it is an independent principle.

The rationale for this dispute (regarding whether *kilayim* of plowing is the same idea as *kilayim* of crossbreeding): The subject of *kilayim* is “mixing” — “a mixture.”²⁵

Rambam maintains that the *kilayim* prohibition of crossbreeding is associated with an overt and recognizable mixture. Crossbreeding results in the birth of offspring with distinct appearance and bodily features, etc. — a new species arises specifically from crossbreeding two species.²⁶ In contrast, with *kilayim* of plowing, the mixture is not affected or recognizable in the plowing, etc.

Therefore, according to Rambam — who maintains that each is an independent principle — there is a difference between *kilayim* of crossbreeding (that it applies to any two species) and *kilayim* of plowing (which pertains explicitly to a kosher species and a non-kosher species).

However, the *Rosh* maintains that the prohibition of both — the *kilayim* prohibition of crossbreeding and the *kilayim* prohibition of plowing — pertains to the **act** of connecting two species. Consequently, the same law applies to both types of *kilayim*.

²⁴ For the explanation that follows, see also *Likkutei Sichos*, vol. 34, p. 125-126.

²⁵ *Targum Onkelos* and *Targum Yonasan ben Uziel* on *Devarim* 22:9, *Vayikra* 19:19, et al.

²⁶ See *Bachya* on *Devarim* 22:10; *Ramban* on *Vayikra* 19:19.

5.

THE EXPLANATION

The above explanation is still not entirely smooth with Rambam's view:

The Rambam rules that (a) “a person may bring two species into a single barn, and if he sees them mating, he is not required to separate them”;²⁷ (b) “a person who transgresses and crossbreeds his animals may derive benefit from their offspring”;²⁸ and (c) the Scriptural prohibition occurs explicitly when the action is done with his hands.²⁹ These rulings intimate that the *kilayim* prohibition of crossbreeding is not linked with the animals' offspring, making crossbreeding recognizable and obvious. Instead, the prohibition pertains to the actual act of crossbreeding (mating).

On this basis, *kilayim* of plowing falls into the same category as the *kilayim* prohibition of crossbreeding. They are “grouped under one name,” as implied by the fact that Rambam includes them in a **single chapter** (in “*Hilchos Kilayaim*”)³⁰ because both share the same defining characteristic: The act of attaching.

We can posit that the reason for differentiating between them is as follows:

The essence of the *kilayim* prohibition is to attach two incompatible entities. Through a person's intervention, they become a forbidden object, *kilayim*.

However, the manner of their admixture varies depending on how the attachment happens:

²⁷ *Mishneh Torah*, “*Hilchos Kilayim*,” ch. 9, par. 2.

²⁸ *Ibid.*, par. 3.

²⁹ *Ibid.*, par. 1; similarly in *Sefer HaMitzvos*, negative commandment 217.

³⁰ *Mishneh Torah*, “*Hilchos Kilayim*,” ch. 9.

In the case of crossbreeding, which is the consummate form of attachment, in the words of the verse,³¹ “They became as one flesh,” each animal of the two species becomes an object of *kilayim*, a forbidden mixture, because Hashem established that the **attachment** of **each** species is meant to be specifically “to their kind.” However, concerning the *kilayim* prohibition of plowing, since the attachment of the animals is only **outward**, their attachment is not considered *kilayim* unless the labor is done with two diverse types: non-kosher and kosher animals, which are also opposites outwardly (regarding a person’s consumption, and so on). Then, the attachment becomes a forbidden mixture, *kilayim*.

6.

IN THE LIGHT OF CHASSIDUS

To clarify the deeper meaning behind the dispute:

We find in the teachings of Chassidus³² two explanations for the prohibition, “You shall not plow with an ox and a donkey together”:

- a) “The underlying idea of the negative commandment, ‘You shall not plow with an ox and a donkey together,’ is to distance the *kelipah*³³ of the donkey so that it does not receive {spiritual effluence} from the realm of holiness.”³⁴
- b) The prohibition exists because an “ox” represents “severity,” and a “donkey” represents “kindness” — and “it is forbidden to mix them.”³⁵

Both explanations are the words of the living G-d,³⁶ and we can posit that these two explanations align with the dispute between Rambam and the *Rosh*:

³¹ *Bereishis* 2:24.

