Part of the mitzvah of Shabbat (here in the 10 Commandments) is to allow one's animals to rest.

There is a Torah prohibition to cause animals to do melacha on Shabbat for a human being. This includes even speaking or whistling to the animal to make it work.

- It would therefore be prohibited to train a dog to bring inside a newspaper where there is no eruv.

A2] TAGS

- Can an animal wear an ID tag in an area without an eruv?²

An animal owned by a Jew may carry in a place without an eruv anything which is necessary for the benefit or protection of the animal but NOT if the item is for the benefit of the owner.

- As such if there is no eruv, tags which simply identify the animal are prohibited unless it can be argued that it is in the animal’s best interest to be returned to the owner. A tag would be permitted if it prevented the animal being exterminated as a suspect stray. Tags which confirm that taxes etc have been paid would be prohibited.³ Tags which are permanently attached to the animal are less problematic.

- A muzzle to stop the dog from biting would not be permitted.

- Clothing to keep the animal warm or clean is permitted. Frills and bows intended to make the animal look cute are more problematic!

- Clearly, if there is an eruv, all of these are permitted.

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1. The same applies on Yom Tov and Yom Kippur.
2. For more details see Shemirat Shabbat Kehilchata (SSK) chapter 27.
3. See SSK chap 27 footnote 34.
A3] WALKING DOGS AND LEASHES

An animal may be walked on a leash even with no eruv, as long as the leash: (i) does not hang more than a tefach (around 3 inches) from the hand and; (ii) is kept sufficiently taught that it does not droop within a tefach of the ground.

A4] MUKTZA

The Gemara permits one to assist an animal in pain on Shabbat, even though this overrides the rules of muktza. Chazal take for granted that the animal itself is certainly muktza.

The Magida Mishne explains that animals are not in any way designated for use on Shabbat and, as such, will be muktza and prohibited to move. (Muktza is not prohibited to touch as long it does not move).

Tosafot bring an opinion that small birds which are given as pets to children to play with may not be muktza since that have a use on Shabbat. However this argument is rejected by Tosafot and other Rishonim.

The Rishonim argue that all animals are muktza on three grounds: (i) they are muktza on a more severe level than kelim, where there could be a heter to move them if there is a need. Animals are muktza ‘machmat gufo’ and no such heter exists; (ii) use of these small birds by children is not considered ‘significant’; and (iii) Chazal declared all animals to be muktza and we apply the principle of ‘lo plug’ - that when a rabbinic decree is introduced it must apply in all circumstances otherwise it will not have effect.

Tosafot HaRosh rejects the argument of R. Yosef and rules that small birds are muktza, but for a different reason. Rather than comparing the birds to fruit left out to dry on Shabbat, he compares them to precious stones, which are muktza. The important nafka mina between these two reasons is whether prior designation of the birds for use on Shabbat would work. Fruit left out to dry is always muktza, even of the owner decided before Shabbat to use it if it became edible on Shabbat. Precious stones can however be permanently designated to use on Shabbat and ‘de-mutzefied’.

The Shulchan Aruch rules that all animals are muktza and does not distinguish.


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The Shulchan Aruch HaRav explicitly rules that pets are muktza.

- The modern question is whether pets today are really very different to the case of the birds discussed by the Rishonim. Pets today are regarded by many as family members, and the idea that they have ‘no use’ on Shabbat is less obvious.\(^5\) If the issue is designation for use on Shabbat, why can’t pets be regarded as pre-designated (effectively as ‘toys’) and thus not muktza.

- Most Poskim rule that pets are still fully muktza today.\(^6\) A minority of poskim rule that pets are not muktza.\(^7\) Rav Aharon Lichtenstein is quoted as ruling that, although one should act in accordance with the stricter opinion, one need not criticize those who are lenient since the matter is in dispute and the reasoning for the leniency is compelling.

- Even if pets are fully muktza, they can still be touched (like all muktza) as long as they are not moved.\(^8\) They can (and must) be fed, even if that involved placing food into their mouths.

\(^5\) Nevertheless the argument of ‘lo plug’ would still apply.

\(^6\) This is the psak of R. Shlomo Zalman Auerbach (see SSK 27:27 and footnote 101, although R. Shlomo Zalman rules that a guide-dog for the blind is NOT muktza - see below), Rav Ovadia Yosef (Yabia Omer 5:26) and Rav Moshe Feinstein (Igrot Moshe 4:16).

