



## Compassion for all Creatures

By Rabbi David Sears

"God is good to all, and His mercy is upon all His works" (Psalms 145:9). This verse is the touchstone of the rabbinic attitude toward animal welfare, appearing in a number of contexts in Torah literature. The Torah espouses an ethic of compassion for all creatures, and affirms the sacredness of life. These values are reflected by the laws prohibiting *tza'ar baalei chaim* (cruelty to animals) and obligations for humans to treat animals with care.

At first glance, the relevance of the above verse may seem somewhat obscure. It speaks of God, not man. However, a basic rule of Jewish ethics is the emulation of God's ways. In the words of the Talmudic sages: "Just as He clothes the naked, so shall you clothe the naked. Just as He is merciful, so shall you be merciful..."<sup>1</sup> Therefore, compassion for all creatures, including animals, is not only God's business; it is a virtue that we, too, must emulate. Moreover, rabbinic tradition asserts that God's mercy supersedes all other Divine attributes. Thus, compassion must not be reckoned as one good trait among others; rather, it is central to our entire approach to life.

Benevolence entails action. Beyond the subjective factor of moral sentiment, Judaism 1) mandates kindness toward animals in halakhah (religious law), 2) prohibits their abuse, 3) praises their good traits, and 4) obligates their owners concerning their well-being. In this article, we consider our responsibilities to animals as creatures of God, deserving of compassion and respect.

### Kindness Toward Animals

"One should respect all creatures," asserts Rabbi Moshe Cordovero, "recognizing in them the

greatness of the Creator Who formed man with wisdom. All creatures are imbued with the Creator's wisdom, which itself makes them greatly deserving of honor. The Maker of All, the Wise One Who transcends everything, is associated with His creatures in having made them. If one were to disparage them, God forbid, this would reflect upon the honor of their Maker."<sup>ii</sup>

Compassion for animals is the measure of spiritual refinement. In his classic work of Jewish ethics, Mesilas Yescharim ("Path of the Upright"), Rabbi Moshe Chaim Luzzatto (1707-1746) asserts that it is one of the basic characteristics of a chassid, by which he means a person striving for spiritual perfection.<sup>iii</sup> Indeed, the Midrash states that both Moses and King David were chosen by God to be leaders of Israel because of the compassion they had previously demonstrated toward their flocks.<sup>iv</sup> There are countless tales of tzaddikim (righteous individuals) and their concern for the well-being of animals. This concern may extend even to wild creatures for which we bear no direct responsibility.

As the Maharal of Prague (Rabbi Yehudah Loew ben Bezalel, 1512-1609) observes, "Love of all creatures is also love of God; for whoever loves the One, loves all the works that He has made."<sup>v</sup> The realization of this truth is the central point of Jewish mysticism. And it is the root of the Jewish ethic of compassion for all creatures.

### **The Laws of *Tzar Ba'alei Chaim*—Preventing Cruelty to Animals**

On what grounds are acts of cruelty to animals (*tza'ar baalei chaim*) prohibited? Nowhere does the Torah state, "Thou shalt not afflict animals." Yet the rabbis of the Talmud all tacitly accept that such acts are forbidden by virtue of an unbroken tradition beginning with Moses at Mount Sinai. They only question the specific grounds and ramifications of the prohibition.<sup>vi</sup> The Talmud (Bava Metzia 32b) cites a dispute as to whether *tza'ar baalei chaim* is forbidden by scriptural law or rabbinic decree. The discussion concerns the case given in Exodus 23:5 in which a traveler encounters the animal of his enemy "lying under its burden," and the Torah's mandate that he intervene.<sup>vii</sup> Although the Talmudic discussion is inconclusive and some later opinions view the prohibition as rabbinic,<sup>viii</sup> Maimonides (R' Moshe ben Maimon, 1135-1204) and most authorities treat the prohibition as scriptural.<sup>ix</sup>

What practical difference does this make? One difference is that if *tza'ar baalei chaim* is scripturally prohibited, one must not only refrain from causing an animal pain but actively intervene to relieve it. According to some authorities, this is implied by the Torah's injunction in the above-mentioned case, "You shall surely help him with it."<sup>x</sup> Another practical implication concerns the laws of the Sabbath. If the prohibition is scriptural, certain Sabbath restrictions may be waived to relieve the pain of an animal.<sup>xi</sup> Still another variable is the severity of punishment for transgressing scriptural, as opposed to rabbinic laws. The prevailing halakhic (Jewish legal) view is that *tza'ar baalei chaim* is scripturally forbidden.<sup>xii</sup> Therefore, we are obligated to assist an animal; and, on the Sabbath, this obligation takes precedence over all rabbinic restrictions.<sup>xiii</sup>