³² For the following discussion, see *Or HaTorah*, “Nach,” p. 132 ff; *Or Hatorah*, “Ki Seitzei,” p. 961; *Sefer HaMaamarim* 5627, s.v., “lo sacharosh”; *Sefer HaMaamarim* 5678, s.v., “lo silbash shatnez”; *Likkutei Levi Yitzchok*, “*Mishpatim*,” p. 89; and the sources listed in all the above.

³³ {Lit., “a shell” or “a peel.” The term refers to anything that conceals, and thus opposes G-dliness, just as a shell or a peel conceals the fruit within.}

³⁴ *Sefer HaMaamarim* 5627, p. 377; see *Zohar*, vol. 3, 86b; *Tikkunei Zohar*, sec. 14 (30a).

³⁵ *Likkutei Levi Yitzchok*, “*Mishpatim*,” p. 89; see *Or HaTorah*, “Nach,” p. 132.

³⁶ *Eiruvin* 13b.

According to Rambam — who maintains that the negative commandment, “You shall not plow,” specifically applies to using a kosher species to plow together with a non-kosher species — the reason for this prohibition is to prevent “*kelipah*” from receiving from holiness [because kosher animal species originate from *kelipas nogah*, which can be elevated to holiness, while non-kosher animal species originate from³⁷ the three impure *kelipos*.³⁸ When work {plowing} is done with a non-kosher animal and a kosher animal, the animal from the non-kosher animal “will receive” {spiritual sustenance} from the kosher animal].

According to the *Rosh*—who maintains that the prohibition applies to all species, even to a kosher animal together with another kosher animal and a non-kosher animal together with another non-kosher animal — the reason for the prohibition is that oppositional emotional faculties, which Hashem created, may not be combined.

7.

IN THE LIGHT OF CHASSIDUS

On this basis, we can finesse another concept: A mitzvah, holiness, and increased light can make peace between opposites. This is analogous to what is stated:³⁹ “*He makes peace in His high places* — Micha’el is the archangel over water, and Gavriel is the archangel over fire, yet neither smothers the other.” However, this cannot, Heaven forbid, result in *kelipah* receiving {from holiness}. This is why mitzvos such as tzitzis, priestly garments, etc., only permit the *kilayim* prohibition of **shatnez**;⁴⁰ because although wool and linen embody **antithetical** {energies}, each material itself is permissible.

³⁷ See *Tanya*, “*Likkutei Amarim*,” ch. 6, and ch. 7.

³⁸ {In the original Hebrew, “*shalosh kelipos hatemeos*.” *Kabbalah* delineates two distinct types of *kelipah*: *kelipas nogah*— *kelipah* that is translucent, and so can be illuminated; and the *shalosh kelipos hatemeos*. *Kelipas nogah* can be uplifted and refined, while conventionally, the only form of reformation or redemption for the three impure *kelipos* is their destruction.}

³⁹ *Tanya*, “*Iggeres HaKodesh*,” sec. 12; see *Tanchuma*, “*Vayigash*,” par. 6; *Devarim Rabbah*, ch. 5, par. 10; *Sefer HaBahir* (cited in *Zohar*, vol. 3, 263a); et al; See also *Tanya*, “*Iggeres HaKodesh*,” sec. 12 and *Or HaTorah*, “*Nach*,” p. 132.

⁴⁰ {“*Shatnez*” is a *kilayim* prohibition against wearing articles of clothing that contain a mixture of wool and linen. The mitzvos of *tzitzis* and the priestly garments are exempt from this prohibition.}

This can even lead to an advantage similar to the priestly garments worn “for honor and splendor,”⁴¹ which was achieved specifically by wearing cloth made from wool and linen sewn **together**.

— From talks delivered on Shabbos *parshas Ki Seitzei*, 5741 (1981)

⁴¹ {*Shemos* 28:2.}