

## DISPUTE ON RITUAL SLAUGHTER

Krzysztof Tereszkievicz<sup>1✉</sup>, Karolina Choroszy<sup>1</sup>, Piotr Tereszkievicz<sup>2</sup>

<sup>1</sup>Rzeszów University of Technology, Faculty of Management, Department of Computer Engineering in Management, Powstańców Warszawy 8, 35-959 Rzeszów, Poland

<sup>2</sup>University in Leuven (KU Leuven), Institute for Commercial and Insolvency Law, Tiensestraat 41, box 3434, 3000 Leuven, Belgium,

### ABSTRACT

The following paper aims to analyze the arguments presented by the supporters and opponents in the discussion concerning moral and legal aspects of ritual slaughter in Poland and to delineate a possible area of compromise. In the ongoing debate concerning ritual slaughter, three main positions can be distinguished: defenders of animal rights, demanding a prohibition of the slaughter due to its non-humanitarian nature, meat producers pointing out economic losses resulting from the prohibition, and religious minorities, according to whom this prohibition violates the laws guaranteed by the Constitution and deprives them of this vital element deciding about their cultural identity. From a theologically-moral perspective, an optimal solution of this problem in Poland should involve a gradual introduction of restrictions concerning the performance of ritual slaughter on an industrial scale with a simultaneous guarantee given to the religious communities to obtain meat for their own use in line with their tradition. If ritual slaughter on an industrial scale was maintained, it would be necessary to introduce fundamental changes in the regulations of the performance of this act with the aim of improving the welfare of the animals.

**Key words:** dispute, slaughter, ritual slaughter, halal, kosher

### INTRODUCTION

Contemporary world is characterized by many contradictions, most of which are socio-cultural and religious ones. Emerging tensions and conflicts arise primarily from the differences in the level of civilization development and the prosperity of various regions of the world and societies inhabiting them. The areas that cause a considerable controversy and social tensions are some of the methods and directions of modern animal use for economic purposes. As one can assume the controversy over animal welfare systems arise from the nature of the subject matter of the dispute, which is the animal perceived by most people as a creature capable of feeling pain and suffering and which should be treated humanely and with respect? The main areas of controversy include the use of animals for experimental purposes, including allergy research, or as bioreactors; the use of wildlife for their fur and skins. Keeping animals in zoos. Acquisition of biolo-

gically endangered species for commercial purposes e.g. whale trawling, seal slaughter.

The phenomenon of different views, evaluations and expectations observed in different societies also applies to the systems of slaughter, harvesting and processing of their products. One of the important reasons for the differences in meat production systems seems to be that there are world-wide differences in dietary habits related to the meat consumption of particular species. Animals that are treated as amateur animals in the European culture or considered totally unfit for consumption in other regions of the world are attractive for slaughter (Table 1).

An important issue related to the production of slaughter animals is the one of rules and conditions of slaughter [Singer 2004, Banaszak 2013, Burszta 2014]. In the recent period in connection with the legal changes and rulings of the Constitutional Tribunal of 10.12.2014 Ref. K52 / 13, the attention of the Polish media and the public has been taken by the issue of the moral and legal admissibility of ritual slaughter. The ritual slaughter di-

✉ktereszc@prz.edu.pl

spute takes place not only in Poland. For many years, it has been the subject of many disputes in other countries and it is also run internationally. In the discussion there are numerous arguments of supporters and opponents of ritual slaughter, and as usual, when the subject matter of the debate is important, the emotions are mixed with the arguments.

In the ongoing debate on ritual slaughter one can distinguish three main positions; animal rights activists demanding the ban on slaughter because of its inhumanity, producers of meat claiming economic losses related to the prohibition, religious minorities that refer above all to freedom of religion and belief. Inevitably in the dispute, ethical, legal, cultural, and even economic issues overlap and become a whole. This conflict is particularly fierce in multicultural societies where minority groups demand the right to respect their customs on the one hand, while on the other one the group of people demands a minimum of respect for animals for slaughter. Due to the increasing phenomenon of migration in Western Europe, the conflict is expected to intensify.

The long-standing dispute over ritual slaughter has been intensifying for a long time. It seems like a good time to briefly analyze its main causes and arguments for and against its implementation.

### The subject of the dispute

Ritual slaughter is defined in accordance with the religious principles of Judaism and Islam and it is the way of killing livestock to obtain meat. Meat from ritual slaughter is fit for consumption by those who respect the traditional dietary requirements of both religions [Majewicz 1996, Singer 2004, Farouk 2014]. As

Burszta notes [2014], from an anthropological point of view, both halal and kosher are the core of the religious and cultural identity of these communities.