### **Animals for Food**

One issue about which Judaism disagrees with the animal rights movement (or at least one trend within the animal rights movement) is the philosophical view that puts animals and humans on the same plane.<sup>xiv</sup> The prohibition of *tza'ar baalei chaim* does not apply to situations in which human beings are permitted to make use of animals, namely to serve legitimate human needs. One primary example is that (as a concession to the desire for meat) the Torah permitted the slaughter of animals to Noah and his descendants.<sup>xv</sup>

However, the permission to slaughter animals for food was given within a complex set of limitations, an important part of which is concern for the suffering of those creatures who forfeit their lives for our benefit.<sup>xvi</sup> The humane handling of livestock immediately prior to slaughter is required by *halakhah* (Jewish law). For example, an animal should not be slaughtered in the sight of another living animal,<sup>xvii</sup> and restraining the animal should be done as carefully as possible.<sup>xviii</sup> For centuries it has become an additional requirement that the slaughterer (*shochet*) be a Torah scholar.

Since animal slaughter is permitted within these limitations, any resultant pain the animal might suffer would not fall under the halakhic (Jewish legal) prohibition of *tza'ar baalei chaim*.<sup>xix</sup> According to most authorities, this exemption extends to all other religiously sanctioned reasons for animal slaughter, such as to provide human beings with clothing or products for medical purposes, or to benefit us in any significant way.

Aside from any ritual or other significance it possesses, *shechitah* (kosher slaughter) seeks to minimize the animal's pain.<sup>xx</sup> Indeed, after more than three thousand years since the Torah was given at Mount Sinai, no other form of slaughter has proven itself superior in this regard. Rabbi J. David Bleich, a contemporary authority on Jewish law, states: "*Shechitah* is the most humane method of slaughter known to man. The procedure involves a transverse cut in the throat of the animal with an extremely sharp and smooth knife. Due to the sharpness of the knife and the paucity of sensory cutaneous nerve endings in the skin covering the throat, the incision itself causes no pain ... The resultant massive loss of blood causes the animal to become unconscious in a matter of seconds."<sup>xxi</sup> This assertion is supported by a substantial body of scientific evidence.<sup>xxii</sup>

### **What Happens Prior to Slaughter**

Having discussed some of the religious and ethical aspects of *shechitah*, we also must address the treatment of animals prior to slaughter. Here it must be acknowledged that today's raising of animals for food remains problematic.

Until recent times, animals belonging to Jews typically were raised on private farms, under relatively humane conditions (although no doubt there were some farms with bad conditions, then as now). The shochet was a familiar figure to his community; he worked for each customer on an individual basis, and probably slaughtered large animals relatively infrequently. In modern society, however, all this has changed. Mass production steadily began to take over the food industry, beginning with the great stockyards of Chicago following the Civil War and followed by the first supermarkets in the 1930s. Since the 1940s we have witnessed, in addition to the traditional methods of agronomy, the rise of "factory farms," which produce beef cattle by the millions and fowl by the billions every year for human consumption.<sup>xxiii</sup> Given the economic realities of today's food industry, the Jewish community ineluctably has been enlisted into this system. It is not commercially feasible for kosher meat suppliers to raise their own livestock, and none do so. (Some have contract growers, and therefore may have more of a say about the conditions of these animals, but this is uncertain.)

According to the methods of factory farming, animals are commonly raised in intensely crowded, artificial environments in which their emotional needs are largely ignored. The Federal Animal Welfare Act specifically excludes food animals. Thus, the industry has developed new systems of raising animals that have exponentially increased production and profits; there may be factory farms that are exceptions to the rule,<sup>xxiv</sup> but animal activists contend that the vast majority show minimal concern for the well-being of the animals they have bred. These systems have recently come under scrutiny by consumers and regulators alike.

From a Jewish point of view, these methods are highly questionable. Rabbi Aryeh Carmell, a founder of the Association of Orthodox Scientists of Great Britain who for many years has served on the faculty of Israel's D'var Yerushalayim Yeshiva, has written: "It seems doubtful ... that the Torah would sanction factory farming, which treats animals as machines, with apparent insensitivity to their natural needs and instincts. This is a matter for decision by halakhic authorities."<sup>xxv</sup>

As for the handling and slaughter of animals, Dr. Temple Grandin of Colorado State University in particular has pioneered efforts to improve animal welfare conditions. Dr. Grandin created a set of humane standards under the aegis of the American Meat Institute (AMI). Many of these standards have been taken up by slaughter houses in the US, but they are not legally required.<sup>xxvi</sup>

Inhumane practices have a long, dark past in the American food industry, and the Jewish community cannot be blamed for them. However, in light of the importance of proper animal treatment in Jewish law and tradition, we must not implicitly condone such practices by taking advantage of them without protest, rationalizing that we have not directly violated the laws of tza'ar baalei chaim. The establishment of higher humane standards in our society as a whole is a moral undertaking for which we, as willing participants in the system, must take responsibility. While the political issue of "animal welfare" may be new to many Jews, our concern about proper treatment of animals is clearly called for by traditional Jewish values.

