**Tza’ar Ba’alei Chayim** (the suffering of living creatures) – Kindness/Compassion to Animals

*Ex.* 23.5 – When you see the ass of your enemy lying under its burden and would refrain from raising it, you must nevertheless raise it with him.

From here we may infer that [relieving] the suffering (*tz’ar ba’alei chayim*) of an animal is a Biblical law. (*Baba Metzia* 32b)

*Dt*. 22.4 – If you see your fellow’s ass or ox fallen on the road, do not ignore it; you must help him raise it.

*Dt*. 22.6-7 – If, along the road, you chance upon a bird’s nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young. Let the mother go, and take only the young, in order that you may fare well and have a long life.

*Lev*. 22.27-8 – When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and only from the eighth day on shall it 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.

*Dt*. 22.10 – You shall not plow with and ox and an ass together.

Why was this prohibition instituted? Because, say some the ass does not have the strength of an ox (and thus would be worked hard beyond its capacity); others hold that, because the ox chews its cud and the ass does not the latter would suffer, seeing (as it thinks) that the ox eats all day. But God, being merciful to all His creatures, want to save them from suffering unduly. (Ibn Ezra, 12th c., Spain)

*Dt*. 25.4 – You shall not muzzle an ox while it is threshing.

*Dt*. 5.14 – but the seventh day is a Sabbath of the Lord your God; you shall not do any work – you, your son or your daughter; your male or female slave, your ox or your ass, or any of your cattle, or the stranger in your settlements . . .

*Prov*. 12.10 – The righteous are concerned for the life of their beasts.

*Berachot* 40a – Rab Judah said in the name of Rab: A man is forbidden to eat before he gives food to his beast, since it says “And I will give grass in thy fields for thy cattle, and then, thou shalt eat and be satisfied.” (*Dt*. 11.15)

*Baba Metzia* 85a – The sufferings of Rabbi (13 years with kidney stones so painful that when he entered his privy closet his voice lifted loudly in pain) came to him through a certain incident and departed likewise.

“They came to him through a certain incident.” What is it? – A calf was being taken to the slaughter, when it broke away, hid his head under Rabbi’s skirts, and lowed [in terror]. “Go,” said he [Rabbi], “for this was thou created.” Thereupon they said [in Heaven] “Since he has no pity, let us bring suffering upon him.”

“And departed likewise.” How so? – One day Rabbi’s maid servant was sweeping the house; [seeing] some young weasels there, she made to sweep them away. “Let them be,” said he to her. “It is written: ‘And his tender mercies are over all his works.’ (Ps. 145.9) Said they [in Heaven], “Since he is compassionate, let us be compassionate to him.”

*Shemot Rabbah* 2.2 – Moses was shepherding his father-in-law’s sheep one day, when one of them ran away. Moses followed the runaway animal until reached a body of water, where it stopped for a drink. Moses compassionately said, “If only I had known that you thirsted for water. You must be exhausted from running . . .” Saying this, he scooped up the animal, placed it on his shoulders and headed back to his flock. Said God, “If this is how he cares for the sheep of man, he is definitely fit to shepherd Mine . . .”

I care not for a man’s religion whose dog and cat are not the better for it. (Abraham Lincoln)

Compare/contrast Gen. 1.28-30 & Gen. 9.1-3. Genesis 1.29 – humankind given plants and fruit for food, intended to be vegetarian?; after Noah, 9.3, God gives humankind all the creatures to eat, re Rav Kook this is a concession to humans after the flood in recognition of their inherently violent nature

First humane society founded in England in 1824 by Lewis Gompertz, a Jew, vegan, and early animal rights activist (opposed to humans intentionally using animals for human interests in any way)

Buy products that specifically state that they have not been tested on animals.

Write to the ASPCA for a list of cruelty free products.

Don’t support the fur industry or wear fur.

Refuse to buy/accept ivory products.

Reduce the number of leather products you use.

Choose a pet from a pound.

Neuter/spay pets.

Do not alter an animal’s appearance because you think it makes the animal look better.

Limit the number of animals used in scientific experiments and research.

Oppose hunting for sport.

