

JEWISH LAWS AND TEACHINGS
REGARDING THE LIFE OF THE FACTORY FARM ANIMAL

by:
Toby Joy Zelt

A thesis
presented to the faculty of
Towson University
in partial fulfillment
of the requirements for the degree
of Master of Arts
Department of Jewish Studies

Towson University
Towson, Maryland 21252

(August, 2013)

TOWSON UNIVERSITY
OFFICE OF GRADUATE STUDIES

This is to certify that the thesis prepared by Toby Joy Zelt

entitled Jewish Laws and Teachings Regarding the Life of
the Factory Farm Animal

has been approved by the thesis committee as satisfactorily completing the thesis
requirements for the degree Master of Arts

Dr. Barry Freundel
Chair, Thesis Committee



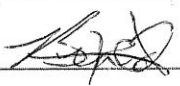
12/12/13
Date

Dr. Kristin Hine
Committee Member



12/12/13
Date

Dr. Benjamin Fisher
Committee Member



12/12/2013
Date

Committee Member

Date

Committee Member

Date

Janet V. Dobson
Dean of Graduate Studies



12/15/13
Date

Abstract

JEWISH LAWS AND TEACHINGS REGARDING THE LIFE OF THE FACTORY FARM ANIMAL

Toby Joy Zelt

In Part One of this paper, the modern day factory farm is described in order to give the reader context about the modern realities of the food industry. In Part Two, I first examine the Jewish tradition's laws and ethical teachings regarding animals from Torah and its commentary. These laws and teachings stress vigilance toward proper and humane treatment and care of animals, whether or not they are used for food, and the Jew is clearly required to prevent animal suffering. The concepts of kashrut (dietary laws), tzaar baalei chayyim (the prevention of unnecessary pain to animals), and lefanim mishurat hadin (going beyond the letter of the law) are then explained and explored. Finally, three specific animal welfare concerns, including breeding, housing, and feeding at the factory farm are then examined in light of specific Jewish texts in Part Three.

In conclusion, although by the letter of the kashrut law alone, often considered a category of ritual, the Jew is currently permitted to eat most animal products derived from

animals raised in factory farm conditions, Jewish teachings affirm that it is a higher ethical standard to find alternatives that are more in line with the spirit of the laws, thereby going beyond the letter of the law and following the way of the righteous.

Contents

Introduction	1
Part One:	5
Understanding the Factory Farm	5
Part Two: Jewish Teachings and Law Regarding Animals	10
Chapter 1	10
The Torah's Direct Commands and Narratives	10
Chapter 2	22
Sources for Tzaar Baalei Chayyim	22
Chapter 3	25
Hukkim and Finding meaning in Kashrut law	25
Chapter 4	38
Factory Farms and Going Beyond the Letter of Kashrut Law	38
Part Three: Examining the Issues	45
Chapter 1	45
Breeding	45
Chapter 2	55
Feeding	55
Chapter 3	65
Housing	65
Conclusion	75
Bibliography	78
Curriculum Vita	82

Introduction

This paper explores ethical and theological values, priorities, and statutes as they intersect with the realities of a particular modern phenomenon. An investigation such as this is important because a religious institution's health and success can be revealed by its judiciousness; its ability to guide, advance, and inspire behavior and spirituality as new questions arise. As such, the acknowledgement of changing times and contexts in terms of practice and law shows the potency of the religion, through applicability, which is indicative, or in fact, predictive of its survivability.

Thus, Judaism's longevity is largely due to its legal and ethical system's ability to establish meaningful, timely applications and ethical sanctions in response to the changing quandaries inherent in daily life. The key word here is timely, as an efficacious religious leadership will ensure that deliberations regarding modern issues are attended to in such a manner, at the same time as or soon after the problem or question arises, so that the resulting directives promptly serve as a guide for proper behavior and moral conduct. In other words, at these junctions, Judaism's fortitude is evident both by reaction-time and the quality of the response. Fortunately, its rabbinic system has long-embraced a dynamic approach to law and practice that is generally rich with diligent, appropriate, and thoughtful movement and transformation, based on time and place while staying true to a strong foundation and unique identity.

The relationship between religion and contemporary society is in constant movement and negotiation, with modernity arousing theology's plasticity and progression

and religious sentiments, ambitions, and constraints influencing how the community proceeds forward. As is the case with regard to the topic of this paper, sometimes we find ourselves asking why religious law and leadership seem to have fallen behind or silent. At times, that guidance appears to be absent, even in the face of a serious moral concern, a topic that impacts one's heart as well as daily living and practice.

The absence of a thoughtful analysis based upon texts and a resulting guiding moral voice regarding the issue of animal welfare for factory farm animals in kosher food production is the central problem this paper is inspired by. By that, I specifically mean that the collective modern Jewish leadership has neglected thorough study, reflection, consideration, and action regarding a modern dilemma- that of the treatment of the factory farm animal as it impacts the exercise of kashrut, in light of Jewish ethics and law.

The Jewish tradition is rich with laws and teachings regarding animals, but there is a dissonance, a divide, a silence and latency between them and our current practices regarding the treatment of animals within the kosher food industry. Classic Jewish laws and ethical teachings stress vigilance in proper and humane treatment and care of animals. Whether or not animals are used for food, the Jew is required by law to prevent their suffering. However, kosher food production, with 25 million kosher food consumers worldwide,¹ is a product of industrialized agriculture, which stresses economic priorities, not necessarily linked to the wellbeing of the animal. This issue is of substantial moral importance for numerous reasons, some related to human physical, spiritual, and

¹“Kosher Industry Profile,” Michael Boland, University of Minnesota, Last modified February 2012, Agricultural Marketing Resource Center, http://www.agmrc.org/markets_industries/food/kosher-industry-profile/

emotional well-being, and many of which will be discussed in greater length in this paper. However, on the most basic level, we must recognize that the number of animals directly affected by these religious laws and subsequent human action is staggering.

There are a few objectives of this paper. All of them support the thesis, which argues and proves that Jewish tradition is rich with doctrines and narratives encompassing the spectrum of proper treatment of the animal, from the most common and rudimentary conduct mandated by law to the ethical apexes of the sages, while factory farm conditions clash with, at the very least, the spirit of such teachings. Although by the letter of the kashrut law alone, often considered a category of ritual, the Jew is currently permitted to eat most animal products derived from animals raised in factory farm conditions, this paper illustrates how Jewish teachings affirm that, although not necessary, it is a higher standard to find alternatives that are more in line with the spirit of the laws, thereby going beyond the letter of the law alone.

One of the objectives of this paper is to bring into the light, specifically for the Jewish community and its leadership in particular, some of the practices that impact the welfare of factory farm animals, as many people are unaware of these realities. Secondly, in Part Two of the paper, I first highlight the various sources of Jewish wisdom that inform our thinking and action toward animals both generally and in specific circumstances. This includes direct and indirect commandments, as well as narratives regarding God or the Patriarchs and Matriarchs. Introduced in this section is a fundamental precept in the paper, the biblical law of tzaar baalei chayyim (the prevention of unnecessary pain to animals.) Then, the concept of kashrut (dietary law) and the possible reasons for them are explained, which provokes reflection regarding why an

ethical/ritual divide has developed over time for the Jewish community and how it impacts kashrut. In the last section of Part Two, the notion of *lefanim mishurat hadin* (going beyond the letter of the law and following the way of the righteous) is examined. Third, another objective of this paper is to creatively apply Jewish teachings to three specific problems of animal welfare on factory farms, namely breeding, feeding, and housing. Although it is a humble attempt, I hope that Part Three jump-starts a rabbinic analysis by those more qualified than I on these topics and others.

Taking all of the teachings presented in this paper to heart, both individually and communally, contemporary Jews are compelled to make food choices with an ever-increasing commitment to holiness, justice, and virtue. In addition, for the consumer, many other Jewish values regarding the environment, sustainability, worker's rights, and health, among others, stress the importance of making conscientious and well-informed consumer food choices, which might lead one to avoid products from factory farms. In addition, the realities of the modern day factory farm animal demands that Rabbinic authorities continually consider, as conditions, practices, and methods on the farms change, whether there are indeed violations of Jewish law regarding animal welfare, which deem the products *unkosher*. In conclusion, what I hope this paper incites, and what, due to my research seems to be crucial moving forward, is a radical reevaluation by Jewish leadership, concerning the dissonance between Jewish ritual law and ethics as they collide with a contemporary dilemma of substantial proportions, resulting in more awareness and possible change regarding the food choices of the Jewish community.

Part One:

Understanding the Factory Farm

The factory farm model of today shares little if any resemblance to what the mind conjures up when we imagine a farm. Often, people think of a beautiful location amongst rolling pastures where animals graze freely on open land. The farmers are attentive to their animal's needs- milking the cows by hand and moving bales of hay for food and bedding. These farmers know their animals and might even be aware of their likes and dislikes regarding food or even their social preferences or personalities. We imagine young cows and goats playfully jumping around each other and their mothers, learning how to use their wobbly legs soon after birth. Some spend time under shelter, other animals are stimulated by walking the pasture. There are many similarities between these images and the ways in which animals were tended during biblical times and in fact until the mid-1900's.

In contrast, when we imagine a factory, we think of bare edifices, and interiors designed to maximize productivity. They are filled with fluorescent lighting and don few frills.² The buildings are designed for efficiency and the products therein are created and stored in a way that utilizes space. There are assembly lines and mechanized systems.

² Rose Zuzworksy, "From the Marketplace to the Dinner Plate: Economy, Theology, and Factory Farming," *Journal of Business Ethics*, 29, no. 1 (2001): 177-188.

The factory farm is no different. Animals are bred and raised on a large scale using intensive methods and modern equipment. The word “intensive” generally refers to confined production systems and a concentration of production.³

One might wonder, how and why did things change on farms and why have factory farms become the norm? The industrialization of agriculture resulted in factory farming.⁴ While industrial production kept up with the ever-increasing demand of the market in the past fifty years, economic factors, like keeping overhead costs to a minimum, brought factory farms into existence.⁵ Efficiency, productivity, and profit are the most important goals of intensified farm practices. There is a constant concern about cost of production; a focus on economics common to all types of business.⁶ Economics are the main concern in factory farming, not issues of animal welfare. Rose Zuzworsky, Professor in the Department of Theology and Religious Studies at St. John’s University, explains that when the goal of increased productivity is applied to factory farming the suffering of the animals play no role because the emphasis is on economic calculations.⁷

3 David Fraser, *Animal Welfare and the Intensification of Animal Production: An Alternative Interpretation*, Food and Agriculture Organization of the United Nations, British Columbia, Canada 2005, accessed March 4, 2013.

4 The Pew Commission on Industrial Farm Animal Production, “Putting Meat on The Table: Industrial Farm Animal Production in America,” http://www.ncifap.org/_images/PCIFAPFin.pdf, 6.

5 Zuzworsky, *From the Marketplace to the Dinner Plate*, 178.

6 Ibid.

7 Ibid.

John Cobb, Professor of Theology Emeritus at the Claremont School of Theology, in Claremont, California says that this is the cause of an “ineradicable tension” between the goals of existing economics and applying concern for animals in the way they are raised for market purposes.”⁸

In the factory farm, animal’s bodies are the products, or producing the products- eggs, milk, feathers, or flesh. The inevitable result of this system is that animals are considered units or mere commodities,⁹ considered valuable solely for what they “produce.” This is the inherent tension between economic goals and a concern for animals. The wellbeing of an animal with regard to its natural tendencies are often ignored in factory farm environments, as long as the company can sell the final product. As a result, many animals in factory farms experience unnecessary pain, torment, and discomfort as will be discussed in later chapters. David N. Cassuto, Professor of Law and Director, Brazil-American Institute for Law and Environment (BAILE), in his article, “Bred Meat: The Cultural Foundation of the Factory Farm” explains, “The care and upkeep of animals raised for human consumption has devolved into an industrial operation focused on maximizing economic return while paying little or no heed to the needs of the “stock.”¹⁰ This is the main cause of the problems of animal welfare in factory farming.

8 Ibid.

9 Ibid, 177.

10 David N. Cassuto, "Bred Meat: The Cultural Foundation of the Factory Farm," *Law and Contemporary Problems*, no. 1 (2007), 59.

Proponents of industrial agriculture claim that there are many benefits to the industrial method of production. Declared most often is the idea that the food is cheaper for the individual buyer. According to the Johns Hopkins Bloomberg School of Health, another benefit is that the export markets have increased, contributing to the overall GDP.¹¹ In addition, it's been a successful model for large corporations. Agricultural corporations like ConAgra and Tyson have thrived, whereas small farmers have historically struggled.¹² The industry also claims that it provides jobs in local and rural communities. In addition, the Bloomberg school cites that the industry's key innovations include the development of new energy sources and that industrial agriculture has developed and diffused new crop varieties.¹³

However, these assertions are complex and must be examined before they are accepted. In 2004, Dr. William J. Weida, professor in the Department of Economics at Colorado College, presented a paper called, "Considering the Rationale of Factory Farming" at a conference on environmental health impacts of Concentrated Farm Animal Operations (CFAOs)¹⁴ in which he reviewed the claims made by the factory farm industry and the CFAO regarding specific economic, environmental, and social

11 Shawn McKenzie and the Bloomberg School of Health at Johns Hopkins University, "The Rise of Industrial Agriculture," (2007)
http://ocw.jhsph.edu/courses/nutritionalhealthfoodproductionandenvironment/PDFs/FoodEnv-sec2b_McKenzieOCW.pdf

12 Ibid.

13 Ibid.

14 William J. Weida, "Considering the Rationale of Factory Farming" Environmental Health Impacts of CAFOs: Anticipating Hazards - Searching for Solutions, March 29, 2004, Iowa City, IA.

“benefits” of industrialized agriculture. He systematically showed, by analyzing claim by claim, that if the assumptions underlying them are not satisfied, they are likely to be incorrect.¹⁵ The complexities of these issues are beyond the scope of this paper; however the reader is encouraged to understand that the truth behind the economics issues alone are multifaceted and the benefits of such industrialized operations are hotly debated issues.

¹⁵ For example, one of the chief assertions made by proponents of CFAOs is that, “Economies of scale gained from size and mechanization enable CFAOs to produce cheap food.” Weida points out that the underlying assumption here is that the price of food produced in CFAOs reflects all costs involved in production. He goes on to explain that the costs of air and water pollution are shifted to the neighbors, the CFAOs are not held responsible, resulting in the responsibility landing on the surrounding communities and/or taxpayers in the state or region in which the production occurs, who are then responsible for the cleanup, and calls this a misallocation of national resources. In addition, regarding the individual buyer, increased personal medical costs or at least increasing healthcare costs for the general public, due to environmental health concerns, as well as increased taxes for control and remediation are not considered in the claim that the industry produces, “cheaper food.” In other words, the cost calculations for these arguments do not account for all costs to the individual or community.

Part Two: Jewish Teachings and Law Regarding Animals

Chapter 1

The Torah's Direct Commands and Narratives

This chapter will offer an overview of the Torah's direct commands and narratives related to animals. We will also examine the concern for animal welfare evident by the development of laws regarding animals on the Sabbath. These commandments and stories as well as their development through rabbinic interpretation set precedence for the expected behavior of a person toward animals.

Direct commands are binding duties often stated as, "Thou shalt..." or "Thou shalt not..." As straightforward and clear as the language of these laws is in the scriptures, the reasoning behind them are often left out of the text. In other words, there are many direct commands given in the Torah but the reason(s) for them are not always apparent or obvious. In these cases, Rabbinic interpretation and inquiry serve to clarify the purpose of these laws as well as their ramifications, applicability, and scope. Commentary also helps readers to understand the values that underlie commands, which can in turn, lead to application of those values in other areas of life.

