

A discussion about the methods of Jewish religious slaughtering (*Shehitah*) is in no way related to the issue of circumcision (*Brit milah*) and *Schabbat* regulations. Contrary to some statements it does not intend to abolish or endanger Jewish religious tradition but - on the contrary - is an effort to enforce the Jewish Halachic Animal Protection Laws (i.e. the Prohibition of Cruelty towards Animals *Tza`ar Ba`alei Chayim*) in the context of modern animal slaughtering.

DIALREL - Encouraging Dialogue on Issues of Religious Slaughter

WPI. Religion, Legislation and Animal Welfare: Conflicting Standards
Religious Rules and requirements - Judaism

New Aspects of an Old Technique: Ethical Dimensions of Jewish Slaughter (*Shechita*), Animal Welfare and Stunning

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Introduction

Shechita, Jewish religious slaughtering, is a method of slaughtering that is regarded to be highly compatible with animal welfare standards; it is considered to be the most painless method of slaughtering- this at least is the way most Jewish people see *shechita* themselves.

How self assessment and public assessment differ concerning the question of animal welfare, show polls undertaken by the German veterinary association which suggest that a majority of the population considers Jewish slaughtering to be highly cruel towards animals **(1)**.

As investigations suggest, slaughtering without stunning can lead to a considerable rise of stress and pain in animals and prolong the bleed **(2)**.

The shedding of blood is the aesthetic configuration of an ethical problem that has not been resolved. To a certain extent the often one-sided blaming of the Jewish slaughtering method has been and still is a subterfuge transmitting negative feelings towards Judaism. The controversies accompanying Jewish religious slaughter indicate not merely some aesthetic problem: In contrast to the modern attitude of ignoring death related issues, the fact of the actual shedding of blood is admitted in Jewish tradition. It is not only due to Judaism's "honesty" to admit that blood is shed when life is taken **(3)** - as confronted with rather "dishonest", make believe-methods of dealing with slaughter and killing, namely those which pretend dying could be a painless and casual affair. Widespread defence mechanisms and avoidance strategies tend to play down the process of dying and evoke the illusion of a "painless" slaughter.

It is not only due to the "provocation" of staying loyal to an old, some even say "archaic" belief system in times that so obviously prefer enlightenment and scientific world views.

It is not only due to the vulnerability of most Jews in post-Shoah Europe, a vulnerability that seems yet to augment while the focus inexorably wanders from the generation of the survivors to the second, even third generation of their offspring. It is not even due to the desperate position of Jewish animal rights people in Germany finding themselves surrounded by a hostile gentile

and Jewish society. It has to be emphasized: There is much more to the controversies evoked by Jewish slaughter than one could think at the first glimpse.

Questions concerning Jewish Slaughter

The refusal to introduce stunning techniques before or after the slaughtering cut during Jewish religious Slaughtering (*Shechita*) is shared by the majority of Jewish religious as well as official leaders (4).

In this document the attempt is undertaken:

1. To discuss the role of Animal Welfare in Jewish Religious Law (*Halacha*) including Slaughtering (*Shechita*)
2. To discuss possible objections concerning modifications in the Jewish slaughtering procedures
3. To find an answer to the question: Is Jewish slaughtering (*Shechita*) compatible with reversible pre- and post-cut stunning techniques?

Attempts are made to bridge the gap between contrasting positions; the one defending the traditional Jewish Slaughtering (*Shechita*) procedures without any changes, i.e. without adopting reversible stunning techniques and on the other side, positions that favor reversible stunning techniques as best adapted methods of slaughtering animals inside modern agri-industrial slaughtering factories.

The goal of all these endeavors is to find a common perspective that enables the different Jewish denominations to find acceptable interpretations and arguments that meet Jewish Law (*Halacha*) as well as Prohibition of Cruelty against animals (*Tza`ar ba`alei chaim*) and secular Animal Protection Legislation.

Discussing the different positions it will be proved,

- a) that certain reversible stunning techniques can be regarded to be compatible with the precepts of *Shechita* as well as *Kashrut*.
- b) that there seems to be no contradiction whatsoever between the exertion of reversible pre-/ or post-cut stunning techniques (preferably pre-cut stunning, because post-cut stunning creates certain, time-related technical difficulties, that are not easily solved in industrialized abattoirs) and the observance of Jewish laws.