Don’t attend circuses or rodeos that abuse animals.

Be intentional about what we eat: Don’t eat veal. Buy only dolphin-safe tune. Eat less meat. Become a vegetarian/vegan.

Support the protection of endangered species.

Random News Articles of Relevance?

“Matador Victor Barrio’s death prompts fresh calls for bullfighting ban.” – The Guardian, July 11, 2016

“Cecil the lion killed in Africa.” – CBS News, January 1, 2016

“Sea World to phase out killer whale shows, captivity.” – USA Today, March 17, 2016

“Ringling Bros. Circus to Phase Out Elephants by 2018” – NPR, March 5, 2015

“North Korean diplomats linked to lucrative rhino horn trade in Africa” – The Telegraph, July 13, 2016

### CCAR RESPONSA

### 5769.7

#### Dissection and Cruelty to Animals

***She'elah***

I am the rabbi for a Reform Jewish Day School. The science curriculum at our school calls for 7th graders to dissect a worm and a tree frog. While students are given an “opt out” option for this assignment, the underlying issue of the appropriateness of dissection has become a topic of conversation. Undoubtedly we expect our students to have the most outstanding science education available. From this perspective we are inclined to follow the guidelines and standards of any relevant decision-making bodies in the scientific community. At the same time considerations of bal tashchitand tza`ar ba`alei chayim have been raised as Jewish arguments against dissection. How do these considerations play out in a Reform Jewish Day School committed to integrating General Studies and Judaics? (Rabbi Micah Lapidus, Atlanta, GA)

***Teshuvah***

We Reform Jews have embraced the fundamental values of our modern scientific culture. Unlike some religious traditions, we perceive no divide between the findings of contemporary science and our understanding of God and the universe. Reform Jewish thought seeks to transcend the age-old conflict between faith and reason or between Torah and mada (science, “worldly knowledge”[1]). We see each of these as a legitimate, complementary expression of the human intellect: while science enables us better to understand the world in which we live, our religious values help teach us the moral ends to which our science must strive.   
How then shall we respond when the demands of science apparently do conflict with those of our faith? To choose one set of values at the expense of the other will not do; such a simple and neat solution would contradict our commitment to the truth of both sides of the equation. The better course, we think, is to reaffirm that two-sided commitment to both faith and science and to locate the best balance between these sources of knowledge when they seem to pull us in opposite directions. To accomplish this balance is never an easy task; it is certainly neither simple nor neat. The effort to do so, however, is truly what Reform Judaism is all about.

Your question asks us to address just such an apparent conflict: does the dissection of animal specimens, an accepted method of science education, violate the traditional Judaic prohibitions of wanton destruction of the environment and the infliction of suffering upon animals? Let us therefore consider both the “Judaic” and the “scientific” aspects of the dispute.  
1. Bal Tashchit: The Prohibition Against Wanton Destruction. We read in Deuteronomy 20:19-20: “When in your war against a city you have to besiege it a long time in order to capture it, you must not destroy (tashchit) its trees, wielding the ax against them. You may eat of them, but you must not cut them down. Are trees of the field human, to withdraw before you into the besieged city? Only trees that you know do not yield food may be destroyed; you may cut them down for constructing siege works against the city that is waging war on you, until it has been reduced” (Deuteronomy 20:19). From here the tradition deduced the prohibition against cutting down fruit-bearing trees in peacetime as well as in war.[2] Moreover, it extends this prohibition, called bal tashchit (“do not destroy”) to other useful objects, such as food, buildings, household implements, and clothing.[3] This mitzvah teaches us, say some authorities, to perfect our moral character, “to train our souls to love the good and the beneficial... and to keep ourselves far from evil and destructive behavior.”[4] In our own day, the principle of bal tashchit has become a major foundation of Jewish environmental thought, supporting the ethic of conservation and care for the created universe.[5]