In recent years, more sustainable kosher meat enterprises have emerged. Two examples, KOL

Foods and Grow and Behold Foods offer non-caged, grass-fed, antibiotic free, glatt-kosher meat. The animals are raised in open-pasture on small, family farms and then slaughtered under the supervision of the Orthodox Union or Star-K; there are other such kosher companies, as well.<sup>xxvii</sup> These local initiatives operate with missions to uphold the values of *tza'ar ba'alei chaim*. However, it must be admitted that the added cost of such meat limits the market to the special niche that can afford it—which leaves out many families—or to those who are willing to significantly reduce their consumption of meat.

### **Compassion to Animals in Other Areas**

The Torah advocates sensitivity to the feelings of animals above and beyond the permissibility of acts that may cause them pain. A well-known example of this involves Rabbi Yehudah HaNasi, the 2nd century sage who redacted the Mishnah. The Talmud tells how Rabbi Yehudah was punished at the hand of Heaven for speaking callously to a frightened calf that sought refuge at his feet while being taken to slaughter.<sup>xxviii</sup> The various commentaries question the nature of Rabbi Yehudah's wrong-doing; after all, he neither afflicted the calf, nor did he speak falsely. One explanation is that a person of Rabbi Yehudah's spiritual stature should have displayed greater compassion, beyond the letter of the law.<sup>xxix</sup>

In keeping with this principle, many of our greatest sages showed diligence in saving animals from distress, even when not compelled to do so by halakhah. Rabbi Yisrael Salanter (1810-1883), founder of the modern Mussar movement, once spent the evening of Yom Kippur, the holiest day of the year, rescuing a lost calf belonging to a Christian neighbor, while his congregation unknowingly waited for him. The revered Rabbi Eliyahu Lopian (1876-1970) personally attended a stray cat that sought refuge in his yeshiva. During his youth, the Chazon Ish (R. Avraham Yeshaya Karelitz, 1878-1953) lowered himself into a deep pit to save an animal of a non-kosher species.

This call to a higher moral sensitivity is not only addressed to great *tzaddikim* (righteous individuals) like Rabbi Yehudah HaNasi; it is relevant to all. One example of the widespread relevance of such behavior is cited by the Rama (R. Moshe Isserles, 1530-1572) in his authoritative glosses on the Shulchan Aruch (Code of Jewish Law). "The law permits one to

pluck feathers from a live goose, but people refrain from doing so because this is an act of cruelty.”<sup>xxx</sup> Thus, we see that even the extralegal conduct of ordinary folk constitutes a halakhic factor, and that the suffering of animals in the service of human needs may not be discounted as morally inconsequential.

Surely this higher sensitivity should be applied to areas of questionable human necessity. Several examples include animal experiments for cosmetics or luxury items;<sup>xxxii</sup> the forced feeding of geese for the production of foie gras;<sup>xxxiii</sup> raising calves for white veal;<sup>xxxiii</sup> and common practices of the fur industry.<sup>xxxiv</sup> I have been told that there are producers of veal and fur that maintain high humane standards, and therefore it is possible to implement higher industry standards unilaterally. However, such improvements have been debated for many years with little result.

The Talmud states that the Jewish people are praiseworthy for their desire to serve God beyond the letter of the law.<sup>xxxv</sup> This expression of religious devotion has been applied to many ritual precepts; should we not apply it with equal diligence to precepts that affect other living creatures? Moreover, this directly benefits God's works and improves the world. By engaging in acts of compassion, we become worthy of receiving the blessing of our sages: that God will show mercy to those who are merciful.<sup>xxxvi</sup>

**Rabbi Dovid Sears** is the author of *The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism* (Orot [2003](#)) among other Judaica works. He directs The Breslov Center of New York, whose website is <http://breslovcenter.blogspot.com/>

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<sup>i</sup> *Sota* 14a; cf. *Sifri* on Deuteronomy 11:22.

<sup>ii</sup> *Tomer Devorah*, ch. 2.

<sup>iii</sup> *Mesillas Yesharim*, ch. 19.

