

# HALOCHOSCOPE

**This week's question:**

**Is there any concern about keeping a *Sefer Torah* in a house where there is also a house pet, such as a cat or dog? The pet is house-trained.**

**The issues:**

A) Respect for a *Sefer Torah*

B) Keeping pets

C) Animals in *shul*

**A) *Kavod Sefer Torah***

Each aspect of respect one is obliged to show for a *Sefer Torah* appears to have its own source. The main factor is the content of the *Sefer Torah*. As the Talmud says, it has within it the words of the *Luchos Habris*, tablets of the covenant, and must be treated with respect. We are commanded to respect students of the Torah, so we must certainly respect the Torah itself. The other factor is the sanctity with which a *Sefer Torah* must be written, and with which its materials are manufactured.

The sources for the *mitzvah* to respect a *Sefer Torah* include the *mitzvah*, *umikdashi tira'u*, revere [My] sanctuary. This applies to the *Bais Hamikdash*, but also to *shuls* and holy artifacts. A *Sefer Torah* is considered *kedusha atzma*, holiness itself. It is on the highest level of *kedusha* that we have nowadays. Due to this reverence, one may not sit on the same level as a *Sefer Torah*, nor do anything mundane in its presence. It must be treated with extra care, and a special place must be designated for it. Some derive this from the *pasuk* stating that the *Sefer Torah* written by Moshe was placed beside the *Aron Habris*, holy ark in the Tabernacle. This teaches us to treat the *Sefer Torah* with comparable reverence and to designate for it a place of honor. The same *pasuk* states that the *Sefer Torah* will serve as a witness. In its presence one must feel profound awe.

*Mipnei saivah takum* is the Scriptural *mitzvah* to rise for an approaching Torah scholar and to remain standing until he passes by or reaches his seat. This is also part of a more general *mitzvah* to respect a Torah scholar, which is, in turn, derived from the language of the *mitzvah* to revere Hashem Himself. From this *mitzvah* we learn that if one must rise for those who study the words, one must certainly rise for the *sefer* itself. From a further *passuk* we learn that one must walk along to accompany a *Sefer Torah*, as it says, 'you shall follow behind Hashem your G-d'.

Obviously, one may not behave disrespectfully in the presence of a *Sefer Torah*, even if the disrespect is not directed at the *Sefer Torah*. One may not turn his back on it. Certain bodily functions may not be performed in the presence of a *Sefer Torah*. One may not hold a *Sefer Torah* 'naked'. Some say this means one who is inappropriately clad or unclad may not hold it. Others say it refers to holding it with bare hands, while the *sefer* is 'naked', without its wrappings. One may not stretch ones legs in its presence.

In addition to respect, one must also beautify the *Sefer Torah*. This is part of the general *hidur mitzvah*, beautifying any *mitzvah*, but for this *mitzvah* in particular stronger terms than the usual are used. It must be written beautifully and adorned with beautiful coverings. The immediate coverings are the *mitpachas*, wrapping, which nowadays is the *gartel*, and *tik*, the pouch, which nowadays is the *mantel*. They must be made of superior quality materials. As mentioned, a special place must be designated for the *Sefer Torah*. This is the source for the *aron hakodesh*. The *aron hakodesh* has a special level of *kedusha*, by virtue of its housing the *Sefer Torah*. It is either built into the Eastern wall of a *shul*, or is a self-contained chest. While one may not usually turn his back on the *aron hakodesh*, when addressing the congregation, the *rav* may do so, out of respect for the *tzibur*. The justification for this rests on the principle that the *aron hakodesh* is kept closed at all times, except when the *Sefer Torah* is removed or returned. The status of the *aron hakodesh* as a secure or an honorable place for the *Sefer Torah* is debated. However, all agree that since it is kept closed, it is meant to separate the *Sefer Torah* from the room it is in. Therefore, as long as it is closed, certain activities that would otherwise be restricted in the presence of the *Sefer Torah* are relaxed. Nonetheless, the *aron hakodesh* commands its own respect. [See Brochos 25b-26a, Eruvin 91a, Megilah 26b (Tosefta 3:14) 32a, Kidushin 33a-b, Avos 4:6, Sofrim 3:11-13, Poskim. Rambam Tefila 11:2 Sefer Torah 10:2-11 (Kiryas Sefer). Tur Sh. Ar. OC 147:1, 154:3-6, YD 282, commentaries.]