At the same time, the prohibition of bal tashchitis a limited one: tradition forbids us to destroy useful objects only derekh hashchatah, when the destruction is done for its own sake, undertaken for no good reason. We are permitted, however, to cut down fruit-bearing trees when they threaten to damage other trees, or if their wood is valuable,[6] or to secure some other useful purpose (to`elet).[7] This rule would apply, obviously, to other objects as well. Thus, even if we speak of bal tashchit as the basis of our ethical obligations toward the natural world, we must concede that in and of itself the principle cannot delineate the extent of that obligation. Before we can say that the principle forbids us to perform some specific act of destruction, we must first weigh the cost of that destruction against the potential benefits, economic and otherwise, we might gain from it.[8]

2. Tza`ar Ba`alei Chayim: The Prevention of Cruelty to Animals. Our tradition associates this principle with several Biblical commandments, including the requirement to help unload an animal that has fallen under the weight of its burden (Exodus 23:5),[9] the prohibition against shackling a donkey and an ox to the same plow (Deuteronomy 22:10),[10] ritual slaughter (shechitah),[11] and the instruction to send away the mother bird when we take her eggs from the nest (Deuteronomy 22:6).[12] The Talmud debates whether the principle is derived from the Torah itself (mide’oraita) or based upon Rabbinic legislation (miderabanan).[13] What is the practical difference in these classifications? If we say that tza`ar ba`alei chayimis Toraitic, as most authorities do,[14] then the traditional halakhahmight permit the violation of the laws of Shabbat in order to save an animal from suffering.[15] Yet we need not resolve that technical halakhic dispute in order to conclude that our tradition, which goes so far as to instruct us to feed our animals before feeding ourselves,[16] recognizes the humane treatment of animals as one of our highest ethical duties.

Like bal tashchit, however, the principle tza`ar ba`alei chayimis not absolute. It does not apply “to matters of medicine or to other human needs.”[17] That is to say, so long as we can derive a legitimate benefit from the animal, tza`ar ba`alei chayimdoes not prevent us from using it for that purpose.[18] True, the tradition cautions that even if the benefit is a legitimate one, we ought not to derive it in a way that involves excessive cruelty (akhzariut) toward the animal.[19] The story is told that Rabbi (R. Yehudah Hanasi) once ignored the cries of a calf on its way to slaughter. “Go,” he said; “it was for this that you were created.” Heaven responded: “since he has shown no mercy to the calf, we shall afflict him with punishments (yisurin)” that abated only when he showed mercy toward other creatures.[20] The permit to slaughter animals for food, that is, does not allow us to treat them cruelly; we must show compassion toward them even in their pain. Yet we arepermitted to slaughter them for food, which teaches that we are not forbidden to use animals for our legitimate benefit even when doing so inevitably subjects them to a degree of suffering.

We learn from this that while bal tashchitand tza`ar ba`alei chayimare exalted ethical principles, it is often unclear just how either one applies to the real-life decisions we are required to make. Each of them must co-exist with - and is therefore limited by - other legitimate human needs. It is not enough, therefore, to invoke bal tashchitor tza`ar ba`alei chayim and to imagine that our decision has automatically been made. Rather, in every case of potential conflict, we must draw a careful balance between these principles and the legitimate[21] human purposes with which they seem to collide.

3. Dissection and Science Education. Let us then turn to those “human purposes” on the other side of the conflict. There is no question that the acquisition of scientific knowledge is a “legitimate human need.” Nor is there any question in the halakhic tradition that legitimate scientific experiments may be performed on animal specimens. In such cases, the authorities have ruled that the end clearly justifies the means and that the principles of bal tashchit and tza`ar ba`alei chayimdo not stand in the way of scientific research. Nor, for that matter, does the desire to avoid “excessive cruelty,” so long as the specimens are euthanized as humanely as possible.[22] The only question is the importance of dissection in the science curriculum: do its benefits outweigh the environmental and ethical considerations we have discussed?

The answer to this question is, primarily, a disciplinary one. Just as we rely upon physicians to define “medicine,” to determine the importance or necessity of a particular course of treatment,[23] we must ask science educators just how essential dissection is to successful conduct of their practice. Are there satisfactory pedagogical alternatives to dissection? In this regard, we cite the latest statement on the subject by the (U.S.) National Science Teachers Association (NSTA):[24]

NSTA supports each teacher's decision to use animal dissection activities that help students   
1. develop skills of observation and comparison,  
2. discover the shared and unique structures and processes of specific organisms, and  
3. develop a greater appreciation for the complexity of life.