<sup>iv</sup> *Shemos Rabbah* 2:2.

<sup>v</sup> *Nesivos Olam, Ahavas Re'i*, 1.

<sup>vi</sup> *She'arim Metzuyanim B'Halakhah, Issur Tza'ar Baalei Chaim*, 191, cites the view of *Teshuvos Harashba*, nos. 252 and 257, that the prohibition of *tza'ar baalei chaim* applies to humans as well as animals. *Teshuvos Chavas Yair*, no. 191, rejects this opinion.

<sup>vii</sup> The Gemara (the portion of the Talmud that presents the debates and traditions of the sages) considers the nuances of the text: Does the term "lying" indicate a temporary condition, excluding an animal that habitually lies down under its burden? Does "lying" exclude an animal that is standing? The Gemara reasons that such possible distinctions only apply if the prohibition is a rabbinic enactment, which would entail a lesser degree of stringency; if the prohibition is Scriptural, there are no exclusions.

<sup>viii</sup> Some authorities understand Maimonides' position in *Hilchos Rotze'ach* 13:9 as following the view that the prohibition is rabbinic. They include: *P'nei Yehoshua*, *Bava Metzia* 32b; *Hagahos HaGra al HaRosh*, *Bava Metzia*, chap. 2, see 29; *Biur HaGra*, *Choshen Mishpat* 272:11; also see *Minchas Chinnuch*, 80.

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The Chasam Sofer advances the opinion that, although causing pain to an animal is scripturally forbidden, the obligation to rescue an animal in distress applies only to one's own animals; see *Teshuvos Chasam Sofer, Yoreh De'ah*, nos. 314, 318, and *Choshen Mishpat*, no. 185. This appears to be consistent with the view of Maharam Schick on the *Taryag Mitzvos, Mitzvah* 80. Authorities who do not make such a distinction include: *Noda B'Yehudah, Mahadurah Kama, Yoreh De'ah*, nos. 81-83; *Shulchan Aruch HaRav*, Vol. 6, *Tza'ar Baalei Chaim*, 4; *Kitzur Shulchan Aruch, 191:1*; *Drach Maysharim*, 15:1; et al. The Netziv in *Ha'amek Davar*, Deuteronomy 22, maintains that one is not obligated by Torah law but is required to intervene by rabbinic decree. In *Eishel Avraham: Tinyana, Yoreh De'ah* 305:20, R. Avraham of Butchatch argues that the relief of *tza'ar baalei chaim* directly or indirectly caused by a human being is incumbent upon any Jew capable of intervening by scriptural law. For further discussion see R. Yitzchak Nachman Eshkoli, *Tza'ar Baalei Chaim* (2002), chap. 11.

<sup>ix</sup> Maimonides, *Mishneh Torah, Hilchos Rotze'ach* 13:9, according to *Kesef Mishneh*, ad locum. This is supported by *Mishneh Torah, Hilchos Shabbos* 25:26 and Maimonides' Commentary on the Mishnah, *Beitzah* 3:4. Most authorities agree that *tza'ar baalei chaim* is scripturally prohibited, including the Rif on *Shabbos* 128b; *Sefer HaChinnuch* 450, 451; Rosh on *Bava Metzia* 2:29 and *Shabbos* 3:18; *Nimmukei Yosef, Bava Metzia* 32b; Me'iri, *Bava Metzia* 32b; *Shitah Mekubetzes, Bava Metzia* 33a; *Sefer Yere'im*, 267; *Sefer Chassidim*, 666; Rama, *Choshen Mishpat* 272:9; *Levush, Orach Chaim* 305:18; and *Magen Avraham, Orach Chaim* 305:11. These sources are listed in R. J. David Bleich's essay "Vegetarianism and Judaism," *Contemporary Halakhic Problems*, Vol. III. R. Bleich's extensive research was extremely helpful to me in annotating Chapters 3 and 6 of my source book, "*The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism*" (Orot 2003), of which the present essay is an excerpt with revisions.

<sup>x</sup> See Rashi on *Shabbos* 128b, according to the view that halachos may be derived from reasons explicitly stated in the Torah. Also note Rabad as quoted in *Shitah Mekubetzes, Bava Metzia*, 32b; *Levush* on *Orach Chaim* 305:18.

<sup>xi</sup> Specifically, a Jew may violate rabbinic prohibitions for the sake of relieving the pain of an animal, and a non-Jew may be requested to intervene where Scriptural prohibitions apply; see

*Ritva, Bava Metzia* 32b; *Rosh, Bava Metzia* 2:29 and *Shabbos* 18:3; *Magen Avraham, Orach Chaim* 305:11; *Korban Nesanel, Shabbos* 18:3. If indirect intervention fails or is not possible, *Shiltei HaGibborim* on the *Rif, Shabbos* 51a, note 3, permits one to assist the animal directly.

