JUDAISM AND ANIMAL WELFARE
OVERVIEW AND SOME QUESTIONS

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Introduction

Writers about Judaism have often extolled its humaneness towards animals: from Josephus, who wrote of Moses, 'So thorough a lesson has he given us in gentleness and humanity that he does not overlook even the brute beasts, authorising their use only in accordance with the Law, and forbidding all other employment of them'[1], to Joseph Hertz, who saw in its consideration for animals a characteristic of the Hebrew Bible which has been 'strangely overlooked in most ethical systems, not excluding Christianity'[2].

In these eulogies there is much truth, but also some exaggeration. Not everything in the Jewish garden is lovely, nor is everywhere else a wasteland. Hinduism, Buddhism, Taoism and Jainism all have teachings about animals which in some respects go beyond Judaism[3]. Our task is not to praise but to appraise: to give a soberly factual account of what Judaism has taught on our subject in the past, and then to ask in what respects it may now need to go further.

1. Human Beings and Other Animals

Although our inquiry is a practical one, we must begin with a theoretical question: what, according to Judaism, is the status of animals in the divine scheme?

There is a sense in which human beings are part and parcel of the animal world, not essentially different from other species. That view is not generally found in Jewish tradition, except in Kohelet who says explicitly that we are nothing but animals, and adds: 'For the fate of humans and the fate of animals is the same: as one dies, so dies the other. ורוח אחד לכל, they all have the same spirit, ומותר האדם מן־הבהמה אין, and the pre-eminence of humans over animals is nothing' (3:18f).

Although that last phrase is familiar to observant Jews from the daily morning prayer in which it is quoted[4], it is far from typical. On the contrary, Judaism normally teaches that 'the pre-eminence of humans over animals' is vast. Furthermore, that view is surely to be endorsed both from a biological and from a theological point of view. For in their ability to think and to feel, to remember and communicate, to build machines and manipulate their environment, to produce art, music and literature, to discern between right and wrong, to apprehend divinity, to create and transmit culture: in all these respects human beings are, if not unique, enormously superior to all other animals.

This note is struck already in the Creation Story, with its announcement that human beings were created בצלם אלהים, in God's image, and commanded: 'Be fruitful and multiply, fill the earth and subdue it, and have dominion over the fish of the sea and the birds of the air and every living thing that moves upon the earth' (Gen. 1:28); and it is echoed in the 8th Psalm with its triumphant exclamation: 'You have made human beings little less than divine, and crowned them with glory and honour. You have given them dominion over the works of Your hands; You have put all things under their feet, all sheep and oxen, and also the beasts of the field, the birds of the air, and the fish of the sea, and all who swim the pathways of the sea' (vv. 7-9).

Here let me interject that much hinges on the meaning of 'have dominion', which in the Creation Story comes from the verb רדה and in the 8th Psalm from the verb משל. Both connote rulership but leave open the question whether the power it confers is absolute or conditional.

That it is conditional, is suggested by the affirmation that *God cares* for animals. The Creation Story, for instance, declares that vegetation was created to provide food not only for humans but for animals as well (Gen. 1:29f). In the Flood Story, God commands Noah to go to great lengths to save every animal species (Gen. 6:19; cf. 8:1). The book of

Jonah memorably ends with God's rebuke to the reluctant prophet: 'And should not I have pity on Nineveh, that great city, in which there are more than a hundred and twenty thousand persons who do not know their right hand from their left, *and also much cattle*?' (4:11). The 104th Psalm describes in loving detail how God provides food for all creatures (vv. 11-29; cf. Psalms 36:9, 145:16, 147:9; Job 38:41). And a Midrash sums up: כשם שרחמיו של הקדוש ברוך הוא על־האדם כך רחמיו על־הבהמה, 'Just as God has compassion on humans, so God has compassion on animals' (Deut.R. 6:1). The clear implication of all this is that what God cherishes *we* must cherish.

