

## Bais HaVaad on the Parsha, Parshas Balak

Pain Killer

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**Excerpted and adapted from a *shiur* by Dayan Yosef Greenwald**

[https://baishavaad.org/wp-content/uploads/2024/07/BAM71\\_07\\_Balak\\_Animal\\_Rights\\_and\\_Wrongs.mp3](https://baishavaad.org/wp-content/uploads/2024/07/BAM71_07_Balak_Animal_Rights_and_Wrongs.mp3)

*The malach of Hashem said to him, "For what reason did you strike your she-donkey these three times? Behold! I went out as an impediment, for he hastened on the road against me.*

Bemidbar 22:32

The Rambam (Moreh Nevuchim 3:17) writes that the mitzvah of *tza'ar ba'alei chaim* (not to cause unnecessary pain to animals) is derived from this *pasuk*. In his view, the *malach* criticized Bilam for mistreating his donkey and violating *tza'ar ba'alei chaim*, which would seem to indicate that it is an *issur de'Oreisa*. The problem is that the Gemara (Bava Metzia 31-32) cites a dispute about this issue, and according to the Minchas Chinuch and the Gra, the Rambam himself rules that it is *deRabanan*. Perhaps we can resolve the contradiction in the Rambam: *Tza'ar ba'alei chaim* is only a Rabbinic prohibition, but in the Moreh Nevuchim, he is talking about the imperative to refine one's character and avoid cruelty (like that practiced by Bilam toward his donkey), which he may hold is a *de'Oreisa*.

The Noda Bihudah appears to adopt a similar approach in a *teshuvah* about hunting for sport. He writes that killing animals in a hunt does not violate *tza'ar ba'alei chaim*, because that prohibition applies only to causing animals pain without killing them. Still, he maintains that such hunting is forbidden for several other reasons, including that it cultivates the *midah* of cruelty.