Let us first look at some direct commands that relate to the treatment of an animal and its young. Deuteronomy (22:6-7) commands that if a person comes upon a bird's nest while walking, with the mother sitting upon the eggs, and the person desires to take

them, the mother must be let go first. Maimonides,¹⁶ a preeminent medieval Jewish philosopher and one of the greatest Torah scholars of the Middle Ages, understood this law to regard the emotional suffering of the mother bird. In fact, in *The Guide for the Perplexed* (3:48) he says, “There is no difference in this case between the pain of people and the pain of other living beings, since the love and the tenderness of the mother for her young ones is not produced by reasoning but by feeling, and this faculty exists not only in people but in most living things.”¹⁷

Maimonides explains that animals instinctively love their young and suffer when they see them taken away or slaughtered.¹⁸ Another law, possibly regarding the emotional well being of a mother and her young, is found in Leviticus 22:27 and Exodus 22:29. It allows the mother and baby animals to stay together at least for a minimal amount of time, instructing Jews not to sacrifice animals less than eight days old. Also related to the parental relationship, Leviticus 22:28 states that a cow or ewe cannot be slaughtered with its young on the same day.

16. Also known as Rambam. Maimonides (1135-1204) was a preeminent medieval Jewish philosopher, physician, and rabbi. He was one of the most prolific Torah scholars and physicians of the Middle Ages, still largely influential today for his commentaries. He was born in Córdoba, Almoravid Empire (present-day Spain.)

17 Moses Maimonides, *The Guide of the Perplexed*. Trans. Shlomo Pines. (Chicago: University of Chicago Press, 1963), accessed March 4, 2013, 3:48, 19.

18 Maimonides, *The Guide of the Perplexed*, 3:48, 19. Andrea M. Weisberger, “Animal Rights Within Judaism: The Nature of the Relationship Between Religion and Ethics,” *Sophia*, 42, no. 1 (May 2003), 80.

The Torah's laws also specify rest periods for animals. Not only are Jews commanded to rest on the seventh day, they are commanded to rest their animals too.¹⁹ Similarly, during a sabbatical year in which the agricultural land is uncultivated, which happens in a seven year cycle, the land is not to be worked by either human or animal. In addition, produce that grows without cultivation during the sabbatical year may be eaten freely by both the domesticated and non-domesticated animal.²⁰

There are other direct commands regarding working animals and their treatment. For instance, Deuteronomy 22:10 says, "Do not plow with an ox and donkey yoked together." One rationale for this law is that it prevents suffering since animals of unequal strength working together causes them distress.²¹ Modern author Shubert Spero, tells us that an animal that lives or works with another animal of a different species may become uneasy or anxious, which may be a reason for the law.²² Spero explains that, according to Ibn Ezra²³, the yoking of two animals of unequal strength together certainly would

19 Exodus 20:10, 23:12 and Deuteronomy 5:14.

20 Exodus 23:11 and Leviticus 25:7. Also J. David Bleich, *Animal Experimentation, Contemporary Halakhic Problems III*, (Yeshiva University 1989), pp. 200-202, notes 10-11 or Tradition, 22:1, (New York Human Sciences Press, 1986), 2.

21 Joseph Telushkin, 2009. *A Code of Jewish Ethics*, Volume 2: Love Your Neighbor as Yourself. Jewish Book World 27, no. 1: 54, accessed February 7, 2013, 301.

22 Shubert Spero, *Morality, Halakha, and the Jewish Tradition* (New York : Ktav Pub. House: Yeshiva University Press, 1983), accessed February 7, 2013, 154.

23 Born in Spain in 1089. Abraham Ibn Ezra was one of the most distinguished Jewish writers of the Middle Ages. He excelled in philosophy, astronomy/astrology, mathematics, poetry, linguistics, and exegesis.

cause pain to the weaker animal and frustration to the stronger one²⁴ since the strong animal would pull faster or harder than the other. Deuteronomy 25:4 says, “Do not muzzle an ox when it is threshing [grazing].” The *Sefer ha-Hinukh*²⁵ tells us that the root of this precept regarding muzzling is to educate humans so that their spirit is of fine character and the law prevents restricting an animal’s natural tendencies regarding grazing.²⁶ The law teaches us to have pity on the animals and to “give them a share out of the toil of their flesh.”²⁷

Encountering an animal that is owned by another person, if one finds that it is in need, it is required to assist it. While in transit, if one encounters his brother's ass or his ox fallen down by the way (i.e. on the road or path), the Torah commands him to help his brother stand the animal up again (Deuteronomy 22:4.) Relieving or preventing the suffering of an animal is so important that an animal’s well being may supersede the

24 Spero, *Morality, Halakha, and the Jewish Tradition*, 154.

25 This work reviews the 613 commandments contained within the Torah systematically. It was composed by a member of Ramban's school. Ramban, also called Nahmanides, lived from 1194–1270. His full name was Rabbi Moshe ben Nahman and he was a Catalan rabbi, philosopher, physician, Kabbalist and biblical commentator. Ramban is sometimes considered the greatest and most influential of the Rishonim (leading rabbis and poskim who lived approximately during the 11th to 15th centuries.) The author of the *Sefer ha-Hinukh* refers to himself in the introduction to the book as "the Levite of Barcelona," and the first publishers of *Sefer ha-Hinukh* attributed it to the renowned R. Aharon Ha-Levi of Barcelona (Ra'ah) although the work was written anonymously. Aaron Ha-Levi was born in the 13th century.

26 Aaron Ha-Levi, *Sefer ha-Hinukh Volume V: Deuteronomy, Part 2*, trans. Charles Wengrov. (Jerusalem, New York: Feldhaim, 1978,) accessed February 12, 2013, no. 596, 375.

27 Ibid.

owner's own level of comfort regarding personal relationships. Jews are in fact required to relieve the animal of an enemy of its burden (Exodus 23:5.)

Surprisingly, even one's own desires to eat are secondary to the feeding and care of their domestic animals. Rabbi Bleich,²⁸ a modern authority on Jewish law and ethics, explains that Deuteronomy 11:15, which says, "I will give grass in thy fields for thy cattle, and thou shall eat and be satisfied" is understood "through Rabbinic exegesis as forbidding a person to partake of any food unless he has first fed his animals."²⁹ The verse is understood in this way simply because the animals are satisfied before the humans in the sentence, so it is thought to set precedence.

A very well known and controversial direct command is found early on in Genesis. In Chapter 1:26-28, God commands human beings to "have dominion over" every living thing on earth. It might be assumed that such an injunction gives human beings the right to treat animals in any way they would like.³⁰ However, Jewish scholars have argued that the verse is actually the very foundation for the positive values of stewardship and responsibility,³¹ its purpose to communicate that humanity has a special responsibility to care for animals. This concludes our brief introduction to the Torah's

28 Born in 1936 in New York.

29 David J. Bleich, "Animal Experimentation," *Contemporary Halakhic Problems*, Vol. III. Shofar 10, no. 2, 3.

30 Dan Cohn-Sherbok, "Hope for the Animal Kingdom: A Jewish Vision," *Bridges: An Interdisciplinary Journal Of Theology, Philosophy, History, And Science* 6, no. 3-4 (September 1, 1999), accessed March 4, 2013, 194.

31 Ibid.

direct commands regarding animals and some of the commentary regarding their meaning.

We now turn to narratives, the stories, both from the Torah and Midrash (homiletic stories told by the Rabbis and sages to explain passages in the Torah) which serve to illustrate proper or ideal human behavior toward the earth and animals. At the very least, some of these narratives demonstrate that animal-directed conduct, when compassionate in nature, constitute “good deeds.” As such, narratives do not automatically establish a system of normative duties or responsibilities³² as direct commands do. However, some narratives are taken more seriously, understood to convey governing moral principles. In fact, in some cases, as we will see, they are interpreted by the halakhic (Jewish law) authorities as binding. So, even though in the Torah, a narrative form does not indicate mandatory replication, the tradition of rabbinic commentary may make it so. In other words, these teachings are not always binding by law upon first reading of the primary source but the oral law tradition of the Rabbinic commentators may result in them becoming law.

God’s actions in the narratives demonstrate the proper or ideal behavior toward animals throughout the Torah. In fact, the emulation of God is an ethical imperative in Judaism³³, a vital aspect of Jewish law and practice. The statements from Deuteronomy, “you shall walk in His [God’s] ways” (28:9 and 13:5) are the foundation of this

32 Bleich, *Animal Experimentation*, 195.

33 Bleich, *Animal Experimentation*, 2.

governing moral principle.³⁴ Maimonides renders a similar verse in Deuteronomy 11:22 to mean, “Just as He is merciful so shall you be merciful.”³⁵ The Babylonian Talmud (Sotah 14a) clarifies this saying, “Just as the Lord clothes the naked as He did with Adam,³⁶ so you clothe the naked; just as the Lord visits the sick as He did with Abraham,³⁷ so you visit the sick; just as the Lord comforts the bereaved as He did with Isaac,³⁸ so you comfort the bereaved; just as the Lord buries the dead as he did with Moses,³⁹ so you bury the dead.”

Humans also emulate God by being merciful, compassionate, and providing for the needs of animals. Examples of God’s care for the animal kingdom can be seen in Psalms 104:27-28; 36:9; 145:16; 147:9; and Job 38:41. We will explore some of these in greater detail later. However, his concept is best summarized in the verse from Psalms 145:9, “God’s tender mercies are over all His works.” According to the Babylonian Talmud, when people show compassion, there is a reward. It says, “Whoever has compassion for other creatures is shown compassion from Heaven; whoever does not have compassion for other creatures is not shown compassion from Heaven.”⁴⁰

34 Ibid.

35 Maimonides, *Hilkot De’ot* 1:6. Also Bleich, *Animal Experimentation*, 5.

36 Genesis 3:21.

37 Genesis 18:1.

38 Genesis 25:11.

39 Deuteronomy 34:6.

40 Babylonian Talmud, Shabbos 151b.

The Babylonian Talmud describes Jews as, “Compassionate children of compassionate ancestors.”⁴¹ The ancestors, the matriarchs and patriarchs, are often kind to animals, and their actions are considered worthy of emulation. We will now look at some examples of this. According to a Midrash, the sons of Noah were righteous because they showed compassion to both humans and animals.⁴² In the Torah, Noah was commanded by God to save the animals from the flood by bringing them onto the ark with his family. The Midrash tells us the extent to which Noah’s family cared for these animals, even staying up all night to care for them:

“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 ostriches, they brought 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.”⁴³

The matriarchs and patriarchs were sometimes chosen for leadership or marriage due to the compassion they showed toward animals. Rebecca gave Eliezer (Isaac’s servant) a drink from her pitcher and volunteered to water his camels too (Genesis 24:10-

41 Babylonian Talmud, Beza 32b.

42 Midrash Tanchuna, Noach 4 and 5.

43 David Sears, *Compassion for Animals in the Bible and its Commentary, From The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism*, Jewish Vegetarians of North America, <http://www.jewishveg.com/DSbiblecommentaries.html>, accessed November 10, 2010. Citing Midrash Tanchumah, Noach 9; similarly, note *ibid.* Noach 2; Sanhedrin 108b.

20.)⁴⁴ This was an act of kindness toward human and animals, which showed Eliezer that Rebecca's character was good and kind. For this, she was chosen as a wife for Isaac. Both Moses⁴⁵ and David⁴⁶ were devoted to the care to their flocks, and chosen as leaders for the Jewish people at least partially because of this. In addition, Genesis 33:17 explains that Jacob built a shelter for his animals.

On the other hand, those who are cruel to animals are often the objectionable characters in the Bible. In Numbers 22:32, Balaam was admonished by God for smiting his donkey, a strong example of Divine rebuke for causing unnecessary pain to an animal.

When concern for the animal was understood to be the rationale behind these teachings, behavioral regulations were expanded by Jewish law to ensure that the treatment of the animal was in accord with those values. For example, in regard to Numbers 22:32, where the angel of God says to Balaam: "Why have you struck your ass?" Rabbi Ganzfried,⁴⁷ in the Code of Jewish Law declares, "It is forbidden by the law

44 Midrash Shemos Rabba 2:2.

45 Midrash Exodus Rabbah 2:2 He was chosen because of this that God believed he would be a good shepherd of the People of Israel.

46 Exodus Rabbah 2:2.

47 1804-1886, Ganzfried was a rabbi and authority in Jewish law. He was best known for his halakhic work, The Kitzur Shulchan Aruch, translated sometimes as The Code of Jewish Law, but more accurately The Abbreviated Kitzur Shulchan Aruch.

of Torah to inflict pain upon any living creature. On the contrary, it is duty to relieve the pain of any creature, even if it is ownerless or belongs to a non-Jew.”⁴⁸

So seriously did the Rabbis consider the well-being of the animal that they determined relieving or preventing its suffering can at times override the negative commandment against desecrating the Shabbat and holidays.⁴⁹ This is another area of Jewish law which we will explore for the remainder of the chapter.

An interesting debate emerged regarding animals on the Sabbath because Gemara in Shabbos 128b states that animals are muktzeh.⁵⁰ Halachic restrictions exist regarding moving muktzeh items on the Sabbath. In his book, *Guide to Halachos*, Nachman Schachter⁵¹ explains that the term muktzah refers to objects that do not have an inherent use, utensils which are not fit for use in their current form, or objects that a person refrains from handling, except for their specific uses, for fear that they may become

48 Solomon Ganzfried, *Kitzur Shulchan Aruch*, The Abbreviated Kitzur Shulchan Aruch, The Code of Jewish Law, Trans. by Hyman E. Goldin, and Joseph ben Ephraim Karo. (New York: Hebrew Pub Co., 1993), accessed March 4, 2013, book 4, Chapter 191, 84. Also Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 61. In addition: Exodus 23:5 in addition to Deuteronomy 22:4 and Numbers 22:32.

49 Shabbos, 128b.

50 *Shulchan Aruch Harav Orach Chaim* 308:78

51 A modern author from Baltimore, Maryland. His book, “Guide to Halachos” is edited and approved by Rav Moshe Heinemann, an Orthodox rabbi, a posek (decider in Jewish law) and the head of the Agudath Israel of Baltimore synagogue and the rabbinical supervisor of the Star K kosher certification agency.

damaged. However, Rabbi Moshe Feinstein,⁵² one of the most influential Orthodox authorities in the United States, said that if an animal is designated for a certain purpose, as a play thing for children, then it is permitted to move it on Shabbat.⁵³ In addition, Ganzfried ruled that if an animal is in distress, or it is necessary to prevent its suffering, one may hold it by the neck and lead it.⁵⁴

Other laws have also been developed to ensure the wellbeing of the animal on the Sabbath. Upon returning late from a journey on Friday night (the Sabbath), the Jew must immediately unload the burden of his donkey, even if it comprises muktzah equipment or utensils, in order not to violate the law *tzar baalei chayim*.⁵⁵ This is a law that prevents unnecessary suffering for the animal. Although a person is required to unload the animal because of *tzar baalei chayim*, he/she must do this in a way that is out of the ordinary so that the muktzah items fall to the ground on their own.⁵⁶ In addition, if an animal has no water to drink, although a Jew would not engage in such an activity on the Sabbath, it is

52 Rabbi Feinstein (1895-1986) Lithuanian Orthodox rabbi, scholar and posek (an authoritative adjudicator of questions related to Jewish law.) He was world-renowned for his expertise in Halakha and was regarded by many as the de facto supreme halakhic authority for Orthodox Jewry of North America.

53 Moshe Feinstein, *Igros Moshe*, Orach Chaim, 5:22:21.

54 Ganzfried, *Kitzur Schulchan Aruch*, 333. Also Mishnah Berurah 305:70 and Chazon Ish O.C. 52:16. Holding and leading are synonymous with moving.

55 Noah J Cohen, *Tsa'ar Ba'ale Hayim: The Prevention of Cruelty to Animals: Its Bases, Development, and Legislation in Hebrew Literature*, (Jerusalem; New York: Feldheim Publishers, 1976), accessed March 4, 2013, 220. Citing Orah Hayim 305, 18 and Sefer Shulhan ha-Shabbat.