The condition on which God has given us 'dominion' over animals is that we exercise it *responsibly*.. If we do so, all will be well; if not, disaster will ensue. That point is made in a Rabbinic comment based on the fact that the imperative ורדו in the divine command to Adam and Eve (Gen. 1:28) could grammatically be taken either from the verb רדה, 'to have dominion', or from the verb ירד, 'to go down', the comment being that if we are worthy, we shall have dominion over other animals; if not, we shall descend to their level (Gen.R. 8:12).

If we now ask whether this is a satisfactory philosophy of the relationship between humans and animals, we have to say two things. On the one hand, it contrasts favourably with the attitude to animals that prevailed in the Western world until the nineteenth century. Prior to that, according to the historian Cecil Roth, 'cruelty to animals was nowhere illegal - except under Jewish Law'[5]. In England, as he goes on to point out, a major shift in attitude occurred as recently as 1824, which saw the publication of a book entitled *Moral Enquiries on the Situation of Men and Brutes* by Lewis Gompertz, who was a Jew, and, partly as a result of that, the establishment of the Society[6] for the Prevention of Cruelty to Animals.

On the other hand, the traditional Jewish view falls short of the most advanced thinking of our time, which, influenced by Darwinian and post-Darwinian biology, has stressed anew, in a manner reminiscent of Kohelet, how much all living things, humans included, have in common. As Dr John Launer wrote in a recent article in *Manna*, 'We are the comparatively recent descendants of tree shrews and the distant progeny of bacteria... A fuller understanding of our connectedness to other life forms... might lead us to reconsider our superiority. It might also prompt us to reassess our attitudes towards our multifarious biological relations.'[7].

This kind of thinking also underlies the modern emphasis on 'animal rights'[8]. Whether there really are such rights is, I suggest, an academic question[9]. For from a common-sense point of view rights and duties are simply correlatives. If A has a duty to B, then B has a right to the benefit of the fulfilment of that duty. But the advantage of 'animal rights' language is that it challenges the anthropocentrism which has hitherto dominated Jewish, and Western, thought about animals. Judaism, for instance, has characteristically taught that all animals were created solely or primarily for the benefit of humanity[10].

Here then is the first of my questions: as Progressive Jews, should we not be in the vanguard of those who acknowledge the inadequacy of the traditional anthropocentrism, and try to see the animal world from a cosmic rather than merely a human point of view? Should we not say that the myriads of species of animals serve many purposes which are fully known only to the Creator and among which their usefulness to humanity is at best only one?

2. The Conservation of Animals

The relevance of this becomes immediately apparent when we consider how many millions[11] of species of animals have already become extinct as a direct or indirect result of anthropocentrically motivated human activity. This calamity could of course not be foreseen in pre-modern times, and therefore we must not expect to find much guidance concerning it in the classical sources of Judaism; and yet one or two hints may be found already there.

Most obviously, the Flood Story is itself an object-lesson in the conservation of species. Even more explicitly, there is a Midrash on it according to which a raven said to Noah: 'You must hate me, for you did not send a scout from the species of birds of

which there are seven pairs in the ark, but from a species of which there is only one pair. Therefore, if I had been struck down by the power of the sun or of the cold, would not the world be missing a species?' (San. 108b)[12].

That human irresponsibility can lead to ecological disaster was strikingly perceived, even earlier, by the prophet Hosea when, after denouncing various social evils, he continued: 'Therefore the land mourns, and all who live in it languish; together with the wild animals and the birds of the air, even the fish of the sea are perishing' (4:3).

Which brings me to my second question: to the commandments of Judaism, should we not add this twofold ecological one: negatively, to refrain from any activity, such as deforestation and environmental pollution, which may destroy essential animal habitats and, positively, to take all necessary steps to save endangered species froin extinction?

3. The Treatment of Animals

We have said that our 'dominion' over animals is granted to us on the condition that we exercise it responsibly. Another way of putting that may be taken from a comment on the Psalm verse, 'The heavens are the heavens of the Eternal One, but the earth God has given to humankind' (115:16). On this Abraham ibn Ezra remarks שהאדם כמו פקיד אלהים בארץ על כל מה שיש בה, 'that humanity is like God's steward on earth in charge of all that it contains' (ad loc.).

