

# Torah Table Talk – *The Observant Life*

## Mastery and Partnership

### Jewish Attitudes Toward Animals

Animal, by Rabbi Edward Friedman Page 856

*Parshat Ki Tetzei*, Deuteronomy 21:10 - 25:19

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#### I. Introduction

Judaism defines our relationship not only to God and to other human beings but also to the natural world in which we live. All of God's creations are deserving of our humane consideration and can serve as pathways for sanctification. In his essay on animals and *Halakhah*, Rabbi Edward Friedman speaks of two opposing attitudes toward animals in the Torah: In Genesis, human beings are given mastery over the animal kingdom on the one hand, and are seen as potential partners, 'helpmates,' for human beings, on the other hand. Rabbi Friedman writes: "*Halakhah* seeks a compromise between these two extreme positions. We are thus called on to be compassionate to other creatures, even though we are allowed to use their labors and even the bodies of these same creatures to fulfill various needs in our lives."

We find a variety of laws in the Torah which apply to the humane but practical treatment of animals. Animals were used for sacrifice and food as well as labor but they had to be treated in certain ways. In this week's Torah portion, for instance, we learn that one must assist a fallen animal, one cannot muzzle an animal when it is on the threshing floor, and that one cannot plow with an ox and an ass together (since one animal is much stronger than the other.) In the verse quoted below we learn not to take the mother bird along with her young at the same time.

**Deut. 22:6-7** If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting on the fledglings or on the eggs, do not take the mother together with her young. Let the mother go, and take only the young, in order that you may fare well and have a long life.

#### II. Sources, Resources

- 1) Since the desire of procuring food necessitates the killing of animals, the Torah enjoins that this should be done as painlessly as possible. It is not allowed to torment the animal by slitting the throat in a clumsy manner...or by cutting a limb while the animal is still alive. It is also prohibited to kill the animal with the young on the same day to prevent people from killing the two together in such a manner that the young is slain in the sight of the mother; for the suffering under such circumstances is very great...and does not differ from that of human beings, since love and tenderness of the mother for her young ones is not produced by reasoning but by intuition, for this faculty exists not only in man but in most living beings...the same reason applies for the sending away of the dam. The eggs which the bird sits on and the young that are in need of their mother, are generally unfit for food, and when the mother is sent away she does not see the taking of her young ones, and does not feel pain. In most cases, the command will cause the person to leave the nest untouched because his spoils will usually be unfit for consumption... (*M. Maimonides, the Guide for the Perplexed 3:48*)
  - a) According to Maimonides, human beings have a responsibility to consider the material instincts of animals when procuring food. How does this practice influence human attitudes and actions in general?
  - b) The Torah says "Let the mother go...in order that you may fare well and have a long life." Similarly, in commanding us to honor our parents the Torah says, "that you may fare well in the land..." What is the connection between these commandments?
- 2) The ruling of the mother bird is not based on the Almighty's pity for the animal. Otherwise God would have forbidden us their slaughter. The reason, however, for the prohibition is to teach us compassion and the avoidance of cruelty. Butchers and slaughterers become hardened to suffering by their occupation. These precepts of not slaughtering the mother and the young on the same day and sending away the dam are not inspired by feelings of consideration for their suffering but are decrees to inculcate humanity in us. In the same

way our Sages regarded all the Torah's precepts, negative and positive, as decrees. (*M. Nachmanides, Torah Commentary On Deut. 22:6*)<sup>1</sup>

a) *How are Maimonides' and Nahmanides' explanation of Deuteronomy 22:6 different from one another and how are they different from one another? Why does Nahmanides reject Maimonides explanation?*

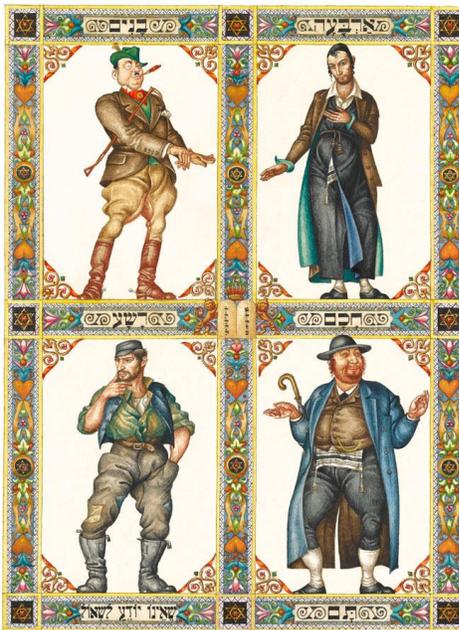
- 3) Rabbi Judah the Prince's suffering came to him through a certain incident.' What is it? A calf was being taken to the slaughter, when it broke away, hid his head under Rabbi's skirts, and bellowed in terror. 'Go', said he, 'for this you were created.' Thereupon they said in Heaven, 'Since he has no pity, let us bring suffering upon him.' 'And his suffering departed likewise.' How so? One day Rabbi's maidservant was sweeping the house; seeing some young weasels lying there, she made to sweep them away. 'Let them be,' said he to her; 'It is written, "and God's tender mercies are over all his works."' Said they in Heaven, 'Since he is compassionate, let us be compassionate to him.' (*BT Baba Metzia 85a*)

a) *Rabbi Judah, the author of the Mishnah, was punished for his callous attitude toward a calf marked for slaughter, and then received a reprieve when he showed kindness to animals. Do you think the judgment was a fair one? What was wrong with him saying 'for this you were created' to the calf? After all, most of the sages were not vegetarians!*