#### **B) Keeping pets clean**

The *halachic* issues that arise with regard to house pets usually involve causing undue pain, *muktzeh*, *tircha*, extra bother, and trapping on *Shabbos*, feeding them on *Pesach*, and year-round before one's own meals, cleanliness and watching them sufficiently. There is a suggestion by some poskim that in Talmudic times there did not exist a concept of owning an animal for pure play. Animals served a function to earn their keep, either on a daily basis, or at the end of their 'lives'. Accordingly, the issues that arise in Talmudic discussion might not apply to modern-day pets. However, others contend that the concept did indeed exist, in a limited sense. The Talmud discusses a chick being used as a plaything for a child. Until it grows too big for this use, it would appear that it serves a function as a pet. It could then be kept indoors, and issues of cleanliness arise. The Talmud discusses the wealthy feeding pet ravens. Petting them is not discussed, presumably because they are not usually petted. In discussing the laws of damages by privately owned animals, the Talmud refers to cases of lions or tigers. This implies that one could have tamed (somewhat) a wild animal. Having no productive use, they were probably pets. They might be part of a menagerie or circus, or used in sport, in which case they are not pets. The Talmud discusses the prohibition against raising a 'bad dog' in Israel. Dogs served as guards and as sheep-dogs. Presumably, the bad dog had a purpose, or it would not be kept by its owner. It might have been a guard dog, or it might have been a pet that was only controlled by its owner. In the next section, we will discuss a case in which a Talmudic sage kept a lamb for company.

In our case, the primary issue is cleanliness. There are three issues here. The presence of the animal itself poses a cleanliness issue. Certain animals are considered inherently unclean. One may not recite holy things in their presence. Their presence might be considered disrespectful to holy things. This will be discussed in the next section. The

second issue is their droppings. If an animal is kept in separate quarters, one need only clean its quarters and the animal itself periodically. The issue arises whether the room used for such animals should have a *mezuzah* affixed. This does not apply if an animal is kept in the house with humans. However, the house must be kept clean, since *brochos* and *tefilos*, not to mention Torah study, take place there. One must take care to remove any filth as soon as possible. On *Shabbos*, one must cover the filth. In the presence of filth, one may not recite holy things. The problem with it is both its visible presence and its smell. There are two categories of filth. Human waste is considered decaying with a smell automatically. Some animal's filth is included in this category, including that of cats. Generally, animal filth is not automatically considered decaying. Therefore, as long as it does not smell, and one does not see it, holy things may be recited. Dogs' filth is included in this second category. The third issue relates to the act of relieving. In front of an animal that is in the middle of relieving itself one may not recite holy things.

It is important to mention that with regard to holiness, the dog is singled out in respect to a certain *mitzvah*. One may not offer an animal as a *korban* if it was exchanged directly with a dog. The reason offered for this is that the Prophet considers the dogs particularly arrogant. In fact, the dog was the only animal that mated in the ark. As a punishment for this, while other animals practice some modesty for this, the dog does it brazenly, with everyone able to see. If one brings an animal that was exchanged for his dog, he might think of his dog and its nature when offering it. This might make him feel arrogant when he should be feeling submissive. [See Brochos 20b-26a, Poskim. Tur Sh. Ar. OC 75:esp. 4, 76:3, 79:esp. 5, (Kaf Hachayim) YD 286:1-4, commentaries. Refs. To Halochoscope IV:40-41. Yeshaya 56:11. Chinuch 331.]

#### **C) Animals in a shul**

The poskim discuss a blind person bringing his 'seeing eye' dog into a *shul*. While some forbid it if it is done publicly or openly, others permit it. The basis to permit it is that the blind person relies on this to be able to perform all the *mitzvos* that can only be done in *shul*. Therefore, it is considered an extremely pressing situation. However, due to the distraction factor, he should sit near the door, where less people will see the dog.