Ethical issues in Jewish Slaughter (*Shechita*) and Dietary Laws (*Kashrut*)

The requirements of Jewish religious slaughter are discussed at length in the document by Ari Z. Zivotofsky (5).

However, there is a number of aspects that so far have not yet been described, aspects that might change the outlook on Jewish slaughter.

Shechita, slaughtering with a sharp knife is a central pillar of the religion and culture of Judaism. It is a widespread opinion that the abolition of the practice of Jewish slaughtering (*Shechita*) and of dietary laws (*Kashrut*), i.e. an abolition of the method to select and define the animals that are to be slaughtered and to select, dissect, eliminate, purge, and prepare the parts of the animals` flesh that are to be used for consumption, would bring about an end to Judaism at all.

Even slight changes and modification seem to be very threatening to Jewish

identity. In spite of the tremendous sociopsychological effects even mentioning slight changes of *Shechita* effect on the feelings of Jewish people and their representatives, it is quite astonishing, that the discussion on issues of *Kashrut* and *Shechita* usually are restricted to a surface, technical outlook alone, whereas the spiritual meaning of slaughtering animals and following purity standards tend to be neglected.

The outcome is an imbalance, that in my opinion, contributes to the present difficulties to solve the clashes between the techniques and procedures of *Shechita* and the technologies of stunning animals in order to better fulfill and meet animal welfare requirements.

Too little reflection is taking place inside the Jewish community on the fact that industrialized livestock breeding is not at all compatible with Jewish ethics as is described in the prohibition of cruelty towards animals (*Tza`ar ba`alei chaim*). Too little attention is directed to the fact, that *Shechita* today is accompanied by cruel and painful procedures like shackling and hoisting, fixation techniques, uses of diverse casting pens (Weinberg pen, Pennsylvania pen etc.), piecework, transportation, industrialized breeding; the effects of modern factory farming are ignored by the rabbis and Jewish officials and not acknowledged to be incompatible with the Jewish Law (*Halacha*). Efforts to inform the public via the Jewish Press very often lead to dead end situations (6)

Of uttermost importance for any discussion of slaughter is the fact that the killing of animals is a highly controversial and not at all clear issue in the Hebrew Bible.

Going back to the biblical sources, namely the description of the creation of the world, its animals and human beings, one finds two different versions of creation, one narrative which refers to a vegetarian world, another where the consumption of meat is taken into account.

The model of a carnivorous world is related to the statement, that mankind`s soul showed a yearning to eat meat.

This negative description of man`s desire to eat the flesh of animals, the necessity to kill in order to get the flesh of fellow living beings (*nefesh chaja*) is of uttermost importance for the commandments of slaughtering.

In the beginning, the Jewish method of slaughtering appeared to have been a compromise between two opposing moral positions.

Analyzing the two crucial text portions, the one allowing flesh eating, the other allowing killing, one detects a hidden warning that can be regarded as an underlying subtext, which still has to be transferred into the consciousness of those who use these biblical sources as comfortable means to acquire legitimacy for all kinds of killing and devouring acts. The texts proof how easy it seems to bridge the gap between the morality of God`s perfect creatures with the immorality of God`s excellent killers.

“When the Lord thy God shall enlarge thy border, as he hath promised, and thou shalt say, I will eat flesh, because thy soul longeth to eat flesh; thou mayest eat flesh, whatsoever thy soul lusteth after.”
(*Deuteronomy. 12:20*)

as supplemented by the following verse:

“If the place which the Lord thy God hath chosen to put his name there be too far from thee, as I have commanded thee, then thou shalt kill of thy herd and of thy flock, which the Lord has given thee, as I have commanded thee, and thou shalt eat in thy gates whatsoever thy soul lusteth after.”
(*Deuteronomy. 12:21*)

Slaughtering was restricted to selected animals and specific animal individuals who don't show disabilities and lesions. Jewish law permitted mammals, wild or domestic animals, provided they have split hooves and chew their cud and the fish which can be consumed need to have fins and scales (*Leviticus 11:9-19*).

Among the birds, no predators are allowed (*Leviticus 11:3, 11:13-19*). *Shechita* is not done neither on fish nor non-vertebrates.