56 Ibid.

permitted for a Jew to ask a non-Jew to bring water from a well to prevent animal suffering.⁵⁷ The Babylonian Talmud also allows a person to break certain laws of Shabbat in order to prevent the death of an animal that has fallen into a pool of water.⁵⁸

Thus far, we have reviewed a number of direct commands and narratives from the Torah, as well as their expansion by Rabbinic law. It is important to understand that there are additional narrative stories about the sages and great Rabbis⁵⁹ of the Talmudic period and beyond, which show additional examples of compassion toward animals. These teachers, like all spiritual guides, set the example of right behavior, even if not mandatory behavior. These sages, at times, went beyond the requirements of law, in Hebrew called *lefanim mishurat hadin*, in order to do what they perceived as right regarding proper treatment of the animal. These stories illustrate that one need not be limited by the letter of the law, but may indeed go beyond it in order to live according to an even higher ethical standard. The laws which we have reviewed are sometimes understood as the minimum requirements by some of the Sages. This concept will be discussed in greater depth later in this paper.

57 Ganzfried, *Kitzur Schulchan Aruch*, book 4, Chapter 191, 84. Also Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 61. In addition: Exodus 23:5 in addition to Deuteronomy 22:4 and Numbers 22:32. Book 87, Chapter 13, 118.

58 Shabbat 128b.

59 Some of these sources will be described and discussed in succeeding chapters. For example, see tales about Rabbi Zusya in Martin Buber's *Tales of the Hasidim*, (New York: Schocken Books; distributed by Pantheon Books, 1991), and Vol. 1, and Rabbi Israel Salanter in Agnon's *Days of Awe: A Treasury of Jewish Wisdom for Reflection, Repentance, and Renewal on the High Holidays*, (New York, Schocken Books, 1965), 249.

Chapter 2

Sources for Tzaar Baalei Chayyim

Animal welfare is a serious concern in Judaism.⁶⁰ Understood as the alleviation or prevention of “suffering to living things,”⁶¹ the prohibition, called tzaar baalei chayyim, is discussed a number of times in the Talmud.⁶² One of the central debates in the Talmud regarding this concept is about whether the prohibition is biblical or rabbinic. This was an important debate because when a law is deemed biblical, it requires greater strictness or vigilance.⁶³ The conclusion of the Talmudic discussion was that tzaar baalei chayyim is indeed a biblical law.⁶⁴

To come to this conclusion, each Rabbi involved in the debate cited the sources from which they argued the law originated. Rashi⁶⁵ cited Exodus 23:5, which includes

60 David Sears, *The Vision of Eden: Vegetarianism and Animal Welfare in Jewish Law and Mysticism*, 13.

61 Bleich, *Judaism and Animal Experimentation*, 4.

62 Rabbi Avram Israel Reisner, *Hecksher Tzedek Al Pi Din*, p. 16, citing Shabbat 117b, 128b, 154b, Beitzah 26a, Bava Metzia 31a, Bava Batra 20b, Avodah Zarah 13a, Chullin 7b. In addition, Rabbi Bleich cites Baba Metzi’a 32b, *Judaism and Animal Experimentation*, 4.

63 Bleich, *Animal Experimentation*, 200-202, notes 10-11.

64 According to most authorities. Bava Metzia 32b and Shabbat 128b.

65 Rashi was a Medieval French Rabbi, born in 1040, is considered the "father" of all commentaries that followed on the Talmud e.g., the Baalei Tosafot and the Tanakh.

the concept of “unloading” a working animal of its heavy cargo. Maimonides⁶⁶ and Rabbi Judah he-Hasid,⁶⁷ understood the narrative about Balaam and his donkey to be the source for the Biblical prohibition.⁶⁸ In this narrative, in Numbers 22:28, the donkey sees an angel of God and refuses to move, whereby Balaam physically assaults the animal. The animal is miraculously given the ability to speak and complains about its treatment (verses 28 and 30.) The other Rabbis like Me’iri⁶⁹ cite Deuteronomy 25:4, which prohibits muzzling an ox while it is threshing in the field.⁷⁰ In Numbers 20:8, water was miraculously produced from a rock for the benefit of animals and humans. Rabbi Moses ibn Habib understood this text as a call to action for tzaar baalei chayyim by way of Divine emulation.⁷¹ Hatam Sofer, attributes the prohibition to be one which exists due to the implications of Deuteronomy 28:9, “and you shall walk in his ways” because of all the ways in which God cares for animals.⁷² Shitah Mekubbetzet, a commentary on the Talmud, and the magnum opus of Rabbi Bezalel Ashkenazi⁷³, suggests that that tzaar

66 Maimonides, *Guide of the Perplexed*, Book III, chapter 17.

67 Sefer Hasidim (ed. Reuben Margulies) no. 666 according to Bleich, *Animal Experimentation*, 4. Judah he-Hasid, born in Speyer, Germany (1150-1217) was the author of Sefer Hasidim, a book on ethics.

68 Bleich, *Animal Experimentation*, 4.

69 1249 -1310. A famous Catalan rabbi, Talmudist and Maimonidean Baba Metzia 32b.

70 Me’iri, Baba Mezi’a 32b or Shitah Mekubetzet, Baba Mezi’a 32b.

71 (1654-1696) Habib was the Sephardic chief Rabbi of Israel. Yom Teru’ah, Rosh ha-Shanah 27a.

72 (1762–1839) One of the leading Orthodox rabbis of European Jewry in the first half of the nineteenth century. Hagahot Hatam Sofer, Baba Metzi’a 32b.

73 A rabbi and talmudist who lived in Ottoman Palestine during the 16th century.

baalei chayyim may be an oral teaching transmitted to Moses at Mount Sinai, having been nowhere recorded in the Five Books of Moses, yet equally binding according to the Rabbinic tradition of Orthodox Judaism.

In summary, Bleich, explains that, “the “source of the obligation concerning tza’ar ba’alei chayyim which imposes a general concern for the welfare of animals is far from clear.”⁷⁴ However, in conclusion Bleich says, “Judaism most certainly does posit an unequivocal prohibition against causing cruelty to animals.”⁷⁵ In other words, even though the sources are debated, it is the consensus amongst rabbinic authorities that the law is indeed Biblical, thereby commanding strict adherence. As we continue this discussion, we will begin to understand when and how this “general concern” is applied in specific cases.

⁷⁴ Bleich, *Animal Experimentation*, 200.

⁷⁵ Ibid.

Chapter 3

Hukkim and Finding meaning in Kashrut law

Moving this discussion toward the domain of food products and their permissibility in Jewish law, this chapter will give an overview of the laws of kashrut and review the purpose and meaning that scholars and rabbinic authorities have understood them to have. Prior to the discussion on kashrut law more generally, we will first examine veganism and meat-eating in the biblical account. The ethical aspects of eating meat and animal products have long been a debate in the Jewish world.

A reading of Genesis 1:29 has led some to claim that human beings were vegetarian in the Garden of Eden. The common opinion among the Talmudic sages and the traditional commentators is that in the ten antediluvian generations, from Adam to Noah, the people were vegetarians.⁷⁶ Genesis 1:29 says, "See, I give you every seed-bearing plant that is upon the earth, and every tree that has seed-bearing fruit; they shall be yours for food." The Garden of Eden is often understood as a vision of perfection.⁷⁷ Because of this, one might interpret the verse to communicate that veganism was ideal. However, the biblical narrative does not indicate that it is a law to be vegetarian.

76 Yael Shemesh, "Vegetarian ideology in Talmudic literature and traditional biblical exegesis." *Review of Rabbinic Judaism*, 9, (2006), 141-166. (accessed February 11, 2013).

77 Aaron Gross, *A Case for Jewish Vegetarianism*, PETA, 8.

Consumption of meat was only allowed after the flood (Genesis 9:3 and 9:5.)

Yael Shemesh of Bar-Ilan University, in her article “Vegetarian Ideology in Talmudic Literature and Traditional Biblical Exegesis,” explains that of the various opinions on why human beings were permitted to eat meat after the flood, “some of them [are] complementary and others mutually contradictory.” Rabbi Dresner, a modern Jewish scholar and author from Chicago who influenced the Conservative Jewish movement in America, in his book “Keeping Kosher,” reminds us, “permission to eat meat is understood as a compromise, a divine concession,” as he explains, because of human weakness. One explanation for this “concession” was due to the sins of the generation of the flood and moral weakness of the human race at that time.⁷⁸ After the flood, according to another opinion, the availability and accessibility of foodstuff deteriorated, and meat was needed to keep people healthy.⁷⁹ Yet another opinion tells us that after the flood, humans ascended to a degree of rational being and were granted permission.⁸⁰ Eating animals can also be seen to have positive aspects. For instance, it is thought that if rational beings eat animals, the “lower forms” are elevated and converted to the body of a rational creature.⁸¹ Whether or not these explanations suit the inclinations of the reader, the biblical text does give permission to humans to use animals as a food source.

After the flood, permission to eat meat came with parameters. Humans were not given the might to do whatever they wanted to animals. A Noachide law, applicable for

78 Shemesh, *Vegetarian Ideology*, 147.

79 Ibid, 148.

80 Ibid.

81 Shemesh, *Vegetarian Ideology*, 147.

the entire human race and not just Jews, was given by God following the deluge. Genesis 9:4, says, “But flesh; with its soul its blood you shall not eat.”⁸² Rashi understands this verse as prohibiting eating flesh while life is still in the animal.⁸³ In addition it is prohibited to mutilate a live animal for food.⁸⁴

Moving now to the more general discussion, the word kashrut/kosher means “proper or fit,”⁸⁵ and this category of law is generally understood to regulate things fit for consumption. The laws of kashrut in the Torah include descriptions of the animal species that are or are not allowed to be eaten.⁸⁶ For instance, Jews may not eat predators, shellfish, or swine.⁸⁷ They are permitted to eat mammals that both chew their cud and have cloven hooves.⁸⁸ Fish must have both fins and scales.⁸⁹ In addition, certain

82 Special concern for the blood of an animal is found in Leviticus 3:17; 7:26-27; 19:26; Deuteronomy 12:16, 12:23, and 15:23.

83 Adele Berlin, Marc Zvi Brettler, and Michael A. Fishbane. 2004. *The Jewish Study Bible*, Jewish Publication Society Tanakh Translation, Oxford: Oxford University Press.

84 Chullin 102b.

85 James M. Lebeau and Stephen Garfinkel, *The Jewish Dietary Laws: Sanctify Life*, New York, National Youth Commission, United Synagogue of Conservative Judaism, 1998, 8.

86 Deut. 14:6, Lev. 11:13-19; Deut. 14:11-18, Lev. 11:29-30, Lev. 42-43

87 Lev. 11:13-19; Deut. 14:11-1, Lev. 11:22, Lev. 11:29-30, Lev. 42-43

88 Lev. 11:3; Deut. 14:6

89 Lev. 11:9; Deut. 14:9

mixtures are forbidden.⁹⁰ For example, the prohibition of mixing meat and milk is derived from Exodus 34:26.

The laws of kashrut also include the rabbinically mandated laws of slaughter. Only a person who is knowledgeable in the laws of slaughter, knowledgeable about animal anatomy and pathology, proficient in the practice, and a believing and pious Jew may be a shohet, a slaughterer.⁹¹ When the animal is killed, the shehitah must be done by means of a swift, smooth cut of a sharp knife whose blade is free of any dent or imperfection.

One might wonder whether the laws of kashrut from the Torah explicitly discuss issues of concern for animal welfare. As the laws have been separated from other Biblical law and put into the category of kashrut law, they seem not to. However, exegesis, the understanding and development of these laws, do bring these concerns for animal welfare into the light. We will understand this in greater depth as we now explore the category of law called hukkim and then delve into the rabbinic tendency to find explanations for laws even when they do not require it. We will see that the concern for the animal is indeed part of the commentary as it develops and shapes kashrut law.

Most of the laws of kashrut are considered hukkim, categorical imperatives having no clear reason specified in the Torah. However, for those who believe in Divine authorship of the Torah, hukkim are exempt from requiring justification or explanation.

⁹⁰ Deut. 22:11

⁹¹ Editors: H. Kesselman, S.D. Rosen, S. D. Winegarten, *Shechita*, Shechita UK, May 2008, 13.

In other words, if God commanded the laws, there does not need to be a logical reason for them. James M. Lebeau explains, “hukkim are laws which must be obeyed though the finite human mind cannot fully comprehend their intent. They seem to transcend human understanding”⁹² and rationality.

The nature of hukkim make the disconnection between ritual and ethics more likely to occur. Rabbi Allen Morris, a modern Conservative Rabbi, is a leader in a new movement⁹³, which seeks to certify certain kosher foods with a stamp for ethical standards. He says, “The laws of kashrut are typically understood in a classic ritual way; things either meet the ritual requirements for being eaten or they do not. It is true of fish; it is true of animals.” He continued, “For most of us, the observance of kashrut has for years been understood only in ritual terms.”⁹⁴ Because of this, ethical aspects of kashrut and issues related to food and eating are left to the discussions in commentary by the Rabbis.

92 Lebeau and Garfinkel, *The Jewish Dietary Laws: Sanctify Life*, (New York, 1998), 8.

93 Allen is a Conservative rabbi of Beth Jacob Congregation in Minnesota. Allen initiated a certification for kashrut called Magen Tzedek, “Shield of Justice,” which supervises and approves products which meet conservative halakhic standards for workers, consumers, animals, and the environment.

94 Morris Allen, “Walking with Justice: Kosher Is Kosher?” Edited By Rabbi Bradley Shavit Artson and Deborah Silver, *Ziegler School for Rabbinic Studies*.
http://www.ajula.edu/Media/PDF/Walking_With_Justice-How_Kosher_is_Kosher.pdf.
 Accessed November 11, 2010, 108.

Some Rabbis argue that one should search for the reasoning for laws considered hukkim, and many commentators did. Rabbi Moshe Dovid Tendler⁹⁵ said, “Our Torah scholars disregarded the hukim classification and searched for human understanding of all Divine ordinances. Indeed, it is our right, if not an actual duty, to search for such rational explanations.” Maimonides responded to those who were hesitant about seeking reasons for the commandments saying,⁹⁶

...every commandment from among the six hundred and thirteen commandments exists either to communicate a truth, or to put an end to an unhealthy opinion, or to establish a rule of justice, or to ward off an injustice, or to endow men with a noble moral quality, or to warn them against bad habits. Thus all [the commandments] are bound up with three things: opinion, moral qualities, and social conduct.

Many Rabbis provided commentary regarding symbolic and metaphoric understandings and explanations of the laws of kashrut. The laws of kashrut may be intended to show respect for the life of the animal, so one does not just eat mindlessly. As Rabbi Dresner says, "Jews are permitted to eat meat, but they must learn to have

95 Moshe Dovid Tendler, “The Kashruth Laws: On the Interface of Halakhah and Science” *Judaism*, Fall 90, Vol. 39, Issue 4, (2001): 447. Rabbi Moshe Dovid Tendler was born in February, 1927 and is the rabbi of The Community Synagogue of Monsey. He is senior Rosh Yeshiva (Head of the School) at Yeshiva University's RIETS and the Rabbi Isaac and Bella Tendler Professor of Jewish Medical Ethics and Professor of Biology at Yeshiva College. With a Ph.D. in Microbiology, he is noted as an expert on Jewish medical ethics and their relationship to halakha.