In discussing the matter, a few Talmudic passages are cited. The Yerushalmi cites a ruling that when a *melamed* teaching in a *shul* is visited by a minor scholar, he may invite him in, and even let the scholar use the *shul* for slightly mundane living needs. These include bringing his donkey into *shul*. It would appear that bringing a donkey into *shul* is not considered the type of disrespectful behavior that is forbidden. We may derive from here that it would certainly be permitted in a private house, despite the fact that the house houses a *Sefer Torah*. While the *Sefer Torah* and the *Aron Hakodesh* demand one's respect, the *shul* demands yet more respect. It is a place dedicated to public prayer and study. Some poskim forbid demeaning activities in a room that is directly above a *Sefer Torah*, but others maintain that this does not apply to a private home. Thus, we see that a private home is treated at least as leniently as a *shul*, if not more so.

A second passage describes a certain Talmudic sage who had a lamb accompanying him everywhere. His mother had trained it to keep him company in a privy, because these were considered dangerous places in those days. Since he was a Talmudic sage, and the lamb accompanied him everywhere, one must surmise that he took it into the *bais hame-*

*drash* with him. That would be where he spent most of his time. Though this proof is not conclusive, the first seems to be so. Therefore, at least for the needs of attendance at *shul*, one may be accompanied by an animal.

Though our case does not involve the same issues, it seems that as long as the dog is house trained and is kept clean, there is no issue with keeping the *Sefer Torah* in the same house. It might be prudent, to keep the dog away when the Torah is taken out for use, although in Talmudic times the *Sefer Torah* was used to study from. Evidently, animals were allowed to be present at the time. Furthermore, the Talmud forbids placing a *Sefer Torah* down directly on a donkey. This is a disrespectful way to transport it. One must rather carry it. The issue does not appear to be the animal, as much as the manner of transportation. Accordingly, it would appear that there is no problem in our case.

Finally, it is possible that the issue of disrespect would only arise if the animal behaves in an untrained manner. That is, if it roams wild and does not follow instructions easily. A trained animal, especially if it is trained to live in a house with humans, would be considered benign in this respect. While one would still have to consider it arrogant, in keeping with the words of the *Navi*, its specific behavior would not be considered a slight to the *Sefer Torah*. However, this is conjecture. One must still take extra care to make sure that the dog does not act disrespectfully in the presence of the *Sefer Torah*. [See Brochos 62a, Yerushalmi Megillah 3:3. Igros Moshe OC I:45. Sefer Chasidim 812. Taz OC 151:4.]

***On the Parsha ... And [Pinchas] arose from the midst of the congregation, and he took a spear in his hand ... [25:7] From here we learn that one may not enter a bais hamedrash with his weapons. [Sanhedrin 82a] he must not have had it in his hands until now. He was in the bais hamedrash with the 'congregation' of the sanhedrin. [Rashi] The Shulchan Aruch [OC 152:2] forbids entering a shul with a long knife. The Bais Yosef explains, the theory is that the knife can shorten life, while the shul lengthens life. This is similar to the ruling that one may not use iron to fashion the stones for the mizbaiach. [See end of Yisro] The Maharatz Chayes asks, the Talmud seems to derive it from another source here in our parsha. Why does the Bais Yosef need to compare it to the mizbaiach? Perhaps the Bais Yosef is looking at it differently. What is the basis for what Pinchas did, leaving his weapons outside the bais medrash? Is it disrespectful? In one view, weapons can be adornments. [See Shabbos 63a] Would he argue with Pinchas? It must be in conjunction with the principle mentioned in constructing the mizbaiach. As some poskim point out, why should it be forbidden to bring a long-bladed knife, and be permitted to bring a short bladed knife? Both are iron and could shorten life! There is a difference in how the knife is usually used. A weapon is used primarily to shorten life. Therefore, it is always forbidden. It is indeed disrespectful to the bais medrash. A long bladed knife could be used to shorten life, or to do something innocent. Just as one may not use iron tools, that could be used for innocuous purposes as well, on the mizbaiach, so too, one may not bring long-bladed knives into a bais medrash. However, short bladed knives are used for good things only. Perhaps we could compare it to bringing a dog into the presence of a Sefer Torah. If it is a tame animal, it is not disrespectful to the Torah.***

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