The commandment of *Shechita* also refers to some non-vertebrates like few species of grass-hoppers which are considered to be kosher, but even though their consumption is *kosher*, i.e. permitted, they are not part of the usual Jewish diet. The Torah enumerates the species permitted for Jewish consumption; the technical aspects of the *Shechita* procedure are described in *Talmud* tractate *Chullin* and in the *Shulchan Aruch, Yoreh De`ah* chapters 1-28.

Shechita is performed in one movement (without any corrective movements) using a *chalaf*, a sharp knife, that is sharpened regularly. If additional cuts are necessary or if the cut is done in the wrong area, the slaughtered animal is not considered to be *kosher i.e. treife*.

The slaughtering is “kosher” only when performed with the blessing:

“Blessed are you, O Lord our God, King of the Universe, who has sanctified us with His commandments and has commanded us concerning *Shechita*.”

“The shochet must be extremely pious and God-fearing. He must recite the blessing prior to the act of slaughter with deep concentration, and exercise the greatest care concerning every detail of the law involved. Thus he will redeem the soul within the animal and elevate it to the human level.” (7)

The *Shechita* commandments show an effort to reduce the number of species allowed for food, and they reduce the variety of tissues and parts allowed. Certain fats and most importantly, blood is forbidden at all. Anything that transforms the animal into carcass makes it ritually impure and thus excludes it from being eaten. The status of kosher food is not compatible with any signs of the death process; animals who have been hunted, injured, harmed, or who are lifeless, dead, or unconscious are regarded to be *neveilah*, meaning carcass, i.e. impure. “The importance of death as a common denominator of the avoidance regulations in priestly traditions can also be seen, perhaps, in the blood prohibition (*Leviticus 17:10-14*), in the elimination of carnivores from the diet of ancient Israel, and in the abhorrence of pigs, which played a role in the Canaanite chthonic (underworld) worship. The purpose of the system, is to drive a wedge between the forces of death, which are impure, and the forces of life, which like God are holy.” (8)

The distinction between *kosher* and *treifah* (not kosher) or *neveila* (carcass) seems to create obstacles against modifications of the slaughtering techniques.

Allowance to take life is intermingled with restrictions, so that there is a constant awareness and effort to meet the requirements of Jewish slaughter and diet regulations. This creates a state of alert. The regulations can be overemphasized in a manner that serious health problems occur, like malnutrition due to a lack of vitamin intake; For example, some inhabitants of religious communities refrain from eating lettuce for the fear vermin might hide in the lettuce etc.

Besides the regulations there is another layer in the slaughter commandments. The slaughtered body is used as re-enactment and social memory. Slaughter and food become an element of worship.

Various narratives create a body of meaning: for example the story of the displaced tendon (*gid ha nasheh*). The shochet is expected to cut out the "hip sinew". The sciatic nerve has to be removed, because it reminds Jacob's fight with the Angel, who is considered to have been God's messenger: Even though Jacob won the fight he ends up being lame, his tendon was moved from the place; however he gets his name of honor: "Israel", which marks the beginning of the myth of the holy and chosen people.

Each meat inspection can be seen in this broader perspective and becomes an act of communication between man and God by means of the animal's dead body which by itself has been transformed and is the theatre of the re-enactment of an archaic struggle.

"Therefore the children of Israel eat not of the sinew which shrank, which is upon the hollow of the thigh, unto this day: because he touched the hollow of Jacob's thigh in the sinew that shrank."

(Genesis 32:33)

As Jacob's thigh was out of joint due to the Angel's stroke each slaughtered animal up to this day is dissected and the hip sinew is cut out.

These highly symbolical actions make changes very rare events. In the year 1220, the rabbis decided to organize professional training of the slaughterers. Since then changes in the procedure were not recorded. There was no discussion when shackling and hoisting procedures were introduced in the year 1906 even though this meant a serious violation of *tza'ar ba'alei chaim* (9).

Changes are unnecessary when divine providence's anticipatory forces are at work. As man is created in the image of God - *be tzelem elohim* (imitatio dei) - his perfection can be foreseen: "The natural order can be corrupted or set aright according to the deeds of humankind. For God never recants upon His word, or "changes His mind". However, He does add to His word in order to complete His purpose." (10).