96 Maimonides, *The Guide of the Perplexed*, 10.

reverence for the life they take."⁹⁷ These laws exist for the sake of the animals, either by preserving species⁹⁸ or preventing cruelty.⁹⁹

Kashrut is a way of showing respect for the life of the animal, as Dresner says, "Jews are permitted to eat meat, but they must learn to have reverence for the life they take." The shehitah process developed in light of the underlying principle of pity for living creatures,¹⁰⁰ the intent behind the process is to cause the animals as little pain as

97 Aaron Gross, "When Kosher Isn't Kosher." *Tikkun* 20, no. 2: 52-55 (2005), accessed February 11, 2013.

98 Ha-Levi, *Sefer ha-Hinuch*, Volume V, 179.

99 From Chullin, 9a. *Code of Jewish Law* Y.D. Five acts invalidate shechita as they inflict excessive pain on the animal: shehiya, derasa, halada, hagrama, and ikkur. There are five rules that Jewish law requires for a correct cut. 'Animal scientist Temple Grandin explains these five: "Shehiyah' (Delay) - A pause of hesitation during the incision of even a moment makes the animal's flesh unkosher. The knife must move in an uninterrupted sweep. 'Derasah' (Pressing) - The knife must be drawn across the throat by forward/backward movements, not by hacking or pressing. Any undue pressure renders the animal unkosher. 'Haladah' (Digging) - The knife must be drawn over the throat so that it is visible while shechita is being performed. It must not be stabbed into the neck or buried by fur, hide, or feathers in the case of a bird. 'Hagramah' (Slipping) - The limits within which the knife may be applied are from the large ring in the windpipe to the top of the upper lobe of the lung when it is inflated, and corresponding to the length of the pharynx. Slaughtering above or below these limits renders the meat unkosher. 'Ikkur' (Tearing) - If either the esophagus or the trachea is torn during the shechita incision the carcass is rendered unkosher and cannot be eaten by Jews. Tearing can occur if there is a nick in the chalaf (special knife used only for shechita)." From <http://www.grandin.com/ritual/rules.shechita.proper.cut.html>. Also see Editors: H. Kesselman, S.D. Rosen, S. D. Winegarten, *Shechita*, Shechita UK, May 2008, 5.

100 Editors: H. Kesselman, S.D. Rosen, S. D. Winegarten, *Shechita*, Shechita UK, May 2008.

possible. Shlomo Pesach Toperoff,¹⁰¹ explains that, “The laws of shechitah (Jewish ritual slaughter) are based on the assumption that it is absolutely vital to reduce to a minimum the pain inflicted on an animal when taking its life.”¹⁰² Rabbi Abraham Joshua Heschel,¹⁰³ said regarding the prohibition of cooking a kid in its mother’s milk (from Exodus 23:19, 34:26, and Deuteronomy 14:21) that the mother’s milk is a powerful image for life and flesh is a symbol of death, to mix the two would be deplorable and callous.¹⁰⁴

Ibn Ezra thought laws of kashrut prevented cruel heartedness. In addition, they might strengthen the spiritual resolve needed to resist other temptations.¹⁰⁵ Similarly, one may say that kashrut laws improve social relationships and community by teaching civilized behavior since a person who kills an animal without regard for its suffering may become callous toward human life as well.¹⁰⁶ Maimonides thought they helped keep the Jew from practicing pagan rituals.¹⁰⁷ In the Sefer ha-Hinuch, we find that the explanation of the prohibition of slaying “it and its young on the same day” (Leviticus 22:28) is said

101 Served as the Rabbi of Newcastle and a prolific writer.

102 Toperoff, *The Animal Kingdom in Jewish Thought*.

103 1907 –1972. Heschel was a Polish-born American Rabbi and one of the leading Jewish theologians and Jewish philosophers of the 20th century.

104 Samuel H. Dresner, Seymour Siegel, David M. Pollock, *The Jewish Dietary Laws*, Revised and Expanded Edition (New York: Rabbinical Assembly of America and United Synagogue Commission on Jewish Education, 1982) pp. 32-33.

105 Lebeau and Garfinkel. *The Jewish Dietary Laws*, 41.

106 Dan Cohn-Sherbrok, *Hope for the Animal Kingdom*, 194.

107 Maimonides, *Guide of the Perplexed*, 3:48.

to “instill in our spirit the quality of pity and remove the quality of cruelty.”

Nachmanides,¹⁰⁸ makes the claim that a holy nation should not do cruel things.¹⁰⁹

Rashbam¹¹⁰ and Nachmanides both question whether some laws of kashrut relate to health concerns.¹¹¹ Many of these traditional understandings link kashrut with larger ethical issues.

Interestingly, many of the explanations for the laws of kashrut could also be explanations for the laws regarding tzaar baalei chayyim, which also teaches civilized behavior, safeguards against dysfunctional human impulses, and prevents cruelty, among other things. Rabbi Morris Allen argues that ethical teachings should be understood as a partner to ritual law. He says, “We have failed to take our own teachings to heart, and instead have passively allowed ritual law alone, devoid of its ethical partner, to determine what it is that we should eat and how it is that we should ensure that our food is produced.”¹¹² Chaim Milikowsky, the chair of the Talmud department at Bar Ilan University, in response to controversial videos recorded at a kosher slaughterhouse, said

108 Born in Porta, Barcelona, 1194, Nachmanides was a leading medieval Jewish scholar, Catalan rabbi, philosopher, physician, kabbalist, and biblical commentator.

109 For example, Nachmanides’ interpretation of Deuteronomy 14:21 “For you are a people consecrated to the Lord your God. You shall not boil a kid in its mother’s milk.” Lebeau and Garfinkel, 66.

110 Known as Rashbam, Samuel ben Meir was born in 1085. He was a leading French Tosafist and a grandson of Rashi.

111 Lebeau and Garfinkel, *The Jewish Dietary Laws*, 15. Rashbam commenting on Leviticus 11:3 and Maimonides *Guide*, Part III, Chapter 48.

112 Morris Allen, *Walking with Justice*, 108.

that to insist that God cares only about His ritual law and not about His moral law is a desecration of His name.¹¹³

The factory farm did not exist until recently, animals in Jewish communities used to be raised on small family farms, so the impact of the law of tzaar baalei chayyim on the permissibility of food products in Jewish law may be a relatively new issue. In the meantime, a value that many hold dear, the prevention of unnecessary animal suffering is assumed by many Jews to be upheld by the laws of kashrut. However, few, if any Jewish laws have an impact on the quality of life for the factory farm animal in regard to breeding, housing, and feeding.

There is something unsettling about the conclusion that other laws and ethical teachings do not impact issues of kashrut. Rabbi Natan Slifkin,¹¹⁴ is popularly known as the "Zoo Rabbi." He is best known for his interest in zoology, science, and for his books on these topics.¹¹⁵ Rabbi Slifkin says, "the fact that many animals are farmed under cruel conditions is a reason to improve those conditions, but they do not render the flesh not

113 Gross, "When Kosher Isn't Kosher," *Tikkun* 20, no. 2: 52-55, accessed February 11, 2013.

114 Born in 1975 in Manchester, England.

115 His books are controversial in the Haredi world due in part to his statements regarding evolution. For more on this, see Slifkin's website, <http://www.zootorah.com/controversy/#ban>

kosher.”¹¹⁶ He continues, explaining that raising an animal in cruel conditions does not necessarily make the resulting food product unkosher,

This is hard for some people to understand, but [the issue is] comparable to a stolen animal- despite the sin involved in its acquisition, the meat [from this animal] is still kosher. Still, one may want to avoid supporting the businesses that are being unnecessarily cruel. In a similar way to how people seek to patronize businesses that observe additional stringencies with regard to kashrut, it would be desirable to patronize businesses that are more careful to avoid causing suffering to animals.¹¹⁷

Many Rabbis, organizations, and consumers are demanding that the issue be considered more deeply.¹¹⁸ More and more leaders in the Jewish community are coming to understand that the factory farm does not show reverence for animal life. Rabbinic authorities today are starting to debate whether the treatment of animals in these factory farms may in fact violate aspects of kashrut law, as is the case with veal, since the calves, due to the way they are raised, are often weak and sickly and rendered not kosher.¹¹⁹

116 Slifkin, *Man and Beast: Our Relationship with Animals in Jewish Law and Thought*, Zoo Torah/Yashar Books (2006,) 174.

117 Ibid.

118 Jewish environmental groups such as Canfei Nesharim and COEJL have argued for "eco-kashrut." These movements and their leaders will be mentioned in more detail later in the paper.

119 Pamala Barmash, "The Kashrut of Veal Raised on a Factory Farm," Responsa for Today, *Responsa In A Moment*, Schechter Institute of Jewish Studies, accessed 06/03/10. See discussion of Rabbi Feinstein's responsa in the next chapter.

There is a question of whether Jews should abstain from purchasing food products from factory farms because of tzaar baalei chayyim and/or other Jewish teachings.

Discussions in the Rabbinic world have most often been about the issue of slaughter. A statement by the Reform movement, calls for specific changes at AgriProcessors¹²⁰ and for basic humane standards to be established for all kosher certification agencies. However, now there are a number of Rabbinic authorities from all denominations of Judaism calling for action about slaughter as well as a broader scope of issues. The Reform movement's statement on the issue was signed by Arthur Green, Dean of the Rabbinical School of Hebrew College; Arthur Waskow, the Director of the Shalom Center; Elliot Dorff, Rector at the University of Judaism and Vice-Chair of the Conservative Movement's Committee on Jewish Law; and other senior leaders in all major branches of Judaism. The Conservative movement has started another organization/movement for changes in the Kosher industry called Heksher Tzedek. The Rabbinical Council of America has issued a statement for the Orthodox denomination.

If, during slaughter, there is delay, pressure, digging, tearing,¹²¹ all things which may cause unnecessary suffering for the animal, the animal products are considered unkosher. In this regard, kashrut law does consider animal welfare. The infliction of

120 A slaughterhouse and meat packing facility in Postville, Iowa where 1/3 of the products were glatt kosher meats. It was the largest kosher meat packing facility in the country. Agriprocessors was faced with accusations of mistreatment of animals as well as other charges.

121 *Code of Jewish Law Yoreh De'ah* 23

excessive pain on the animal invalidates shechita, should not infliction of excessive pain during the whole life of the animal also make it unkosher?

In conclusion, the separation of law from ethics seems not to be one that ever felt right to many in the Jewish community. This may be why the Rabbis came up with ethical explanations for even the hukkim. Commandments are intended to elevate the Jew in holiness¹²² and the observance of Torah law should improve a person in every aspect of life. The linking of ritual with ethics helps the Jew to find meaning in the performance of mitzvot and ties together values inherent in the very essence of Jewish practice.

122 Harvey J. Fields, and Giora Carmi, *A Torah Commentary for Our Times*, (New York, N.Y.: UAHC Press, 1990), accessed March 4, 2013, 56.

Chapter 4

Factory Farms and Going Beyond the Letter of Kashrut Law

Kosher and non-kosher animals come from the same intensive factory farm conditions as animals for other food industries, although they are slaughtered differently. It is understood that animal welfare in intensive farming is often poor.¹²³ Aaron Gross, professor of theology and religious studies at the University of San Diego, explains, “Sadly, virtually all kosher meat comes from animals that are raised in the same abusive factory farms that produce most meat in America.”¹²⁴ In our highly urbanized, mechanized lives, we are less intertwined with animals than at other times in history. By contrast, many of the laws pertaining to *tzaar baalei chayyim* assume a rural community, where animals and their use are part of the day to day life of a person. In modern times, we are shielded from the processes that provide us with food, clothing, and other goods from animals. As a result, whatever cruelty is done in our names happens far away, in labs, factories, or on factory farms, where of necessity we feel less compassion and have

123 F.H. De Jonge, M.N.C. Aarts, C.D.M. Steuten and E.A., “Strategies to Improve Animal Welfare through “Good” Stockmanship,” Dept of Ecological Agriculture and Society, *Wageningen Institute of Animal Sciences*. Presented at 4th NAHWOA Workshop, Clermont-Ferrand, 21-24 October, 2000. The five freedoms were formulated by the Farm Animal Welfare Council.

124 Aaron Gross, “When Kosher Isn't Kosher.” *Tikkun Magazine*, 20, no. 2 (March/April 2005), 52-55.

less direct control.¹²⁵ The kosher food industry is a \$12.5 billion-dollar-a-year business.¹²⁶ To get a scope of the amount of animals killed in the kosher food industry, Rabbi Allen Morris says that every day, Empire Chicken shechts (slaughters) 90,000 chickens;¹²⁷ every day Agriprocessors shechts 60,000 chickens and 500 heads of cattle.¹²⁸

It is true that the industrial food industry benefits humans in certain ways and that has an impact on the discussion of Jewish law. The issue of human economic profit when violating tzaar baalei chayyim is a complex debate amongst Rabbis, and in fact, the halakhah allows us to inflict pain on an animal if we have a good reason for doing so.¹²⁹ Rema ruled that violating tzaar baalei chayyim is permissible for purposes of healing or for any other legitimate purpose.¹³⁰ Of course, there is a great debate regarding what constitutes a “legitimate need.” Connected to our topic of discussion in this paper, Ritva, Shabbat 154b, maintains that the violation of tzaar baalei chayyim is permitted for financial reasons.¹³¹ The strongest justification, and the one written about most by

125 Jeremy Benstein, *The Way Into Judaism and the Environment*, (Woodstock, Vt.: Jewish Lights, 2006), Accessed March 4, 2013, 103.

126 Samantha M. Shapiro, “Kosher Wars,” *The New York Times*, October 3, 2008. Accessed May 19, 2009.

127 According to Richard Schwartz, because so many birds are killed today in continuous operations, a prayer that should be recited upon the ritual slaughter of every bird has become a prayer for every thousand birds. Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 68.

128 Morris Allen, *Walking with Justice*, 108.

129 Barmash, “The Kashrut of Veal Raised on a Factory Farm,” accessed 06/03/10.

130 Bleich, 13.

131 Ibid.

modern rabbis, is the use of animals medical purposes, with the goal being the preservation of human life. Rabbinic analysis determining what, if anything, justifies the violation of tzaar baalei chayyim are lengthy and include varied opinions based on such things as financial benefit or loss and the immediacy of therapeutic medical benefits. Rabbi Bleich summarizes his writing on the topic of animal experimentation by saying that a large body of authority refuses to sanction the infliction of pain upon animals when the desired benefit can be: acquired in an alternative manner, when the treatment of the animal or procedure involves a “great pain” to the animal, when the benefit does not serve to satisfy a “great need” to humans, or when the benefit derived is not commensurate with the measure of pain to which the animal is subjected.¹³² The benefits to the customers (i.e. products bought at their current cost) are indeed not commensurate with the degree of suffering of factory farm animals and the products may be acquired using more humane methods. As we examine the particular issues, especially in Part Two, we will also see that in some cases the factory farm animals may in fact be suffering a great deal.

However, it I said that Jews have always gone beyond the letter of the law and refrained from hurting animals.¹³³ Mentioned before, Rabbi Feinstein said that beyond ways in which animals are raised for food or given physical labors, “it is not permissible otherwise to cause them suffering, even when one stands to profit from such practices” (Iggr'ot Moshe, Even haEzer 4:92.) Rabbi Slifkin gives good reason to be stringent in this way, “...Since there are opinions stating that the financial benefits such as those

132 Bleich, *Judaism and Animal Experimentation*, 22.

133 Ibid.

enabled through factory farming do not justify the suffering thereby caused to animals, those who are meticulous to follow all opinions should refrain from consuming animals farmed in such a manner.”¹³⁴

Moving now to the discussion on kashrut law and whether one should go beyond it, we must first ask whether any of the factory farm practices indeed violate laws of kashrut. Some rabbinic authorities have already concluded that certain factory farm practices like the chaining and malnutrition of veal calves certainly do violate these laws to the extent that they make the animals unfit to eat, i.e. unkosher. Rabbi Feinstein, one of the most influential Orthodox authorities in the United States, ruled that it is forbidden for a Jew to raise veal calves in a cruel fashion (by confining them to crates and feeding them an iron-free liquid diet which causes anemia) since it would be a clear violation of the prohibition of tzaar baalei chayyim.¹³⁵ However, if a non-Jew is raising the animal, it is not a violation of Torah law since they are not bound by Jewish law. Therefore, a Jew may eat the product. Nonetheless, I argue that we should remember the teaching that it is a Jew’s duty to relieve the pain of any creature, even if it is ownerless or belongs to a

134 Slifkin, *Man and Beast*, 174.

135 Barmash, “The Kashrut of Veal Raised on Factory Farms,” *The Schechter Institute of Jewish Studies*. Feinstein says, “[in regard to the situation in which] every calf is in its own pen, which is so narrow that it does not have space even to take a few steps, and the calves are not fed the appropriate food for them, and have never tasted their mother’s milk, but they are fattened with very fatty liquids...this is certainly forbidden on the basis of tzaar baalei hayim. Even though it is permissible [to cause pain to animals] in order to satisfy human needs, by slaughtering animals for food, or by employing animals to plow, to carry burdens or other such things, it is not permissible otherwise to cause them suffering, even when one stands to profit from such practices (Igg’rot Moshe, Even haEzer 4:92.)”

non-Jew.¹³⁶ This teaching seems to require that the Jew not allow animal cruelty to occur- that if they are aware of it, they should act to stop it. Buying veal products, even if technically kosher, may support the continuation of animal cruelty, where a Jew's obligation is to end it.

