Good Dogs and Bad Dogs in Jewish Law

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About the Author

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Listed in a number of prestigious Who’s Who publications, Dr. Rosner has been an international authority, visiting professor, and lecturer on medical ethics. He is a member of the professional advisory board of the Kennedy Institute for Ethics of Georgetown University. He is the founding and former chairman of the Medical Ethics Committee of the Medical Society of the State of New York, and former cochairman of the Medical Ethics Committee of the Federation of Jewish Philanthropies of New York as well as coeditor of its popular Compendium on Medical Ethics.

Dr. Rosner reviews manuscripts for nineteen professional medical journals and serves on the editorial board of three of them. He has published thirty-eight books, written chapters by invitation in several dozen books, and is a contributor to the Encyclopedia Judaica and the Encyclopedia of Bioethics. His bibliography has nearly one thousand items. He is author of eight widely acclaimed books on
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**ABSTRACT**

Did the Talmud Sages restrict the conditions for raising only dangerous dogs, or do the restrictions apply also to tame pets? Most halakhic adjudicators rule that the restrictions are on all dogs, while other authorities maintain that the restrictions are only on dangerous, frightening dogs. Jewish law infers from the Torah that animals in our possession should be fed before we ourselves sit down to eat. Although normally we are not allowed to handle a dog on Shabbat, blind people are allowed to use a Seeing Eye dog, even on Shabbat and even in the synagogue.

**INTRODUCTION**

Millions of people around the world have household pets, which they love like an extra member of the family. Pet owners are willing to bear the burden and the expenses for feeding, vaccinating, walking, and generally caring for their pets, including grooming and washing them. Even small pets such as gerbils or rabbits require considerable care and expense. Their owners are more than happy to take on this burden, particularly if they also have children who enjoy cuddling their favorite pets. The issue of Jews having pets is rarely discussed in halakhah (Jewish law). This essay presents the development of halakhah.

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on the question of raising dogs, based on Talmudic, post-Talmudic, and recent authorities.

REVIEW OF THE TORAH, MISNHAH, TALMUDIC, AND POST-TALMUDIC RULINGS

The Torah itself does not forbid raising pets at home. Exodus Midrash Rabbah, expanding on the Biblical commandment to give torn flesh of animals found in the field to the dogs, speaks favorably of dogs and the debt the Jewish people owe them.

You shall be holy people unto Me and do not eat treifah [flesh torn off in the field by a predator] but cast it to the dog (Exodus 22:30).

Midrash Rabbah asks about this verse: “Why to the dog?” and replies:

The L-rd said, You owe it to the dogs because when I killed the first-born of Egypt, the Egyptians stayed up the whole night burying their dead, and the dogs kept barking at them but not at the Israelites, as it says, “But against any of the children of Israel not a dog will move its tongue...” (Exodus 11:7). You are therefore indebted to the dogs, so give them the treifah meat (Midrash Rabbah 31, passage 9).

With all due respect for our historic debt to the dogs in Egypt, however, the Talmud Sages were more concerned about the potential harm caused by keeping a dog in one’s home. The Torah commands us:

Do not allow a dangerous situation to remain in your house (Deuteronomy 22:5).

The Mishnah (the first written redaction of the Oral Law, second-century BCE) rules:

A person should not raise ha’kelev [the dog] unless it is chained down (Mishnah Bava Kama, perek 7, mishnah 7).

Rabbi Nathan links this mishnaic ruling with Deuteronomy 22:5.

Rabbi Nathan says, “What is the source that a person should not raise a kelev ra [literally, a bad dog] in his house...? ‘Do not allow a dangerous situation to remain in your house’” (Deuteronomy 22:5). (Talmud Bava Kama 16b and identically on page 46b).
Moreover, the Talmud states in the name of Resh Lakish:

He who raises a *kelev ra* in his house keeps away loving-kindness... [because the poor are afraid to call to ask for alms]... A woman entered a house to bake. The dog [of the house] barked at her, whereupon her baby was miscarried. The owner of the house told her, “Do not be afraid: the fangs and claws [of the dog] have been extracted.” She replied, “Take your favor and throw it to the thorns. I have already lost my baby” (Talmud *Shabbat* 63a-b and also *Bava Kama* 83a).

