

**Animal Welfare:**  
**The Commandments Were Only Given for the Purpose of Refining People**  
**David Rosen**

*Behold I have taught you statutes and ordinances as the Lord my God commanded me .... Keep them and do them, for it (the Torah) is your wisdom and understanding in the sight of the peoples who, when they hear all these statutes will say 'surely this great nation is a wise and understanding people.'*<sup>1</sup>

The above verses make it clear that the Jewish people's observance of God's commandments is meant to inspire the world to acknowledge their wisdom and values. The Torah makes it clear that the observance of the *mitzvot* is for our own benefit.<sup>2</sup> *Chazal*—the sages of the Talmud—describe the commandments as beautifying us<sup>3</sup> and in the following passage they portray the *mitzvot* as having the goal of refining our characters:

What does God care whether a man kills an animal in the proper Jewish way and eats it, or whether he strangles an animal and then eats it? Will the one benefit Him or the other injure Him? What does God care whether a man eats kosher or non-kosher animals? Doesn't it say: "If you are wise, you are wise for yourself, but if you scorn, you alone shall bear it."<sup>4</sup> So you learn that the commandments were given only to refine God's creatures, as it says:<sup>5</sup> "God's word is refined. It is a protection to those who trust in Him"<sup>6</sup>

In keeping with this text, the Ramban emphasized the purpose of the *mitzvot* as improving human character. Concerning the *mitzvah* of *shiluah haken* (driving away the mother bird from its nest before taking the eggs), he explained the commandment is not out of compassion for the bird but in order to educate **us** to be compassionate.<sup>7</sup>

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<sup>1</sup> Deuteronomy 4:6

<sup>2</sup> Deuteronomy 30:15-20

<sup>3</sup> Song of Songs, Rabbah 1:1

<sup>4</sup> Proverbs 9:12

<sup>5</sup> 2 Samuel 22:31

<sup>6</sup> Midrach Tanhuma, Parshat Shmini, 15b. Similarly, Genesis Rabbah, Lech Lcha 44:1. Leviticus Rabbah, Shmini 13:3

<sup>7</sup> Deuteronomy 22:6

Ramban took issue with Rambam on the latter's claim that the commandments relating to kindness to animals are for the latter's benefit. Nevertheless, Rambam already explained the goal of the laws of *shehitah* as having the purpose which Ramban sees as behind the former *mitzvot*:

The object of the prohibition against causing an animal pain is in order to perfect us so that we should not acquire habits of cruelty and should not inflict pain gratuitously without any utility, but we should be kind and merciful to all living creatures, except in case of need... We must not kill animals out of cruelty or for sport.<sup>8</sup>

Furthermore, Rambam wrote that: "Every single one of the 613 *mitzvot* serves to inculcate an authentic philosophy of life, to repudiate a pernicious ideology, to promote justice and eradicate injustice, to cultivate morality and avoid evil conduct."<sup>9</sup> And in his *Code of Jewish Law*<sup>10</sup> he stated: "Most laws of the Torah are but good guidance from the Greatest Guide, in order to improve traits and direct all actions with integrity."<sup>11</sup>

These lines of thought reflect the views within *Chazal* and the later *rishonim* (commentators from the eleventh to fifteenth centuries) who saw the limitations under which the killing of animals is permitted for human needs, *shechitah*, and precepts related to *kashrut*, as having the purpose of minimizing animal pain and promoting compassion<sup>12</sup> in consonance with the prohibitions of *tza'ar ba'alei hayim* (causing needless cruelty to animals).<sup>13</sup>

In modern times, Rabbi Avraham Yitzhak HaCohen Kook expanded extensively on this theme.<sup>14</sup> Compassion is portrayed by our sages as a defining Jewish character trait, so much so that they declare<sup>15</sup> that it is compassion that proves one is an authentic descendent of Abraham (thus questioning the provenance of one lacking in compassion), in keeping with the *Torah's* portrayal of compassion as the

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<sup>8</sup> Guide for the Perplexed 111:17

<sup>9</sup> Guide for the Perplexed 3:31

<sup>10</sup> Mishnah Torah, Hilchot Temurah 4:13

<sup>11</sup> (See also the *Magid Mishneh* at the end of his commentary on *Yad Hahazakah, Hilchot Shchenim*)

<sup>12</sup> See Sefer HaHinuch 451

<sup>13</sup> Bava Metzia 32b; Sefer HaHinuch, 148, 284, 452, 550, 596

<sup>14</sup> Hazon hatzimhonut vehashalom, ed. David HaCohen, first published in HaPeles, 1903

