



Compassion Toward Animals and Tza'ar Ba'alei Chaim *Hebrew/English Source Sheet*

This material was prepared by Rabbi Yonatan Neril and Evonne Marzouk of Canfei Nesharim, as part of the Jewcology project, based in part on a source sheet compiled by Rabbi Joshua Flug and sources translated by Rabbi David Sears¹

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I. G-d's Mercy Toward All of Creation

תהלים פרק קמה פסוק ט
טוב יקוק לכל ורחמיו על כל מעשיו:

Psalms 145:9, Judaica Press translation

The Lord is good to all, and His mercies are on all His works.

מדרש תנחומא (ורשא) פרשת נח סימן ו

ויזכור א-להים את נח... אדם נכנס בספינה עמד עליו סער אם יש עמו בהמה וכלים מזרקן לים ומקיימין את האדם שאין מרחמין על הבהמה וכלים כשם שמרחמין על האדם, אבל הקב"ה כשם שרחמיו על האדם כך רחמיו על הבהמה שנאמר (תהלים קמה) ורחמיו על כל מעשיו, וכן הוא אומר ויזכור א-להים את נח.

Midrash Tanchuma, Noah 6, translation by Rabbi Dovid Sears

And G-d remembered Noah and all the beasts and all the animals that were with him... (Genesis 8:1).

Midrash: If a person traveling by ship encounters a great storm, he will throw his possessions and livestock overboard in order to save the passengers. He does not have the same degree of compassion for his animals and possessions as he does for other human beings. However, the Holy One, blessed be He, has compassion for animals just as He has compassion for humans. As it states, "His mercy is upon all His works" (Psalms 145:9). [Thus, the verse places G-d's "remembrance" of the beasts and animals on the same plane as his remembrance of Noah].

משלי פרק יב

י יודע צדיק נפש בהמתו ורחמי רשעים אכזרי.

Proverbs 12:10, translation by R' Neril, adapted from JPS translation

"The righteous person knows the soul of their animal, but the compassion of the wicked is cruelty."

Rabbi Yehudah HeChassid, Sefer Chassidim, 87, translation by Rabbi Dovid Sears

"And G-d will give you mercy, and show mercy to you" (Deuteronomy 13:18). G-d will instill in you the trait of

¹ In Vision of Eden. Sources and translations copied with permission.

mercy and compassion; then He will "show mercy to you." If one has mercy upon living creatures, Heaven will have mercy upon him (Shabbos 151b). However, if a person lacks mercy, there is no difference between him and a beast, which is not sensitive to the suffering of other creatures.

Discussion Questions:

- Why do you think this Midrash understands G-d having just as much compassion to animals as to people?
- How can we develop the attribute of mercy and compassion?
- How can a person know the soul of his or her animal? Have you ever felt that you knew an animal's soul?

II. Genesis, Adam, and Animals

The Torah uses multiple words to describe living creatures in the Creation story in the first chapter of Genesis.

בראשית פרק א פסוק כד
וַיֹּאמֶר אֱלֹהִים תּוֹצֵא אֶת-הָאָרֶץ נֶפֶשׁ חַיָּה לְמִינָהּ בְּהֶמָּה וְרֶמֶשׂ וְחַיְתוֹ אֶרֶץ לְמִינָהּ וְיִהְיֶה כֵן

Genesis 1:24, adapted from Artscroll translation

G-d said, "Let the earth bring forth living soul, each according to its kind: animal, and creeping thing, and creature of the land each according to their kind," And it was so.

רש"י בראשית פרק א פסוק כד
נפש חיה: שיש בה חיות

Rashi, commentary to Genesis 1:24, translation by Artscroll Rashi

Living soul: i.e. which has life force in it.

Many Hebrew words used for animals contain the word 'life.' The words chayot חיות and nefesh chaya נפש חיה are among the words used in Genesis to describe animals. The word chayot is a plural feminine form of the Hebrew word for life. nefesh chaya means a living soul. In the Talmud, animals are referred to as Baalei chaim בעלי חיים which literally means 'owners of life.'