The origin and purpose of performing ritual slaughter are derived from certain religious principles, and the first historical records containing the principles of its execution date back to ancient times 6,000 years ago [Prost 1995]. It should be emphasized that contrary to popular beliefs, it is not possible to generalize the rules of performing ritual slaughter, as in each of the religions where it is practiced, it is carried out in a different way and proceeds in strict accordance with the rules. The standards for obtaining meat from livestock for consumption according to Judaism are contained in the 5th section of the Talmud and its chapter called Chulin. The principles of ritual slaughter were included in two parts relating to the act of slaughter called Szechitah (from the Hebrew word of sachot = slaughter) and an examination of the body of the slaughtered animal called bedikah (from the Hebrew cut or examine). The act of ritual slaughter according to the rules of the Talmud consists in cutting with one stroke all the blood vessels of the neck. The width of the cut itself depends on the species of the slaughtered animal. The knife should be sharp and smooth with a length of at least 14 cm, the width of the human thumb [Prost 1995]. By referring to the rules of the Talmud, one can distinguish five essential mistakes that make the meat unfit for consumption: slowness (tardatio), knife pressure during the cut (conculatio), knife wound seizure (occulatio), improper cutting site (abberatio), use of blunt knife, scab (eradicatio). The essential rule of ritual slaughter according to the Jewish rite is the absence of other animals in the room where the slaughter is performed, so the slaughterer

**Table 1.** Regional differences consumption of selected species in meat

**Tabela 1.** Regionalne różnicowanie konsumpcji mięsa wybranych gatunków zwierząt

Animal species Gatunek zwierzęcia	An area where the meat of a particular species of animal is not consumed Obszar, na którym mięso danego gatunku zwierząt nie jest spożywane	An area where the meat of a particular species of animal is consumed Obszar, na którym mięso danego gatunku jest spożywane
Tortoise – Żółwie	Israel	Asia, South America
Horses – Konie	India, Israel, USA, England, Australia	France, Italy, Germany, Belgium, Netherlands, China, Mexico, Poland, Kazakhstan, Argentina, Mongolia
Cats – Koty	Europe, USA	China, North and South Korea
Dogs – Psy	Europe, USA	China, North and South Korea, Congo, Vietnam, Philippines, East Timor, Malaysia, Taiwan
Insects – Owady	Europe, USA	Asia, Africa, Latin America and South America
Guinea pigs – Świnki morskie	Europe, USA	Peru
Rats – Szczury	Europe, USA	Ghana, Thailand
Frogs – Żaby	USA, Great Britain	France, Asia
Singing birds – Ptaki śpiewające	Germany	Italy, France
Spiders – Pająki	Europe, USA	Laos, Thailand, Cambodia

animals have no premonition of what will happen to them in the moment [Zivotofsky 2010].

Mohammedans have similar rules of ritual slaughter like Jews. The procedures are described in the Quran, the holy book of the religion and also the source of laws for its followers. Muhammad (A.D. 571–632), is believed to have received the book from God, that is why the followers are supposed to be strictly obedient to the rules. During an Islamic slaughter of an animal, two suras containing a blessing must be spoken. “Halal” in Arabic means permitted, but what is prohibited is referred to as “haram”. The law permits only food that is “halal” and “tay-yab” which means allowed and suitable for consumption. Islamic law defines three types of slaughter. “Al. Dabah”, “Nahr” about camel slaughter and “Aqr” wild animals. A summary of the main principles of ritual slaughter in the two monotheistic religions is presented in Table 2.

### Rights and arguments supporting ritual slaughter

The supporters of the environment that allow ritual slaughter accept primarily by approaches. The first of these is represented by religious minorities, according to which the ban on ritual slaughter constitutes a very serious violation of the Charter of Human Rights and Citizenship, thus restricts civil liberties, which should be of the highest value [Majewicz 1996]. By arguing in favor of ritual slaughter as an exception for the use of religion, the democratic state has no right to force people to eat meat that is forbidden to them. You also have no right to change your eating habits even if others do not approve it [Burszta 2014].