This concept of פקידות - of stewardship - is central to our subject, and, as we have already seen, what it primarily entails is conservation. But equally obviously, it has implications for the way we treat animals, especially domestic ones, since by domesticating them we assume responsibility for them. That this requires considerate behaviour on our part is a major theme of Jewish literature, expressed in exhortations, stories and regulations.

The fundamental principle is stated positively in the book of Proverbs when it says, יודע צדיק נפש בהמתו, 'A righteous man knows the soul [that is, considers the feelings] of his domestic animals' (12:10). The corresponding negative principle is צער בעלי חיים, animal suffering. This is a Rabbinic term, and there is an unresolved debate as to whether the prohibition of it is מדאורייתא or מדרבנן, i.e., whether it has Sinaitic or only post-Sinaitic authority (Tos. BM 32b)[13]. But, as Rabbi J. David Bleich points out, the question 'is of no significance whatsoever insofar as the normative regulations prohibiting overt acts of cruelty vis-à-vis animals are concerned'[14].

Relevant narratives include, once again, the story of the Flood, which the Aggadists greatly elaborated, stressing how much trouble Noah and his family took, even to the point of denying themselves sleep, to ensure that the animals in the Ark were adequately fed (Tanchuma, Noach 9, 15a; Midrash Tehillim on Psalm 37:1). There is also the story of how Rebekah made a favourable impression on Abraham's servant by giving water not only to him but also to his camels (Gen. 24:46).

In the Aggadah, Moses, by his tender care for a straying lamb, proves his worthiness to become the shepherd of God's flock, the people of Israel (Exod.R. 2:2). And there is the story of how Judah the Prince, when a terrified calf, about to be slaughtered, sought refuge under his coat, said to it, 'Go, for this you were created', and was divinely punished for his heartlessness until he redeemed himself by saving a litter of newborn weasels whom his maidservant was about to sweep out of the house (BM 85a).

Turning from narrative to legislation, we must note a number of specific laws forbidding cruelty and enjoining kindness to animals as found in the Bible and supplemented in the Talmud.

It is forbidden to eat what the Rabbis called אבר מן החי, a limb torn from a living animal (Sifrei Deut. 76). This prohibition is first found in the Noah story (Gen. 9:4) and restated in Deuteronomy (12:23) and was considered so fundamental that it was included among the שבע מצוות בני נח, the seven laws incumbent on the descendants of Noah and therefore on all human beings (Tosefta AZ 8:4-6; San. 56b). Here I must interject, however, that the traditional hard-and-fast distinction between laws applicable only to Jews and laws applicable to human beings generally cannot be

sustained from a Progressive point of view. For ethical precepts are by their very nature universal, which is indeed particularly obvious where the welfare of animals is concerned, since they suffer just as much whether ill-treated by Jews or by non-Jews.

Cross-breeding of cattle is forbidden (Lev. 19:19). An ox and a donkey may not be yoked together when ploughing (Deut. 22:10), for the obvious reason, spelt out by Ibn Ezra, that it would be cruel, since a donkey is not as strong as an ox, and 'God has mercy on all creatures' (ad loc.). An ox may not be muzzled when treading the corn (Deut. 25:4). A sacrificial animal must be allowed to live for at least seven days, and even after that it is forbidden to slaughter the mother and its young on the same day (Lev. 22:27f), a law known as אותו ואת בנו. Similarly, by a law known as שילוח הקן, a mother bird must not be taken from its nest together with its young (Deut. 22:6f), .

Domestic animals, like servants, must be allowed to rest on the sabbath (Exod. 20:10, 23:12, Deut. 5:14). Even חיה השדה, the 'beasts of the field', i.e., wild animals, may help themselves to what grows of itself in the sabbatical year, when the land lies fallow (Exod. 23:11). A domestic animal that has strayed from its owner's domain must be taken back to him, even if he is your enemy (Exod. 23:4). An animal that has collapsed under its burden must be helped up, even if its owner is your enemy (Exod. 23:5, Deut. 22:4).