Rabbi Avraham Aryeh Trugman, The Mystical Power of Music, p. 68

The Arizal, the famous Kabbalist of Safed in the 1500s, taught that all four levels of creation—inanimate, vegetable, animal, and human—all have life force and consciousness, albeit on very different levels. All manifestations of reality are animated by a spark of G-d, and in this sense every point of creation has life force. Therefore, we can understand that the creations themselves are singing their particular song with whatever level of consciousness they have.²

After the Hebrew words above are used to refer to "animals" when they are created, G-d takes each animal that G-d created to Adam and tells him to name each individual animal.

בראשית פרק ב פסוקים יט-כ
וַיִּצְרֶה ה' אֱלֹהִים מִן-הָאָדָמָה, כָּל-חַיַּת הַשָּׂדֶה וְאֵת כָּל-עוֹף הַשָּׁמַיִם, וַיָּבֵא אֶל-הָאָדָם, לְרִאוֹת מֶה-יִקְרָא-לוֹ; וְכָל אֲשֶׁר יִקְרָא-לוֹ הָאָדָם נֶפֶשׁ חַיָּה, הוּא שְׁמוֹ. כ וַיִּקְרָא הָאָדָם שְׁמוֹת, לְכָל-הַבְּהֵמָה וְלְעוֹף הַשָּׁמַיִם, וְלִכְלָל, חַיַּת הַשָּׂדֶה; וְלָאָדָם, לֹא-מָצָא עֶזְרָ כְּנֹגְדוֹ.

² Based on the teachings of Rabbi Yitzchak Ginsburgh

Genesis chapter 2, verses 19-20, Judaica Press translation

19. And the Lord G-d formed from the earth every animal of the field and every fowl of the heavens, and He brought [it] to man to see what he would call it, and whatever the man called each living thing, that was its name. And man named all the cattle and the fowl of the heavens and all the animals of the field, but for man, he did not find a helpmate opposite him.

רש"י בראשית פרק ב פסוק יט

ויצר וגו' מן האדמה: ...כאן שבשעת יצירתן מיד בו ביום הביאם אל האדם לקרות להם שם

Rashi, commentary to Genesis 2:19 (Rabbi Shlomo Yitzhaki, France, 1040-1105 C.E., Artscroll Rashi translation:

And the Lord G-d formed from the earth: ...at the time of their [the birds'] forming, immediately, on that day, [G-d] brought them to man to name them.

בראשית רבה (וילנא) פרשה יז סימן ד

א"ר אחא בשעה שבא הקב"ה לבראת את האדם, נמלך במלאכי השרת, אמר להן נעשה אדם, אמרו לו אדם זה מה טיבו, אמר להן חכמתו מרובה משלכם, הביא לפניהם את הבהמה, ואת החיה, ואת העוף, אמר להם זה מה שמו ולא היו יודעין, העבירן לפני אדם, אמר לו זה מה שמו, אמר זה שור, זה חמור, זה סוס, וזה גמל, ואתה מה שמך אמר לו אני נאה להקרא אדם שנבראתי מן האדמה, ואני מה שמי, א"ל לך נאה להקראות אדני שאתה אדון לכל בריותיך

Midrash Genesis Raba 17:4 (Vilna edition), translation adapted from Soncino translation

R. Aha said: When the Holy One, blessed be He, came to create Adam, He took counsel with the ministering angels, saying to them, 'Let us make man' (Genesis I, 26). 'What will be the nature of this man?' they inquired. 'His wisdom will exceed yours,' He answered. What did the Lord do? He brought the animals, living creatures, and birds before them and asked them, 'What should be the name of this?' but they did not know; 'of this?' and they did not know. Then He paraded them before Adam, and asked him, 'What is the name of this?' 'An ox.' 'And of this?' 'A camel.' 'And of this?' 'A donkey.' 'And of this?' 'A horse.' Thus it is written, 'And the man gave names to all cattle...' (Genesis II, 20). Said He to him, 'And what is thy name?' 'It is fitting that I be called Adam, because I was created from the ground (adamah),' he replied. 'And what is My name?' 'It is fitting for You to be called Lord, since You are Lord' over all Your creatures.'

Rabbi Chaim Vogel, "Naming the Animals," online at chabad.org

According to the Kabbalah, the name of every creation is its life-source. The Hebrew letters carry a G-dly power, and, when put together in different formations, they give life wherever they are applied. Thus, all created things are directly affected by their Hebrew names, and the letters of which they are composed...