The attempt to avoid the issue of stunning by pointing to the high standard of shechita (presuming it is as painless as possible) however does not convince any longer. The situation of animals deteriorated over the last decades. On the other hand, the stunning techniques cannot be compared with the methods used in old times, when skulls were crushed with sledgehammers, animals were beaten to death, stabbed, strangulated etc. They provoked serious injuries. The shot with a metal bolt can also create carcass *neveila*. This is not the case with reversible stunning by short-term electrical shock. This method does not affect the animal's tissue or life functions. The animal will regain consciousness when not slaughtered.

"Cruelty would be contrary to the essential purpose of animal slaughter, which is to transform and perfect the animal spirit. Therefore, ritual slaughter

itself must be an expression of kindness, compassion, and enlightenment. "And you shall slaughter" (Leviticus 1:5 means that you may do so only by the most humane method. (11)

The Prohibition of Cruelty towards Animals

Tza`ar Ba`alei chaim

Compared to the number of animal related narratives and legislations it is surprising to see, that animal related topics have not aroused more attention in Jewish thought.

Nevertheless animal based activities and regulations will probably regain more attention in the future.

Moses Maimonides mentioned the widespread uses of strategies of concealment in the Jewish texts and underlined the importance of interpretation which often consists in creating meaning.

"My purpose is that the truths be glimpsed and then again be concealed so as not to oppose that divine purpose which has concealed from the vulgar among the people those truths required for His apprehension." (12)

For the time being the clashes between the obvious and the hidden contradictions, like the situation of farm animals versus the goals of tza`ar ba`alei chaim are on the agenda.

As far as the rabbis refusal of stunning is concerned, the real question is not, if stunning is compatible with *shechita* or not, but if *shechita* is still compatible with Jewish ethics, namely the prohibition of cruelty against animals.

Abraham Isaac Kooks warning is still unheard: "The regulations of slaughter, in special prescriptions, to reduce the pain of the animal, registers a reminder that we are not dealing with things outside the law, that they are not automatons devoid of life, but with living things." (13)

In contrast to the Christian interpretation of man-animal relationship, which was founded on the concept of dominion, control and exploitation, the attitude of the Hebrew bible and most of the talmudic and post-talmudic teachings is focused on bonding and interrelatedness of man and animal as the main characteristics of this relationship.

The Hebrew creator admonishes man to accept responsibility and stewardship towards the animals. Not subjugation and violence, but kinship and mercy are the most cherished attitudes. The relationship of man and animal is considered to be a parallel to the one between God and Israel, shepherd and flock.

which is compared to the attitude of caring the shepherd feels towards his flock. "Examination of the biblical, talmudic, and medieval jurisprudence concerning the lower creatures reflects a coherent system of humane legislation whose purpose is to defend the subhuman creation and to make humans more human." (14)

This ideal was not abolished when man received the permission to slaughter animals. On the contrary. The slaughtered animal was considered to be a living soul, *nefesh chaja* and a number of ethical principles were established that were expected to be the underlying matrix of the slaughtering procedures:

“Do not cook a kid in its mother’s milk.”
(*Exodus 23:19, 34:26; Deuteronomy 14:21*)

“When an ox, sheep, or goat is born, it should stay with its mother for seven days. From the eighth day on, it is acceptable as an offering by fire to God. However, no animal from the herd or flock can be slaughtered on the same day with its young.”

“Do not kill an animal together with its young:”
(*Leviticus 22:27-28*)

“Whether an ox or a sheep, you shall not slaughter a mother animal and her young on the same day.”
(*Leviticus 22:28*)

“If you chance upon a bird’s nest in a tree or on the ground, and the nest has young birds or even eggs, and the mother is sitting with her young, do not take the mother together with her children. Let the mother go and take only the young - so that you may fare well and live a long life.”
(*Deuteronomy 22:6*)

Besides slaughter-related commandments there are a number of rules how to treat the animals used for transportation, harvesting, and general needs:

“When you see your enemy’s donkey lying under its load and would like to leave it alone, you must nevertheless help it to get on its feet.”
(*Exodus 23:5*)

“Do not plow with an ox and a donkey together in the same yoke.”
(*Deuteronomy 22:10*)

“If an animal falls into a ditch on the Sabbath, place pillows and bedding under it.”
(*Talmud Shabbat 128b*)

“No person may buy a beast, an animal or a bird until that person has provided food for it.”
(*Jerusalem Talmud Yevamot 15:3*)