The biblical legislation was amplified by the Rabbis in various ways. They ruled, for instance, אין אדם רשאי ליקח לו בהמה חיה ועוף אלא אם כן החקין להן מזונות, that it is forbidden to buy a domestic or a wild animal or a bird if one does not have the means to feed it (J. Yev. 15:3; J. Kid. 4:8). From the verse, 'I will give grass in your fields for your cattle, and you shall eat and be satisfied' (Deut. 11:15), they inferred: אסור לאדם שיאכל קודם שיתן מאכל לבהמתו, 'It is forbidden to eat before giving food to one's animals' (Ber. 40a). The laws of sabbath rest were relaxed when necessary to rescue an animal that had fallen into a ditch (Shab. 126b),

Some of the medieval authorities went even further. Maimonides, for instance, ruled that the prohibition against muzzling an ox when treading the corn applies equally to other animals and other produce[15]; and commenting on the biblical prohibition against killing an animal and its young on the same day (Lev. 22:28), he explained that maternal love is just as strong in animals as it is in humans[16]. Judah he-Chasid taught that whoever causes suffering to an animal by overloading it or by hitting it will be held to account before the heavenly court[17], and that if a strange dog enters your house you may chase it away, but only by gentle means[18]. And Abraham Gumbiner remarked that even with respect to somebody else's animal, מצוה ליתן לו מזונות, it is a good deed to feed it[19].

All this is splendid and has prompted modern expounders of Judaism to praise it unreservedly[20]. But to do so is to gloss over the less favourable evidence which, in loyalty to truth, needs also to be acknowledged. For one thing, the regulations we have noted, with only two exceptions, apply to *domestic* rather than wild animals. Furthermore, there is a strong tendency in Jewish tradition to regard these laws as enacted, not so much for the physical good of animals as for the moral good of human beings, so that they may not acquire cruel habits and so come to behave cruelly to one another (anthropocentrism again!)[21] There is even some disagreement whether the law about helping a collapsed animal applies when its owner is a non-Jew[22].

The story of the Akedah was no doubt intended to evoke horror at the thought of Abraham sacrificing his son, but there is no hint of a suggestion that there is any cause to feel sorry for the ram that is slaughtered in his place[23]. Likewise, the Samson story betrays no squeamishness when it relates how he tore a young lion asunder with his bare hands (Jud. 14:6).

The ritual of the scapegoat (Lev. 16:7-10), as understood in the Mishnah, involved pushing the unfortunate animal backwards over a precipice so that, by the time it was half-way down it was broken to pieces (Yoma 6:6). Similarly, the expiation of an unexplained murder required a ritual called עגלה ערופה which involved the breaking of the neck of a heifer by the elders of the nearest town (Deut. 21:1-9; Sotah 9:1-9). Again, an ox that had gored a human being, was to be stoned to death; it is referred to as שור הנסקל (Exod. 21:28; San. 7:4). Although these practices ceased with the destruction of the

Temple or were subsequently discontinued, Rabbinic literature nowhere expresses any qualms about them on grounds of cruelty.

The truth is that in this matter ancient Judaism was indeed far ahead of its time, but to credit it with a modern fastidiousness about animal welfare is anachronistic, and to that extent Judaism has still some catching up to do.

For instance, the traditional Halachah has not yet addressed some problems which have become acute only in recent times as a result either of new developments in farming technology or of enhanced sensitivity about animal suffering. Perhaps the most serious of these is factory farming, including the obscene practice of confining hens in battery cages so small that they can never flap their wings.

Here then is a third question: should not any animal food produced under such conditions be forbidden on grounds of צער בעלי חיים, *cruelty to animals?*

4. Killing Animals for Nutritional Purposes

This brings us to a crucial question: for what purposes may human beings kill animals? In the past, six such purposes have been considered legitimate: nutritional, sacrificial, recreational, ecological, commercial and experimental. Let us examine each in turn.