Adam was able to perceive the spiritual components of the creative spirit that brought every animal into being, and named each animal in conjunction with its spiritual configuration.³

Discussion Questions:

1. Why do you think that G-d had Adam name the animals, instead of G-d personally naming the animals?
2. Why do you think that in the Midrash Adam was able to name the animals but that the angels were not?
3. What does it mean for a human being to be in relationship with an animal?

III. Models of our Sages

מדרש תנחומא (ורשא) פרשת נח סימן ט

צא מן התבה זש"ה הוציאה ממסגר נפשי להודות את שמך בי יכתירו צדיקים כי תגמול עלי (תהלים קמב) הוציאה ממסגר נפשי שהיה נח סגור בתבה, א"ר לוי כל אותן י"ב חדש לא טעם טעם שינה לא נח ולא בניו שהיו זקוקין לזון את הבהמה ואת החיה ואת העופות, ר"ע

³ "What did Adam Name the Animals?" http://www.chabad.org/library/article_cdo/aid/1144592/jewish/What-did-Adam-Name-the-Animals.htm

אומר אפי' שבישתין לפילין וזכוכית לנעמיות הכניסו בידן לזון אותן, יש בהמה שאוכלת לב' שעות בלילה ויש אוכלת לשלשה, תדע לך שלא טעמו טעם שינה דא"ר יוחנן בשם ר"א ברבי יוסי הגלילי פעם אחד שהה נח לזון את הארי הכישו הארי ויצא צולע

Midrash Tanchuma, Noah 9 (Warsaw edition),⁴ translation by Rabbi Dovid Sears

Bring my soul out of prison, that I may give thanks to Your Name... (Psalms 142:8).

Midrash: This refers to Noah, who was imprisoned in the ark. Rabbi Levi said: For twelve months, Noah and his sons did not sleep, for they were compelled to feed the animals, beasts, and birds. Rabbi Akiva said: Even branches for elephants and glass shards for ostriches⁵ they carried aboard by hand in order to feed them. Some animals eat at two o'clock at night, while others eat at three. Thus, you may deduce that they never slept. Rabbi Yochanan said in the name of Rabbi Elazar, son of Rabbi Yosé the Galilean: One time, Noah was late in feeding the lion. Therefore, the lion mauled him, and he came away limping...

שמות רבה (וילנא) פרשה ב סימן ב

ובמה הוא בוחנו במרעה צאן, בדק לדוד בצאן ומצאו רועה יפה שנא' (תהלים עח) ויקחהו ממכלאות צאן, מהו ממכלאות צאן כמו [בראשית ח] ויכלא הגשם, היה מונע הגדולים מפני הקטנים והיה מוציא הקטנים לרעות כדי שירעו עשב הרך ואחר כך מוציא הזקנים כדי שירעו עשב הבינונית, ואח"כ מוציא הבחורים שיהיו אוכלין עשב הקשה, אמר הקב"ה מי שהוא יודע לרעות הצאן איש לפי כחו יבא, וירעה בעמי, הה"ד (תהלים עח) מאחר עלות הביאו לרעות ביעקב עמו, ואף משה לא בחנו הקב"ה אלא בצאן אמרו רבותינו כשהיה מרע"ה רועה צאנו של יתרו במדבר ברח ממנו גדי ורץ אחריו עד שהגיע לחסית כיון שהגיע לחסית נזדמנה לו בריכה של מים ועמד הגדי לשתות, כיון שהגיע משה אצלו אמר אני לא הייתי יודע שרץ היית מפני צמא עיף אתה הרכיבו על כתיפו והיה מהלך, אמר הקב"ה יש לך רחמים לנהוג צאנו של בשר ודם כך חייך אתה תרעה צאני ישראל, הוי ומשה היה רועה

Midrash: Shemos Rabba 2:2, translation by Rabbi Dovid Sears

David was tested through tending sheep, and found to be a good shepherd. He would restrain the larger sheep for the sake of the small ones. First, he would let the small ones graze on the soft grass, and then let the old sheep graze on the grass that was more difficult to chew, leaving the tough grass for the young bucks. He led them only to the wilderness, in order to distance them from theft. Therefore, the Holy One, blessed be He, told him, "You have proven yourself to be faithful with sheep. Now go and shepherd My flock [Israel]."