In modern times, some Rabbis have made statements arguing that the factory farm does not meet Jewish standards. Rabbi Aryah Carmell¹³⁷ feels doubtful whether the Torah would sanction factory farming which “treats animals as machines, with apparent insensitivity to their natural needs and instincts.”¹³⁸ Rabbi Hillel Avidan proclaims that foods from factory farms are unsuitable for consumption for the Jew:

The Talmud (in a summary of previous teachings on the subject) demands that animals be spared pain at all costs,¹³⁹ the products of intensive animal husbandry must be considered unsuitable for Jewish consumption. The Jewish consumer should purchase free- range eggs rather than battery eggs and avoid buying

136 Rabbi Solomon Granzfried, *The Kitzur Shulchan Aruch, Code of Jewish Law*, New York: Hebrew Publishing Co., 1961, book 4, Chapter 191, 84.

137 Aryeh Carmell (1917–2006) was an Orthodox rabbi, scholar, and author from England.

138 Rabbi Aryah Carmell, Masterplan reprinted in *Man and Beast*, by Rabbi Slifkin, (ZooTorah, 2006,) 174.

139 Baba Metsia 31a-32b.

chicken or veal, which derives from "intensive farming." To deprive God's creatures of sunlight, fresh air and exercise is utterly sadistic.¹⁴⁰

Neither Avidan nor Carmell argue that the products are not kosher by the letter of the law. However, deciding to go beyond the letter of the law is an option for Jews concerned with factory farm conditions. Hershey Friedman, in "The Impact of Jewish Values on Marketing and Business Practices" says, "Jewish law is not only concerned with practical legal advice but in encouraging individuals to go beyond the requirements of the law, practicing the 'way of the pious.'"¹⁴¹ Rabbinic authorities generally view pious behavior as an individual choice and not something that may be imposed upon others. The concept of *lefanim meeshoorit hadin* means that one may maintain a higher standard of ethical behavior by abstaining from something even though it may be permitted.¹⁴² This principle of Jewish law, that demands a person to be ethical and encourages one to go beyond the legal requirement, is derived from the verse

140 Hillel Avidan, "Animal Welfare, Liberal Jewish Values and Practice Leaflets," *Liberal Judaism*, http://www.liberaljudaism.org/lj_wherewestand_animal.htm. Accessed November 9, 2010.

141 Hershey H Friedman, "The Impact of Jewish Values on Marketing and Business Practices." *Journal of Macromarketing* 21, no. 1 (June 2001), accessed March 4, 2013, 74-80.

142 Asher Meir "Value Conflicts In Jewish Business Ethics: Social Versus Fiduciary Responsibility" *Jewish Law Articles: Examining Halacha, Jewish Issues, and Secular Law*, http://www.jlaw.com/Articles/fiduciary.html#Note_1, accessed November 11, 2010. This kind of behavior is even true for business ethics in general. For example, beyond the mandatory *halakhot*, there are certain standards of exemplary conduct, outlined by Chazal and the Rishonim that a conscientious business person should consider binding, even though in general they are not enforceable in *beit din* (a court of law.)

(Deuteronomy 6:18): "You shall do that which is fair and good in the sight of the Lord."¹⁴³ In some cases, following the strict letter of the law is not sufficient.¹⁴⁴ In fact, the Talmud claims that Jerusalem was destroyed because judgments were based strictly on the law and did not go beyond the strict line of justice.¹⁴⁵ The Talmud often resorts to ethical principles in order to improve upon the law.¹⁴⁶

Bleich concludes his examination of the topic of animal experimentation by saying, "Judaism recognizes moral imperatives which establish standards more stringent than the standard of conduct imposed by law. According to the view of most authorities, those moral imperatives should prompt a man to renounce cruelty to animals even when the contemplated procedure would serve to promote human welfare."¹⁴⁷

Therefore, the Jew who considers it important to go beyond the letter of the law in cases of ethics may find these food products unfit to eat. This decision is not based on the laws of kashrut alone, but on the numerous other ethical teachings, laws, and rationales behind laws, which lead one to make stricter choices in this area.

143 Friedman, "The Impact of Jewish Values on Marketing and Business Practices," 74.

144 Ibid.

145 Bava Metzia 30b.

146 Friedman, 80.

147 Bleich, *Animal Experimentation*, 22.

Part Three: Examining the Issues

Chapter 1

Breeding

As we move forward, I stress that the sources and teachings presented earlier in this paper should be considered by the reader as we now examine the specific factory farm issues. In addition to those sources, I will now bring others to light, which directly apply to the specific cases of breeding, feeding, and housing for the factory farm animal.

Over many years, Government advisory groups have identified that the breeding of farm animals is an area of concern regarding animal welfare.¹⁴⁸ Since 1992, all Farm Animal Welfare Council reports on the welfare of different species of livestock have stressed this.¹⁴⁹ Due to the highly competitive global markets in which agricultural business operates, there are inherent tensions between animal welfare advocates and manufacturers.

Excessive weight is a serious problem caused by selective breeding, one that can cause severe or lasting pain in the animal.¹⁵⁰ Desirable traits in farm animals, like large breasts for meat chickens or the high quantity of milk from cows, can cause them pain,

148 FAWC, “Report on the Welfare Implications of Animal Breeding and Breeding Technologies in Commercial Agriculture,” *Farm Animal Welfare Council*, June 2004, 1.

149 FAWC, “Report on the Welfare Implications”, 17.

150 This is also an issue in mutilations such as tail-docking, de-beaking, de-horning.

discomfort, and disability. Animal Welfare problems of body proportion and weight are exacerbated by the practices of selective breeding, overfeeding, and the regular use of hormones. Bearing their own unnaturally heavy weight, these animals suffer under an unnatural and intense physical burden.

Chickens are bred to have very large breasts. Proportionally speaking, their legs are very weak and cannot support the weight of their torsos.¹⁵¹ Those birds that manage to support their own body weight are often uncomfortable doing so and those unable to stand spend most of their lives laying on wire cage-bottoms or in the excrement that coats their living spaces.¹⁵² In housing environments where birds are allowed to walk around, like sheds for meat chickens, these lame birds may suffer starvation or dehydration due to their inability to mobilize and reach a food or water sources.¹⁵³

Birds in the meat industry also suffer from rapid growth of the body, brought on by the use of hormones as well as their diet and genetics. The heart-lung capacity is unable to keep up with this physical growth, resulting in the soft tissues being deprived of oxygenated blood.¹⁵⁴ This leads to an increase in blood pressure, dilation and

151 FAWC, "Report on the Welfare Implications," 31.

152 Sørensen P, Su G, and Kestin SC. "The Effect of Photoperiod: Scotoperiod on Leg Weakness in Broiler Chickens." *Poultry Science*, 78 (1999): 336-42.

153 Weeks CA, Danbury TD, Davies HC, Hunt P, and Kestin SC. "The Behaviour of Broiler Chickens and Its Modification by Lameness" *Applied Animal Behaviour Science*, 67 (2000): 111-25.

154 Ian J. H. Duncan. "Animal Welfare in the Poultry Industry," *Journal of Applied Animal Welfare Science*, 4, no. 3, 207-221, (2001), 209.

hypertrophy of the heart's right ventricle, and leakage of fluid into the body cavity, which are very painful for the animals.¹⁵⁵

Bred for high milk yield, cows also suffer disproportionate weight-strain on their bodies. High milk yield has been identified as a risk factor for numerous health problems, including digestive problems, lameness, skin and skeletal problems, retained placentas, udder edema, and mastitis.¹⁵⁶ In one statement regarding cattle (in the 1997 Report on the Welfare of Dairy Cattle) the Farm Animal Welfare Council expressed concern about how selective breeding is impacting the modern dairy cow with regard to welfare,

“selection for increased milk yield had compromised welfare, reflected by an increased susceptibility to lameness and mastitis and a reduction in fertility. Subsequent research has supported this conclusion. We recommended that breeding companies should devote their efforts primarily to selection for health traits so as to reduce levels of lameness, mastitis, and infertility and that selection for milk yield should follow only once these health issues have been addressed. The report also made the general recommendation that breeding programmes worldwide should have as a major objective the need for good welfare.”¹⁵⁷

155 Ibid.

156 The Pew Commission on Industrial Farm Animal Production, “Putting Meat on The Table: Industrial Farm Animal Production in America,” accessed April 15, 2010, http://www.ncifap.org/_images/PCIFAPFin.pdf, 37.

157 Ibid.

Some desirable traits are unintentionally genetically paired with undesirable traits and their transmission is simply a consequence of the breeding process, something that can also happen in the natural world. However, in the natural world, these animals would be less likely to survive as compared to healthier animals. These are basic concepts of genetics: If a farmer wants large, heavy chickens, she would breed a pair of large, heavy chickens. However, if those original two were also coincidentally very aggressive toward other chickens, then their young, more often than not, would also be large, heavy, and aggressive. As a result, if this pattern continued, many of the offspring, generations later, would still carry these traits. In fact, many poultry birds today have a strong genetic predisposition toward aggression, a result, some argue, of selective breeding for size. Aggression leads to fighting, cannibalism, and self-mutilation. Living in very cramped, frustrating conditions for the animals, conditions that are thought to exacerbate the predisposition toward aggression, the food industry regularly physically alters the animals (by debeaking and declawing) in order to prevent injuries to themselves or others.¹⁵⁸ This is a problem in and of itself since the procedures may then mask the consequences of inhumane treatment and welfare conditions. In addition, the humaneness of the procedures themselves are questioned since they are often done without anesthetics and can result in lasting debilitation or pain.

The next section will review some possible Jewish responses to these problems of selective breeding in factory farming. An important source for this discussion is the

158 It is unclear whether these animals are aggressive as an unintended result of selective breeding or if the aggression is mostly due to the conditions in which they live. This is still a debated issue in animal husbandry and agricultural studies.

biblical commandment to “unload” an animal of its burden. Another is the commandment to not place a stumbling block in front of the blind.¹⁵⁹ In addition, preserving the integrity of the animal and its nature is of concern for Torah scholars as is the preservation of species.¹⁶⁰

Jewish texts speak of “unloading”¹⁶¹ animals carrying physical burdens and describe the human responsibility to relieve their discomfort. In response to seeing an animal that has collapsed under the weight of its burden, one is required to lift the weight of burden from it. In the case of the overweight household animal or any other animal that shows signs of discomfort due to weight, I believe we can extrapolate that an animal should be put on a restricted diet so that it loses weight. Furthermore, if something is the known cause of an animal’s suffering, one should avoid doing so, as a preventative action, as we will explore below.

Responsible selective breeding holds great power and potential. It can be done thoughtfully, with regard to proper animal care. Farmers and breeders can do this by

¹⁵⁹ Leviticus 19:14 and Exodus 23:5.

¹⁶⁰ Deuteronomy 22:6 is a main source for this concern of preserving species. The Laws regarding “mixing species” or kilayim in Hebrew are found in Leviticus 19:19 and Deuteronomy 22:9–11. The prohibitions against mixing species are defined in Mishnah Kilayim 8:1. Dr. Manfred Gerstenfeld says, “The law of kilayim, prohibiting change to the continuity of species, is another important example of halakhic protection of nature.” Development of Environmental Halakha, Seminar on Contemporary Environmental Problems Through a Jewish Lens, Makhon Lev, *The Center for Judaism and the Environment*, January 8, 2001. http://www.manfred-gerstenfeld.net/html/environmental_halacha_lecture_jct.html, accessed March 5, 2013

¹⁶¹ Exodus 23:5 Speaks of unloading a beast, which has fallen under its burden, even if it belongs to one’s enemy.

breeding healthy, content animals, with varied genetic codes, whose bodies function typically as they perform natural behaviors.

With regard to selective breeding, preventative actions will result in the biggest impact for animal welfare. Preventing the suffering of the animal is emphasized by biblical commandments of Deuteronomy 22:10 and 25:4. These commands prevent a person from doing an action that will cause pain or aggravation for the animal, including yoking two types of animals together and keeping working animals from eating while working. Similarly, a person should anticipate the proper weight for an animal to carry before loading it. According to Jewish teachings, the proper proportion of weight for an animal to carry depends on its relative strength and size, “in accordance with the camel is the burden.”¹⁶² An animal’s breast size should not be so large that it’s legs cannot support it. To breed such an animal goes against this teaching.

Animal welfare on farms starts with the farmer’s choice of a breed with low incidence of genetically determined welfare problems.¹⁶³ By refraining from breeding the animals that have traits that cause them harm and suffering, the farmer can have an enormous impact on animal welfare. Responsible breeding decisions can ensure that animals are healthy and able-bodied- free from pain. In addition, the proper steps may be

162 Ket. 67A. Cohen, *Tsa’ar Ba’ale Hayim*, 147.

163 Jonge, Aarts, Steuten and Goewie, “Strategies to Improve Animal Welfare through “Good” Stockmanship,” *Network for Animal Health and Welfare in Organic Agriculture* (NAHWOA), January 2001, 40.

taken to selectively breed animals in order to eliminate negative predispositions, a solution that has already been recommended by some secular scholars.¹⁶⁴

Leviticus (19:14) commands, “Do not curse the deaf or place a stumbling block in front of the blind.” The words “blind or deaf” may be understood metaphorically, representing any person or group that is unaware, unsuspecting, ignorant, or morally blind, and individuals are prohibited from taking advantage of them or tempting them to do wrong.¹⁶⁵ The message of this commandment is that we are responsible for the welfare of others and may not do anything to undermine it, making clear to us that people should not cause additional difficulty for those who cannot defend themselves. The concept of not placing a stumbling block in front of the blind is traditionally understood to relate exclusively to humans. However, I would argue that animals also fit into the category of those who are metaphorically deaf and blind. Even more so than the unaware and the ignorant, animals are vulnerable to abuses and maltreatment, especially considering that their very lives are often at our mercy.

To substantiate this perspective textually, let us look at the sentences surrounding Leviticus 19:14- verses 13 and 15-18. All have references to “your brother” or “your people” indicating that relate to relationships between people. Interestingly, 19:4 does not mention people. When interpreting scripture, each word as well as the absence of a

¹⁶⁴ Ibid.

¹⁶⁵ Hershey H. Friedman, “Placing a Stumbling Block Before the Blind Person: An In-Depth Analysis.” *Jewish Law Articles: Examining Halakhah, Jewish Issues and Secular Law* (2002), <http://www.jlaw.com/Articles/placingstumbling.html>, accessed November 12, 2010.

word is significant. The text may be pointing to the fact that both humans and animals can be symbolically or allegorically deaf and/or blind- unable to defend themselves from “stumbling blocks.” In the case of breeding, which causes harmful characteristics, we literally make them stumble, since they are genetically predisposed to such a stumbling. We have already discussed the chickens which cannot stand under their own weight. Many animals in factory farms are stumbling over blocks that we have placed in front of them; their own bodies.

Impregnation on factory farms is often done by insemination, bypassing the natural mating process between two animals. Genesis 7:2 describes that the animals going into Noah’s ark, came in, “a male with its mate.” This process seems, ideally, to be a natural one, involving two animals who have chosen to mate with each other. The breeding process in factory farms however is designed to suit the needs of the business alone, while disregarding the natural process for the animals.