The second position is represented by meat producers, citing the economic losses associated with the ban on ritual slaughter. For economic reasons this argument seems important. It should be noted that on a global scale nearly 50% of meat produced by slaughter livestock is obtained through the ritual slaughter of animals. From data published by Farouk et al. [2014], the global value of halal and kosher meat imports is estimated at over US\$ 67 billion (Table 3). The largest importers of kosher meat are the Middle East countries, the Maghreb countries and Indonesia. It is worth noting that in the structure of the world meat trade halal meat dominates strongly (Table 3).

Economic forecasts show that in the coming years the trend of kosher meat consumption will be growing and that its consumption will be doubled in the next 50 years. Growing market needs must be met through the production and slaughter of large numbers of animals. Proponents argue that the ban on ritual slaughter in countries and areas of the world will not reduce its scale, but only move to other countries where it is allowed. It can be assumed that the adoption of a total ban on ritual slaughter in EU countries will result in its implementation

in areas where animal rights and welfare are not respected as well as in EU countries. This will undoubtedly lead to lower humanitarian standards for animals. The phenomenon of the transfer of kosher slaughter to other countries was observed in Europe already in 2012–2013, when such slaughter was completely banned in Poland and allowed in neighboring countries, including Slovakia and Lithuania, i.e. EU Member States and Belarus. Experts observed that animals slaughtered in Poland were transported to neighboring countries where this type of slaughter was allowed. Such action has resulted that the livestock mainly poultry had to be transported over considerable distances, which was an additional source of stress and reduced welfare. According to data from the Ministry of Agriculture and Rural Development [Zakaz uboju rytualnego..., 2012], the loss of the Polish meat sector due to the ban on ritual slaughter is estimated at US\$ 1,5 billion. The position of the Ministry of Agriculture and Rural Development is also supported by numerous organizations associating producers and processors of ritual slaughtered meat [Zakaz uboju rytualnego. . . , 2012], which point to the measurable losses suffered by the meat sector in Poland due to reduced meat production from ritual slaughter. It has also been noted that ritual slaughtered meat produced in Poland is not only exported to Israel or Arab countries, but also to the needs of the Muslim population of the EU. It is estimated that over 40 million Muslims are living in Europe today.

According to followers of ritual slaughter it is not more painful for animals than slaughter with stunning. In their view, there is no objective scientific evidence that ritual slaughter is a source of greater pain and suffering compared to routine slaughter [Szymborski 2015]. Szymborski's findings by Schulze et al. [1978] indicate that nine seconds after the cut, the EEG showed a zero level, which indicates that the pain was not completely felt by the animals. According to Grandin [2010] properly made ritual slaughter is not a source of greater suffering compared to slaughter with stunning, the source of much greater animal welfare risks is preparatory to ritual slaughter than slaughter itself (fear is worse than pain). According to this opinion, at the time of preparing for slaughter without stunning, the extremely stressful methods of hunting and tethering should be eliminated. Thus, the ritual slaughtering of large animals, especially the so-called rotating cages, and replacing them with modern slaughter lines, is necessary to completely eliminate the slaughtered animal as well as isolate the slaughter place so that animals cannot observe the slaughtering of previous animals. It is also recommended to install on a slaughter station a continuous monitoring system by independent control companies and conduct unannounced inspections in kosher slaughterhouses [Grandin 2011].

## Rights and arguments against ritual slaughter

According to research on the admissibility of ritual slaughter in Poland conducted by Center for Social Public Opinion Research, in 2013 [BS/70/2013] the majority of respondents (65%) oppose the law allowing slaughter without stunning. 2/5 of respondents express their opposition in a decisive manner. Women are among the opponents of the legalization of ritual slaughter, 70% of whom are for its legal ban. The views on the admissibility of ritual slaughter also depend on age and education. The younger and less educated are more often in favor of this ban. In socio-professional groups, the majority of opponents of legalization of ritual slaughter were among farmers. According to the Center research the main argument behind the ban on slaughtering in Poland without stunning was the argument of over-suffering of animals slaughtered by this method. 87% of the opponents of ritual slaughter expressed this view. In addition, the respon-

dents pointed out that such slaughter was against our culture.

