

ENCOUNTERS

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Halachos of pets — *Even For Those Who Don't Own Them*

Rabbi Moshe Revah

There are many halachos that a pet owner has to know on a day-to-day basis — interestingly, many of these halachos apply to your average non-pet owner as well. This article will attempt to clarify various halachos of pets that pertain to everyone.

Not eating before feeding your...kids!

There is a famous halachah that one is not permitted to eat prior to feeding his animals (*Brachos* 40a). Some *Poskim* (*Taz* 167:7; *Chayei Adam*, *Nishmas Adam* 5:11) permit eating up to a *kezayis* prior to feeding one's animals, while others prohibit any eating (*Birkei Yosef* on the *Taz*).

This halachah only applies when the animal is scheduled to eat at the same time as the owner. If one owns a goldfish or other fish where the protocol is to feed it once a week, one obviously does not have to throw in a bit of food each time one wants to eat.

Drinking is permitted according to most *Poskim* (*Magen Avraham* 167:18, *Mishnah Berurah* 167:40).

This halachah is based on the fact that if one has other beings dependent on him he should take care of them before he takes care of himself. Therefore, this halachah applies to children as well. If one has a child who needs a bottle or other food or drink, one is not able to eat prior to feeding his child (*Igros Moshe*, O.C. 2:52). It would

appear that this is the case when the child is too young to participate in the *seudah*, but if one is sitting at a table with his children, then he may partake of the food first and then feed his children, for that is the correct way to eat.

If one is in a situation where he simply cannot feed the animals under his control (e.g., he left his pet goldfish without making arrangements for its care when he went out of town), he must do everything possible to ensure that the animal is fed. If it is simply impossible to do so without actually returning home, which would be impractical, one is allowed to eat without taking care of the animal (R' Elyashiv in *Melochim Umnecho*, p. 260). It would be prudent for him to be *mafkir* the animal in front of three people, and that would absolve him of any prohibition of eating.

Children "playing" with bugs

Whether or not *tzaar baalei chayim* applies to rodents, birds, fish or insects is actually the subject of a dispute. While many *Poskim* are of the opinion that the prohibition applies to all creatures, as the *pasuk* states that Hashem has mercy on all of his creatures — this *pasuk* is used by the Gemara to include even the eggs of lice, and by some as the source for the prohibition of *tzaar baalei chayim* (see Chasam Sofer, B.M. 32a) — the Yaavetz

famously rules that *tzaar baalei chayim* only applies to animals that can be worked by man (1:17, 110). Interestingly, the Yaavetz is unsure if this applies to cats and dogs.

Even according to the Yaavetz, fish are under the rubric of *tzaar baalei chayim* (see there for his reasoning). Therefore, when one's child receives goldfish from a camp etc., care must be taken that the fish is treated fairly decently, which is justified by the enjoyment and amazement of the child, but any activity which is "over the top" and causes pain (e.g., watching the fish flop on the counter and then putting it back in water) should be discouraged.

Although many *Poskim* quote the Yaavetz without disputing him (*Birkei Yosef* 8; *Shaarei Teshuvah*, O.C. 167:9, among many others), it appears that the majority of *Poskim* are of the opinion that this prohibition applies to all creatures.

Seeing an animal in distress

If one is walking in the street and sees an animal (bird, squirrel, turtle etc.) in distress he is required to help that animal. This is a *din mid'Oraisa* (according to most *Poskim* – see *Shu"t Harav* 6 *tb"t* 4, *Kitzur Sh"t* 191:1, *Minchas Chinuch* 80:10) stemming from the concept of *tzaar baalei chayim*. This mandate even includes feeding a starving animal (*Orach*

Mesharim 15:1). (See however *Dibros Moshe*, B.M. 30:2.)

This does not mean that if one sees a cat stalking a bird or mouse he must get involved in order to save the unlucky victim. This is so because Hashem set up the world this way as the natural order of things.