It is essential that teachers establish specific and clear learning goals that enable them to appropriately plan and supervise the activities.

NSTA recognizes science educators as professionals. As such, they are in the best position to determine when to use - or not use - dissection activities. NSTA encourages teachers to be sensitive to students’ views regarding dissection, and to be aware of students’ beliefs and their right to make an informed decision about their participation. Teachers, especially those at the primary level, should be especially cognizant of students’ ages and maturity levels when deciding whether to use animal dissection. Should a teacher feel that an alternative to dissection would be a better option for a student or group of students, it is important that the teacher select a meaningful alternative. NSTA is aware of the continuing development and improvement of these alternatives.

Finally, NSTA calls for more research to determine the effectiveness of animal dissection activities and alternatives and the extent to which these activities should be integrated into the science curriculum.

The statement displays a certain ambivalence on the issue. It begins by listing the educational benefits of dissection. It then takes account of students’ “views” and “beliefs,” acknowledging their “right to make an informed decision” to opt out of dissection activities. It concludes by leaving the decision to the professional judgment of the individual teacher, and it calls for “more research” on the question, especially on the development of meaningful alternatives to dissection in the science curriculum. This ambivalence presumably reflects a spectrum of views within the Society over the proper response to ethical criticisms leveled against dissection. Individual educators, of course, will locate themselves more to one end or the other of that spectrum, and their views will accordingly be more definite and less equivocal. Still, the statement is the “official” expression of the opinion of the profession as a whole. And while it does attempt to give both sides of the dispute their due, it does not shrink from taking a stand. That stand, as we read it, recognizes that dissection clearly achieves the goals of the science curriculum and that “alternatives” might achieve those goals. In other words, the professional community of teachers of science regards dissection as the accepted (best) standard in science education, the “default mode,” even as it permits teachers to use alternatives for those students who for reasons of age, immaturity, or “beliefs” either should not or prefer not to engage in dissection activities.

4. Science Education and Ethics in a Reform Jewish Day School. The standard of science education that we offer our students in Reform Jewish day schools should strive to meet the best standard as determined by the professional community of science educators. Like all professional standards, this one is subject to ongoing debate and revision. But so long as the professional consensus regards dissection as the best way to introduce students to the intricacies of animal biology, we would not support a ban on dissection in our own schools. Students should be allowed, as they are allowed in your school, to “opt out” of the dissection assignment, and the teachers can assign them “meaningful alternatives,” to use NSTA’s language. But dissection should not be prohibited for all students.

Some might argue that even if dissection corresponds to the “best” standard, we need not insist upon its use for our middle school students, most of whom are unlikely to major in biology when they attend college. We disagree with this argument, on two grounds. First, as we note at the outset of this responsum, our Reform Judaism affirms the value of modern science, and by “science” we mean the discipline as practiced by a community of trained professionals according to their best understanding of scientific method. Standards of science education that fall below that best understanding - “alternatives” that are “almost as good” - are incompatible with our conception of science and learning. Second, it is a bad idea for our schools to send the message that our younger students should be satisfied with less than the highest standard of science education. On the contrary, we should recognize that the experience of dissection might spur in our younger students a greater desire to study science in high school and beyond. That desire does not conflict in the least with the goals of Reform Jewish education.

Conclusion.For these reasons, we do not think that your school should remove dissection from its science curriculum. To put this in traditional Jewish terms, science education, conducted according to its best standards as defined by its professional practitioners, is a legitimate and worthwhile human activity. It is therefore not prohibited on grounds of bal tashchitor tza`ar ba`alei chayim, so long as the specimens are not obtained in a manner we would regard as cruel.

