

THE UNITED JEWISH CONGREGATION OF HONG KONG SHABBAT SHALOM

8 - 9 May, 2009

15 Iyar 5769

Parashat Emor
(Leviticus 21:1–24:23)

Rabbi Stan Zamek
Song Leader Shani Ben Or

From the Rabbi's desk

In the midst of a set of sacrificial regulations in parashat Emor we find the following:

The LORD spoke to Moses, saying: When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and from the eighth day on it shall be acceptable as an offering by fire to the LORD. However, no animal from the herd or from the flock shall be slaughtered on the same day with its young.

Our commentators are divided as to the purpose of this law of “the mother and her young”. Some see the rule as part of the body of regulations known as “*tza’ar ba’alei chayyim*” (the suffering of living things) that prohibits inflicting undue pain on animals.

Maimonides, in the Guide of the Perplexed, takes this position:

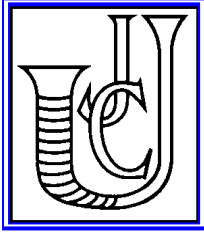
“It is likewise forbidden to slaughter “it and its young” on the same day, this being a precautionary measure in order to avoid slaughtering the young animal in front of its mother. For in these cases animals feel very great pain, there being no difference regarding this pain between man and the other animals. For the love and tenderness of a mother for her child is not consequent upon reason, but upon the activity of the imaginative faculty, which is found in most animals just as it is found in man.”

This understanding of the prohibition places the rule in the same category as such animal welfare halacha as not muzzling an ox while it is threshing (which prevents it from eating the grain as it works) and feeding one’s animals before feeding oneself. The laws of *shechitah*, kosher slaughter, are also aimed at ameliorating the suffering of animals, as the requirements are thought to ensure the quickest, least painful death possible.

Other commentators believe the focus of the prohibition against slaughtering mother and offspring on the same day is not the suffering of animals, but the character of human beings. Ramban argues that mercy toward the cow or sheep cannot be the reason for the law, for if this were so, we would not kill them for food under any circumstances. Instead, we do not heartlessly slaughter a cow and her calf on the same day so as not to become habituated to cruelty. “The reason for the restriction,” Ramban argues, “is to instill in us the quality of compassion.”

There is no need to choose between Maimonides and Ramban here. While slaughtering a calf and its mother on the same day may not rise to the level of cruelty as gratuitously abusing an animal or imposing a gruesome, prolonged death in the process of slaughtering it for food, it is consistent with the principle of *tza’ar ba’alei chayyim* to avoid the needless “emotional” distress Maimonides describes. Ramban is quite wrong that eating meat and mercy for animals are incompatible. The laws of kashrut are premised on balancing the right to eat meat that the Torah grants us against the suffering of the animals we raise for food.

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A law, of course, can have more than one rationale. Ramban's insight is also valuable. The character of the slaughterer matters as much as avoiding the undue suffering of the slaughtered. It is true, as Ramban says, that those charged with the unpleasant task of butchering animals could become generally hard and indifferent to suffering. With the Torah as a guide, however, even here it is possible to cultivate compassion and to shun callousness and cruelty.

In terms of the moral laws of the Torah, there is no such thing as a victimless crime. The perpetrator of a wrong always harms his or her own soul. Why not slaughter the cow and its calf together, won't they both ultimately be slaughtered in any case? Why not insult the deaf? He cannot hear us and so cannot be offended or hurt. Such challenges would make sense if the Torah's only purpose were to prevent us from inflicting clear, measurable harm to others. HaShem, however, has much higher aspirations for us than a life of "no harm, no foul." The Torah points us to a much better, much holier place than this.

As we say of the Torah:

All her ways are pleasant, and all her paths are peace. [Prov. 3:17]

All Blessings
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7th May, 2009