“Jewish people must avoid plucking feathers from live geese, because it is cruel to do so.”
(*Code of Jewish Law, Even HaEzer, 5:14*)

“When animals lose their young, they suffer great pain. There is no difference between human pain and the pain of other living creatures.”
(*Maimonides, Guide for the Perplexed, 3:48*)

“In the world to come, God will punish riders who wound their horses with spurs.”
(*Sefer Chassidim, para. 44*)

The Role of Mercy towards animals as incitement of spiritual growth and humane development:

“Rabbi Judah HaNassi observed a calf as it was being led to the slaughterhouse. The calf broke away from the herd and hid itself under Rabbi Judah`s clothing, crying for mercy. But Judah pushed it away, saying, “Go. This is your destiny.” They said in Heaven, “Since he showed no compassion, we will bring suffering to him.” For many years after this act, Rabbi Judah suffered a series of painful illnesses. One day, Judah`s servant was sweeping the house. She was about to sweep away some young weasels which she found on the floor. “Leave them alone,” Judah said to his housekeeper. Subsequently they spoke of Judah this way in heaven, “Since he has shown compassion to these rodents, we will be compassionate with him.” and he was cured of his illness”.

(Talmud Baba Metzia 85a)

“A Tzaddik considers the needs of his animal.”

(Proverbs 12:10)

“Compassion should be extended to all creatures neither destroying nor despising any of them. For God`s wisdom is extended to all created things: minerals, plants, animals and humans. This is the reason the rabbis warned us against despising food. In this way, a person`s pity should be extended to all of the works of the Holy Blessed One, just as in God`s wisdom, nothing is to be despised. One should not uproot anything that grows unless it is necessary, nor kill any living thing unless it is necessary. Anyone should choose a good death for them with a knife that has been carefully examined, to have pity on them as much as possible.”

(Moses Cordovero, The Palm Tree of Deborah)

“Rabbi Yudan ben Pazi taught: Just as the Holy One, blessed be He, has compassion for human beings, so does He have compassion for animals.”

(Devarim Rabbah 6:1)

None of these commandments that are part of Jewish animal welfare laws are realized in factory and husbandry livestock breeding or science. All the more they show a concern for the animals` emotional being that is totally unknow and denied by animal breeders of today who regard the animal not as a feeling individual being with affectional ties to his or her herd, flock, parent, child, but as producing device and means to gain profit via products like meat, eggs, meat, leather, fur, organic tissues or organs for medical or cosmetic purposes in the cheapest, quickest and most effective way possible disregarding the needs and specific life interests of the animal subjects.

Kashrut: Spiritual dimensions of food

“A man`s table is like the Altar.”

(Chagigah 27a)

“Since the destruction of the Holy Temple, a man`s table effects atonement for him.”

(Berachos 55a)

The spiritual dimension of food, the impact of gaining food by killing and the fact that in the *Torah* vegetarianism was described as the first model of society, and therefore has to be considered as the first global vision of a perfect society that includes animals not as slaves to be exploited and destroyed, but as fellow living beings with a God-granted right to live their own lives according to their specific *and* personal needs - supposedly is one of the best suppressed and distorted cultural legacies we know of.

Vegetarianism, here veganism, relates to the following passage of the *Chumasch*, the Five Books of Moses.

“And the Lord said: Behold, I have given you every herb yielding seed that is upon the face of the Earth, and every tree in which is the fruit of a tree yielding seed - to you it shall be food. And to every animal of the Earth, and to every bird of the sky, and to everything that creeps upon the Earth that possesses a living soul, I have given every green herb for food. And it was so.”

(Genesis 1:29-30)

The following passage shows a different outlook:

“And God blessed Noah and his sons, and He said unto them: “Every moving thing that lives shall be food for you; as the green herb, I have given you everything. Only flesh with its living soul - its blood you shall not eat.”

(Genesis 9:1-4)

Even more contradictions follow:

“Notwithstanding thou mayest kill and eat flesh in all thy gates, whatsoever thy soul lusteth after, according to the blessing of the Lord thy God which he hath given thee: the unclean and the clean may eat thereof, as of the roebuck, and so of the hart. Only ye shall not eat the blood; ye shall pour it upon the earth as water.” *(Deuteronomy 12:15)*

as listed above: *(Deuteronomy 12:20)*

In spite of the threats and warnings that follow, and which consist in reprimanding human beings to act according to their lust only and not to their potential of reasoning thereby not meeting the moral standard humans could be expected to share, human beings finally get the privilege to consume their fellow living beings.