Our answer does not mean that we minimize the importance of those values in the study and practice of science. Indeed, precisely because we proclaim our commitment to bothtradition andscience, we Reform Jews ought never to say that Jewish values stop at the door of the laboratory or the classroom. The students of a Jewish school “committed to integrating General Studies and Judaics” should confront the challenges that these values pose to our thinking and our actions, and the school ought to integrate those challenges into its science curriculum. This issue, we think, affords some good opportunities to do just that. Some examples (hardly an exhaustive list):

(1) In addition to allowing the students to “opt out” of the dissection assignment, you might also teach this dispute as part of the biology class. You could introduce the students, those who participate in the dissection assignment as well as those who do not, to the Jewish ethical discourse on conservation of the ethical treatment of animals. Why do we care, as Jews, about these things, and in what textual language do we express and debate our concerns?  
(2) The class could investigate the source of the specimens that are being used. How does that vendor obtain its specimens? Are the animals euthanized in a humane manner?   
(3) You might compose a prayer for the class to recite before they begin the dissection assignment. That prayer might acknowledge we assume a serious ethical responsibility when we perform experiments upon God’s creatures, and it might express the sense of awe and humility that we experience when we explore the workings of nature.

**NOTES**

1. This is a reference to the title of Norman Lamm’s important survey Torah Umadda: The Encounter of Religious Learning and Worldly Knowledge in the Jewish Tradition (Northvale, NJ: Jason Aronson, 1990). The effort to draw a satisfying balance between these two sources of knowledge, in other words, is not restricted to Reform Jews.
2. B. Bava Kama 90b and Rashi, ad loc., s.v. af al pi she’eino rashai’; Yad, Melakhim 6:8.
3. Yad, Melakhim 6:10, presumably based upon the statement of Rabbi Elazar in B. Bava Kama 91b and upon B. Shabbat 105b (“one who tears his clothing in anger...”; see Kesef Mishneh ad loc.), although Rambam may in fact read the latter source as dealing with the dangers of anger to one’s character development, rather than as an application of the principle of bal tashchit; see Yad, De`ot2:3. On the other hand, Sefer Hachinukh, no. 529, applies this passage to bothprinciples: the principle of bal tashchit and the condemnation excessive anger.
4. Sefer Hachinukh, no. 529.
5. For a few examples: Barry Freundel in Ellen Bernstein, ed., Ecology and the Jewish Spirit (Woodstock, VT: Jewish Lights, 1998), p. 73 (“Any discussion of Jewish law and the environment must begin with... Deuteronomy 20:19-20"); Eilon Schwartz, “Bal Tashchit: A Jewish Environmental Precept,” in Martin Yaffe, ed., Jewish Environmental Ethics: A Reader (Lanham, MD: Lexington Books, 2001), pp. 230-249; Coalition on the Environment and Jewish Life (COEJL), Bal Tashchit: the development of a Jewish environmental principle,[*http://www.coejl.org/learn/je\_tashchit.php*](http://www.coejl.org/learn/je_tashchit.php)(accessed November 24, 2009)
6. B. Bava Kama91b-92a; Yad, Melakhim 6:8; Shulchan Arukh of R. Sheneur Zalman of Liady, Hilkhot Shemirat Guf venefesh Uval Tashchit, par. 15.
7. “It is certainly permissible to cut down trees if one finds some useful benefit (to`elet) in doing so.”Sefer Hachinukh,no. 529.
8. See Moshe Sokol in Hava Tirosh-Samuelson, ed., Judaism and Ecology (Cambridge, MA: Harvard University Press, 2008), p. 273.
9. See Rashi to B. Shabbat 128b, s.v. tza`ar ba`alei chayim.
10. R. Menachem Hameiri, Beit Habechirah, Bava Metzi`a32a.
11. We should note that the tradition does not say that shechitah was instituted solely as a means of humane slaughter or that its major purpose (ta`am) is to teach us to be kind toward animals. The roots of shechitahlie in the network of cultic practice that defined the Biblical priesthood; it is therefore more properly considered a ritual rather than an ethical law. We say in the text, rather, that the tradition “associates” shechitah with the ethical treatment of animals; that is, tza`ar ba`alei chayimand related arguments are sometimes cited along with priestly-ritual considerations as reasons behind the mitzvah. See, for example, Maimonides, Moreh Nevuchim 3:48.
