



Deliverable 1.1

**Religious rules and requirements –
Judaism**

Report (part 1)

Ari Z. Zivotofsky, Ph.D., Shu”B
Bar Ilan University, Israel
02/2010

Authors address: Gonda Brain
Research Center
Bar Ilan University
Ramat Gan
Israel
e-mail: zivotoa@mail.biu.ac.il

This report is part of WP1
**Religion, Legislation and
Animal welfare:
Conflicting standards**
coordinated by
Karen von Holleben
and Jörg Luy
www.dialrel.eu

Introduction:

The primary goal of this document is to succinctly present the religious requirements of Jewish ritual slaughter, known as *shechita*.¹ Because these laws are part of the larger corpus of laws that govern kosher food, which are, in turn, a subset of Jewish religious law, they will be presented with the relevant background and in context.

It is worth stressing the seriousness with which Jews and Jewish law view the dietary laws. The consumption of prohibited foodstuffs is viewed not only as a rebellion against God's laws, but also as something that can cause spiritual harm to the person (*timtum halev*). This damage is viewed as occurring even if the consumption is accidental; thus the extreme caution exercised before eating food. A Jew is enjoined to forgo meat rather than violate these laws. Only in the event of a serious medical need that is deemed life threatening would a religious Jew violate these laws and consume non-kosher food.

Shechita is a crucial step in the production of kosher meat, and thus wherever Jews lived it was essential for them to put in to place the infrastructure and trained personnel necessary to slaughter their own meat. This document will outline the stages in the production of kosher meat and explain the religious requirements of the shechita process.

Development of *Halacha* (Jewish religious law): In order to appreciate the religious requirements of *shechita* ("kosher religious slaughter") as defined by Jewish law, one should be aware of the developmental process of *Halacha* (Jewish religious law) and be somewhat familiar with the basic Jewish legal texts.

Halacha has continued to develop over the course of millennia across much of the globe without any centralized authority, and in periods of poor communication. The product of this seemingly stochastic system is nonetheless surprisingly well structured, internally

¹ During the last 1500 years literally hundreds of books have been written in numerous languages that are devoted either completely or partially to the laws of shechita. These include primary, secondary, and tertiary sources. A recent historical survey in English can be found in Jeremiah J. Berman, *Shehitah: A Study in the cultural and social life of the Jewish People*, Bloch Publishing Company, NY 1941.

consistent, and agreed upon by Jews who were widely dispersed and dwelling among disparate cultures.

The starting point is always the Bible, also known by Jews as the “Written Law.” The Jewish Bible, known in Hebrew as the *Tanach*, consists of 24 Books and is largely equivalent to the Christian Old Testament. The first five books are the most important and are known as the *Torah* or the “Five Books of Moses.” The overarching significance of these books in Judaism is based on the belief that these five books were dictated verbatim by God to Moses, and thus represent the Divine will.

But the *Torah* is not the last word in the determination of halacha because it is considered to be only half of the story. Jewish tradition maintains that together with the Written Law, Moses was given an Oral Law that was transmitted from teacher to student for many centuries. This Oral Law contains all of the details that are clearly absent from the Written Law. This is especially evident regarding ritual slaughter, which is mentioned in a mere few verses in the *Torah*, but whose laws, as will be seen, are presented in great detail in the Oral Law.

In the second century of the Common Era (C.E.) the rabbis, fearing a breakdown of the oral transmission chain, for the first time committed some of the Oral Law to writing. This was done in the Land of Israel and is written in Hebrew. The principal repository of this information is known as the *Mishna* and consists of 63 tractates; additional material can be found in the *Tosefta* and *Midrashei Halacha*.

Because the *Mishna* is terse and thus difficult to understand, the next generation of rabbis immediately began scrutinizing and analyzing the *Mishna* in great detail. This process continued for several centuries and eventually produced two massive versions of the *Talmud* (also called Gemara), written in different dialects of Aramaic. These are commentaries on the *mishna*, plus a great deal of additional legal and extra-legal material. In circa 350 C.E. the Jerusalem *Talmud* was completed in the Galilee in the Land of Israel. It is the more obscure and lesser studied. About 150 years later the Babylonian *Talmud*, a 2711 page encyclopedic work of Jewish law and lore, was redacted in Babylon and it has served as the focus of Jewish religious study and the foundation of Jewish jurisprudence ever since.

The developmental process continued, and the three main genres of post-Talmudic writings that will be cited here are: 1) Commentaries on the Talmud. That process

commenced almost immediately following the redaction of the Talmud and continues to this day. The most famous commentators are Rashi (1040-1105, France), Tosafot (A term for several generations of a school of scholars; 12th-13th century, France, England, Germany), and Ramban (Nachmanides, Spain 1194-1270); 2) Codes of law. The process of writing topically organized codes of law began several centuries after the close of the Talmud. The writing of commentaries to these major codes as well as the writing of newer codes continues to this day. The most significant codes are Mishne Torah (also known as Yad Chazakah by Rambam (Maimonides), 1138 - 1204, Egypt), Tur (Spain, 14th century) and the Shulchan Aruch (16th century, two parts, Israel and Poland); 3) Responsa literature.