<sup>15</sup> Babylonian Talmud, Beitzah 32b

determining quality that makes Rebecca<sup>16</sup> suitable for the family of Abraham.<sup>17</sup> It is similar compassion towards animals that is portrayed as the quality that made Moses fit for leadership of the Jewish people, and the same with *King David*.<sup>18</sup>

Of course, compassion is at the heart of the key *mitzvah* to cleave to/emulate the Divine “His mercies are upon all His creatures”<sup>19</sup>; thus we are told: “Just as He is compassionate and merciful, so you be compassionate and merciful.”<sup>20</sup> Accordingly, *Chazal* declared that by showing compassion towards living creatures we elicit God’s compassion towards us.<sup>21</sup> Indeed, it would appear that our sages urge us to go even beyond the letter of the law regarding compassion for animals, as indicated in the famous story of Rabbi Yehudah HaNasi,<sup>22</sup> who received Divine punishment for refusing to protect a frightened calf that sought his refuge while being taken to slaughter.<sup>23</sup>

The tension between the Torah’s permissive mandate to use animals and even take animal life for our human needs versus our obligations to care for and be compassionate towards animal life raises the question of determining what and when is a legitimate human need.

Rabbi Israel Isserlein—known as the Trumat Hadeshen (basing himself on *Piskei haTosafot, Avodah Zarah, 1:11*)<sup>24</sup>—commented that it is permitted to cause pain to animals for human benefit, referring to plucking feathers off a live goose. Yet, he indicated that we should refrain from doing so because of the inherent cruelty in the act.<sup>25</sup> However, Rabbi Yitzhak Dov Halevi Bamberger (*Yad HaLevi*, known as the Würzburger Rav. 1807- 1878) <sup>26</sup> contests this permission on principle as contravening the prohibition of *tzaar baalei hayim*. And according to Rabbi Yeruham Yehudah Leib Perlman ( *Or Gadol*, also known as the “Gadol of Minsk”, 1835-1896)<sup>27</sup>, the matter of permitting *tzaar baalei hayim* for human material

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<sup>16</sup> Genesis 24:10-15

<sup>17</sup> See the Malbim, Hatorah Vhamitzvot

<sup>18</sup> Exodus Rabba 2:2. See also Midrash Tanhuma, Noah, 4

<sup>19</sup> Psalm 145:9

<sup>20</sup> Babylonian Talmud, Shabbat 133b; Yerushalmi, Pe’ah 3; Sofrim 3:17

<sup>21</sup> Babylonian Talmud, Shabbat 151b. See also Sefer Hassidim, 87

<sup>22</sup> Babylonian Talmud, Bava Metzia 85a

<sup>23</sup> See Maharsha loc. Cit.; Imrei Shefer No. 34, 10-12; Ma’archei Lev No. 110

<sup>24</sup> Piskei HaTosafot, Avodah Zarah, 1:11

<sup>25</sup> Shulhan Aruch, Even HaEzer 5:14. Similarly the Rema loc. cit.

<sup>26</sup> Yoreh Deah 196

<sup>27</sup> Shabbat 24a

benefit is a matter of debate among *rishonim*, with Rashi permitting but Ramban and Rashba both forbidding.

These deliberations have contemporary practical ramifications, notably in relation to the production of goose liver through force feeding. This was prohibited by a number of authorities as contravening the prohibition of *tzaar baalei hayim*, notably Rabbi Yoel ben Shmuel Sirkis (*Bayit Hadash*, 1561-1640)<sup>28</sup> and Rabbi Avraham Danzig (*Hochmat Adam*, 1748-1829)<sup>29</sup>. More recently, Rabbi Eliezer Yehudah Waldenberg (*Tzitz Eliezer*, 1915-2006)<sup>30</sup> and Rabbi Ovadiah Yosef (1920-2013)<sup>31</sup> have reaffirmed this position. Similarly Rabbi Moshe Feinstein (1895 – 1986) ruled against the production of veal as, inter alia, transgressing this prohibition.<sup>32</sup>

Rabbi Jacob Ettlinger (*Binyan Tziyon*, 1798-1871) used the term *to'elet muchletet*<sup>33</sup> i.e. “categorical advantage”, as the only basis for justifying cruelty to animals, and even then as long as it does not cause “great pain.” While *Yad Halevi* referred to above and Rabbi Eliyahu Klatzkin (*Imrei Shefer*, 1852-1932)<sup>34</sup> are of the opinion that only clear human medical benefit can justify cruelty to animals

The modern world in which we live, however, poses new challenges, even for the position of those authorities who gave restricted permission justifying animal pain for human benefit. While there is universal halakhic consensus regarding the use of animals for direct health benefits for humans, strong halakhic objections have been raised regarding cruelty for cosmetic purposes and in particular regarding the fur trade. In his *responsum*<sup>35</sup> prohibiting killing animals for their fur, the late Rabbi Hayim David Halevi insisted that causing pain to animals can only be justified for “essential need” (*tzorech hiyuni*).