The question arises - and in a strict sense this question still has not been fully and sufficiently answered: How can any living being be allowed to kill on a regular basis? How can anyone be allowed to practise killing and murdering as a day to day activity?

Hidden between the lines one can detect yet another question:

If the flesh, for flesh it is and not “meat” as we prefer to say euphemistically - if the flesh of living beings which in many regards are considered to be

superior to the human animal who has been, in comparison to the fowl in the sky, the beasts on earth and the fish in the sea, the later invention to complete the act of creation, this important question is, how can this one species, named offspring of earth, (*ish ha adama*) put his hands on his fellow beings, how can the one species be allowed to consume the other one?

This question, describing a controversial issue, cannot be separated from the question how living beings technically are killed, murdered, sacrificed or slaughtered and how they are coping with the results of this continuous killing and dismantling and destroying which is called human history.

Even though to this day, the moral sense has not recovered from this early blow, namely the breaking of the commandment "You shall not kill" - and still is not capable to deal with this innate contradiction, it is quite astonishing to see, that even killing issues, are not always as they seem to be:

"In both creation accounts, human specialness in relation to animals only emerges as a theme in so far as human responsibility is also explicitly accepted. At no point in either creation saga is human authority or power elevated in itself: always it is power or rather empowerment to do something, to perform God`s will, to care as God`s representative. All human authority on earth is delegated authority dependent upon conformity with God`s moral will. Moreover the autonomy of humankind is only affirmed in the context of mutuality and inter-relationship." (15)

Another damage to morality is happening here. Human history is described as a history of taking lives, as long as one`s own life is not taken. But an evolutionary jump is waiting for the deranged soul: it is encouraged to act on the basis of partnership towards his fellow being. The relationship between perpetrator and victim demands that the one takes care of the other`s best life - and death. An attitude that is part of the common fate. A fate, which perpetrator and victim share. The roles might change from time to time; the victim succeeds to change sides, but there is an equality between both of them, an equality in the face of time, disease and death which inevitably is waiting for both of them.

The interrelatedness claimed before does not make a halt when it comes to dying, on the contrary, it includes the death process, all the more when caused by a slaughterer putting his fellow animal to sleep, this merciful death, leaving neither "flesh" nor "meat", but a corpse.

Death is what all living souls share. Time, quickly elapsing, is the common fate which creates this underlying sense of solidarity between the living beings, which incites the hope of care, the hope an all encompassing mercy.

Mutual care is asked for on many occasions. It is regarded to be the basis of man`s attitude, encompassing all his actions towards his fellow beings. Mercy does not come alone. It is accompanied by the expectation that everything is done to make dying easier and less painful. This is what is prescribed. This is what *Tza`ar ba`alei chaim* is about: the willingness to try everything to make it easier, by all means, granted not by pity, but by law, even to the animals, our fellow beings.

There is no doubt, stunning, reversible stunning that does not provoke lesions and wounds, and would not by itself kill the animal, was not known when the commandments of *tza`ar ba`alei chaim* were invented.

Shechita is the method of slaughtering which for centuries has been practised by Jews outside the Temple and its offerings - in a worldly fashion and for the purpose of meat consumption - , but it still evokes its` original context, the sacrificial slaughtering practised by the Priests (*Kohanim*) in the Temple. Animal sacrifice was abolished after the Destruction of Second Temple. What still remains however is the aspect of communication: both in Temple and in the post Temple era, animal slaughter fulfills the task of communication. Whereas the sacrificial animal used to be a medium of communication leading from the tribe of Israel - via Priesthood - to God, the slaughter animal is a communicative device between different forms of spirituality:

- a) concerning the aspect of getting pure food with its influence to a better, refined Jewish life
- b) concerning the aspect of spiritual refinement and by setting free the soul of the animal.