So too, The Holy One, blessed be He, chose Moses through [his treatment] of flocks. Our Sages said: When Moses was herding the flocks of Jethro in the wilderness, one of the sheep ran away. He pursued it until he found a rocky ledge. After discovering the ledge, he came upon a stream of water beside which the lost sheep stood drinking. At this he said, "I didn't know that you ran away because of thirst. You must be tired." So he carried it back on his shoulders. The Holy One, blessed be He, declared, "You have shown compassion in tending the flock belonging to mortal man. Thus shall you tend My flock [Israel]."

תלמוד בבלי מסכת בבא מציעא דף פה עמוד א

דההוא עגלא דהווי קא ממטו ליה לשחיטה, אזל תליא לרישיה בכנפיה דרבי, וקא בכי. אמר ליה: זיל, לכך נוצרת. אמרי: הואיל ולא קא מרחם - ליתו עליה יסורין. ועל ידי מעשה הלכו - יומא חד הוה קא כנשא אמתיה דרבי ביתא, הוה ש-דיא בני כרושתא וקא כנשא להו, אמר לה: שבקינהו, כתיב +תהלים קמה+ ורחמיו על כל מעשיו. אמרו: הואיל ומרחם - נרחם עליה.

Talmud: Bava Metzia 85a,⁶ translation by Rabbi Dovid Sears

Once a calf being led to slaughter thrust its head into the skirts of Rabbi [Yehudah HaNasi]'s robe and began to bleat plaintively. "Go," he said, "for this is why you were created." Because he spoke without compassion, he was afflicted [at the hand of Heaven].⁷

⁴ Also cf. *ibid.* Noah 2; Sanhedrin 108b; Yerushalmi Yoma 4:41

⁵ Ostriches have gastroliths. According to Wikipedia, "Lacking teeth, they swallow pebbles that act as gastroliths to grind food in the gizzard... A gastrolith, also called a stomach stone or gizzard stones, is a rock held inside a gastrointestinal tract. Gastroliths are retained in the muscular gizzard and used to grind food in animals lacking suitable grinding teeth. The grain size depends upon the size of the animal and the gastrolith's role in digestion. Other species use gastroliths as ballast. Particles ranging in size from sand to cobbles have been documented."

⁶ Also cf. Yerushalmi Kila'im 9; Bereishis Rabba 33:3; Yalkut Shimoni, Tehillim 145, with minor differences

⁷ According to the Midrash, R. Yehudah was afflicted with a toothache for 13 years.

Then one day, his maidservant was cleaning his house and came upon some young weasels. She was about to chase them away with a broom, when Rabbi Yehudah said to her, "Let them be □ for it is written: 'His tender mercies are upon all His works'" (Psalms 145:9). They said [in Heaven], "Since he is merciful, let him be treated with mercy." [Thereafter, his pain ceased.]

תשובות הגאונים - הרכבי סימן שעה

וזה העגל כיון שנס מתחת הסכין ובא וקבר את ראשו בתוך חיקו של רבי כדי להנצל בו ומסרו לידי שוחטיו אלתר מראין הדברים הללו כעין אכזריות. ומדת רחמנות היתה לשהות אותו באותה שעה ומי שהיה רואה את רבי שעשה כך נושא קל וחומר לבני אדם ומנהיג עצמו לרחם עליהן. ומי שראהו לרבי שמסרו לאלתר כיון שאין דעתו מתחוללת על הבהמה שנסה מתחת סכין אף היא מתאמצת כנגד אדם או כנגד בהמה אחרת שאינו צריך לה ושאינה מזקתו. ודילמא נמי מדקאמ' רבי לכך נוצרת שבודאי נוצר והותר אדם בשחיטתו אילא שאין יוצרו מקפח שכרו. והכין סבירא לנא דכולהו בעלי חיים שהתיר המקום קריצתן והריגתן יש להן שכר. וקימא לן שאין הקב"ה מקפח שכר כל בריה לפיכך לא נוצר להרע לו אלא להיטיב לו. וסתאמא דמילתא לאו לשחיטה נוצר ואע"פ שהותר אדם בשחיטתו:

Rav Sherira Gaon, Teshuvos HaGeonim, Harkavy ed., Vol. I, No. 375, pp. 190-191, translation by R' Sears
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, blessed be He, does not withhold recompense from any of His creatures (Pesachim 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.