On the question whether it is permissible to kill animals for food, the traditional answer can be stated briefly. Because the Creation Story speaks of 'every herb yielding seed' as permitted to Adam and Eve (Gen. 1:29), it was assumed that our earliest ancestors were vegetarians. But because in the Flood Story God says to Noah and his sons: 'Every living thing that moves shall be food for you' (Gen. 9:3), therefore the tradition teaches that from that time onwards the consumption of meat was permitted (San. 59b) - albeit on the condition we have already noted that the prohibition against אבר מן החי, tearing a limb from a living animal, was observed. Subsequently, the tradition continues, to the Jewish people only, an elaborate code was revealed as to which animals might be eaten and how they were to be killed.

To the obvious question, how the killing of animals could be reconciled with the rule of צער בעלי חיים against causing them suffering, the answer was given, either that it is an exception to the rule or that the rule is sufficiently satisfied if the killing is done in the most humane way possible[24].

Either way, meat eating has been considered perfectly legitimate in Jewish tradition all through the ages. There is even something of a bias in its favour, for the Torah says explicitly that the craving for meat may be satisfied (Deut. 12:20f), and meat featured in the joyful celebration of the festivals. In the words of Maimonides, אין שמחה אלא בבשר, 'there is no rejoicing without meat'[25].

There is indeed a question whether meat eating should not be confined to the learned, who understand the legislation involved, and forbidden to the ignorant, who do not (Pes. 49b). Nevertheless, vegetarianism has never been common among Jews, and when individuals opted for it they were regarded as practising מדת חסידות, a kind of supererogatory piety which was not even commended, let alone commanded, to all and sundry[26].

From an Orthodox point of view that is the end of the matter, since it does not admit the possibility of any valid ethical principles unstated in the Torah. Thus Rabbi J. David Bleich begins his exhaustive essay on 'Vegetarianism and Judaism' by saying: 'In Jewish teaching, not only are normative laws regarded as binding solely upon the authority of divine revelation, but ethical principles as well are regarded as endowed with validity and commended as goals of human aspiration only if they, too, are divinely revealed'[27]. In other words, there have been no genuine ethical advances since Sinai.Since Progressive Judaism emphatically rejects that view, the traditional position is not necessarily to be accepted as final.

Consequently the question - my fourth - arises whether the time has not come to go one step further and, instead of looking on vegetarianism as a pardonable eccentricity, declare it to be positively commendable, even though not obligatory.

If, however, meat eating is to continue to be regarded as legitimate, then two further questions arise. First, whether the biblical and traditional distinctions between permitted and forbidden species are to be upheld. From a non-fundamentalist point of view, the laws in question can hardly be said to be divinely revealed. Neither can they all be justified on hygienic grounds, though that may be true of *some* of them. In short, they cannot, in their entirety, be rationally justified, and therefore Progressive Judaism has never officially endorsed them.

Nevertheless I think it would accord with the prevailing mood among Progressive Jews today to recognise that every society has such food taboos, going back to ancient times; that, since they are essentially non-rational, there is little point in arguing about them; and that, if we wish to identify ourselves with כלל ישראל, the Jewish people as a whole, we may as well go along with those which Jewish tradition has upheld.

Therefore my next question (number five) is whether something to that effect should now be taught in the name of Progressive Judaism.

The other question, on which Progressive Judaism has likewise never committed itself, is whether שחיטה, the traditional Jewish method of slaughter, is to be regarded as obligatory. Here, again, we can hardly go along with the fundamentalist view of it as divinely ordained. Therefore it must be judged by its humaneness. Of course defenders of traditional Judaism maintain that it *is* the most humane method, and they may well be right. However, whether that is the case is a scientific, not a theological, question. And because scientific opinion is divided, therefore it must remain, to that extent, open.