<sup>xii</sup> Which Scriptural verse or verses therefore comes to establish these laws? Rashi (R. Shlomo Yitzchaki, 1040-1105) in his commentary to *Shabbos* 128b, cites the verse that describes an animal collapsing under its burden: "And you shall surely release it with him" (Exodus 23:5). Since the prohibition of *tza'ar baalei chaim* is only implied but not openly stated here, other Rishonim (medieval authorities) seek its basis elsewhere. Both Maimonides (*Guide of the Perplexed* 3:17), and Rabbi Yehudah HeChassid (1150-1217 CE, *Sefer Chassidim*, 666) derive it from the Torah's censure of Balaam the Midianite for angrily striking his donkey. The anonymous author of *Sefer HaChinnuch* (13th century) relates it to the prohibition not to take the limb of a living animal (*Mitzvah* 452, this being one of the Seven Laws of Noah). The same author also invokes the prohibition of *tza'ar baalei chaim* in discussing the negative commandment of plowing with two different species of animals yoked together (*Mitzvah* 550). Rabbi Menachem Meiri of Perpignan (*Beis HaBechirah* on *Bava Metzia* 32b) relates it to the law of not muzzling an ox while it is treading grain.

<sup>xiii</sup> However, there are mitigating factors. According to *Nimmukei Yosef* citing Rabbenu Nissim on *Bava Metzia* 32b, a Torah scholar, elderly person, or one who holds a communal position of honor, is exempt from the obligation to intervene. Also, the prohibition of *tza'ar baalei chaim* may be contravened to serve a legitimate human need, as stated by Ramban on *Avodah Zarah* 13b; also cf. *Tosefos* and *Nimmukei Yosef* on *Avodah Zarah* 11a and *Bava Metzia* 32b. This is the *halakhah*; see Rama on *Shulchan Aruch, Yoreh De'ah* 24:8 and *Even HaEzer* 5:14; *Shach* on *Yoreh De'ah* 24:8; et al.

<sup>xiv</sup> The best-known proponent of this idea is Peter Singer, author of *Animal Liberation* (New York, 1975) and with Jim Mason, *Animal Factories* (New York, 1990). Although in Western philosophy it is difficult to find a precedent for such a thorough-going moral equivalence of the species, it may exist among certain Eastern religious sects; cf. Schochet, *Animal Life in Jewish Tradition*, chap. 14. However, the "theology" of animal rights is not an import from the Far East; it is a consequence of materialist philosophy, and Darwinian theory in particular. If the existence of God and the divine intention in creation are denied, good and evil must be seen as human constructs that vary according to each individual or group. (Indeed, from this standpoint, the moral impulse itself may be understood as a form of self-aggrandizement.) If contrary to Torah thought, man is not the central figure in creation, there can be no fundamental difference between humans and animals. Therefore, the quasi-religious fervor of some animal rights advocates may be an expression of this materialist "article of faith"; see Joshua Berman, *The Temple: Its Symbolism and Meaning, Then and Now* (Jason Aronson, 1995), pp. 148-154.



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<sup>xv</sup> This issue is discussed at greater length in "Judaism and Vegetarianism," Chapter VI, *A Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism* (op cit.).

<sup>xvi</sup> *Galya Raza*, pp. 209-210, cites a Kabbalistic tradition that the souls of animals protest before the Divine Throne against Jews and Gentiles alike for having slaughtered them improperly, unnecessarily, or in a cruel manner; also cf. the pre-Lurianic *Serer HaKamah*, *Mussar L'Morei Hora'os V'Shochtim*, p. 307.

<sup>xvii</sup> *Shulchan Aruch*, *Yoreh De'ah* 36:14, with *Yad Ephraim* and *Pischei Teshuvah*, both of which explicitly relate this to the prohibition of *tza'ar baalei chaim*; similarly, cf. *Aruch Hashulchan*, *Hilchos Trefos* 36:70 (end).

<sup>xviii</sup> *Shulchan Aruch*, *Yoreh De'ah*, 58.