What may have been an “essential need” in the past or in a different location (for example due to limited resources) may not be such in other time periods and places. These questions arise today in particular in relation to the livestock trade. In the past, animals slaughtered for consumption typically were raised on private

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<sup>28</sup> Yoreh Deah 33:9

<sup>29</sup> 16:10

<sup>30</sup> Vol. 11 No. 49, 55

<sup>31</sup> Yehaveh Daat 3:66

<sup>32</sup> Igarot Mosheh, Even Ha'ezer 4:92

<sup>33</sup> Binyan Zion 108

<sup>34</sup> Imrei Shefer 34

<sup>35</sup> Aseh Icha rav, Vo. 3, No. 54

farms, under relatively humane conditions. Nevertheless, in modern society, this has changed and “factory farms,” produce beef cattle by the millions and fowl by the billions every year for human consumption.

Because factory farming is a business, its goal is to maximize production and, consequently, profit. Since the animals are seen as mere commodities, they are bred, fed, confined, and drugged to lay more eggs, birth more offspring, and die with more meat on their bones. Farmers cut costs by keeping animals in extremely confined and segregated conditions. As a result, animals experience intense stress that leads to unnatural aggression. To curb this aggression and prevent animals from damaging one another they are de-horned, typically without anesthetic. To protect the animals from the bacteria-full air in their confines and to stimulate aberrant growth, farmers routinely administer drugs and hormones to animals, which are passed on to the meat-eating public.

The consequences of agribusiness are institutionalized animal cruelty, environmental destruction, resource depletion, and health dangers. Dairy cows live in crowded pens or barns with concrete floors. They are forced to produce ten times more milk than they would produce in nature and as a result, experience numerous health problems. After dairy cows give birth, their calves are immediately separated from them, a practice which causes great distress (cows can be heard bellowing for their young.) They are then milked, re-inseminated, their calves taken away again and milked continuously until they are exhausted. Cows normally live 20 to 25 years or more; dairy cows are slaughtered when they are three or five years old.

Male calves are raised for both beef and veal. Veal calves live in particularly small confines and are often chained. They are fed a milk substitute deficient in iron and fiber. In other words, they are deliberately kept anemic and their muscles are atrophied so that their flesh will be pale and tender. They never see the sun or have contact with the natural vegetation. Ten percent of veal cows die in confinement.

Furthermore, farmers get more money for chickens with enlarged thighs and breasts. As a result, they breed the animals to be so heavy that their bones cannot support their weight. Consequently, the chickens have difficulty standing, and their legs often break. Like other factory farmed animals, broiler chickens are raised in such overcrowded enclosures that they become aggressive. To stop

them from fighting with one another, their beaks and toes are cut off *without* anesthetic - a painful practice that involves slicing through bone, cartilage, and soft tissue. Some cannot eat after being "de-beaked" and starve to death.

In the case of egg-producing chickens, newborn chicks are placed on a conveyor belt where a worker picks each one up to see if it is male or female. Newborn males are placed in trash bags and suffocated, crushed, or ground up alive. Newborn females are placed back on the belt. The next worker then picks up the female chick, holds her up to a machine's hot iron which cuts off her beak, and then places her back on the belt. Approximately one in five dies of stress and disease. Others are ground up and turned into animal feed on site. Layer hens are exposed to light constantly so that they will lay more eggs. At the end of their laying cycle, they are killed or subjected to "forced molting," a process that entails withholding food and water for up to eighteen days and keeping them in darkness so that their bodies are shocked into another laying cycle; many of these birds die from fatigue. Hens normally live fifteen to twenty years. Layer hens are slaughtered when they are one to two years old.<sup>36</sup>

One might also note the human health dangers that have arisen from such intensive animal farming,<sup>37</sup> as well as the fact that intensive factory farming has grown to become the biggest threat to the global environment through deforestation for animal feed production; unsustainable use of water for feed-crops, including groundwater extraction; pollution of soil, water and air by nitrogen and phosphorus from fertilizer used for feed-crops and from manure; land degradation (reduced fertility, soil compaction, increased salinity, desertification); and loss of biodiversity due to eutrophication ( the presence of excessive nutrients primarily in bodies of water due to effluent and other run off from the land), acidification, pesticides and herbicides.<sup>38</sup>

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<sup>36</sup> Peter Cheek, *Contemporary Issues in Animal Agriculture*, 1999; The Fund for Animals [www.fund.org/library/document-viewer.asp?ID=68&table=documents](http://www.fund.org/library/document-viewer.asp?ID=68&table=documents)

<sup>37</sup> See "Factory Farming: The Impact of Animal Feeding Operations on the Environment and Health of Local Communities" Schneider K, Garrett L, June 19, 2009; <https://www.organicconsumers.org/news/hidden-link-between-factory-farms-toxic-chemicals-and-human-illness>; "The Hidden Link Between Factory Farms, Toxic Chemicals and Human Illness" 2017 <https://www.organicconsumers.org/news/hidden-link-between-factory-farms-toxic-chemicals-and-human-illness>.

