

# *It's Reigning Cats & Dogs*

PARSHA INSIGHTS - CHAYAI SARAH (5759)

## **ANIMALS HAVE NO RIGHT TO DRINK BEFORE HUMANS**

Eliezer, servant of Avraham, was dispatched to the region of his master's homeland to find a wife for Yitzchok. He traveled to Aram Naharaim, part of ancient Mesopotamia (24:10). Eliezer made his famous "deal" with Hashem, that the girl who would meet certain criteria and conduct herself in a specific manner would be the chosen bride. One main condition was: She was expected to offer water to Eliezer and his camels in a particular way. Eliezer prayed: "She shall say, 'Drink, and I will give your camels to drink also' - let her be the one you have chosen for your servant, Yitzchok" (24:14).

A simple observation can be made from this *pasuk* [verse]. When it comes to drinking, people rightfully go before animals. That is why Eliezer made his request this way, and Rivka actually provided water for Eliezer before the camels (24:18-19). Is this a true *halacha* [Jewish law]? In *Shulchan Aruch Orach Chaim* 167:6, the topic is discussed. The *Magen Avraham* in note 18, citing another source, declares that "concerning drinking, people take precedence, as we find by Rivka. (Eliezer predicted that the following should happen:) She said, 'Drink, and I will give your camels to drink also.'" **Thus, people drink before animals.**

What about eating? The *din* [law] is clearly the opposite. The *Gemara Brachos* 40A states: Rav Yehuda says in the name of *Rav* that a person is forbidden to eat before feeding his animal. What is the source? We say it every day in *Shma*. "I will send grass in your fields for your cattle, and you will eat and be full" (*Parshas Aikev* 11:15). The *Gemara* comments on the chronology, that "you will eat and be full" only AFTER your cattle have eaten. The reason for the distinction between eating and drinking will come up later.

Is it a REQUIREMENT to feed one's animals first, or is it simply a meritorious act? The Rabbi Jacob Joseph *halachic* [legal] journal of *Pesach* [Passover] 5752 (Spring of 1992) analyzes this, based on the early and later sources. The article is written by Rabbi Jachter. The *Rambam (Maimonides)* seems to interpret this as beyond the letter of the law, not required. He mentions that it is praiseworthy to do even more than the Torah requires in some situations. In *Hilchos Avadim* 9:8, *Rambam* gives two examples of exemplary behavior which exceed the strict obligations of *halacha*. They were models of conduct exhibited by the early sages. Firstly, they would feed their servants the same types of food they themselves were eating. Secondly, **THEY WOULD FEED THEIR SERVANTS AND ANIMALS BEFORE FEEDING THEMSELVES**. We see that the *Rambam* holds that this is not something required by the letter of the law. Rather, it is recommended righteous behavior. This is apparently how he interprets the *Gemara Brachos* 40A cited before. (If you are easily confused, please skip the inset below, and go to the next paragraph.)

☞ For further study, delve into the *Rambam* and *Kesef Mishneh* in *Hilchos Brachos* 1:8. There, looking at the whole *Gemara*, which is the source for the *din*, the OPPOSITE can be deduced, that the *Rambam* requires one's animals to be fed first. The *Rosh* and *Rif* on *Brachos* 40A appear to feel the same. If so, our *Rambam* in *Hilchos Avadim* does NOT mean to say that feeding animals first is merely optional. There would have to be another way to interpret this *Rambam*. The *Ain Mishpat* on *Brachos* 40A alludes to this difficulty as well.

Rabbi Jachter suggests that the *Shulchan Aruch* follows the *Rambam*, that one is not OBLIGATED to feed his pets before himself. The evidence? This *halacha* is never mentioned explicitly. The closest the *Shulchan Aruch* gets is to state a different *din*. One who interrupts between the *bracha* [blessing] for a food and the actual eating by saying "feed the animals" has not really interrupted, so he need not repeat the *bracha* (*Orach Chaim* 167:6). Rav Yosef Karo, author of the *Shulchan Aruch*, never says it straightaway, that one has to feed his animals first. It's just that since feeding animals is so important, the directive to bring them food does not constitute an interruption between the person's *bracha* and his eating. This is based on the *Gemara Brachos* 40A quoted above.

☞ As in the above inset statement concerning the *Rambam*, this is debatable.

Although the *Rambam* and *Shulchan Aruch* might consider it optional, most authorities hold it IS an obligation to feed animals first. We talked about a *Magen Avraham* 167:18 before. He explains that saying "feed the animals" between the *bracha* and actual eating is not viewed as an interruption, because this is called "needs of

the meal”. Why? Because one is NOT ALLOWED to taste any food before feeding his animal. Thus, the one who made this statement, even after a *bracha* but before partaking of food, has not created an irrelevant interruption. It IS quite relevant and significant for those animals to get their food right away. (Still, one is not permitted to plan on making any such statements between the *bracha* and eating. Just that after the fact, if the utterance DID occur, the *bracha* need not be repeated. For this purpose, it is considered that no interruption was made.) There is a discussion among authorities as to whether the prohibition is Biblical or *rabbinic*, but the *poskim* [authorities on Jewish law] conclude that one should not start a meal before feeding his pets. The *Chayai Adam* 45:1, *Mishna Brura* 167:40, and *Aruch Hashulchan* 167:13 hold this way. The *Chayai Adam* includes birds (the ones for which a person is responsible) in this *din* of going first. He adds that although (free-range) chickens and privately raised (outdoor) cats can find food in the garbage outside, it is praiseworthy (but not required) to give them food (and first also).

The RJJ journal quotes Rabbi Yaacov Emden in *Sh’ailos Ya’avetz* 17, that the entire law does not apply to (outdoor) dogs and cats, because “food is available for them practically everywhere, since they can forage for food in the garbage and the like.” Consequently, they are not dependent on their owners for survival. The *Chayai Adam* of the preceding paragraph seems to be citing this information. However, says Rabbi Jachter, Rabbi Emden’s ruling does not seem to apply to some animals which are confined to a yard or house, since they cannot find food on their own. These would surely need to be fed, and thus fed first.

We learned from Rivka that people are supposed to DRINK BEFORE ANIMALS. Another famous basis for this is in *Parshas Chukas*, 20:8. When Hashem told Moshe to speak to the rock and cause water to flow, he was instructed to “give drink to the congregation and their animals.” We see, says the *Chayai Adam* and others, that people **drink** first. The *Mishna Brura* 167:40 and *Aruch Hashulchan* 167:13 both *poskin* [render a *halachic* decision] this way.

Why do people have a right to drink first? Shouldn’t the rule for eating and drinking be identical? Rav Boruch Halevi Epstein, on our *pasuk*, explains as follows. Based on *Tosfos* in two places (plus life experience), we have evidence that sometimes people eat even when they are not actually hungry. But generally, humans only drink when they are truly thirsty. Thus, if a human needs to drink, he REALLY has this need, so it is improper to make him wait until after his pet. When it comes to saving individuals from discomfort, there is no doubt about it—humans take priority! But since a person is often not genuinely hungry for food, and he can wait longer, his animal is served first. What if he really IS hungry? Does he go before his animal? Rav Epstein says that in such a case, the person should logically go first, but the *din* needs some investigation. If you have a pet, and such is your situation, ask a *shaila* [*halachic* question].

In summary, we can learn from Eliezer and Rivka that people DRINK before animals. On the other hand, animals generally EAT before people. For all practical questions, please consult a competent *rav* [rabbi].

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