<sup>xix</sup> R. Bleich (op. cit.) includes among those who exempt the act of slaughter from the prohibition of *tza'ar baalei chaim*: *Teshuvos Avodas HaGershuni*, no. 13; *Noda B'Yehudah*, Vol. I, *Yoreh De'ah*, no. 83; and *Seridei Eish*, Vol. III, no. 7. Apparently Tosafos on *Sanhedrin* 80a agrees in stating that withholding food and drink from an animal constitutes *tza'ar baalei chaim*, but killing it by a swift, direct act does not. Dissenting opinions include *Shitah Mekubetzes* on *Bava Basra* 20a, citing Ri Migash; *Teshuvos Sho'el U'Meshiv*, *Mahadurah Tinyana*, III, no. 65, as well as *Sefer HaChinnuch*, 451. Later authorities that include putting an animal to death in the category of *tza'ar baalei chaim* include the *Bach* on *Yoreh De'ah* 116, s.v. *mashkin*; *Sheilas Ya'avetz*, I, no. 110; *Teshuvos Shevus Yaakov*, III, no. 71; *Teshuvos Imrei Shefer*, no. 34; and *Ohel Moshe*, I, no. 32.

<sup>xx</sup> *Tomer Devorah*, chap. 3. Maimonides offers this rationale in *Moreh Nevuchim* 3:26, 48. A mystical reason for *shechitah* is given in *Sefer HaTemunah* III, *Os Hey*, p. 100.

<sup>xxi</sup> R. Bleich, op. cit., p. 205, ff. Rabbi Bleich is a Rosh Yeshiva at the Rabbi Isaac Elchanan Theological Seminary of Yeshiva University and rabbi of Congregation B'nei Yehuda.

<sup>xxii</sup> The objection to *shechitah* is by no means new, having been a common anti-Semitic subterfuge in various times and places. Hundreds of scientific studies have been published on *shechitah*, beginning with Dr. Isaac Dembow's *Hachanah L'Shechita (Preparation for Animal Slaughter)* (1892) and *The Jewish Manner of Slaughter* (1894). Perhaps the most thorough volume on the subject addressed to laymen is *Shechitah in the Light of the Year 2000* by Dr. I.M. Levinger (1995). In Chapter 11, Levinger addresses the question of the animal suffering during *shechitah*, and concludes (p. 75): "Within 8-10 seconds [after *shechitah*] the centers for maintaining equilibrium lose their regulatory capacity. Corneal reflex disappears in small animals, though in larger animals it takes longer to disappear. Since it is known that the nee-encephalon is more oxygen sensitive than [other sections] of the brain, it may be assumed that the functional ability of the cortex ceases within less than 10 seconds after *shechitah*. Since the animal does not move within 10 seconds, it may be concluded that the animal does not feel pain ..." Another study cited by Levinger is *An Electroencephelographic Study of the Effect of Shechitah Slaughter on Cortical Function in Ruminants* (1979) by L.I. Nangeroni and P.O. Kennett, Dept. of Physiology, New York State Veterinary College, Cornell University, Ithaca, NY. The latter report states that among the sheep, calves, and goats tested, consciousness was lost 3.3 to 6.9 seconds after the incision. The researchers conclude that under normal circumstances, the act of *shechitah* is painless, or nearly so. Animal scientist Dr. Temple Grandin observed five kosher slaughter plants using upright restraint pens, but with other procedural variables. The shortest time for insensibility was 8 seconds, while the longest was 120 seconds; however, most animals collapsed within 30 seconds at all five plants. See "Ritual Slaughter" at [www.grandin.com](http://www.grandin.com). Although Grandin is generally supportive of kosher slaughter, she points out that not all *shechitah* operations are the same from a humane standpoint.

<sup>xxiii</sup> "United States Department of Agriculture Livestock Slaughter 2010 Summary," United States Department of Agriculture National Agricultural Statistics Service, April 2011, online at <http://usda.mannlib.cornell.edu/usda/current/LiveSlauSu/LiveSlauSu-04-25-2011.pdf>

Commercial cattle slaughter during totaled 34.2 million cattle, commercial calf slaughter totaled 878,600 calves, commercial hog slaughter totaled 110.3 million hogs commercial sheep and lamb slaughter totaled 2.46 million sheep and lambs. Physicist and researcher Noam Mohr writes: The number of animals slaughtered in the US comprise only part of the total number that die here, as many do not reach the slaughterhouse. Neither do they include animals slaughtered abroad and then shipped to the US, even as they do include those slaughtered here for sale abroad. Nevertheless, they provide a picture of the slaughter industry in this country.

<sup>xxiv</sup> In an email exchange over this point, Dr. Joe Regenstein of Cornell, a veteran food scientist and animal welfare activist long associated with Dr. Temple Grandin, argued that it is possible to meet high-level humane standards with factory farming, and that in fact a number of such farms he has visited have done so. One of the difficulties in researching this subject is the elusiveness of obtain objective and comprehensive knowledge of the facts.

