

iHay Kilayim!

Rav Aryeh Finkel

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Q A local petting zoo offers free hayrides for children. They use a wagon drawn jointly by a horse and a bull. May I send my little kids on the ride?

A The Torah forbids plowing with *kilayim*, meaning two animal species working together. Other forms of labor are also included in the prohibition, including pulling a wagon filled with people.



Although the Torah's prohibition is stated in terms of the farmer who pulls or guides the animals, the Shulchan Aruch (Y.D. 297:12, based on Kilayim 8:3) rules that even a passenger in a wagon drawn by *kilayim* violates the prohibition.

Poskim debate whether the rider's violation is *deOraisa* (Rambam) or *deRabanan* (Ri cited in Tur *ibid.*) The Gra appears to adopt the position of the Rambam.

The *Acharonim* (see Da'as Torah Y.D. *ibid.*) say that the rider only transgresses if his weight can be sensed by the animals, because if it is, he causes them to go. (Apparently, the animals subtly tug at the wagon to detect that it has been loaded and then go.) If the wagon itself is large and heavy, or if the passenger is slight, his extra weight is undetectable to them. But the Chavos Yair (150) maintains that the prohibition persists even in such cases due to *mar'is ayin*. (In the case of an *issur deOraisa*, *mar'is ayin* applies even if no other Jews are present; see Mishnah Brurah 301:165).

Although there is a view that children under bar mitzvah are not subject to *mar'is ayin*, this leniency should only be used in time of need, which is inapplicable here (see Mishneh Halachos 16:3).

If the hayride is done exclusively for Jews, there's an additional *issur* of *amirah lenachri* (instructing a non-Jew to perform any *issur* for one's benefit (Shulchan Aruch *ibid.* 4)).