12. More Nevuchim ad loc.;Ramban, Commentary to Deuteronomy 22:6.
13. B. Bava Metzi`a32a-b. Those Talmudic and post-Talmudic authorities who hold that the principle is Rabbinic would interpret Exodus 23:5 and Deuteronomy 22:10 as asmakhta’ot, as textual supports or simply as mnemonic indicators of a law that, in fact, was created by Rabbinical enactment.
14. Meiri (note 10, above); R. Asher b. Yechiel, Hilkhot HaRosh, Bava Metzi`a2:29; Nimukei Yosefto Alfasi, Bava Metzi`a, fol. 17b (in the name of Alfasi and the “Geonim”); Isserles, Shulchan Arukh Choshen Mishpat272:9; the Gaon of Vilna (Bi’ur HaGra, Shulchan Arukh Choshen Mishpat272, no. 11). The position of Maimonides (Yad, Rotzeach13:9) is a subject of controversy. However, inMore Nevuchim3:17 he explicitly declares tza`ar ba`alei chayim to be mide’oraita.
15. Chidushei HaRitva, Bava Metzi`a 32a.
16. B. Berakhot40a.
17. Isserles, Shulchan Arukh Even Ha`ezer5:14.
18. R. Yisrael Isserlein (15th-century Germany), Resp. Terumat Hadeshen, no. 105, explains this on the basis of the presumption that animals were created at least in part to serve human beings. After all, we do load burdens, even heavy ones, upon animals, even though this causes them discomfort, and we neuter our animals to serve our own needs, despite the pain the surgery causes them (B. Shabbat110b and Chagigah 14b). We might add, moreover, that we do slaughter animals for food, even though the most “merciful” methods of slaughter inflict pain upon them. On this, see Yad, Tefilah 9:7, where Rambam contradicts his statement inMoreh Nevuchim 3:48 (note 11, above): if the purpose behind the commandment to send away the mother bird (Deut. 22:6) is to teach us mercy toward animals, why then did God permit us to slaughter them for food in the first place?
19. Isserlein, note 18, above, cited in Isserles, note 17, above.
20. B. Bava Metzi`a85a, cited by Isserlein, note 18, above.
21. How does one define “legitimate”? Here, too, the texts offer no precise, automatic definition, but they do suggest that there is some limitation to the permit - that is, not every conceivable purpose is sufficient warrant to override tza`ar ba`alei chayim. In this vein, we might mention the prohibition issued by R. Chaim David Halevy (20th-century Israel) against the wearing of fur obtained by way of the cruel treatment of animals (HaTzofeh, February 13, 1992, p. 7).
22. One of the earliest statements to this effect is the ruling of R. Ya`akov Reischer (18th-century Germany), Resp. Shevut Ya`akov3:71, on the question of experimentation: when the end in view has to do with medical knowledge, monetary benefit, or any other legitimate need (shum tzorekh), “it is not forbidden by either bal tashchit or tza`ar ba`alei chayim.” In this, he follows the line set down by Isserles and Isserlein, notes 17-18, above, as do contemporary halakhists: R. Yechiel Ya`akov Weinberg (20th-century Germany and Switzerland), Resp. Seridei Esh, 3:7; R. Ya`akov Breish (20th-century Switzerland), Resp. Chelkat Ya`akov 1:30; R. Eliezer Yehudah Waldenberg (20th-century Israel), Resp. Tzitz Eliezer14:68. The only dispute among these authorities is whether the higher standard, the demand to avoid excessive cruelty (akzariut) to the animal, applies in these cases. The text indicates that we believe it does and that (in addition) the standard can be met.
23. Perhaps the best summary of the halakhahon this point is found in two chapters of the Shulchan Arukh (Orach Chayim 618 andYoreh De`ah336), which declare that we administer food or medicine on the advice of a physician even when to do so would otherwise transgress against the prohibition of labor on Yom Kippur or Shabbat. On the relationship of scientific evidence and religious thinking in a Reform context see our responsum no. 5759.10, “Compulsory Immunization,” <http://data.ccarnet.org/cgi-bin/respdisp.pl?file=10&year=5759> .
24. <http://www.nsta.org/about/positions/animals.aspx> (accessed November 27, 2009).