In its ruling in *Bava Kama* 83a, the Talmud restricts a dog owner to chain down his dog or to raise it in a border town where he keeps it chained during the daytime:

A person should not raise the dog [ha’kelev] unless it is kept chained down... One may, however, raise it in a border town [near enemies as a protection for the inhabitants], where it should be kept chained during the daytime and let it loose [only] at night... Rabbi Eliężer the Great says that he who breeds dogs is like a person who breeds swine.

The above four citations from the Mishnah and the Talmud challenge us how to define the seemingly simple words *ha’kelev* and *kelev ra*. Why do our mishnah and *Bava Kama* 83a and commentaries on them for centuries afterward use the awkward wording of “the dog”? The context of all four discussions is the prevention of harm and the preservation of life. The dog in the example in tractate *Shabbat* could not have bitten or clawed the pregnant woman, but nevertheless the fear that it engendered caused mortal damage. Moreover, Rabbi Yom Tov Lippmann Heller (Prague and Krakow, sixteenth century) clarifies in his commentary on this mishnah that when the Talmud Sages modify “dog” with the definite article to read *ha’kelev*, the meaning is synonymous with the term *kelev ra*, a dog that has to be chained down or raised in a border town.

Therefore, a *kelev ra* and its synonym *ha’kelev* mean a dangerous and/or frightening dog, and this is how we shall translate these two terms below.

Not all the Talmud Sages, though, considered *all* dogs as *kelev ra* — dangerous and needing restriction. In a ruling that was not included in the Mishnah, Rabbi Shimôn ben Elazar states:
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...tame dogs [klavim kofrim]...and cats [and other animals are permitted to be] raised, and they clean the house (Tosefta Bava Batra, Part 8, halakhah 5).

The great codifier Maimonides (Spain and Egypt, twelfth century) held word by word with the majority opinion of the Talmud:

...Our Sages prohibit the breeding of swine in any place and [they prohibit raising] ha’kelev [a dangerous or frightening dog] unless it is chained down. But [one is permitted] to raise dogs in a border town [near enemies as protection for the inhabitants, provided] the dogs are chained down during the daytime and let loose [only] at night. And our Sages said: cursed is he who raises dogs or swine because they commonly cause much damage (Mishneh Torah, Laws of Damage to Property 5:9).

Hagahot Maimoniyot (Germany, thirteenth century), in his commentary on Maimonides, adds in defense of owning a non-dangerous or non-frightening dog:

...but a dog that is not ra is permitted... (Hagahot Maimoniyot on the Mishneh Torah, Laws of Murder and the Preservation of Life 11:4).

In his Code of Jewish Law, that is still used as the standard today, Rabbi Yosef Karo (Tsfat, fifteenth century) rules as the Talmud and Maimonides rule, specifying that the restrictions are only on kelev ra:

It is prohibited to raise a kelev ra [dangerous, frightening dog] unless it is chained down in iron chains. It is permitted to raise it in a town near the border [with enemies], provided it is chained down during the day and let loose [only] at night (Shulḥan Ārukh, Hoshen Mishpat 409:3).

Rabbi Moshe Isserles (the Rama, Poland, sixteenth century) adds a distinction between dangerous and non-dangerous dogs in his gloss on the above ruling of the Shulḥan Ārukh:

There are those who say (see Hagahot Ha’Rif) that now that we live amidst the Gentiles and the nations, it is entirely permissible [to raise dogs]. Go see what people are doing. However...if it is a kelev ra liable to harm anyone, it is forbidden to raise it unless it is chained in iron chains (Rama, Shulḥan Ārukh, Hoshen Mishpat 409:3).
RESPONSA LITERATURE

What is the attitude towards raising dogs expressed by more recent adjudicators — living in societies where it is popular for families to have tame house pets? Below are a few rulings:

Rabbi Yaakov ben Tsvi Emden (the Yạvets, Germany, eighteenth century) was asked whether a pet dog or cat has to be fed before the owner sits down to eat.