- 4) Since the calf had fled the slaughterer's knife and buried its head in the skirts of Rabbi Yehudah HaNasi's robe seeking refuge, his giving it over immediately to the slaughterer seemed like an act of cruelty. If Rabbi Yehudah had shown mercy by at least allowing the calf a temporary reprieve, the observer might have taken this as a proper example and learned to be merciful himself. Seeing Rabbi Yehudah deliver the animal that had fled the slaughterer's knife immediately, without a trace of pity, the observer might have become more hard-hearted toward other people, as well as toward animals. It is also possible that sufferings befell Rabbi Yehudah because of his statement, "This is why you were created." It is true that animals were created for this fate, in that human beings have been permitted to slaughter them. Nevertheless, G-d does not allow any good deed to go unrewarded, and we believe that all animals slaughtered on behalf of humanity will be rewarded for their pains. For, without a doubt, the Holy One, does not withhold recompense from any of His creatures (Pes. 118a). Thus, the animal was not created for an evil fate, but in order that good be done to it; nor was it created for the sole purpose of being slaughtered, although this has been permitted to man. (*Rav Sherira Gaon, Teshuvot HaGeonim, Harkavy ed., Vol. I, No. 375, pp. 190-191, translation by Rabbi Dovid Sears in www.on1foot.org source sheet*)

a) *How does Rabbi Sharira Gaon explain the story above? How might this story influence the way we practice ritual slaughter today?*

- 5) *The four sons as depicted in the Syzk Haggadah by Arthur Szyk, 1894-1951*



<sup>1</sup> Translations of Maimonides and Nahmanides are adapted from Nehama Leibowitz, *Studies in Devarim*.

- a) *This illustration is taken from Arthur Szyk's magnificent Haggadah. Starting with the left picture, going clockwise, we see the wicked, the wise, the one who doesn't know how to ask and the simple. How does he depict each of them. What does the illustration of the wicked son say about his attitude toward animals?*

### III. Reflections

Ideally, we would all be vegetarians. According to Rabbi Friedman and others, humanity started out as vegetarians and only began eating meat when God gave Noah and his family permission to do so after the flood. But even then the consumption of meat had to be done with consideration for the preciousness of life: the blood had to be removed from the flesh because blood represents life. This interpretation reflects the somewhat ambivalent relationship between human beings and animals. We are given mastery over all the creatures of the world but we are also instructed to treat them humanely even when we are working them or eating them.

This ambivalence is also reflected in the controversy between Moses Maimonides and Moses Nahmanides. Maimonides understands the law of *Shiluah Haken* (sending away the mother bird before taking the young) as motivated by maternal considerations. Animals may not have intellect but they have 'intuition;' this is a way of saying that they intuitively experience certain emotional bonds and connections. We must avoid causing the mother bird pain even if we are allowed to consume both the mother and her young. Nahmanides rejects this point of view. If we were concerned with the mother bird's 'feelings,' the Torah would have prohibited taking either the young or the mother all together. Humane treatment of the animals is not our concern as well as the need to teach human beings compassion. In other words, animals do not benefit from this behavior as much as we do. In one regard, Nahmanides is absolutely right: certain behaviors do harden human beings attitudes toward other human beings and toward the world. I remember reading somewhere that the Hitler Youth often encouraged its young members to kill small animals as a way of inducting them into a life of cruelty and violence.

There is possibly no sage as important as Rabbi Judah the Prince, the Patriarch of the land of Israel and the editor of the Mishnah. That is what makes this story so surprising. Setting aside our reservations regarding the notion of reward and punishment, this story suggests that callous disregard for the life of an animal is a sin. That is why the core mitzvah in this chapter is called *tzaar baalei hayim*, literally, 'consideration for the suffering of animals.' We have a responsibility to feed and care for animals, but also to avoid causing unnecessary suffering to these animals. There has been a lively discussion regarding *shechita*, ritual slaughter, and unnecessary suffering to animals. The Conservative Movement has taken a stand against hoisting and shackling of animals when they are slaughtered and also against the way animals are raised and cared for prior to their slaughter. Here are just some of the responsa found on the RA website ([rabbinicalassembly.org](http://rabbinicalassembly.org)) that touch on these topics

- Elliot Dorff and Joel Roth, "[Shackling and Hoisting](#)" YD 6.2000
- Pamela Barmash, "[Veal Calves](#)" YD 24.2007a
- Paul Plotkin, "[Veal Calves: A Dissenting Opinion](#)" YD 24.2007b
- Mayer E. Rabinowitz, "[A Stunning Matter: Stunning and Bolting After Shehitah](#)" YD 27:1.2001a
- Avram Israel Reisner, "[On the Matter of Stunning \(and Bolting\)](#)" YD 27:1.2001b

Finally, we can see the attitude toward animals reflected in Arthur Szyk's illuminations. You will note that the wicked son (notice that none of them are children but adults) is depicted in a riding outfit with spurs on his riding shoes and a whip! This picture reflects not only the *Rasha's* wealth but his callous disregard for animals.

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