### CCAR RESPONSA

### *New American Reform Responsa*

### 240. Responsibility Toward Pets

**QUESTION:**An elderly parent died and left, along with household items, a pet cat to which she was very much attached. His children wish to know whether they are responsible for the care of this cat, or whether they can give it away, or perhaps put it to sleep. (Laura Ellman, Kansas City MO)

**ANSWER:** The prohibition against cruelty to animals goes back to Biblical times and has been reinforced often in our tradition. It was permissible to use animals for work as long as they were not treated cruelly, to sacrifice them, but again in a manner that did not in any way prolong their suffering and, of course, to consume them if the animal was slaughtered in an appropriate way and fit into the system of*kashrut*. Almost nothing has been said of the pets in the Jewish tradition and so virtually all animals which were akin to our pets such as dogs were used as guard or watch animals. Dogs were traditionally considered unclean, mainly through their contact with corpses (Lev 22.4). The dog was seen primarily as a scavenger, as already shown in Exodus. Cattle which had been killed by wild animals were thrown to the dogs. Elsewhere, male pagan religious prostitutes were referred to as "dogs" (Deut 23.18). When the *Talmud* wished to be derogatory about Goliath, it provided him with a genealogy in which he was called the son of a loose woman who had intercourse with dogs (Sotah 42b; Rashi and commentaries).

Only in the post-Biblical book, *Tobit,*were there some favorable references to a dog (5.16, 11.4). The Mishnaic and Talmudic literature understood the danger from certain kinds of dogs which were indistinguishable from wolves, especially in the evening (*M* Kil 8.6, 1.6; Ber 9b). A dog was considered among the poorest of all creatures and often had to subsist entirely on scraps and as a scavenger (Shab 155b). Dogs used in sheep herding were viewed more favorably (*M* Hul 1.8).

On the other hand, the *Talmud* appreciated the atmosphere of safety created by dogs and suggested that one should not live in a town where the barking of dogs was not heard (Pes 113a; Betza 15a). The potential danger of rabies was also recognized (Hul 158b; Yoma 83b). Dogs were to be chained as they were considered dangerous (B K 79b; *Yad* Hil Nizqei Mamon 5.9; *Shulhan Arukh* Hoshen Mishpat 409). It was considered sinful to maintain a dog that was known to bite people (B K 15b), but one could let a dog run loose in harbor cities, presumably as an additional safeguard against lawless seamen (B K 83a). Enmity between human beings and dogs was mentioned in at least one passage of the *Jerusalem Talmud* (Ber 8.8).

Hunting dogs were not mentioned in the *Talmud* but later by Rashi in his commentary (B K 80a). Dogs were sometimes kept as pets, and the *Talmud* in one place mentioned that if a woman spent her time entirely with lap dogs or on games (possibly chess), this was grounds for divorce (Ket 61b).

Although cats were certainly known to ancient Israelites, after all they were considered sacred animals in Egypt, there was no mention of the domesticated cat in the Bible. The single reference in the post-Biblical book of *Baruch*(6.22) may refer to a wild cat. The *Talmud*considered cats as loyal (Hor 13a) in contrast to the dog. The principle purpose of keeping cats was to rid a building of mice (B K 80a) as well as other small animals (San 105a), including snakes (Pes 112b; Shab 128b). They were, of course, dangerous to chickens and domesticated birds, as well as young lambs and goats (Hul 52b, 53a; Ket 41b). Cats also endangered babies (B K 80b). The limited intelligence of cats was blamed on their consumption of mice, which were supposed to decrease memory (Hor 13a). In nineteenth century Russia, a folk myth warned Yeshivah students from playing with cats because that might diminish their memory. Cats were, on the other hand, seen as a model of cleanliness and modesty (Er 100b). Once cats established themselves in a house, they rarely left and remained very loyal (Shab 51b). Sometimes their fur was used as it was particularly soft (B K 80b).

In the *halakhah* there is nothing that deals with the kind of special role which various pets have played in modern Western European and American life. As we can see, the care of animals was always an important part of our tradition. We would, therefore, say that the heirs are duty bound to either care for this animal which was important to their father or to find an appropriate home for it. They may certainly not put it to sleep or abandon it.

February 1991