A farmer not only assists in the creation of new life when breeding, if she/he is to act according to Divine example, he/she responsible for whether her animals thrive according to their nature. After God finished much of the world’s creation in Genesis 1:24, the text says, “according to its kind,” which is *le-minah* in Hebrew. This word is repeated a number of times in this narrative, after God created the seed, fruit trees, and vegetation (Genesis 1:11-12), living souls, beasts, animals, and creeping things (Genesis 1:24-25.) For example, the text says, “God made the beast of the earth according to its kind.” Sforno¹⁶⁶ answers the question: Why is the phrase “according to its kind” repeated

166 Italian rabbi, Biblical commentator, philosopher and physician born in 1475.

so many times? Sforno says that God gave each creature, “whatever senses and faculties it [the animal] needs to thrive.”¹⁶⁷ By thrive, Sforno meant whatever senses the animal needed to prosper and flourish in its environment- that each animal was created with the physical and instinctual capacities necessary for their particular needs.

Minchah Belulah, a 16th century Torah commentary by the Italian Rabbi Avraham Rapa, adds that God “endowed each with its own peculiar nature and instincts.” By this, we understand that animals have the ability, if not a God-given-right to flourish by living according to their unique instincts and behaviors.

Chickens, for example, have instincts to forage and socialize, but they often cannot do these things if they have been bred in the factory farm. Instead of searching for food along the ground, those with difficulty moving their bodies remain immobilized. Farm Animal Welfare Council is concerned that, “an attitude may be developing [in the farm animal industry] which condones the molding of animals to humankind’s uses, irrespective of their own nature and welfare.”¹⁶⁸

Selective breeding may also be an issue of preservation of species, an important Jewish concept learned primarily from the story of Noah and the flood since his efforts to house the animals paid off in the survival of the species kept alive on the ark. Species preservation is also an issue of concern in the food industry regarding endangered poultry breeds. The American Livestock Breeds Conservancy is one of the organizations

167 "Sforno on Genesis 1:25," 2012, http://www.sefaria.org/Sforno_on_Genesis_1.25.1>.

168 FAWC, “Report on the Welfare Implications,” 17.

attempting to recover breed production characteristics of poultry now considered endangered because of the industry focus on breeding for particular traits.¹⁶⁹ The goal of the organization is to conserve historic breeds and genetic diversity in birds and livestock.

169 The American Breeds Livestock Conservancy, “Breed Information – ALBC Conservation Priority List,” <http://albc-usa.org/EducationalResources/chickens.html>, Accessed April 29, 2010.

Chapter 2

Feeding

There are a number of animal welfare concerns in factory farming related to the feeding of the animals. The food and farming industries benefit from animals that produce the most “product” in the shortest amount of time. For these results to occur, livestock and poultry are often given foods that are unnatural for them¹⁷⁰ and the animals are sometimes over-fed/force-fed, and deprived of food for extensive periods. These are major issues of concern for animal welfare advocates. In addition, the methods used to feed the factory farm animals are chief factors in producing these results and a primary topic of consideration for animal scientists.

One of the most extreme animal welfare issues is force-feeding of geese for the delicacy ‘pate de foie.’ Tubes force food down the throats of these animals so that it goes directly into their stomachs. The result is that their livers become enlarged over time. These livers are eventually served as an expensive dish at restaurants. Another extreme issue of animal welfare related to the ways animals are fed, is the nutrient-deprivation of veal calves. As a reminder of what was described in a previous chapter, these animals are often kept confined in small crates, so limiting to their movement that they cannot turn

170 Which also impacts public health because animals are fed rendered animal products, animal waste, plant- and animal-based fats, antibiotics, and metals. For more information on this issue, see AR Sapkota, Lefferts LY, McKenzie S, Walker P., “What Do We Feed to Food-Production Animals? A Review of Animal Feed Ingredients and Their Potential Impacts on Human Health,” *Environmental Health Perspectives* 115 (2007):663-670. doi:10.1289/ehp.9760.

around, stretch their limbs, or adopt normal lying positions. The diet for the calves is a liquid milk replacer which denies the calves iron, a necessary mineral required for normal development.¹⁷¹ This process of deprivation of nutrition and movement keeps their flesh soft, resulting in a meat with a tender consistency.

Other animals are also deprived of food and these practices are lesser known to the public. In the egg industry, hens are kept from eating and drinking for up to 2 weeks in order to cause another egg-laying cycle to begin.¹⁷² This practice involves also simultaneously reducing the animal's perceived day length by restricting the lighting in the facility.¹⁷³ In other words, the lighting is adjusted so that the animals believe the days are shorter. This causes their bodies to molt, which causes another egg laying cycle to begin. The practice is called forced molting. Ian J.H. Duncan, one of the world's leading authorities on farm animal welfare science, informs us of this process saying that normally, birds would have a period of non-production, but forced molting shortens this period by at least 8 weeks, allowing the farms to produce more eggs. Despite the benefits for business, the practice results in a great deal of suffering for the animals. Duncan goes on to explain that mortality rates during this period increase significantly.

The deprivation of food causes birds a great deal of stress since they naturally forage and consume food during the day. Studies have confirmed that during this period

171 Barmash, Pamela, Teshuva on Veal, *Committee on Jewish Law and Standards*. S.A. YD 24, 2007a, Kislev 5768, (accessed November 11, 2010), 2.

172 Ian J. H. Duncan, *Animal Welfare in the Poultry Industry*, 209.

173 Ibid.

birds often pace around their cages more and become more aggressive. Birds often peck at feeders or cages. Resulting from these cycles of over-production, hens suffer from fatty liver syndrome, cage layer fatigue, and osteoporosis. Hens often have calcium deficiencies, because they are made to produce more eggs than they should. The deficiency leads to broken bones, particularly during capture for transport. Hens whose lives are depleted by the constant egg production are called “spent hens” (also called soft bruised meat) and their flesh is used for soups and stews.¹⁷⁴ Duncan claims that of all the animal welfare problems in the poultry industry today, the disposal of spent hens is a most serious problem.

The typical life for an egg laying hen, according to Duncan, is as follows:

“They begin laying eggs at 20 weeks of age. They lay eggs for one year, at which point decreasing egg numbers and egg shell quality mean that it is no longer profitable to continue. When the hens are about 74 weeks old, they either are sent to slaughter as spent laying hens or force-molted and kept for a 2nd laying year; a small number of flocks may be force-molted again and kept for a 3rd laying year. No matter how many years they have been in laying, all laying hens are eventually slaughtered as spent laying hens.”¹⁷⁵

Concerns over these issues are not only voiced by animal activists, they are also shared by the community of veterinary professionals. Farm Sanctuary, a nonprofit organization whose mission it is to protect farm animals from cruelty, surveyed

174 Ibid.

175 Ibid.

veterinarians as to their opinions regarding farm practices. They concluded that veterinarians are strongly against many of the practices described in this paper.¹⁷⁶ For example, although their opinions are not as strong as with confinement issues, veterinarians also overwhelmingly object to feeding farmed animals deficient diets or withholding food altogether.¹⁷⁷

What does the Torah have to say about the feeding of animals? Biblical texts emphasize the concern of God, who provides food to humans and animals alike. Psalm 104:14 speaks of God saying, “Who causes the grass to spring up for the cattle, and herb for the service of man; to bring forth bread out of the earth.” Food is what sustains life, and it is God who provides the nourishment for all who need it. Psalms tells us, “The eyes of all wait for Thee, and Thou gives them their food in due season. You open Your hand, and satisfy every living thing with favor” (145:15-16.) Concern for the preservation of animals and humans alike is displayed in the statement, “Man and beast thou preserves O Lord” (Psalm 36:7.) Rabbinic tradition elaborated upon this Biblical theme, “The Holy One, blessed be He, sustains all creatures, from the horns of wild oxen to the eggs of lice” (Talmud: Shabbos 107b.)

176 On average, nearly four out of five veterinarians (79%) object to these diet restriction practices for veal calves and egg-laying hens. Overall, veterinarians seem to object in equal numbers to both iron- and fiber- deficient diets for veal calves (80%) and withholding food from hens (78%.) Farm Sanctuary, *Opinions of Veterinarians and Positions of AVMA: Analysis of Eight Commonly Occurring Farm Practices*, <http://www.farmsanctuary.org/mediacenter/assets/reports/VetStudy.pdf>, accessed November 11, 2010.

177 Ibid.

Additional sources tell us that God satisfies the appetite of young lions (Job 38:39) and “gives to the beast his food, and to young ravens that cry” (Psalms 147:9.) The Divine care and compassion toward these animals is for their own sake; God feeds them because of their intrinsic value. Emulating God, humans can also strive to feed those in need, both human and animal, and let none in their care go hungry.

The ideal attentiveness to the care of animals is displayed by David as he cared for his flock. According to Exodus Rabbah, both the strong and the weak of David’s animals had enough sustenance because “David used to stop the bigger sheep from going out before the smaller ones, and to bring the smaller ones out first, so that they should graze upon the tender grass, and afterwards he allowed the old sheep to feed from the ordinary grass, and lastly he brought forth the young, lusty sheep to eat the tougher grass.”¹⁷⁸

Factory farm animals have a very different life experience than David’s animals. The chickens and cows at the factory farm experience competition at the food rack because of the way the food is distributed. They fight with each other, making it harder for the weaker or lower ranking animals to get proper rations. Cows become injured from head butting due to issues of space and rank, while chickens peck each other’s feathers and bodies in competition.¹⁷⁹

178 Exodus Rabbah 2:2

179 Susanne Waiblinger, Ton Baars, Christoph Menke, “Understanding the Cow- the Central Role of Human-Animal Relationship in Keeping Horned Dairy Cows in Loose Housing,” *Institute of Animal Husbandry and Welfare*, NAHWOA Paper, University of Veterinary Medicine Vienna, 2000, 65.

Animal behavior experts give suggestions similar to what we learn from the examples of both God's and David's care of animals. They make it clear that animals should be left at the factory farm feeding rack for long enough to ensure that the low-ranking animals have enough time to feed.¹⁸⁰ They say that food should ideally be offered in a constant quality throughout the day, as these animals are grazers. This way, low ranking and anxious animals can eat at various times of the day, during times when competition is lower.¹⁸¹ Even if food is not offered throughout the day, but only during certain times of the day, the method of feeding during those times can reduce problems. For example, if reservoir feeders, which distribute food evenly in a long basin, are used instead of a chain system (which are open ducts, stations, with a controlled amount of food laid out by a time clock), there is less feather-pecking.¹⁸² This is because the chain system creates a competitive environment. An animal eating from food in a chain system must eat quickly or it may not get enough since the supply is limited. In addition, with this type of feeder the access is limited, forcing the animals to compete for space. A reservoir feeder distributes food evenly to a number of areas and as the last one empties, a mechanism is triggered to refill them. These are often used in broiler houses, often open barns, where birds are uncaged. Although one system is better than the other, both methods provide feed to animals without human intervention, so the whole system is automatic and programmed without consideration for the particular animals needs.

180 Ibid, 68.

181 Ibid, 68.

182 M.W.P. Bestman, *The Role of Management and Housing in the Prevention of Feather Pecking in Laying Hens*, The 4th NHWOA Workshop, Clermont-Ferrand, 21-24, October 2000, 50.

Some details seem minor to us but have a huge impact on the animals. Animal Scientist M.W.P. Bestman reports that the location and even height of the feeding system in the environment also seems to be important. She says if the feeder is “located in the litter area (and not on the elevated grid floor), less feather pecking is found.”¹⁸³ The design of these systems should be done with attention to detail to ensure a happier life for the animals. The Jewish tradition shows us that the well being of each and every animal matters.

The patriarchs like Moses, displayed care and concern for the individual animals in their care. Exodus Rabbah records a narrative about Moses while he was tending the flocks of Jethro in the wilderness. A kid escaped from its flock and wandered to a shady place where there was water. Moses went after it and found the kid by a pool of water where it had been drinking. When Moses approached the animal, he said: “I did not know that you ran away because of thirst; you must be weary’ so he placed the kid on his shoulder and walked away. Thereupon God said, ‘Because thou has shown mercy in leading the flock of a mortal, you will assuredly tend my flock Israel.’”¹⁸⁴ Moses showed patience, commitment, and understanding to this animal from his flock and respected its need for hydration, despite his own inconvenience. It was because of this example of his true character that Moses was worthy to be a leader of the Jewish people.

We will now consider some Jewish laws and verses related to the feeding of animals. Some of these laws and teachings were further developed by rabbinic literature.

183 Ibid.

184 Exodus Rabbah 2:2. Cohen, *Tzaar Baalei Chayyim*, 5-6.

Regarding feeding the animal's under one's care, Deuteronomy 11:15, which says, "I will give grass in thy fields for thy cattle, and thou shall eat and be satisfied" is understood by the Rabbis to mean that humans should feed their animals before eating their own meal.¹⁸⁵ Even if one has already uttered the blessing over bread, one may interrupt partaking of it to ask whether one's animals are fed.¹⁸⁶ Proverbs 12:10 inspires a general attitude of care and concern for one's animals saying, "A righteous man regards the ways of his beast."

The wellbeing of the domesticated animal while it is working is also an issue of concern in the Torah. The biblical law preventing the muzzling of an ox while it is threshing in the field also applies to other animals, including birds.¹⁸⁷ Rabbi Samson Raphael Hirsch¹⁸⁸ explains that a person may not, by any means, prevent an animal from satisfying its appetite while it is working unless that which it eats may harm it.¹⁸⁹

Rabbi Elazar ha-Kappar¹⁹⁰ ruled, in the Palestinian Talmud, that one may not purchase a domestic or wild animal or a fowl unless one is able to feed it properly.¹⁹¹ I

185 Gittin, 62a.

186 Barmash, Teshuva on Veal, 8.

187 Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 61.

188 Born in 1808 in Hamburg, Germany. Hirsch is considered the "father" of modern orthodoxy.

189 Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 61.

190 Rabbi Elazar haKappar was a Tanna of the sixth generation (170 – 200 CE) active in the land of Israel.

believe one may interpret this to mean that if one purchases an animal, they can and will feed it properly. Let us examine forced molting by starvation and withholding food from animals on purpose in light of a Midrash about the treatment of a donkey. There is clear distain in this source for people who needlessly cause discomfort to animals:

The donkey's master had just purchased a neck of beef. While on the way home, the hungry donkey was anxious to eat and eyed the beef, but the master kept it from him. Once they got home, the master tied the beef high so that the donkey could not reach it, further frustrating the helpless animal. The Rabbis said that such a man should be rebuked with the words, "You wicked man, all the way home he runs after it, and now you withhold it from him!"¹⁹²

Another text relates to the force-feeding of animals, as is done with 'pate de foie.' The Rabbis rebuke the person who creates a situation in which an animal will suffer due to over-consumption. It is my opinion that geese which are force-fed must experience physical and bodily discomfort, as the quantity of food they are involuntary made to consume is not natural for the body. For cows whose backs bend under the weight of their bodies so much so that they must lay down to find comfort, the feeding process, which is normally considered to be part of the care for the animal, has become the very source of their distress. In these cases, the potential kindnesses inherent in the feeding process have disappeared and become cruelty. Yehudah ha-Hasid said, "The cruel person

191 Barmash, "The Kashrut of Veal Raised on a Factory Farm," Responsa for Today, Responsa, *In A Moment*, Schechter Institute of Jewish Studies, accessed 12/28/10.

192 Exodus Rabbah 31:7.

is he who gives his animal a great amount of straw to eat and the next day requires that it climb up high mountains. Should the animal however, be unable to run up quickly enough in accordance with its masters desires, his master beats it mercilessly.”¹⁹³

These texts make it clear that, as Proverbs teaches, “the righteous person regards the ways of his beast.” The care of animals is a responsibility not taken lightly by biblical and rabbinic sources. We have examined the texts showing God providing sustenance for the life on the planet and we have studied the actions of the shepherds toward the animals in their care. These narratives are examples of ideal behavior. In addition, law requires one to satisfy the food needs of their animal even before one’s own requirements and necessitates that working animals have the freedom to graze. And finally, from the texts presented, it is understood that the person who is insensitive to an animal’s needs regarding food and water is considered a cruel person.