All I think we can do in the name of Progressive Judaism - and my sixth question is whether I am right in so thinking - is to make this conditional three-part statement: If שחיטה is more *humane than other ways of slaughtering animals, then we should not only insist on it for ourselves but urge it upon non-Jews as well. And even if it is only* as *humane as any other method, we should still adhere to it for the sake of כלל ישראל. But if and when there is a clear consensus in the scientific world that it is* less *humane than some other method, such as prior stunning, then we should opt for that other method, for the universal-ethical principle of צער בעלי חיים has a much stronger claim on us than the technicalities of any ancient ritual code.*

5. Killing Animals for Sacrificial Purposes

A second purpose which has in the past been regarded as a legitimate reason for killing animals is the religious ritual of sacrifice. Fortunately, this is not, in Judaism, הלכה למעשה, operative law, since the Jewish sacrificial cult ceased with the destruction of the Temple nearly 2,000 years ago. Even so, it is הלכתא דמשיחא, messianic law, in the sense that the hope for its ultimate restoration is a principle of Orthodox Judaism and a major theme of its liturgy. As the late Chief Rabbi Lord Jakobovits pointed out, 'The truth is that sacrifices are absolutely central to the very structure of our daily prayers'[28].

This theme links up with the preceding one because the institution of sacrifice derives from the belief that the gods were sufficiently like humans to require food. Admittedly, the Hebrew Bible occasionally repudiates that belief (e.g., Psalm 50:12f), and Rabbi Bernard J. Bamberger was no doubt right when he wrote, 'Very likely the authors of Leviticus regarded sacrifice as simply an act of homage to God and not as a means of satisfying His hunger'[29]. Nevertheless, traces of the primitive notion survive in the term לחם אלהים, 'the food of God', which occurs six times in the Torah (Lev. 21:6, 8, 17, 21, 22, 22:25), and in the related expression רח ניחח, referring to the 'sweet odour' of the burnt offerings, intended to give God pleasure, which occurs no less than thirty-nine times.

Furthermore, some of the sacrificial animals, after being symbolically offered to God, were actually consumed by the worshippers who brought them or the priests who slaughtered them. But that does not apply to the עולה, the burnt-offering. which, as its name implies, was wholly destroyed and therefore served no utilitarian purpose at all.

From a non-fundamentalist point of view, there can be no religiously valid ritual that requires the killing of animals; consequently such an act would be tantamount to wanton destruction, which Jewish tradition forbids under the heading of בל תשחית, on the basis of the biblical prohibition against destroying fruit trees when besieging a city (Deut. 20:19).

Therefore my seventh question is: should not Progressive Judaism declare that, if ever it should become possible to rebuild the Temple and restore the ancient sacrificial cult, to do so would be not only theologically stupid but also morally wrong?

6. Killing Animals for Recreational Purposesas

It could be said that the secular equivalent of killing animals as a religious ritual is to kill them by way of sport and entertainment. This, however, is something Judaism has generally frowned upon. The gladiatorial contests, in which animals as well as humans were 'butchered to make a Roman holiday'[30], held little attraction for Jews, and those who refrained from attending them are commended in the Talmud (AZ 18b) with the Psalm verse, 'Happy is the one who has not walked in the counsel of the wicked' (1:1).

On the particular subject of hunting there is a responsum by the famous eighteenth-century rabbi of Prague, Ezekiel Landau, who disallows it, not exactly on the ground of צער בעלי חיים, the suffering it inflicts on the hunted animals, but because it is an uncalled-for and cruel activity which, furthermore, endangers the life of the hunter in contravention of the principle, ונשמרתם מאד לנפשותיים, 'Take good care of yourselves' (Deut. 4:16), which forbids such unnecessary risk-taking[31].