\(^7\) See Halachot Ketanot 45 (R. Yaakov Chagiz, 17C, Morocco. See also R. Shmuel David in Shu’t Rosh Tzurim 38:6 who cites Rav Mordechai Eliyahu as ruling leniently on this. In the 8th volume of Iggrot Moshe (published posthumously) (O.C. 5:22:21) Rav Moshe again rules that animals are muktza. However Rav Moshe’s grandson, R. Mordechai Tendler, adds afterwards - (xygp) ohguagak ohsjuhn ov fwt tkt. It is not clear if Rav Moshe agreed with this addition. Rabbi Pinchas Bodner writes (Halachos of Muktza p. 119 footnote 6) that he heard directly from Rav Moshe that pets are muktza.

\(^8\) There is a discussion as to whether moving the fur on an animal is considered ‘moving’ the muktza or not.

\(^9\) Partly as a reward for them not barking during the Exodus from Egypt!

\(^10\) How does this psak apply today to removing waste from public areas and disposing of it in designated garbage areas. Given the changed public attitudes to animals littering public areas, would the halachot of muktza reflect this?

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Trapping animals or birds on Shabbat is a Torah prohibition. However the Gemara specifies that tamed animals are different. Since they voluntarily return to captivity, a person who traps them on Shabbat is ‘patur’ - exempt.

- The Rishonim debate whether, in this context, ‘patur’ means exempt from a Torah violation but nevertheless still prohibited on a rabbinic level. Alternatively, ‘patur’ occasionally means ‘mutar’ and fully permitted. Could that be the case here?

The Aruch HaShulchan clarifies that animals which are TOTALLY domesticated and follow their masters’ call are not included at all in the prohibition of trapping. The debate of ‘patur’ or ‘muttar’ (referred to above) relates to animals which are not wild but at the same time are not fully domesticated.

- Most poskim rule strictly on the issue of semi-domesticated animals and, as such, it is rabbinically prohibited to trap them.

- Based on this, if a dog-owner releases the dog from a leash to run around, can they re-attach the leash afterwards? The practical halacha will depend on the level of obedience of the pet. If the dog is fully obedient, this will be permitted. Otherwise, the leash should not be re-attached.

- Puppies can be very problematic in this regard and it will be halachically problematic to shut a door to prevent them from escaping.

- Birds are even more problematic since they are not considered halachically trapped, even when shut inside a house. Given that they are generally not obedient at all, catching the bird or shutting it in a cage is likely to be a Torah prohibition.

**B] SERVICE-DOGS FOR THE BLIND**

- May a guide dog for the blind be taken into a shul?

A synagogue may not be used for ‘chol’ purposes, including eating, drinking and sleeping. However, R. Yehoshua ben Levi ruled that talmud scholars may use shuls and batei medrash for their regular needs, including eating and drinking. R. Ami instructed the gabbaim to allow even lesser scholars to enter with their donkeys and work tools!

11. See Rabbi Jachter’s article ob cit for a full discussion.

12. One solution would be to block the door with one’s body as one enters and then shut the door behind.

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Rav Moshe Feinstein (Igrot Moshe O.C. 1:45) permits guide dogs in shuls on the grounds that (i) we allow eating and drinking in shuls where necessary and, based on the Yerushalmi above, allowing animals where needed is an acceptable extension of this; and (ii) whilst bringing a pet into shul is disrespectful, a guide dog which enables the blind owner to daven there is not disrespectful.

• Other poskim are strict on the issue. There are different accounts as to Rav Soloveitchik’s position.

• The issue of guide-dogs at the Kotel has recently been discussed. Rav Shmuel Rabinowitz, Rav of the Kotel, initially prohibited such dogs but Rav Benny Lau criticized this position, based on Rav Moshe’s teshuva. Rav Rabinowitz subsequently amended his psak following discussions with Rav Lau.

C) SOME MIDRASHIC CLOSING THOUGHTS

Chazal stressed the need to learn middot from the animal world - dignity from the cat, industry from the ant, loyalty from the dove and propriety from the chicken.

Chazal enjoined us to be tough like a leopard, light like a vulture, swift like a deer and strong like a lion.

13. Such as R. Yaakov Breisch (Chelkat Yaakov 3:45).
The Tur famously uses this Mishna as his opening passage to inspire us to proper service of God.

Even dogs, who often get a negative press in Rabbinic thought, have some important redeeming features.

The Talmud Yerushalmi recounts a story of a sheepdog who saved the lives of its masters by jumping in to drink poisoned milk.

In the parallel version of this story in Pesikta d’Rav Kahana the shepherds bury the dog, erect a monument and name it ‘the tombstone of the dog’!

15. Since the last shiur I discovered the following article: *Dogs in Jewish Society in the Second Temple Period and in the Time of the Mishnah and Talmud* - Joshua Schwartz, Bar-Ilan University, Journal of Jewish Studies Vol LV, no 2 (Autumn 2004), available at http://www.jjs-online.net/archives/fulltext/2552. In that article, he also references over 10 other articles dealing with dogs, cats and other animals in Biblical and Rabbinic writings.

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