<sup>38</sup> see "Environmental Impact of Industrial Farm Animal Production" A Report of the Pew Commission on Industrial Farm Animal Production, accessed July 2017 <https://www.ncifap.org/> 2017

This wholesale transgression of Jewish values relating to animal life in industrial livestock production led the late Rabbi Aryeh Carmell to state that: “It is doubtful that the *Torah* would sanction factory farming, which treats animals as machines, with apparent insensitivity to their natural needs and instincts.”<sup>39</sup> Technical *halakhic* problems also result from this intensive farming as it leads to widespread distortions of animal organs.<sup>40</sup> The result is that commercially-produced milk contains the product of a significant number of deformed cows which may well disqualify the *kashrut* of the milk.<sup>41</sup>

Given the economic realities of today’s food industry, the Jewish community has been enlisted inexorably into this system. It is not commercially feasible for *kosher* food suppliers to raise their own livestock.

Even if, for argument’s sake, one does not question the actual *kashrut* of the foodstuffs concerned as the products of such wholesale transgressions of *halakhic* prohibitions, there is surely a serious *halakhic* question as to whether one can be party to such desecration let alone aid and abet it. But this is precisely what we are doing when we buy these products.

As Rabbi David Sears, writing on the matter, states:

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 *tzaar baalei haim*. 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.<sup>42</sup>

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<sup>39</sup> Master Plan: Judaism, its programs, meaning, goals (1991) p.69

<sup>40</sup> Scientific Farm Animal Production (6<sup>th</sup> ed.1998); Peter Cheek, Contemporary Issues in Animal Agriculture, 1999

<sup>41</sup> Rabbi J. David Bleich. Tradition, Contemporary Halakhic Problems, Volume 6, “Is the milk we drink kosher?” accessed July 2017

[http://www.yutorah.org/lectures/lecture.cfm/750416/Rabbi\\_Michoel\\_Zylberman/The\\_Kashrut\\_of\\_Commercially\\_Sold\\_Milk](http://www.yutorah.org/lectures/lecture.cfm/750416/Rabbi_Michoel_Zylberman/The_Kashrut_of_Commercially_Sold_Milk)>(letter by Rabbi Hershel Schachter to Rabbi Nachum Rabinovitz, 3rd Tishrei 6767)

<sup>42</sup> Aytzim: Ecological Judaism <http://aytzim.org/resouces/articles/237> accessed July 2017

Indeed, if the hallmark of the Jew is their quality of compassion, including compassion for animals; and if the *raison d'être* of Jewish existence as a people is to observe the *mitzvot* as a testimony to higher Divine wisdom and beauty, then the purpose of the *mitzvot* is to refine us and make us more compassionate human beings, one must surely question how it is possible for those who seek to live in the fullness of both the letter and the spirit of Torah to be party to such terrible exploitation and cruelty.

Kashrut must be seen as more than purely the technicalities of *shehitah*, *bedikah*, and the halachically required processing of the product. Judaism makes moral demands of us concerning our whole relationship with the animal world (and with the environment as a whole.) Even if the halachic requirements at point "Z" concerning the termination of animal life are fulfilled ; if in the process the obligations towards such life from point A to Y have been ignored and desecrated , it is not just a matter of what Ramban describes as *naval birshut HaTorah* - observing the letter of the law while desecrating its spirit. It involves a massive *chillul haShem* in which the Torah is not seen as a refinement of the human character, but as something that can legitimately collaborate with such cruelty and danger to humans and the environment .

The mitzvah of *Kiddush Hashem* is not only an internal one, but an external one in relation to the nations of the world as the opening quotation in this article affirms ( It is also the basis of Moses' intervention to prevent Divine extermination of Israel after the sins of the Golden Calf and the Evil Report of the Spies.)

The inevitable conclusion should be that it is our sacred duty to refrain from being a party to a barbaric industry. Only animal products that come from humane farming should be considered as truly kosher and a plant based diet should be upheld as the greatest guarantee that we are not party to the desecration of the Divine Name.