Discussion Questions:

1. How do these models of our sages demonstrate the ideal human relationship with animals?
2. In what ways could we emulate them individually or as a community?
3. Are there limits in the kindness we are meant to show to animals? If so, what are they?

IV. Tza'ar Ba'alei Chayim—Avoiding Cruelty to Animals

The most extensive discussion in the Talmud regarding treatment of animals appears in Baba Metzia 32a-33a, regarding the following verse:

שמות כג:ה

כי תראה חמור שנאך רבץ תחת משאו וחדלת מעזב לו עזב תעזב עמו.

Exodus 23:5, Judaica Press translation

If you see your enemy's donkey lying under its burden would you refrain from helping him? You shall surely help along with him.

Kabbalistically, the 32 teeth correspond to the "32 Paths of Wisdom (chochmah)"; see PseudoRavad on Sefer Yetzirah 1:1; R. Avraham ben Nachman's Chochmah U'Tevunah on Sippurei Maasiyos, Story 7. The 13 years of affliction correspond to the gematria of echad ("one"), which is 13. This suggests that R. Yehudah's punishment reflected a failure on the part of a sage of his lofty stature to fully appreciate the unity of all creatures. However, for a person of lesser spiritual attainments, the same act might have gone unpunished.

משנה: מצוה מן התורה לפרוק אבל לא לטעון ר"ש אומר אף לטעון
גמרא: תנינא להא דת"ר פריקה בחנם טעינה בשכר ר"ש אומר זו וזו בחנם...אמר רבא מדברי שניהם נלמד צער בעלי חיים דאורייתא
ואפי' ר"ש לא קאמר אלא משום דלא מסיימי קראי אבל מסיימי קראי דרשי' ק"ו

Babylonian Talmud, Tractate Baba Metzia p. 32a-33a, translation adapted from Soncino translation

Mishna: There is a Biblical precept to unload, but not to load. Rabbi Shimon said, to load too.⁸

Talmud: ...It is a Biblical obligation to unload without remuneration, but not to load without payment, save only for remuneration. R. Simeon said: To load too without payment...Raba said: From the arguments of both we may infer that [relieving] the suffering of an animal is a Biblical law. For even R. Simeon said [that unloading needs be explicitly commanded, besides loading] only because the verses are not clearly defined. But if they were, we would infer from the minor to the major.⁹

הרב ישראל איסרלין, תרומת הדשן פסקים וכתבים ס' קה

אם למרוט נוצות לאווזות חיים, אי דומה לגיזת כבשים או אי הווי צער בעלי חיים גם לחתוך לשון העוף כדי שידבר, ואזנים וזנב מכלב כדי ליפותו, נראין הדברים דאין אסור משום צער בעלי חיים אם הוא עושה לצורכיו ולתשמישו. דלא נבראו כל הבריות רק לשמש את האדם, כדאיתא פרק בתרא דקידושין. ותדע דבפ' ב' דב"מ חשיב פריקה צער בעלי חיים, וא"כ היאך מותר משא כבד על בהמתו להוליכו ממקום למקום הא איכא צער בעלי חיים ... ומתוך הלין ראיות הוה נראה קצת דליכא איסור בכה"ג, אלא שהעולם נזהרים ונמנעים, ואפשר הטעם לפי שאינו רוצה העולם [לנהוג] מדות אכזריות נגד הבריות.

Rabbi Yisrael Isserlin (1390-1460), Terumat HaDeshen, Pesakim U'Ketavim no. 105

May one remove feathers from live geese: is it similar to shearing sheep, or is it considered tza'ar ba'alei chayim? Also, may one cut the tongue of a bird in order to allow it to speak, or cut the ears or tail of a dog in order to beautify it? It would seem that there is no prohibition against tza'ar ba'alei chayim; he does so for his benefit or service because the creatures of the world were created to serve man, as it states in the last chapter of Kiddushin. You should know that in the second chapter of Baba Metzia, removal of a load from a donkey is considered tza'ar ba'alei chayim, but one might question: how is it permissible at the outset to load the donkey with a heavy load to travel from place to place? Is this not considered tza'ar ba'alei chayim? ... From these proofs, it seems that in the aforementioned cases there is no prohibition, but many people are nevertheless cautious and do not do so. It is possible that they refrain because they do not want to behave cruelly to the creatures.