Albeit we have stated that one should help an animal in pain, this does not mean that there is a mitzvah to heal an animal or take one to the vet. This is so because there is a mitzvah to extricate an animal from a situation of *tzaar*, but there is no mitzvah to help him live (*"lehachayoso"*) as there is for humans. This is actually an explicit Gemara (B.M. 88b).

Getting rid of pests

Assuming that the halachos of *tzaar baalei chayim* apply to all creatures it would nevertheless be permissible to kill animals that are a nuisance. This is another example of the logic described in a previous article, namely that animals were created for the benefit of humans, so one is permitted to use animals in any way that benefits him, including getting rid of them.

At the same time, the method for eliminating the animals must be carefully chosen. If one can utilize a method in which he is not doing the actual killing, such as where he sets a trap, it would be preferable to one in which he actively kills the pests. R' Moshe (*Igros Moshe*, C.M. 2:47) explains that even though he did not see any authority state this, he still feels if one can kill the pest in a way that avoids direct involvement, it would be better for his *middos*. Additionally, the type of trap being set would make a difference, as setting a glue trap which causes the animal immense suffering would not be as good for our *middos* as

a trap which causes immediate death, such as an electric mouse trap or the old-fashioned spring traps, which usually cause instant death. If the only way one can kill the animal is by poisoning it, causing a slow death — for example, if rodents are eating his garbage and this is the only method of controlling the pests, or one wishes to spray Raid in his house to control bugs — it seems that it would be permitted (see Maharshal in *Yam Shel Shlomo*, B.K. 10:37).

Stepping on the mouse in the glue trap

The Chazon Ish says (*Dinim V'hanhagos Mei'haChazon Ish* 2, p. 40, note 4) that if one does see a bug in the throes of death, such as a bug convulsing after it has been sprayed with Raid, it should be squashed to prevent it from suffering pain. It is uncertain if this would apply to mercifully ending the life of a mouse stuck on a glue trap, because it takes a certain amount of callousness (something Jews are not famous for) to squish a mouse in that situation. At the same time, just letting it suffer is not a great option either. Nevertheless, it appears that squishing it is to be avoided. Perhaps one can place it in a bag in middle of the street.

This is in contrast to a situation where one has a pet which is suffering from a terminal illness and the vet has recommended it be 'put down.' In that case, if it is done through an injection by someone else (the vet), it would appear to be the best of both worlds. Of course, simply putting down an animal because it no longer serves a purpose (e.g., an old farm animal that can no longer work but is otherwise healthy) is also a callous act. Whether it is prohibited because of *tzaar baalei chayim* is subject to a *machlokes* with the *Nodeh B'Yehudah* (2 Y.D. 10, 13) and other *Acharonim* as to whether killing an animal is *tzaar baalei chayim*.

Tzar baalei hayim concerning people

The mitzvah of *tzaar baalei chayim* applies to people as well (Jews and non-Jews alike), as can be proven from the Rashba (*Teshuvos* 1:252), Rambam (*Sefer Hamitzvos*, L.T.270), and Rabbeinu Gershom (*Eiruchin* 7a), amongst many other *Rishonim* (see however Radvaz 728).

The halachos of working with an animal dictate that one is not permitted to work an animal if it is muzzled. This halachah is similarly extended to humans so that if one is being served by a waiter he must allow the waiter to partake of the food so that the waiter does not endanger himself by desiring the food and not receiving it. It is not certain that one can assume that if one is eating in a kosher-certified restaurant that the restaurant took care of this concern and has allowed the waiters to partake of a little of everything that is being served, because a quick check of the some of the local restaurants here has confirmed that the waiters do not have free rein to partake of the food. Therefore, if he is informed that the waiter has not been allowed to eat in the kitchen at all, and he sees that the waiter desires to eat part of the food, one would be required to invite the waiter to partake of a minimal part of his meal (Sh"n, O.C. 169:1; see however Biur Halachah there).

This would technically affect those who purchase coffee at any non-kosher restaurant, but a quick check with a Starbucks employee confirmed that Starbucks employees are permitted to take limited free drinks daily, so one does not have to be concerned in Starbucks, at least with regards to this prohibition.

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