193 Yehudah ha-Hasid, *Sefer Hasidim*, Reuben Margolius (Jerusalem: Mosad ha-Rav Kook, 1957) para 669. Also Cohen, *Tzaar Baalei Chayyim*, 46.

Chapter 3

Housing

There are a number of animal welfare issues regarding both indoor and outdoor housing for animals on factory farms. For those kept outdoors, inadequate shelter can leave them exposed to the elements. One might think that outdoor housing is a more natural setting, providing stimulation and allowing the animals to perform natural behaviors by grazing, socializing, and moving about freely. But drylots, where many factory farm animals (especially cows) are housed, do not resemble open grazing land, they are simply fenced outdoor areas with flat packed dirt. Drylots don't have grass or give the animals access to natural water sources. The Pew Commission on Industrial Farm Animal Production reports that, "As fewer and fewer cows are given access to pasture (less than 25% of lactating cows and 50% of dry cows;¹⁹⁴) and are instead housed indoors or on drylots.

As production systems move to indoor housing, it is becoming apparent that there are animal health and welfare issues associated with moving away from pasture-based systems."¹⁹⁵ Indoor shelters may protect factory farm animals from the elements, but the materials and design of the buildings make up an unnatural environment. Some animals,

194 PCIFAP gets these numbers from the USDA, 2002 report: USDA (2002.) Part I: Reference of Dairy Health and Management in the USDA.

195 The Pew Commission on Industrial Farm Animal Production, *Putting Meat on The Table: Industrial Farm Animal Production in America*, accessed April 15, 2010, http://www.ncifap.org/_images/PCIFAPFin.pdf, 37.

like egg-laying battery hens never have access to the outdoors or fresh air. Crowded and insufficiently ventilated, indoor spaces may or may not allow the animal to even move around. Hen's cages have a floor space of approximately eighteen square inches, and the birds lack enough space to stretch their wings.¹⁹⁶ Several hundred thousand birds often occupy one building, stacked in cages eight tiers high.¹⁹⁷ The ammonia levels, produced from the animal waste, are very high in these environments, causing respiratory problems for the animals.

Continuously confined, the birds stand on wire floors causing painful foot and body problems and abnormalities.¹⁹⁸ Veal calves and egg-laying hens experience extreme restriction of movement, so much so that some cannot even turn around or stretch their limbs or wings. Of Veterinarians who were surveyed regarding these practices, the majority disagreed with them: 82% objected to veal crates and tethers and 80% to battery cages for hens.¹⁹⁹ Part of their reasoning has to do with the fact that, due to inadequate stimulation and boredom, most of these animals do not have the freedom to display normal patterns of behavior,²⁰⁰ which results in abnormal and aberrant behavior, including fighting and self-mutilation. These housing conditions also encourage anti-

196 Zuzworsky, *From the Marketplace to the Dinner Plate*, 179.

197 Cassuto, *Bred Meat*, 64.

198 Ibid.

199 Farm Sanctuary, *Opinions of Veterinarians*.

200 Leone, E. H., and I. Estévez, "Economic and Welfare Benefits of Environmental Enrichment for Broiler Breeders," *Poultry Science* 87, no. 1 (January 2008): 14-21, accessed March 4, 2013.

social behavior as well as social status and ranking issues amongst herds or animal groups which are major causes of stress for animals. What keeps businesses from making the environment more humane are costs, since they would be higher were the animals given more space and a more varied environment in which to live out their productive lives.²⁰¹

However, in a clear example of going beyond the letter of the law, the Chassidic master, Rabbi Zusya of Hanipol²⁰² felt pity for caged animals. Considering his empathy toward birds, it seems likely that he would have been appalled by the living conditions for battery-caged chickens.

[He was] once was on a journey to collect money to ransom prisoners. He came to an inn and in one room found a large cage with many types of birds. He saw that the birds wanted to fly out of the cage and be free again. He burned with pity for them and said to himself, “Here you are, Zusya, walking your feet off to ransom prisoners. But what greater ransoming of prisoners can there be than to free these birds from their prison?” He then opened the cage, and the birds flew free. When the innkeeper saw the empty cage, he was very angry and asked the people in the house who had released the birds. They answered that there was a man loitering around who appeared to be a fool and that he must have done it. The innkeeper shouted at Zusya: “You fool! How could you rob me of my birds and make worthless the good money I paid for them?” Zusya replied: “Have you read these words in the Psalms: ‘His tender mercies are over all His work’?” Then

201 Zuzworsky, *From the Marketplace to the Dinner Plate*, 178.

202 1718–1800.

the innkeeper beat Zusya and then threw him out of the house. And Zusya went his way serenely.²⁰³

Poultry, when raised for meat, are housed differently than those that produce eggs. Meat poultry, called broiler chickens, live on a “deep-litter” floor and walk on cornhusks or wood chips, which in time, are buried under excrement. It may seem that these chickens have a better situation than the egg-laying hens, since they can walk around, but these birds suffer breast blisters and respiratory problems because of the high levels of ammonia caused by the excrement in the building;²⁰⁴ since the ventilation is inadequate. In actuality, even the freedom to walk around won’t last long since the industry is moving toward cages for them as well,²⁰⁵ as David N. Cassuto, professor of environmental law at Pace University, explains,

Poultry producers aspire to create a battery-cage system for broilers but have not yet overcome problems including breast blisters, bruises, and excess abdominal fat. Nevertheless, the industry aims to create a system wherein cage production becomes the norm. As one producer visualizes it, chicks in cages would be placed on a conveyer belt and transported into a confinement facility and then emerge on the other end as a finished broiler.

Rose Zuzworsky, a professor in the Department of Theology and Religious Studies at St. John's University, describes the life of a broiler in current conditions:

203 Martin Buber, *Tales of the Hasidim*, 249.

204 Cassuto, *Bred Meat*, 64.

205 *Ibid.*

...designated as broilers, chicks (both male and female) are...packed by the tens of thousands in enormous sheds. After roughly six weeks of intense, overcrowded conditions on floors coated with manure and urine, during which time they constantly inhale the by-products of their waste, the birds reach market weight of approximately four pounds. They are then packed into crates and sent to slaughter.²⁰⁶

Regarding the housing of veal, debate has taken place in the Jewish community about the permissibility of eating an animal raised in such a way.²⁰⁷ In a responsum²⁰⁸ regarding veal, Rabbi Barmash, a modern American Rabbi of the Conservative movement, concludes that Jews are forbidden to consume veal if higher standards are not met [by the industry.]²⁰⁹ Barmash explains that it is unacceptable to torment an animal for months until it is slaughtered.²¹⁰

Rabbi Paul Plotkin, in the same rabbinic discussion, said that very few veal calves are healthy enough to be kosher. Interestingly, he also said:

206 Zuzworsky, *From the Marketplace to the Dinner Plate*, 177.

207 See previous discussion on Rabbi Feinstein's responsa regarding veal.

208 Responsa (responsum in the singular) are the authoritative answers to questions of Jewish law. A person may ask a Posek (an authority on Jewish law) a question and receive an answer which is recorded as and often memorialized in a book form of Jewish legal writing in the form of a question and answer often sent by letter and then memorialized in a book collecting a significant number of them from the same author with many responsa by the same author.

209 Barmash, *Teshuva on Veal*, 8.

210 Ibid. *Hecksher Tzedek, Al Pi Din*, 18.

There are many issues pertaining to all forms of farm raised animals on land and in the seas. I clearly see the next teshuvah [question of religious law] coming to us to outlaw all but free range chickens for many of the same reasons (as veal.) I think it hasn't come up yet because we have less of the anthropomorphic identifying with chickens, who are not as "cute" as calves or potentially pathetic looking as anemically raised calves, yet if we choose to look closely we may have a whole litany of "inhumane" standards of production.²¹¹

The veal calf is kept confined in a space too small to allow free movement.²¹² In their current state, calves do not receive sufficient space to lie down and stand up, turn around, or groom themselves. The Kitzur Shulchan Aruch says that it is forbidden to tie the legs of a beast or of a bird in a manner as to cause them pain.²¹³ Socially isolated, the calves do not interact with other animals. The solitary environment in which veal calves are raised involves no socialization or physical touch. Once taken from their mothers, the veal calves are sometimes tethered alone to a stall for the rest of their lives. Because they are not given their mother's milk, they also lack proper nutrition and a mixed diet with

211 Plotkin, Paul, *A Response to Rabbi Pamela Barmash's Teshuva on Veal*, CJLS (November 11, 2007), 4.

212 Zuzworsky, *From the Marketplace to the Dinner Plate*, 177.

213 Solomon Gamzfried, *The Kitzur Shulchan Aruch, Code of Jewish Law*, Hebrew Publishing Company, N.Y., 1961, book 4, chapter 191, 84. Also Shwartz, 61.

sufficient iron.²¹⁴ Removing the baby calf from its mother at a young age is an issue of special concern in Jewish law.

Laws regarding mother and baby animals are understood as laws of mercy and compassion. In the factory farm, babies are often removed from their mothers, most strikingly in veal production. In addition, babies are taken from the mothers before natural weaning for the collection of milk. The Jewish laws regarding mothers and babies give an idea of the spirit of the law from which they come and in turn inform us regarding the proper treatment of and sensitivity for farm animals. This directly relates to the housing of the animals because the laws speak to the length of time the mother and baby remain housed together and the permissibility of slaughtering them within a short period after their birth. In addition, the Rabbi's concern for the emotional wellbeing of the animal opens the door for advanced discussions on the impact of housing on other aspects of animal wellbeing.

Let us examine some of these laws regarding animals and their young. Biblical verses commands not to sacrifice animals that are less than eight days old.²¹⁵ It is believed that the rationale for the law was to allow a parent and its offspring to remain together for at least a minimal amount of time²¹⁶ for the sake of the animals and their wellbeing both emotionally and physically. Other examples are the laws in Leviticus

214 Plotkin, *A Response to Rabbi Pamela Barmash's Teshuva on Veal*, CJLS (November 11, 2007), 1.

215 Leviticus 22:27 and Exodus 22:29

216 Deuteronomy Rabbah 1. Also Leviticus 22:27 according to Schwartz, *Tzaar Baalei Chayyim and Jewish Law*, 63.

22:28 and Deuteronomy 11:22. The Rabbis sometimes understand verses of the Bible in conjunction; they take one verse and apply it to another. Leviticus 22:28 teaches that it is forbidden to kill a cow or a ewe with its young on the same day. Deuteronomy 11:22, regarding the human ambition to emulate God's mercy, is applied by Targum Pseudo-Jonathan (the Palestinian Targum²¹⁷) to this verse in Leviticus saying, "Sons of Israel, O my people, just as I in heaven am merciful, so shall you be merciful on earth; neither cow nor ewe shall you sacrifice along with her young on the same day." The Rabbis understood the Biblical verse as an act of mercy²¹⁸ and due to that concern, the Babylonian Talmud extended this prohibition of slaughter to a father and calf as well.²¹⁹

Preventing the emotional suffering of a mother animal is an important concept for the Rabbis. Maimonides', plea regarding animal suffering is similar to a statement by British philosopher Jeremy Bentham²²⁰, who wrote, "The question is not: can they reason, can they talk? It is: can they suffer?"²²¹ Commenting on the Biblical verses regarding the separation of a baby animal from its mother, Maimonides wrote,

"The pain of animals under such circumstances is very great. There is no difference in this case between the pain of humans and the pain of other living beings,

217 The Targums are interpretive renderings of the books of the Hebrew Scriptures (with the exception of Ezra, Nehemiah, and Daniel) into Aramaic.

218 Schochet, Elijah Judah, *Animal Life in Jewish Tradition: Attitudes and Relationships*, New York: Ktav, 1984, accessed March 4, 2013, 151.

219 Hullin 82b.

220 1748-1832.

221 Benstein, *The Way Into Judaism and the Environment*, 103.

since the love and tenderness of the mother for her young is not produced by reasoning but by feeling and this faculty exists not only in humans but in most living things."²²²

Jewish teachings emphasize the emotional pain an animal parent can experience when her offspring are taken, and the commandments regarding kindness toward animals also includes non-domesticated animals, even non-mammals. The Torah commands that if a person comes upon a bird's nest while walking, with the mother sitting upon the eggs and the person desires to take the eggs or the young, the mother bird should be let go. The text promises a significant reward to the person who performs this mitzvah (commandment.) The text says, "that it may go well with" the person (i.e. that he or she may live a long life.)²²³ The reward of longevity for this commandment is the same as the reward for honoring one's parents²²⁴, which is one of the Ten Commandments and considered a major law.²²⁵

In a natural living situation, animals choose the members of their herd or social group, those they live with. In the factory farm, animals are forced to live together, whether or not they get along. For example, egg-laying hens live three to ten birds to a cage²²⁶ and have no choice about their cage-mates. Even if other birds continuously bully and bite others, there is no escape for the animals, their lives are spent in these

222 Maimonides, *Guide of the Perplexed*, 3:48.

223 Deuteronomy 22:6-7.

224 Shemot 20:12, Devarim 5:16. Discussion in Mishnah Hullin, 12:5

225 Mishnah Hullin, 12:5

226 Zuzworsky, *From the Marketplace to the Dinner Plate*, 178.

cages. There are lessons we can learn regarding housing, from the biblical story of Noah's ark, in which humans take animals onto the boat in order to save species from the disaster. Due to the restricted space, the animals must have been confined to small areas on the ark. However, Genesis says that the animals came to the boat "two by two"²²⁷ "a male with its mate."²²⁸ Lessons from this text could be that an animal should not be alone in solitary housing and that they should be housed with others they get along with, if possible, of their own choosing.

Housing of animals in large numbers is an issue worthy of discussion. A farmer should consider which animals are placed together, based on his or her knowledge of the animal's herd or social group ranking. Farmers who deal intimately with small herds of cows know the importance of herd dynamics. In fact, social ranking issues are directly related to stress levels for cows. In light of Proverbs 12:10, "The righteous man regards the life of his beast," on the modern factory farm, a farmer might deal with this issue by building an environment where subdominant animals are able to avoid or withdraw from dominant ones.²²⁹

227 Genesis 6:19

228 Genesis 7:2

229 Waiblinger, "Understanding the Cow," 65.

Conclusion

Jewish teachings provide many examples of treating animals with compassion and mercy, preventing their suffering. This paper only skimmed the surface, but provides examples of both laws and ethical teachings that set expectations for humane treatment of animals. Jewish texts make it clear that even beyond the laws, there are higher levels of compassion that one may voluntarily chose to reach. Given the scope of this discussion, one must ask the practical question: How ought a Jew make decisions regarding the consumption of animal products given all these teachings?

First of all, most consumers are ignorant of the truths of the animal welfare conditions inside factory farms. The industry has reason to keep these truths away from the public, and at the same time many consumers shut their eyes because the realities of what goes on in factory farms are so disturbing. In addition, many Jews have made a clear division in their minds between ritual and ethics with regard to kosher food products. For them, the letter of kashrut law is sufficient in determining which products are suitable to eat. Although the kashrut of some products derived from factory farm animals are being debated by rabbinic authorities, there are not yet conclusive and widely accepted responsum on the subject which direct the kosher consumer away from these products. Furthermore, many Jews are unaware of the concept of going ‘beyond the letter of the law’ in cases of ethics and do not know of the sources reviewed in this paper, as well as others, which encourage such behavior in regard to animal welfare.

Those who choose not to become vegetarian can still reach a higher standard of ethical behavior if they ensure the meat and animal products they eat come from animals that are both humanely raised and slaughtered. Likewise, Zuzworsky asks, “Is there something that ought to change, if not in our food habits then in the way our food habits are satisfied?”²³⁰

Usually, thoughtful or apprehensive consumers look for labeling on their products. However, Rabbi Aaron Gross explains that organic, free-range, and certified humane labeling may not necessarily indicate the highest standards of animal welfare.