<sup>xxv</sup> Aryeh Carmell, *Masterplan: Judaism It's Programs, Meanings, Goals* (1991), p. 69.

<sup>xxvi</sup> See American Meat Institute (AMI) Recommended Handling and Stunning Guidelines on [www.grandin.com](http://www.grandin.com)

<sup>xxvii</sup> More information about KOL Foods can be found at <https://www.kolfoods.com>, and about Grow and Behold

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Foods at <http://www.growandbehold.com>. Wise Kosher Natural Poultry offers Cornish game hens, ducks, and turkeys raised on organic feed under humane conditions by Amish and other farmers in Winfield, Penn., and slaughtered on the premises of the David Elliot Poultry Farm, Lake Ariel, Penn. Rabbinic supervision is provided by the Orthodox Union and BaDaTz of Crown Heights; see <http://www.wiseorganicpastures.com/>. Gestetner Kosher Poultry of Monroe, NY, produces organic free-range chickens that are raised without hormone or antibiotic injections. Rabbinic supervision is provided by the Vaad HaKashruth of Monsey, NY. Another family business, Pelleh Poultry of Monsey, NY, in conjunction with Bethel Farms, Bethel, NY, and under the supervision of R. Dovid Miller, serves a small clientele. However, animal activists caution that the term "free-range" can be misleading. Free-range chickens typically are de-beaked at the hatchery the same as battery-caged hens. In many cases such birds are kept indoors constantly, although the area in which they roam may be more spacious. Given the relative lack of government regulation of this industry, organic free-range poultry sometimes may be more contaminated than the standard product; see [www.consumeralert.org/issues/food/organicfood.htm](http://www.consumeralert.org/issues/food/organicfood.htm).

<sup>xxviii</sup> *Bava Metzia* 85a.

<sup>xxix</sup> R. Yehudah Leib Zirelson, *Ma'archei Lev*, no. 110. In his essay on "Animal Experimentation" (see. IV), R. Bleich notes that the Maharsha on *Bava Metzia* 85a and *Teshuvos Imrei Shefer*, no. 34, sec. 10, 12, each propose different explanations for R. Yehudah's censure, but their conclusions agree with that of *Ma'archei Lev*. This is related to the principle of sanctifying oneself within the realm of the permissible, which varies according to the spiritual level of the individual. As the verse states, "You shall be holy, for I, the Eternal, Your God, am holy" (Leviticus 19:2). Nachmanides explains that without this call to holiness, "one could become a sordid person within the realm of the permissible" (ad loc.).

<sup>xxx</sup> Rama on *Shulchan Aruch, Even HaEzer* 5: 14. This ruling, cited in *Issur v'Heter* 59:36, is supported by *Tosefos* on *Bava Metzia* 32b. Also c.f. *Kitzur Shulchan Aruch* 191:1; *Shulchan Aruch Harav, Ovrei Derachim V'Tza'ar Baalei Chaim*, 4.

<sup>xxxi</sup> R. Bleich, *ibid.* sec. 5, cites *Pri Megadim (Mishbetzos Zahav)* on *Orach Chaim* 468:2, who differentiates between "great need" and "minor need"; *Teshuvos Sho'el U'Meishiv, Mahadura Tinyana*, III, no. 65. Also note R. Chaim HaLevi, at the end of the 1992 responsum mentioned in ff. 32 below re. killing animals for their furs and his invocation of the principle of *tzorech chiyuni*, legitimate human need. More recently former Sefardic Chief Rabbi of Israel, R. Ovadia Yosef, forbade animal experiments for cosmetics in a responsum dated 23 Adar 5762 (2002). In a private letter dated 21 Cheshvan 5763/27.14.02, R. Shear-Yashuv Cohen, Ashkenazic Chief Rabbi of Haifa, informed me that he forbids such experiments and is preparing a formal responsum on this issue.

