

Additional Prohibitions Due to Threshing

Under what conditions may one milk cows on Shabbat?

Is it permitted for a nursing woman to express milk into a vessel?

May one consume juice that emerges from a grapefruit while eating the grapefruit with a spoon?

Is it permitted to put ice cubes into a pitcher of juice?

May one make ice on Shabbat?

Milking on Shabbat

The prohibition and the permitted ways of milking

The **Gemara** (95a) lists several actions whose status on Shabbat is a matter of dispute. **Rabbi Eliezer** maintains that their performance violates a **prohibition by Torah law**, whereas **the Rabbis** contend that these actions are prohibited only **by rabbinic law**:

A dispute among Rishonim: Is milking prohibited by Torah law or by rabbinic law?

Concerning one who milks an animal, one who sets milk to curdle, one who makes cheese in the measure of a dried fig-bulk, one who sweeps the house, one who sprinkles water on the floor, and one who removes honeycombs, if he did so unwittingly on Shabbat, he is liable to bring a sin offering... this is the statement

of Rabbi Eliezer. And the Rabbis say: Both on [Shabbat] and [on a Festival], these actions are prohibited only due to a rabbinic decree [not by Torah law].

This list includes “**one who milks.**” This implies that according to **the Rabbis**, milking is prohibited **only by rabbinic law**. Indeed, **Rav Hai Gaon** (cited in the Rashba ad loc.) and the **Ramban** (ad loc.) rule accordingly.

The majority of the *Rishonim* maintain that the Rabbis disagree only with regard to the actions on the list starting from “one who sweeps,” whereas all agree that the actions that appear at the beginning of the list, **milking** included, are **prohibited by Torah law**.

The *Rishonim* disagree as to the reason for this prohibition, but the accepted opinion is that of the **Ri** (cited in *Tosafot* 73b, s.v. *mefarek*) and the **Rambam** (8:7) that milking is prohibited due to **Extracting**, a subcategory of **Threshing**.¹ As explained earlier, the essence of the

Ri and the
Rambam: Milking
is prohibited due to
Threshing

1. It should be noted that there is a difference between the opinions of the Ri and the Rambam. The *Rishonim* ask: How can milking be prohibited by Torah law due to Threshing in light of the statement of the **Gemara** that Threshing applies only to items that grow from the ground (75a)? According to the **Ri**, the *halakha* is not in accordance with that Gemara; rather, Threshing applies even with regard to items that do not grow in the ground. The **Rambam**, by contrast, accepts the ruling of the Gemara that Threshing applies only to items that grow in the ground. And yet, he writes that one who milks violates the Torah prohibition of Extracting, which is a subcategory of Threshing. The *Maggid Mishne* explains that, according to the Rambam, animals are considered items that grow from the ground for the purpose of this *halakha*, as they subsist on plants. By contrast, **Rabbi Avraham son of the Rambam** contends that the primary labor of Threshing applies only to items that grow in the ground, since in the Tabernacle, threshing was performed specifically with such items (*Birkat Avraham* 18). Nevertheless, he claims, only the **primary labor** must be the same as the action in the Tabernacle, whereas the **subcategories** do not have to be entirely similar to the actions in the Tabernacle. Therefore, only **actual threshing** is limited to items that grow from the ground, whereas milking, which is a **subcategory of Threshing**, due to Extracting, is prohibited by Torah law even with regard to items that do not grow in the ground.

labor of Threshing is the removal of an encased substance from its natural place. Accordingly, milking is prohibited due to Extracting, as one removes the milk from its natural place of growth.²

Despite the prohibition of milking, a Jew may have a **non-Jew** milk a cow belonging to a Jew, due to the concern of the **suffering of the nursing animal** [*tzaar baalei hayim*]. The *Shulhan Arukh* rules (305:20):

It is permitted to instruct a non-Jew to milk [a Jew's] animal due to the suffering of living beings, as the excess milk causes it pain. The milk may not be used on that day.

This ruling was widely accepted in Jewish communities worldwide for many generations. With the renewal of Jewish settlement in Eretz Yisrael, this solution became very difficult to apply, whether due to the desire for Jewish labor or because of security issues. **Rav Avraham Yitzhak Kook**, then Ashkenazi Chief Rabbi of British Mandatory Palestine, was asked about this issue in 1925 (*Orah Mishpat, Orah Hayim* 64). His response was forceful: One must use a **non-Jew** to milk on Shabbat.

Milking on the holy Shabbat by a Jew is entirely prohibited and a terrible desecration of Shabbat, and Heaven forbid that one take a lenient view concerning this matter. There is no way of milking on Shabbat aside from having it done by a non-Jew.