The only adequately regulated labels that a consumer could look for on a wide variety of products to ensure better treatment of animals are "Organic" and "Certified Humane." Unfortunately, though these certifications eliminate some abuses, they allow farms to systematically mutilate animals without pain relief (for example, cutting off part of chickens' sensitive beaks), do not mandate access to the outdoors, and have no standards for the transportation of birds. Claims that animals are "free range" are so poorly regulated as to be meaningless and a multitude of industry-promoted "humane" labels like "Animal Care Certified" and the "Swine Welfare Assurance Program" are simply Orwellian tactics by industry to redefine even the worst factory farm methods as "humane." This sorry state of affairs is further indicated by the fact that the only national chain of grocery stores which has meaningful humane standards for the animal products they sell is Whole Foods (roughly as good as those used by the "Certified Humane" label). Significantly, Whole Foods is in the process of developing new animal welfare

230 Zuzworsky, *From the Marketplace to the Dinner Plate*, 178.

standards which, when released, are likely to be vastly superior to any currently available. At present, however, the only way to ensure that animals are treated humanely is to avoid eating them or identify a free range farm (that you inspect yourself) and to personally arrange for the animals' slaughter.²³¹

If one does purchase animal products, they should look for reliable labeling, which is likely to indicate improved conditions for farm animals. One might be able to find a local farm with free-range animals where the welfare standards match their own ethical principles. Personally, I have purchased kosher meat products from local farms and placed orders for meat through small nonprofit organizations like KOL Foods or Grown and Behold, which are concerned with the issues raised in this paper as well as other matters regarding the environment, the local economy, and worker's rights. However, I have not yet found alternative sources of kosher dairy products. Ultimately, reducing or eliminating one's intake of animal products overall will have the greatest impact and significantly reduce animal suffering.

231 Gross, Tikkun 20, no. 2: 52-55 (2005), accessed February 11, 2013.

Bibliography

Ha-Levi, Aaron. *Sefer ha-Hinukh Volume V: Deuteronomy, Part 2*. Translated by Charles Wengrov. Jerusalem, New York: Feldhaim, 1978. USMAI Catalog, EBSCOhost. Accessed February 12, 2013.

Agnon, Shmuel Yosef. *Days of Awe: A Treasury of Jewish Wisdom for Reflection, Repentance, and Renewal on the High Holidays*. New York, Schocken Books, 1965. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Allen, Morris. "Walking with Justice: Kosher Is Kosher?" Edited By Rabbi Bradley Shavit Artson and Deborah Silver, Ziegler School for Rabbinic Studies http://www.ajula.edu/Media/PDF/Walking_With_Justice-How_Kosher_is_Kosher.pdf. Accessed November 11, 2010.

Avidan, Hillel. "Animal Welfare, Liberal Jewish Values and Practice Leaflets." *Liberal Judaism*. http://www.liberaljudaism.org/lj_wherewestand_animal.htm. Accessed November 9, 2010.

Barmash, Pamela. *Teshuva on Veal*. Committee on Jewish Law and Standards. S.A. YD 24, 2007a, Kislev 5768. Accessed November 11, 2010.

Benstein, Jeremy. *The Way Into Judaism and the Environment*. Woodstock, Vt.: Jewish Lights, 2006. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Bleich, J. David. "Animal Experimentation, Contemporary Halakhic Problems, Vol. III." *Shofar* 10, no. 2: 148-151. *Index to Jewish Periodicals*, EBSCOhost. Accessed March 4, 2013.

Boland, Michael. "Kosher Industry Profile," University of Minnesota, Last modified February 2012, Accessed November 3, 2013, Agricultural Marketing Resource Center, http://www.agmrc.org/markets_industries/food/kosher-industry-profile/

Buber, Martin. *Tales of the Hasidim*. New York: Schocken Books; distributed by Pantheon Books, 1991. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Cassuto, David N. "Bred Meat: The Cultural Foundation of the Factory Farm." *Law And Contemporary Problems* no. 1 (2007): 59. *JSTOR Arts & Sciences IV*, EBSCOhost. Accessed November 11, 2010.

Cohen, Noah J. *Tsa'ar Ba'ale Hayim: The Prevention of Cruelty to Animals: Its Bases, Development, and Legislation in Hebrew Literature*. Jerusalem; New York: Feldheim Publishers, 1976. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Cohn-Sherbok, Dan. "Hope for the Animal Kingdom: A Jewish Vision." *Bridges: An Interdisciplinary Journal Of Theology, Philosophy, History, And Science* 6, no. 3-4 (September 1, 1999): 189-209. *Philosopher's Index*, EBSCOhost. Accessed March 4, 2013.

Dresner, Samuel H., Siegel Seymour, David M. Pollock. *The Jewish Dietary Laws*, revised and expanded edition (New York: Rabbinical Assembly of America and United Synagogue Commission on Jewish Education, 1982) 32-33.

Farm Animal Welfare Council Report on the Welfare Implications of Animal Breeding and Breeding Technologies in Commercial Agriculture, Farm Animal Welfare Council, June 2004, 1.

Farm Sanctuary. "Opinions of Veterinarians and Positions of AVMA: Analysis of Eight Commonly Occurring Farm Practices." <http://www.farmsanctuary.org/mediacenter/assets/reports/VetStudy.pdf>. Accessed November 11, 2010.

Fields, Harvey J., and Giora Carmi. *A Torah Commentary for Our Times*. New York, N.Y.: UAHC Press, 1990. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Fraser, David. *Animal Welfare and the Intensification of Animal Production: An Alternative Interpretation*. Food and Agriculture Organization of the United Nations, British Columbia, Canada 2005. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Friedman, Hershey H. "The Impact of Jewish Values on Marketing and Business Practices." *Journal Of Macromarketing* 21, no. 1 (June 2001): 74. Business Source Complete, EBSCOhost. Accessed March 4, 2013.

Friedman, Hershey H. "Placing a Stumbling Block Before the Blind Person: An In-Depth Analysis." *Jewish Law Articles: Examining Halakhah, Jewish Issues and Secular Law* (2002.) <http://www.jlaw.com/Articles/placingstumbling.html>. Accessed November 12, 2010.

Lebeau, James M. and Stephen Garfinkel. *The Jewish Dietary Laws: Sanctify Life*, New York, National Youth Commission, United Synagogue of Conservative Judaism, 1998, 8.

Berlin, Adele, Marc Zvi Brettler, and Michael A. Fishbane. 2004. *The Jewish study Bible: Jewish Publication Society Tanakh translation*. Oxford: Oxford University Press.

Ganzfried, Solomon. *Kitzur Schulchan Aruch, Code of Jewish Law*. Translated by Hyman E. Goldin, and Joseph ben Ephraim Karo. New York: Hebrew Pub Co., 1993. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Gross, Aaron. "When Kosher Isn't Kosher." *Tikkun* 20(2):52 (March/April 2005.) Academic Search Premier, EBSCOhost. <http://www.tikkun.org/article.php/Gross-when-kosher-isnt-kosher>. Accessed February 11, 2013.

Hovi, Malla and Michel Bouilhol, ed. "Strategies to Improve Animal Welfare through "Good" Stockmanship." Dept of Ecological Agriculture and Society, Wageningen Institute of Animal Sciences. Presented at 4th NAHWOA Workshop, Clermont-Ferrand, 21-24 October, 2000.

Ian J. H. Duncan. "Animal Welfare in the Poultry Industry." *Journal of Applied Animal Welfare Science*, 4, no. 3, 207-221, (2001.)

J.A. MacArthur, Clark, M. Potter, and E. Harding "The Welfare Implications of Animal Breeding and Breeding Technologies in Commercial Agriculture." *Livestock Science* no. 103, *Ethics in Animal Agriculture*: 270-281. ScienceDirect, EBSCOhost. Accessed March 4, 2013.

Kesselman, H., S.D. Rosen, S. D. Winegarten, Shechita, Shechita UK, May 2008.

Leone, E. H., and I. Estévez. "Economic and Welfare Benefits of Environmental Enrichment for Broiler Breeders." *Poultry Science* 87, no. 1 (January 2008): 14-21. Academic Search Premier, EBSCOhost. Accessed March 4, 2013.

McKenzie, Shawn and the Bloomberg School of Health at Johns Hopkins University, "The Rise of Industrial Agriculture," (2007)
http://ocw.jhsph.edu/courses/nutritionalhealthfoodproductionandenvironment/PDFs/FoodEnv-sec2b_McKenzieOCW.pdf

Maimonides, Moses. *The Guide of the Perplexed*. Translated by Shlomo Pines. Chicago: University of Chicago Press, 1963. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Meir, Asher. "Value Conflicts In Jewish Business Ethics: Social Versus Fiduciary Responsibility" *Jewish Law Articles: Examining Halacha, Jewish Issues, and Secular Law*. http://www.jlaw.com/Articles/fiduciary.html#Note_1. Accessed November 11, 2010.

Sapkota A.R., L.Y. Lefferts, S. McKenzie, and P. Walker. "What Do We Feed to Food-Production Animals? A Review of Animal Feed Ingredients and Their Potential Impacts on Human Health." *Environmental Health Perspectives* 115 (2007):663-670. doi:10.1289/ehp.9760.

Schochet, Elijah Judah. *Animal Life in Jewish Tradition: Attitudes and Relationships*. New York: Ktav, 1984. USMAI Catalog, EBSCOhost. Accessed March 4, 2013.

Schwartz, Richard H. *Tzaar Baalei Chayyim and Jewish Law*. New York: Feldheim Publishers, 1976.

Sears, David. *Compassion for Animals in the Bible and its Commentary, From The Vision of Eden: Animal Welfare and Vegetarianism in Jewish Law and Mysticism. Jewish Vegetarians of North America*.
<http://www.jewishveg.com/DSbiblecommentaries.html>. Accessed November 10, 2010.

Shapiro, Samantha M. "Kosher Wars." *The New York Times*, October 3, 2008. http://www.nytimes.com/2008/10/12/magazine/12kosher-t.html?pagewanted=all&_r=0 . Accessed May 19, 2009.

Shemesh, Yael. "Vegetarian Ideology in Talmudic Literature and Traditional Biblical Exegesis." *Review of Rabbinic Judaism* 9, 141-166 (2006). ATLA Religion Database, EBSCOhost. Accessed February 11, 2013.

Sørensen, P, G. Su, and S.C. Kestin. "The Effect of Photoperiod: Scotoperiod on Leg Weakness in Broiler Chickens." *Poultry Science* 78 (1999): 336-42.

Spero, Shubert. *Morality, Halakha, and the Jewish Tradition*. (New York: Ktav Pub. House : Yeshiva University Press, 1983.) Accessed February 7, 2013.

Joseph Telushkin, 2009. *A Code of Jewish Ethics, Volume 2: Love Your Neighbor as Yourself*. *Jewish Book World* 27, no. 1: 54, accessed February 7, 2013, 301.

Tendler, Moshe Dovid. "The Kashruth Laws: On the Interface of Halakhah and Science" *Judaism*, Fall 90, Vol. 39, Issue 4, (2001): 447.

The American Breeds Livestock Conservancy. "Breed Information – ALBC Conservation Priority List." <http://albc-usa.org/EducationalResources/chickens.html>. Accessed April 29, 2010.

The Pew Commission on Industrial Farm Animal Production. *Putting Meat on The Table: Industrial Farm Animal Production in America*. Accessed April 15, 2010.

Toperoff, Shlomo Pesach. *The Animal Kingdom in Jewish Thought*. New Jersey: Jason Aronson Inc., 1995.

Waiblinger, Susanne, Ton Baars, and Christoph Menke. "Understanding the Cow-the Central Role of Human-Animal Relationship in Keeping Horned Dairy Cows in Loose Housing." *Institute of Animal Husbandry and Welfare. NAHWOA Paper, University of Veterinary Medicine Vienna*, 2000.

Weeks, CA, T.D. Danbury, H.C. Davies, P. Hunt, and S.C. Kestin. "The Behaviour of Broiler Chickens and Its Modification by Lameness" *Applied Animal Behaviour Science* 67 (2000): 111-25.

Weisberger, Andrea M. "Animal Rights Within Judaism: The Nature of the Relationship Between Religion and Ethics." *Sophia*, 42, no. 1 (May 2003.)

Zuzworksy, Rose. "From the Marketplace to the Dinner Plate: Economy, Theology, and Factory Farming." *Journal of Business Ethics*, 29, no. 1 (2001): 177-188.

Curriculum Vita

Toby Joy Zelt
 123 Sunnydale Way Reisterstown, MD 21136
 Jewish Studies
 Master of Arts, 2013

Secondary Education:

Collegiate Institutions Attended	Dates	Degree
Towson University	2010	Master of Arts Jewish Education
Towson University	2005	Bachelor of Science Major in Philosophy Major in Psychology Major in Women's Studies

Professional Positions Held:

ORGANIZATIONAL DEVELOPMENT

Head of Staff Development & Staff Training, *Ramah Adventure Camp, Denver, CO*
 Summer 2012
 Associate Director & Director of Yirah, *TorahTrek*, Los Angeles, CA 2010-2012
 Founder and Head of Program, *Etz Kehilah*, Los Angeles, CA 2011-2012
 Partner and Manager, *Y & Y Property Management*, Pikesville, MD 2003-2005

TEACHING

California

Private In-Home Experiential Jewish Education, Los Angeles, CA 2011-2012
Temple Israel of Hollywood, Hollywood, CA 2011-2012
Temple Beth Hillel, Valley Village, CA 2011-2012
Stephen S. Wise Religious School, Los Angeles, CA 2011-2012
 7th Grade "Rosh Hodesh: It's a Girl Thing" Group Leader 2012

Maryland

Beth El Congregation, Pikesville, MD 2007-2010
Beth Tfiloh Dahan Community High School, Pikesville, MD 2005-2007
Temple Emanuel and BEIT-RJ, Reisterstown, MD 2000-2006, 2008-2010

ADDITIONAL WORK WITH SCHOOLS

Beth El Congregation, Baltimore, MD, Fundraising Consultant 2010
 Rosh Hodesh: It's a Girl Thing, Baltimore, MD, Group Leader 2008-2009
 Project Ascent & Go Adventure Sport, Reisterstown, MD, Ropes Course Facilitator
 2008-2010
 Har Sinai Congregation, Owings Mills, MD, Teacher 2007-2008
 Nitzotz, Jewish Funds for Justice, Baltimore, MD, Lead Educator Summer 2007
 Temple Isaiah, Fulton, MD, Teacher 2005-2006

AWARDS

Baylin Memorial Excellence in Teaching Award by Beth El Congregation of Baltimore 2010

Nominated for the national Grinspoon-Steinhart Award for Excellence in Jewish Education 2010

COMMUNITY ENGAGEMENTS

Builders of Jewish Education Conference, Madrichim Training through Challenge Course Activities, Los Angeles 2012

Wilderness Torah Passover session leader in Jewish Wilderness Spirituality 2011

Hazon California Bike Ride session leader in Jewish Wilderness Spirituality 2011

LEADING RETREATS

Beth Hillel Religious School at Shalom Institute, Los Angeles 2012

Aleph Kallah, Teacher, Week-long course on Jewish Wilderness Spirituality 2011

Community Scholar Program Kids and Dad's Retreat 2011

TorahTrek Retreat in Joshua Tree National Park, co-instructor 2010

PROFESSIONAL CERTIFICATIONS & TRAINING

TorahTrek Wilderness Spirituality Guide Training 2011

National Outdoor Leadership School Wilderness First Responder, Jackson, Wyoming 2011

Certificate A from the Baltimore Board of Teacher Certification and Licensing 2010

Ropes and Challenge Course Facilitator, Reisterstown, MD 2009

Rosh Hodesh Group Leader, Philadelphia, PA 2008

TEVA Environmental Educator, Cold Spring, NY 2008