To me it seems very clear that killing animals as a sport, rather than for food or for some other valid purpose, must be ethically wrong for the double reason of בל תשחית and צער בעלי חיים, that it involves unnecessary destruction and that it inflicts unnecessary suffering. That applies not only to bear-baiting, dog-fighting and cock-fighting, which are today illegal in most countries, and to bull-fighting, which is still legal in some, but also to deer-hunting, fox-hunting and game-shooting, and indeed to fishing as well, as long as these activities cannot be shown to be necessary for a valid purpose beyond the sporting pleasure they provide.

With this proviso, should not Progressive Judaism call on its adherents both to abstain from such activities and to urge legislation prohibiting them as and when the state of public opinion makes such legislation possible? That is my eighth question

7. Killing Animals for Ecological Purposes

It is sometimes alleged by defenders of fox-hunting and similar sports that they are a necessary or the most efficient means of animal population control. Such claims should not be dismissed out of hand: there may be an element of truth in some of them.

In any case, it can hardly be doubted that human beings have a right to protect themselves, their livestock and their crops against destructive animals. This applies to microbes, parasites, insects, birds of prey, rodents, foxes, wolves and other predators, and no restrictions are specified in Jewish law as to the methods that may be used to destroy them. Nevertheless it follows from the spirit of Jewish law that it should always be done in the most humane way possible.

Just as it is permissible to protect human beings from animals, so it is permissible to protect animals from one another. In other words, culling, too, is legitimate, with the same proviso, that it is done as humanely as possible. Indeed, the more human activity disturbs the self-regulation of nature, the greater is our obligation to do what we can to restore the ecological balance.

8. Killing Animals for Commercial Purposes

In addition to the purposes already mentioned, it has almost universally been thought legitimate to kill animals as a source of raw materials for the manufacture of commercial products such as fur, leather, ivory, and cosmetics. Rabbinic law, too, has generally taken this view, on the ground that animals exist for the sake of human beings, who may therefore use them in any way that is beneficial to them, although to kill them for no

purpose at all would be to transgress the law of בל תשחית which forbids all wanton destruction, just as to cause them pain without reason would be אכזריות, cruelty.

Today, however, that assumption is being challenged by various animal welfare organisations, and to my mind they are right. To kill animals for food, or to maintain an ecological balance, is one thing. To kill them for the manufacture of luxury goods and for commercial profit, is quite another. For animals, although they rank below human beings, nevertheless rank above minerals and vegetables. They are בעלי חיים, sentient beings, and therefore דברים חשובים, important entities (Zevachim 72b, 73a). They do not exist solely for our benefit. They serve all sorts of purposes which we may or may not fully understand. Their life may not be as precious as human life, but it is still precious. Therefore to kill them for what are essentially frivolous purposes cannot be ethically right.

Of course, if the luxury goods to which I have referred are merely by-products of the killing of animals for legitimate purposes such as food production and ecological control, there can be no objection. But in many cases that is not so. Mink coats, crocodile handbags and ivory ornaments, for example, result from killings that have no morally legitimate purpose and that, as with the clubbing to death of young seals, involve great cruelty.

Surely a Progressive Halachah should make it clear that to engage in such activities, and to derive benefit from them, is unacceptable. That is my ninth question.

9. Killing Animals for Experimental Purposes

Apart from food and control, the only justification for killing animals is to provide for human beings, not merely a benefit, but a *life-saving*, or potentially life-saving, benefit. Hence there is general agreement that it is legitimate to carry out medical experiments on animals, even though they usually involve suffering and death, as long as there is good reason to believe that they will lead to significant advances in the treatment of human - and incidentally also animal - diseases. But of course the scope for abuse in this area is enormous, and therefore the need for stringent legislative control is both evident and urgent.

Among the restrictions that should be imposed are the following. 1. All such experiments should be strictly controlled, as to their number, method and purpose, by a statutory supervisory body that has no commercial interest in them. 2. They should be carried out only by accredited researchers who have the necessary competence and responsibility. 3. They should be carried out in the most humane way, including the use of anaesthetics whenever possible. 4. They should be kept to a minimum, which means that they should be prohibited altogether whenever the desired result can be obtained by other means, and there should be no more repetition of the same experiment by different institutions than is scientifically necessary. 5. There should be the greatest vigilance to ensure that ethical considerations, such as humaneness, are not sacrificed to commercial gain.[32]

My tenth and last question is whether these are the right safeguards and whether they are sufficient.