It is permitted to have a non-Jew perform the milking, due to the suffering of the animal

2. There are other opinions with regard to the reason for the prohibition of milking among the *Rishonim*. In brief, they are as follows:

1. Threshing (**Ri** and **Rambam**, as above)
2. Smoothing, as one smooths the udder (**Rabbeinu Tam**, cited by *Tosafot* 73b, s.v. *mefarek*)
3. Reaping (*Yerushalmi* 7:3)
4. Selecting (**Rashba** 144b, citing **Rabbeinu Tam**)
5. Grinding (*Yere'im* 274)
6. Shearing (**Rash bar Avraham**, cited by the **Rashba**, *Ketubot* 60a)
7. Prohibited only by rabbinic law (**Rav Hai Gaon** and **Ramban**)

In exigent
circumstances, it is
permitted to milk,
and let it go to
waste

Notwithstanding this firm stance, in **exigent circumstances**, Rav Kook did not object to a Jew milking on Shabbat in such a manner that the milk would go to **waste**.³ The cows on Jewish farms at the time were Dutch dairy cows, which had to be milked daily due to their copious milk production. This is one of the reasons why Rav Kook ultimately permits **milking when the milk goes to waste**. Yet, he allows this only when there is no alternative, and on condition that the milk will actually go to waste, “but Heaven forbid and forfend that one expand this leniency any further.” The leniency to milk in this manner is because it is an act of labor that is performed not for its own sake, i.e., one that is done without any interest in that labor itself but for an incidental result. In addition, it is based on the aforementioned opinion of *Rishonim* (p. 730) that when one does not stand to benefit from the liquid being squeezed out, this is not considered Extracting.

The milking
polemic

This ruling of Rav Kook created great difficulties for many agricultural settlements; the residents wanted to adhere to his ruling, but they found it to be not practical, as it would lead to unbearable financial losses. **Rav Uziel** (Chief Rabbi of Tel Aviv at the time) felt that there were grounds to be lenient and permit a Jew to milk the cows and keep the milk, due to the tremendous potential loss and because of the value of settling Eretz Yisrael (*Mishpetei Uziel* 1, *Orah Hayim* 10). The majority of the halakhic authorities opposed this ruling, and Rav Kook himself rejected it conclusively (*Orah Mishpat*, ad loc.). The issue of milking on Shabbat, which was a great problem for Jewish agricultural settlements throughout Eretz Yisrael, aroused much discussion and was the subject of a major controversy.⁴

3. In practice, Rav Kook did not actually permit this; rather, he merely refrained from protesting against those who acted leniently: “It suffices us to turn a blind eye to those who are lenient and milk directly upon the ground. It is not appropriate that an explicit [lenient] ruling should issue forth in the name of a scholar who is an established authority . . . I have already told you that I myself have no desire to issue such a ruling, so that it will not become the common practice, but one may not protest the actions of those who permit it.”

4. A historical survey of the developments and discussions of this issue can

Among other matters, the halakhic authorities discussed whether the Jewish settlement can even exist without the labor of non-Jews. Unfortunately, nowadays there is a widespread use of and reliance upon foreign workers even in circumstances where there is no halakhic need.

Later, **Rav Shaul Yisraeli** (*Amud HaYemini* 24), who was the rabbi of Kefar Haroeh, issued a ruling permitting milking on Shabbat directly **into food**, based on the leniency that one may squeeze a liquid directly into food, as discussed earlier. This is the practice of many kibbutzim, to milk on Shabbat **onto bread**. The only commercial use available for such milk is the production of cheese, which decreases profits by half.

Rav Yisraeli: It is permitted to milk into food

The *Hazon Ish* rules that one must make an effort to enlist a non-Jew to do the milking, but if this is not possible, one may milk the animal with the milk going to waste (56:4).

As stated, none of the abovementioned suggestions provided a fully satisfactory option for the Jewish farms of the time. A satisfactory solution to the problem of milking on Shabbat emerged only in the 1950s, with the emergence of the **electric milking machine**. The leniency allowing the use of such a machine is based on the fact that the first milk goes to **waste**, while the rest of the milk is produced “on its own,” as it were, by the machine. This method of milking was first applied in Kibbutz Hafetz Haim, with the agreement of the *Hazon Ish*.⁵

The solution: Milking by means of an electric machine



Milking with an electric machine: A practical halakhic solution to milking on Shabbat.

In recent decades, this solution has been further improved halakhically by adding the element of **causation**, as the machine does

be found in an article by Dr. Chaim Peles, *Barkai* 2, pp. 108–132.

5. See Rav Kalman Kahana’s book *Ha’ish VeHazono* [The Man and His Vision] pp. 56–57, 70–71.

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not begin operating immediately when the cups are attached to the cow's teats, but only after a delay. Furthermore, a small portion of the first milk that is pumped goes to waste. This method is mentioned by the *Hazon Ish* (38:4) and Rav Yisraeli (*Amud HaYemini* 25).⁶

These methods of milking by machine (with the first milk going to waste, or by causation, or through a combination of both methods) are employed by many Shabbat-observant farms in modern times. Thus, **an elegant halakhic solution** has been found, which provides **a realistic** response to the need for a Jew to milk on Shabbat without suffering financial losses.

Milk that was
milked on Shabbat

Any milk produced on Shabbat, even in a permitted way, may not be drunk on that Shabbat itself (*Shulḥan Arukh* 305:20) because the Sages prohibited liquids produced on Shabbat, as will be explained below. If the milk was produced **in a prohibited manner**, in certain cases it is prohibited to drink it even after Shabbat. This depends on the *halakha* of “an act of Shabbat” (*maaseh Shabbat*) (*Shulḥan Arukh* 318:1), a topic that will not be discussed at length here.