<sup>xxxii</sup> Authorities opposed to this practice include the *Bach* on *Yoreh De'ah* 33:9; *Chochmas Adam* 16:10; *Sha'arei Tzedek* on *Yoreh De'ah* 33; *Divrei Menachem (Divrei Shalom)*, p. 143, col. 2; *Darkei Teshuvah, Yoreh De'ah* 33:131, 142, 143, citing *Teshuvos HaTzemach Tzedek*, no. 17, *Nekudas HaKesef*, et al.; *She'ilas Shalom Tinyana*, no. 154 (end); *Tzitz Eliezer*, Vol. XI, nos. 49, 55 (end), citing the Chida in *Machzik Beracha, Yoreh De'ah* 33:19, and R. Zvi Elimelech Spira of Dinov, et al.; *ibid.* Vol. XII, no. 52; *Teshuvos Har Tzvi*, no. 26; *Shema Shlomo, Yoreh De'ah*, no. 1. The Taz is inclined to permit it if the birds are fed gently. On this basis the Chasam Sofer takes a lenient view in *Teshuvos Chasam Sofer*, Vol. I, no. 25. Nevertheless, I am told that most Chassidim in Hungary before the Holocaust would not eat force-fed geese due to uncertainty as to their *kashrus*. For a comprehensive halakhic perspective, see R. Binyamin Adler, *Kashrus U'Treifos B'Ohr*, chap. 33, sec. 98-129. I have read that more recently R. Yosef Sholom Elyashiv of Jerusalem has taken a lenient position, but I have not obtained his responsum on the issue. It also should be noted that not all growers are the same. Some allow their fowl to roam freely and do not resort to methods of extreme deprivation. For example, see <http://www.hudsonvalleyfoiegras.com/index.html>. However, the same plant has had serious problems of an environmental nature, incurring the wrath of the Humane Society; see [http://www.humanesociety.org/news/press\\_releases/2010/05/HVFG\\_050610.html](http://www.humanesociety.org/news/press_releases/2010/05/HVFG_050610.html)

<sup>xxxiii</sup> Given the brutality of obtaining seal-furs for women's coats by beating the animals to death with clubs, the cruelties of trapping, and the sometimes inhumane procedures of fur farms, the late Rav Chaim David HaLevy, Sefardic Chief Rabbi of Tel Aviv, ruled that furs obtained by such means should be boycotted. In a 1992 responsum, Rav HaLevy states: "If the killing of animals for the obtainment of their furs were accomplished by a quick, easy death, that would be one thing; but in actuality, this is not the case ... The animals are caught in a kind of ring trap that causes them great anguish until they are released and killed and stripped of their furs. This constitutes actual *tza'ar baalei chaim*; there can be no disagreement about it." The same authority adds: "I have been informed that nowadays there are farms where animals are raised for the purpose of killing them and using their furs ... However, as explained above, according to many authorities, even killing without *tza'ar baalei chaim* is forbidden if there is no compelling human need (*tzorech chiyuni*). According to all views, it is clear that such acts are tainted by cruelty, which is foreign to the character traits of the children of Abraham, Isaac, and Jacob ... Therefore, one should refrain

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from wearing furs." Also note R. Chaim ibn Attar, *Ohr HaChaim* on Leviticus 17:13, citing *Mishneh Torah, Ma'achalos Asuros* 8:17, as well as his *Sefer Pri To'ar*, sec. 117, which prohibit the trapping of non-kosher animals by Jews on the grounds of *tza'ar baalei chaim*. However, R. HaLevy objects to complicity in such acts even when performed by others.

<sup>xxxiv</sup> It is difficult to ascertain how many animals are killed for furs annually in the U.S. The Humane Society places the total number at approximately 30 million animals ([www.hsus.org](http://www.hsus.org)). According to the Fur Commission of the USA, approximately half the animals killed for their pelts are raised in confinement on "fur farms," where eventually they are euthanised by carbon dioxide, pure carbon monoxide gas, or lethal injection. The American Veterinary Medical Association and the Geulph University Research Facility in Canada deem these methods to be humane ([www.furcommission.com](http://www.furcommission.com)). However, because the industry is for the most part self-regulated, a significant percentage of cage-raised animals are not killed by these methods, but by carbon monoxide generated by engine exhaust, anal electrocution, genital or ear-to-foot electrocution, or by having their necks broken. Pressure from animal activists has led to the banning of the steel-jawed leghold trap in 89 European countries. In 1999, the U.S. House of Representatives banned the use of leghold traps and strangling snares on all National Wildlife Refuges. In 2001 H.R.1187 was introduced in the House of Representatives, which proposes to ban all uses of such traps in the U.S., as well as importing or exporting any article of fur obtained by such means. An alternative to these devices, the body grip or "Conibear" trap, was developed decades ago as an instant-kill trap; however, some studies indicate that as many as 85% of its victims may languish in agony for substantial periods of time with broken backs and other mortal injuries; see H.C. Lunn, "The Conibear Trap: Recommendations for its Improvement," Canadian Federation of Humane Societies, 1973.

<sup>xxxv</sup> *Berachos* 20b.

<sup>xxxvi</sup> *Shabbos* 151b; *Bava Metzia* 85a; *Megilah* 12b; *Yerushalmi Bava Kamma* 8:7; *Zohar* III, 92b; also note *Likkutei Moharan* I. 119.