Ritual slaughter raises an objection not only among Christian European societies but also among Jewish and Muslim intellectuals. Already in 1880 Rabin Stein wrote there was no mention in the Mosaic Law that killing a consumable animal had to be made by slaughter or that the animal at which it was abandoned was unfit for consumption [Czapik 1995]. Also at present among the representatives of both religions one can observe a different attitude towards the ritual slaughter of animals. Opinions are expressed that the ban on ritual slaughter does not limit the freedom of religious practices. Religious orders are also not obliged to observe also non-believers or involved in the protection of animal rights. In such cases, one of the options is to give up the use of animal products ritually or vegetarian consumption patterns in the diet. It

**Table 2.** Comparison of the rules of kosher and halal slaughter

**Tabela 2.** Porównanie zasad uboju koszerne i halal

Practice /attribute Praktyka/atribut	Kosher Koszerne	Halal
Condition of an animal before slaughter Stan zwierzęcia przed ubojem	The animal must be alive and conscious Zwierzę musi być żywe i świadome	The animal must be alive Zwierzę musi być żywe
Making an animal unconscious before slaughter Oszałamianie przedubojowe	It is not allowed to use any stunning method before slaughter (none of the currently known methods of stunning is acceptable). Nie dopuszcza się zastosowania jakiegokolwiek metody oszałamiania przedubojowego (żadna z obecnie znanych metod oszałamiania nie jest dopuszczalna)	Reversible stunning methods are permitted Dopuszcza się stosowanie odwracalnych metod oszałamiania
Making an animal unconscious after slaughter Oszałamianie poubojowe	Allowed and accepted by few Judaic communities Dopuszczalne i przyjęte przez nieliczne wspólnoty judaistyczne	Acceptable for followers of this method Dopuszczalne dla zwolenników tej metody
Slaughterer Osoba wykonująca ubój	Qualified shochet Wykwalifikowany szochet	A Muslim, a practicing Jew (a follower of Judaism) or a Christian Muzułmanin, praktykujący żyd (wyznawca judaizmu) lub chrześcijanin
Slaughter tool Narzędzie uboju	Special knife (chalef) required separately for each species Specjalny nóż (chalef) wymagany oddzielnie dla każdego gatunku	The knife can be used to slaughter all species Nie jest wymagany specjalny nóż; może być stosowany do uboju wszystkich gatunków
Blessing at slaughter Błogosławieństwo w momencie uboju	It is not required for slaughter of any animal Nie jest wymagane przy uboju każdego zwierzęcia	It is required to slaughter each animal Jest wymagane przy uboju każdego zwierzęcia
Slaughter Ubój	One specific cut rule. (No more cuts are allowed) Jedno określone przepisami cięcie (nie dopuszcza się większej liczby cięć)	Preferred one cut. More cuts are allowed Preferowane jedno cięcie, dopuszczalna większa liczba cięć
Post-slaughter activities Czynności poubojowe	Only after the death of the animal Tylko po śmierci zwierzęcia	Only after the death of the animal Tylko po śmierci zwierzęcia
Blood residue after slaughter Pozostałość krwi po uboju	Unacceptable Niedopuszczalna	Blood left in the meat is acceptable Dopuszcza się krew pozostającą w mięsie
Edible parts Jadalne części	Some parts of the carcass and some organs are not eaten Niektóre części tuszy i niektóre organy nie są jadane	All parts are edible Wszystkie części są jadalne
Mutual admissibility Wzajemna dopuszczalność	Kosher meat is halal for Muslims Mięso koszerne jest halal dla muzułmanów	Halal meat is not kosher for Jews Mięso halal nie jest koszerne dla Żydów

**Table 3.** The value of world imports of halal and kosher meat, US\$ '000

**Tabela 3.** Wartość światowego importu mięsa halal i koshernego, tys. USD

Country Kraj	Beef Wołowina	Frozen beef Wołowina mrożona	Mutton and goat Baranina i kozina	Poultry Drób
Indonesia – Indonezja	11,499	127,715	8,083	1,209
Maghreb (Morocco, Algeria, Tunisia)	57,276	305,497	36,842	175,520
Malesia – Malezja	16,972	410,097	95,742	108,341
The Middle East – Bliski Wschód	598,504	2,942,249	897,159	4,078,447
Israel – Izrael	264	418,421	9,033	10,605
World total – Świat ogółem	19,803,464	17,797,649	5,642,451	25,041,855

is worth noting that one of the countries with the highest proportion of vegetarians is Israel.

From the ethicist's point view [Hartman 2014] industrial ritual slaughter in order to gain new markets is unacceptable. Slaughter should take place immediately after stunning and no animal can see the death of another animal. According to Woleński [2013] there are no irresistible arguments in favor of shechita. It would be a good idea for the Jews to sacrifice the shechita for animal rights, which could help improve the image of the world. How one might presume that hygienic considerations were one of the important historical premises of performing ritual slaughter alongside religious practices. The climatic conditions prevailing in the rise and development of Islam and Judaism limit significantly the durability and storage of meat. According to contemporary knowledge, direct slaughter was supposed to guarantee better bleeding of the animals and the associated longer shelf life of the meat obtained. Nowadays, due to the development of modern fixing methods guaranteeing the full microbiological safety of meat and its products, this argument seems to be unfounded.