In She’elat Yạvets (Part 1, responsum 17), the Yavets replies that he presumes that the basis for asking the question comes from the assumption that a dog is a kind of cattle, referred to in the Torah:

And I will provide grass in your field for your cattle and you will eat and be satisfied (Deuteronomy 11:15).

This Biblical verse implies that we must feed our domesticated cattle before we sit down to eat. But the dog is not cattle. The Yavets says that dogs and cats can scavenge for food, while domesticated cattle and sheep are dependent on their owners for food. Therefore, dogs and cats do not fall into the same category as cattle and sheep. Nevertheless, out of loving-kindness for animals, we should feed our dog before we eat. We should not own more than one dog, and whether it is dangerous or tame, it must be chained, as the Mishnah rules. Jews should not waste time playing with dogs, and women should not raise dogs or take dogs out for walks.

The contemporary authority Rabbi Shmuel Wosner of Israel was asked about a German shepherd dog that roams at night. Although it has never attacked anyone, people are afraid of it. Is it permitted for someone who is not the owner to kill this dog? The basis for the question comes from the permission that Rav gave to kill a cat that had bitten a young child (Talmud Bava Kama 80b). Rabbi Wosner replied no, the dog should not be killed, but it should be tied down so people will not be frightened by it (Shevet Ha’Levi, Part 8, siman 69).

The Fourth Commandment given at Mount Sinai instituting the seventh day as a day of rest includes our animals (Exodus 20:8). This is the basis for the prohibition on handling animals on Shabbat (Shulḥan Ārukh, Oraḥ Hayyim 308:39). Therefore, a dog is muktseh and should not be touched or carried on the Sabbath.
Rabbi Yehoshua Y. Neuwirth (who died in Israel in 2013) detailed the ramifications of this prohibition in *Shmirat Shabbat K’Hilkhatah*. In Chapter 27 of volume one, Rabbi Neuwirth outlines how we can walk our dogs on Shabbat, using a leash. If a pet dog is let loose to run outside an *eruv* (the bordered area in which it is permitted to carry on Shabbat), it should not wear its dog tag (so that it will not be “working” for us). If someone is bitten by a dog on Shabbat, we are allowed to trap the attacker to have it checked for rabies (Chapter 35:6). If necessary, we are allowed to destroy a dangerous dog on Shabbat (Chapters 25:1 and 41:22).

The twentieth-century adjudicators Rabbi Moshe Feinstein (who died in the USA in 1986) in *Igrot Moshe (Orah Hayyim*, no. 45) and British Rabbi Aryeh Leib Grosnas in *Lev Aryeh* (Part 2, no. 7) allow the use of a Seeing Eye dog both on weekdays and on Shabbat. Rabbi Feinstein adds in his responsum that it is permissible to bring a Seeing Eye dog into the synagogue for prayer and to hear the Torah reading, and especially on the High Holidays when many people assemble. He advises that the blind man and his dog sit near the exit, so as not to be a distraction.

**SUMMARY AND CONCLUSIONS**

Talmudic, post-Talmudic, and the responsa literature of the past several hundred years rule that Jews should not raise dangerous dogs that can frighten or attack innocent people. However, if the dog owner ensures the safety of innocent people by chaining the dog so it cannot get loose, then it is probably permissible. In settlements close to the border of neighboring enemy countries where dogs are needed to protect the inhabitants from intruders intending to harm or kill innocent people, it is permissible to raise dogs, provided they are chained during the daytime and let loose only at night.

Tame dogs, particularly Seeing Eye dogs, are allowed, even on Shabbat (although other types of dogs are muktseh). We should be vigilant that animals in our possession are harmless and will not frighten anyone, child or adult. Before we sit down to eat, we must feed the animals in our possession.