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..." 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.”

Compassion for animals is the measure of spiritual refinement. In his classic work of Jewish ethics, Mesilas Yesharim (“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. 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. 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." 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. 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. Although the Talmudic discussion is inconclusive and some later opinions view the prohibition as rabbinic, Maimonides (R’ Moshe ben Maimon, 1135-1204) and most authorities treat the prohibition as scriptural.
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."\(^x\) 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.\(^xi\) 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.\(^xii\) Therefore, we are obligated to assist an animal; and, on the Sabbath, this obligation takes precedence over all rabbinic restrictions.\(^xiii\)

**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.\(^xiv\) 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.\(^xv\)

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.\(^xvi\) 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,\(^xvii\) and restraining the animal should be done as carefully as possible.\(^xviii\) 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*.\(^xix\) 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. 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 traverse 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." This assertion is supported by a substantial body of scientific evidence.

**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. 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, 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."

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.

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. 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. 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.

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. 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; the forced feeding of geese for the production of foie gras; raising calves for white veal; and common practices of the fur industry. 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. 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.


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i *Sota* 14a; cf. *Sifri* on Deuteronomy 11:22.
ii *Tomer Devorah*, ch. 2.
iii *Mesillas Yesharim*, ch. 19.
iv *Shemos Rabbah* 2:2.
v *Nesivos Olam, Ahvas Re'ei*, 1.
vi *She’arim Metzuyanim B’Halakha*, 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 Chasvos Yair*, no. 191, rejects this opinion.

vii 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.

viii 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 Chinuch*, 80.
The Chasam Sofer advances the opinion that, although causing pain to an animal is scripturally prohibited, 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 Torayag 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: Tanyana, 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.

Though 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 HaChinuch 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.

x 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.

xi 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 Riva, 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, Shilhei HaGibborim on the Rif, Shabbos 51a, note 3, permits one to assist the animal directly.

xii 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 HaChinuch (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.

xiii However, there are mitigating factors. According to Nimmukei Yosef citing Rabbeniu 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 1la 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.

xiv 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.
Yaakov,

Slaughter" at longest was 120 seconds; however, most animals collapsed within 30 seconds at all five plants. See "Ritual baalei chaim well as Mekubetzes sale abroad. Nevertheless, they provide a picture of the slaughter industry in this country.

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. An activist long associated with Dr. Temple Grandin, argued that it is possible to meet high-level humane standards with restraint pens, but with other procedural variables. The shortest time for insensibility was 8 seconds, while the 3.3 to 6.9 seconds after the incision. The researchers conclude that under normal circumstances, the act of shechitah. [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 (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. Although Grandin is generally supportive of kosher slaughter, she points out that not all shechitah operations are the same from a humane standpoint.

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xxiv More information about KOL Foods can be found at https://www.kolfoods.com, and about Grow and Behold...
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 (tzorech chiyuni). According to all views, it is clear that such acts are tainted by cruelty, as explained above, according to many authorities, even killing without tz'ar baalei chaim is forbidden if there is no compelling human need (tzorech chiyuni). Therefore, one should refrain from resorting to methods of extreme deprivation. For example, see R. Binyamin Adler, Kashrus U'Treifos B'Ohf, 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.
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.

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). 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). 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.

Berachos 20b.

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