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NOTES

1. *Against Apion*, II, 29.
2. *The Pentateuch and Haftorahs*, p. 854b. He quotes I Corinthians 9:9, as if Christianity had never taught anything else about animal welfare. See also the writings of Andrew Linzey of Mansfield College, Oxford, for Christian views on animal welfare.
3. 'The mode of living which is founded upon a total harmlessness toward all creatures ... is the highest morality' (Hinduism). 'Pure and earnest bhikshus [mendicant monks] will never wear ... shoes made of leather, for it involves the taking of life' (Buddhism). 'How commendable is abstinence that dispenses with the butcher! While walking be mindful of worms and ants' (Taoism). 'One should not injure, subjugate, enslave, torture, or kill any animal' (Jainism). These quotations are from *World Scripture, A Comparative Anthology of Sacred Texts*, ed. Andrew Wilson, Paragon House, New York, 1991, pp. 208f).
4. The one beginning רבון כל־העולמים (Singer's, 1990 edn, p. 19).
5. *The Jewish Contribution to Civilisation*, p. 299.
6. Now the Royal Society..
7. *Manna*, Winter 2000, p. 32c.
8. There is even a Universal Declaration of Animal Rights, proclaimed in Paris in 1978 and submitted to UNESCO in 1990.
9. See the discussion of this question in J. David Bleich, *Contemporary Halakhic Problems*, Vol. III, 1989, pp. 203f.
10.. So, e.g., R. Eleazar, Ber. 6b and R. Simeon b. Eleazar, Kid. 82; Bleich, p. 220.
11. According to *Chronicle of the Twentieth Century*, p. 1294, we are destroying six species every hour.
12. Quoted in *Siddur Lev Chadash* (ULPS), p. 167.
13. See Bleich, op. cit., pp. 200ff
14. Ibid., p. 200..
15. *Sefer ha-Mitzvot*, Prohibition 219.
16. *Moreh Nevuchim* III, 48.
17. *Sefer Chasidim* 666.
18. Ibid., 700
19. Shulchan Aruch, Orach Chayyim 324, note 7, referring to Exod. 22:30.
20. For a particularly eloquent example, see Morris Joseph, *Judaism as Creed and Life*, 1925 edn., pp. 471-477.
21. See, e.g., Gen. R 44:1 and Sefer ha-Chinnuch 596.
22. Shulchan Aruch, Choshen Mishpat 272:9.
23. On the contrary, it may well be one of the purposes of the story to commend animal sacrifice in the Jerusalem Temple as a legitimate form of worship; see Shalom Spiegel, *The Last Trial*, p. 73.
24. Bleich, pp. 213f..
25. Mishneh Torah, Hilchot Yom Tov 6:18
26. For a full exploration of the traditional sources see Bleich, op. cit., Chapter X, pp. 237-250.
27. Ibid., p. 237
28. *The Authorised Daily Prayer Book of the United Hebrew Congregations of the Commonwealth*, 1990, p. 897.
29. *The Torah, A Modern Commentary*, UAHC, 1881, p. 751b
30. John Byron, *Child Harold's Pilgrimage*, canto 4, stanza 14,.
31. *Noda biyhudah*, YD, No. 10; for an abridged translation see Solomon B. Freehof, *A Treasury of Responsa*, JPS, 1963, No. 41.
32. Further on the subject of medical experiments on animals, see Rabbi Walter Jacob, 'Jewish Involvement in Genetic Engineering', dated March 1989, in *Questions and Reform Jewish Answers: New American Reform Responsa*, CCAR, New York, 1992, and Rabbi J. David Bleich, *Contemporary Halakhic Problems*, Vol. III, Ktav, New York, 1989, Chapter IX, 'Animal Experimentation'.