Rabbi Isserlin's comments are codified by Rabbi Moses ben Israel Isserles (Rama):

רמ"א אהע"ז ה:יד

כל דבר הצריך לרפואה או לשאר דברים, לית ביה משום איסור צער בעלי חיים. ולכן מותר למרוט נוצות מאווזות חיות, וליכא למיחש משום צער בעלי חיים ומ"מ העולם נמנעים דהוי אכזריות.

Rabbi Moses ben Israel Isserles (Rama), (1525-1572, Krakow, Poland), Even HaEzer 5:14:

Anything that is for health purposes or other purposes, there is no concern for tza'ar ba'alei chayim. Therefore, it is permissible to pluck feathers from live geese and there is no concern for tza'ar ba'alei chayim. Nevertheless, many people refrain because it is cruel.

רמב"ם, מורה נבוכים ג:מה

וכאשר הביא הכרח טוב המזון להריגת בעלי חיים כונה התורה לקלה שבמיתות ואסרה שיענה אותם בשחיטה רעה ולא בנחירה ולא יחנה

⁸ The disagreement in the Mishna concerns whether the Torah obligates a person only to unload their fellow's struggling donkey, or also to load it. The discussion that continues in the Talmud (citing a Mishnaic source) speaks to how that obligation applies in the context of receiving payment for loading or unloading, and whether a person is obligated to help when they will not be paid.

⁹ That one is bound to unload, as above, and the verse would be unnecessary. This excerpt of the Talmud is part of a longer discussion that relates to the laws of tza'ar ba'alei chayim.

מהם אבר כמו שבארנו, וכן אסר לשחוט אותו ואת בנו ביום אחד, להשמר ולהרחיק לשחוט משניהם הבן לעיני האם, כי צער בעלי חיים בזה גדול מאד, אין הפרש בין צער האדם עליו וצער שאר ב"ח, כי אהבת האם ורחמיה על הולד אינו נמשך אחר השכל רק אחר פעל הכח המדמה הנמצא ברוב בעלי חיים כמו שנמצא באדם, והיה זה הדין מיוחד בשור ושה, מפני שהם מותר לנו אכילתם מן הבייתות הנהוג לאכלם, והם אשר תכיר מהם האם את הולד, וזהו הטעם ג"כ בשלוח הקן, כי הביצים אשר שכבה האם עליהם והאפרוחים הצריכים לאמם על הרוב אינם ראויים לאכילה, וכשישלח האם ותלך לה לא תצטער בראות לקיחת הבנים, ועל הרוב יהיה סבה להניח הכל, כי מה שהיה לוקח ברוב הפעמים אינו ראוי לאכילה, ואם אלו הצערים הנפשיים חסה תורה עליהם בבהמות ובעופות כל שכן בבני אדם.

Maimonides, Guide for the Perplexed 3:48, Friedlander Translation

Since, therefore, the desire of procuring good food necessitates the slaying of animals, the Law enjoins that the death of the animal should be the easiest. It is not allowed to torment the animal by cutting the throat in a clumsy manner, by pole-axing, or by cutting off a limb while the animal is alive. It is also prohibited to kill an animal with its young on the same day (Lev. xxii. 28), in order that people should be restrained and prevented from killing the two together in such a manner that the young is slain in the sight of the mother; for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of man and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning, but by imagination, and this faculty exists not only in man but in most living beings. This law applies only to ox and lamb, because of the domestic animals used as food these alone are permitted to us, and in these cases the mother recognizes her young.

The same reason applies to the law which enjoins that we should let the mother fly away when we take the young. The eggs over which the bird sits, 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 any pain. In most cases, however, this commandment will cause man to leave the whole nest untouched, because [the young or the eggs], which he is allowed to take, are, as a rule, unfit for food. If the Law provides that such grief should not be caused to cattle or birds, how much more careful must we be that we should not cause grief to our fellowmen.

Discussion Questions:

1. To what extent do you think “refraining because it is cruel” is valued in these sources? To what extent is this valued in our society today?
2. How do these sources balance the need for food and other commodities with the need to refrain from being cruel?
3. What lessons from these texts could we learn and use to inform and inspire our actions today?

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