### Is there any space for compromise?

The decisions that have been taken so far, either at the level of statutes, ordinances or those formulated in the judgments of Constitutional Tribunal amount to either a total ban on ritual slaughter in Poland or an unconditional release of the method, thus not settling the acceptability of the parties to the dispute. Therefore, the space for compromise lies between these extreme positions. Although it is difficult today to imagine that ecological organizations, encouraged by successful accomplishments such as the prohibition of fattening ducks, will cease fighting the total ban on ritual slaughter of animals, and traditional Judaism will enter into dialogue with modern ethics in dealing with animals and refrain from ritual slaughter. However, it is important to note that all religions are subject to historical development and deep reforms that modify or change significantly, in so far as these agree with its principals. It can also be hoped that such meat-

saving systems will be developed in the future to reduce the suffering of animals to acceptable levels.

The essence of the agreement and the guarantee of its success is the willingness of the parties to make some concessions. Any compromise is possible but a substantive debate is needed, the debate which should be based on the respect of both parties of the dispute, based on knowledge and the designation of acceptable compromise frameworks. Partners should be respectful. The basis for this debate should be the substance of their arguments and justification. It seems that it is essential to avoid the inhibition of the language of aggression that is currently being used by both sides of the dispute, which is extremely important for the quality of the public debate and understanding of the parties to the dispute. A good example of a substantive debate on ritual slaughter was a series of articles published between 1995 and 1996 in the Journal of Veterinary Medicine [Czapik 1995, Prost 1995, Majewicz 1996]. The main message of the moderator [Prost 1995] of the discussion was the need to observe the principles of slaughtering animals and human beings while carrying out slaughter.

It seems that the optimal solution to this emotion of the problem in Poland should be the introduction of restrictions on industrial slaughter, while at the same time guaranteeing religious communities the possibility of capturing meat for their own needs according to their tradition. According to Smykowski [2015] the restrictions imposed by the state on the field of industrial slaughter or even its complete prohibition do not constitute an infringement of the right of any person to freedom of conscience or religion but are merely a legitimate interference in the sphere of economic activity. In such a situation, it is also not legitimate to claim that there is a conflict between the right to religious freedom and the need to protect animals.

If the possibility of ritual slaughter on industrial scale in Poland were maintained, it would be necessary to introduce the basic changes as well as the principles of its implementation, primarily by eliminating cages and feed systems to the slaughterhouse, its acoustic and visual isolation from rooms where next animals are waiting for

slaughter. It is also recommended to introduce compulsory monitoring systems on slaughter lines by independent companies.

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## SPÓR O UBÓJ RYTUALNY

### STRESZCZENIE

Tematem artykułu jest analiza głównych argumentów podnoszonych przez zwolenników i przeciwników w dyskusji dotyczącej moralnej i prawnej dopuszczalności uboju rytualnego w Polsce oraz wskazanie możliwej przestrzeni kompromisu. W toczącej się debacie dotyczącej uboju rytualnego wyodrębnić można trzy główne stanowiska: obrońców praw zwierząt żądających zakazu uboju ze względu na jego niehumanitarność, producentów mięsa polewujących się na straty ekonomiczne związane z zakazem oraz mniejszości religijnych zdaniem, których zakaz ten narusza istotę praw gwarantowanych w Konstytucji i pozbawia je korzystania z ważnego elementu decydującego o tożsamości kulturowej. Z perspektywy teologiczno-moralnej należy stwierdzić, że optymalnym rozwiązaniem tego budzącego emocje problemu w Polsce powinno być stopniowe wprowadzenie ograniczeń, dotyczące uboju rytualnego na skalę przemysłową, przy równoczesnym zagwarantowaniu wspólnotom religijnym możliwości pozyskiwania mięsa na własne potrzeby zgodnie z ich tradycją. W sytuacji gdyby możliwość uboju rytualnego na skalę przemysłową w Polsce została utrzymana konieczne będzie możliwie szybkie wprowadzenie zasadniczych zmian zasad jego wykonywania w kierunku wymiernej poprawy dobrostanu zwierząt.

**Słowa kluczowe:** dyskusja, ubój, ubój rytualny, halal, kosher