Stunning and the spiritual dimensions of animal slaughter

“For your sake, we are slaughtered all the day.”
(*Psalms 44:23*)

Considering the promotion of kindness towards animals in the Jewish texts it is difficult to understand, why ethical considerations for animal protection are so seldomly applied to the present conditions of everyday life and beyond, namely when the conditions in animal factories are concerned. While the praise of Europe`s “Judaic-Christian legacy” is part of public rhetoric, there is little understanding of what this really means practically, especially when it comes to the treatment and uses of those animals out of sight, who live behind the walls of the huge production units. The gap between the high standards of (Jewish) animal welfare law and the deplorable conditions in reality show a lack of credibility of all those decision makers and religious and political leaders who like to refer to the occidental ethical values system. The lack of credibility is all the more painful when one deals with experts of and representatives of this the ethical system; teachers, rabbis, officials. Without really knowing what is at stake, they share the objections towards adopting stunning techniques, and even relate to the right of religious freedom, without knowing, that Judaism`s animal ethics is more radical than they would expect.

First of all, there is little, if no understanding, that stunning might make shechita more authentic to what it originally meant to be: the most painless method of slaughtering possible. There show no effort, to be aware of what Judaism`s animal protection`s governing principle used to be: protecting the feelings of suffering creatures. Creatures in pain and distress. Helpless creatures crying for help.

The immutability towards what really happens with the animals reflects the condition of the heart: it is indifference that prevails when public interest and public concern lack.

Due to this state of affairs, it is necessary to translate the commandments

into the language of present day society, despite the fact, that it is much easier to listen to the descriptions given which describe the world of pastoral scenes with lambs getting lost and being found again, or camels being watered. It is important to start asking where the chicken live or the calves and how they are put to death.

Even the most immutable rabbi will give his consent when some talmudic engineer invents a device that makes things better and life more comfortable while still meeting the shabbat regulations; the same rabbi might not even listen, when the suffering of some animal is mentioned.

But animal welfare is an issue that is related to the center of the jewish world. And it should not be discarded.

There are reasons for this attitude of indifference towards the animal lives. To live in the vicinity of the world`s most atrocious crime makes it easier to overlook and belittle the normal pain of the beings alive. The success of the Nazis was a success in the realm of the evil, whose chapters are disdain for all the little people with their little survival sorrows, who are not spectacular enough to make it into the evening news.

Reasons of the present neglect of animal welfare issues in Jewish communities:

1. The most obvious reason why rabbis and Shechita experts refrain from giving some thoughts to the bettering of the animal`s living and dying situation is, they assume to be already in the possession of the best possible, most painless and effective method.

2. They do not allow reversible short term electrical stunning in order to prevent spoiling the meat (making it *neveila*).

3. They fear stunning could provoke changes in the animals mental condition which they cannot control. This fear of lacking control, the control of the dying process turns out to be the most important reason not to permit stunning techniques.

But why should this issue of losing control be so important?

Slaughter, as has been stated in the beginning of this essay has more to it than one would expect. And this "more" refers to a theme that usually is not mentioned when the issue of religious slaughter is presented. This topic certainly does not appear in the compendiums about religious slaughter one is used to.

This lack of reference however does not mean that it is less important. On the contrary: The fact that one does not usually speak about the influence of this topic on not permitting stunning techniques does not mean that it is not a decisive factor.

We are talking about reincarnation (*gilgul*) and its influence on the permission or prohibition of stunning.

Reincarnation appears to be a rather obscure topic that seems by far to go beyond the scope.

But it is a quite important topic in jewish literature. It refers to the spiritual role of religious slaughtering and the role it is expected to play as far as the conveyance of reincarnation from one existence to the next is concerned.

The question is, does stunning obstruct the free floating, the free wanderings

of the Jewish soul which is waiting inside the animal body to be redeemed? It was very surprising to discover how important the concept of reincarnation is when it comes to understanding Jewish slaughtering issues. There is a widespread belief among the rabbis that animals contain the souls of reincarnated Jewish people.

The atrocities of slaughtering and death get a lot easier when one assumes there might be something good coming out from the cruel act of taking another living being's life.

Slaughtering turns out to become an act of liberation and the question arises: Can a reincarnated soul that is about to be slaughtered be harmed when the animal is stunned?

Soul Food: The wanderings of the souls into new lives and back

“According to the Kabbalists, most animals today possess reincarnated human souls. Therefore, from this standpoint we must view these ill-fated creatures as we would our fellow human beings - even while rejecting the doctrine of moral equivalence of all species.” (16)

It is a very surprising fact to find reincarnation as a main obstacle that prevents changes in the slaughtering technique i.e. the adopting of stunning techniques: “The purpose of Shechita is to elevate the soul of an animal to the human level. At first, the soul was garbed within an animal that lacked higher intellect and had no conception of God. Now it may ascend to the status of a human being, to whom it may be revealed and made known that “there is a God who rules the Earth”. The main ascent of the soul consists in attaining the human level, so that the soul may come to know God. When understood in this light, Shechita is an act of compassion.” (17)

The influence of reincarnation theory which are part of the mystical tradition of Judaism in areas as profane as slaughter, is overwhelming, but somehow expected, because slaughter is the most transformative phenomenon in the area of death and dying which shows spiritual challenges not found anywhere else.

Most of the Chassidic literature concerning slaughter deals with souls encapsulated in an animal body, Jewish souls that desperately wait for the *Shochet* (Slaughterer) to set them free so they get another chance to continue their long march through the chain of beings.

Conclusion

In cases where the law does not clarify, but obscures a problem, it is permitted to look for a consensus that meets the common sense. This is what the German Jewish scholar Samson Raphael Hirsch recommended. “Every *halakhah* that is unclear in the *beth din* (court) and you do not know its nature, go and see how the community conducts itself and conduct yourself accordingly.”

This position is also expressed in the Babylonian Talmud: “Go and see how the public is accustomed to act” (*Ber. 45a*) and the famous teacher Hillel said:

“Leave it to Israel; if they are not prophets, they are the children of prophets”
(Pes. 66a).

Hirsch's classification of the commandments put emphasis on the unifying aspects of Jewish legislation. Besides all its differentiated and sophisticated love for detail (*pilpulim*) it is erected on a basis, that is not to be disputed, namely: Justice, love, and the education of ourselves and others.” (18)
Accordingly Jewish animal protection law is compatible with stunning techniques. The Prohibition of Cruelty towards animals (*Tza`ar ba`alei chaim*) explicitly demands to use the mildest, most painless and shortest method of slaughtering possible.

Technological advances that are happily used in other areas of Jewish life, like the shabbat technology that allows the uses of electrical devices even on Shabbat, cannot be omitted when it comes to advancing the conditions of animal lives and taking care of their well being in this last stage of their life.

Annotations

(1) Bundestierärztekammer Brief vom 7.5.2007 zum Religiös begründeten betäubungslosen Schlachten

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(2) Wenzlawowicz, Martin von, Holleben, Karen von: Tierschutz bei der betäubungslosen Schlachtung aus religiösen Gründen, bsi Schwarzenbek 2007

(3) Rhein, H.: Grausames Schächten vs humanes Schlachten? Plädoyer wider die Leichtigkeit des Tötens, In: Das Jüdische Echo. Zeitschrift für Kultur und Politik (2002), S. 59-63 unter www.tierimjudentum.de

(4) Overview in: Levinger, I.M.: Shechita in the Light of the Year 2000, Jerusalem 1999

(5) Zichotofsky, Ari Z.: Unpublished Paper for DIALREL - Encouraging Dialogue on Issues of Religious Slaughter, Berlin 2008

(6) Rhein: Open Letter to the President of the Jewish Communities in Germany on behalf of Jewish Slaughtering In: Neues Deutschland, 21.7.2008 unter www.neues-deutschland.de and Jüdische Allgemeine Wochenzeitung vom 17. 7.2008, sowie www.hagalil.com This Open letter was not answered.

(7) Rabbi Nosson Sternhartz in: Sears, The Vision of Eden, S. 287

(8) Klawans, In: Waldau, P., Kimberely, P.: A Communion of Subjects, New York 2006 S. 67

(9) Kalechofsky, R: S. 97

(10) R. Shaul HaLevi Morteira, in Sears S. 334

(11) Sears, S. 237

(12) Moses ben Maimon: The Guide of the Perplexed S. 7

(13) Kook, Abraham Isaac: Fragments of Light: A View to the Reasons for the Commandments, In: The Lights of Penitence S. 317

(14) Cohen, N.: Tsa`ar Ba`alei Hayim: The Prevention of Cruelty to Animals, S. 21

(15) Linzey, Cohn-Sherbok: After Noah S. 21

(16) Sears, S. 139

(17) ibid. S. 289

(18) TJ, Pe`ah 7:5 in Encyclopaedia Judaica

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