Throughout the ages when learned rabbis or laymen were confronted by unresolved issues they wrote letters to leading contemporary rabbinic authorities, who would then compile their responses into books of responsa known as *she'ailot u'tshuvot* (literally: questions and answers, often abbreviated as *shu"t*). This process is the primary means of development, refinement, and clarification of halacha today and exemplifies an important aspect of the nature of halacha – it is precedent oriented. A contemporary rabbi will typically examine earlier sources in search of analogous circumstances before deciding a point of law. No one will rule without citing the relevant passages from the Talmud, and usually from the early commentaries on the Talmud, and almost always the major codes. Many modern rabbis will often also heavily rely upon the responsa literature of the last few hundred years.

Finally, it must be stressed that halacha is detail oriented. There are general principles and overriding values. But there are also myriads of minutia that regulate practices to the second and to the millimeter, and these are never forsaken or overlooked.

Tza'ar ba'alei chayim: The prohibition of “*tza'ar ba'alei chayim*” – causing anguish to living beings, is a general principle that is discussed in several contexts in the Talmud. There is no question that in Judaism the consumption of meat is permissible and that man may make use of animals. In the opening chapter of Genesis (1:26) God states His intention to create man and declares that man would “have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth,” and He so instructed them after their creation (Genesis 1:28). After the second “creation” when Noah and his sons leave the ark, God again blesses them

that “the fear of you and the dread of you shall be upon every beast of the earth... into your hand are they delivered” (Genesis 9:2).² But this authority over lower life forms in no way was viewed as a *carte blanche* permission to abuse them. Quite the contrary, with power comes responsibility, and in Judaism man is viewed as responsible for the well-being of those animals under his control.

This was well stated in 1913 by Professor Louis Ginzberg of the Jewish Theological Seminary, NY when he addressed the American Humane Association at its annual meeting in Rochester, NY. He opened by stating “It gives me great pleasure to extend to the American Humane Association greetings from the oldest association for the prevention of cruelty to animals in existence – the Jewish people.”³

Although in the scriptures the prohibition of “tza’ar ba’alei chayim” is not stated explicitly as a general value, throughout scriptures there are numerous specific admonitions regarding treating animals properly and an emphasis on the need to treat animals with kindness and respect. These include among others: the obligation to lighten the load of a beast of burden (Exodus 23:5), a similar obligation to come to the assistance of a fallen animal, even that of one’s enemy (Deuteronomy 22:4), the prohibition of killing a mother animal with its young on the same day (Leviticus 22:28),⁴ a reason given for the weekly Sabbath rest is so that the beasts of burden will have a day of rest (Exodus 23:12), not to plow with an ox and ass together (Deuteronomy 22:10), and that an ox may not be muzzled while it treads on the grain (Deuteronomy 25:4). The Talmud and codes gave additional

² This idea is echoed in Psalms 8:7-9.

³ David Golinkin, ed., *The Responsa of Professor Louis Ginzberg*, 1996, pages 146-150.

⁴ This is intended to spare the animal psychological suffering as explained by Maimonides (Guide to the Perplexed 3:48[page 393 Kapach edition, page 371 Friedlander edition]): “Because in this situation [killing a young in the presence of its mother] the pain of the animal is very great, there being no difference regarding this pain between man and the other living creatures. For the love and the tenderness of a mother for her child are not the result of rational thinking, but rather the activity of the imaginative faculty, which is found in most living creatures as it is found in man.”

specific rules that included such detailed and sensitive rules as the obligation to feed one's animals before sitting down to one's own meal.⁵

The later rabbis applied these principles, both the letter and the spirit of the law, to the issues presented to them. When Rabbi Yechezkel Landau⁶ was asked about the propriety of hunting he noted that according to the letter of the law such activity did not violate the prohibition of *tza'ar ba'alei chayim* but nonetheless ruled that hunting for pleasure was forbidden for other reasons. He expressed great surprise that a Jew would want to engage in such a frivolous and dangerous activity and gain pleasure from killing an animal for no purpose.

Each rabbi must weigh the issues in the specific question presented to him, and the law books are filled with these deliberations. Rabbi Yosef Teomim (Pri Megadim, Mishbetzet Zahav, Orach Chaim, 468:20) relates that a keeper of exotic birds asked him whether he was permitted to break a bone in their wings to prevent them from escaping and thus preventing financial loss. He ruled that it was prohibited because the pain inflicted in so doing could only be justified where there is great need and such was not the case.⁷

In response to what was then a new issue but today is commonplace, Rabbi Yaakov Reischer (1670-1733, Austria, France; Shu"t Shvut Yaakov 3:71) was asked about testing the safety of new drugs on animals, and ruled that because there is real human benefit there is no prohibition of *tza'ar ba'alei chayim*. He emphasizes that there is no reason to refrain from this even as an act of piety. So too the overwhelming majority of rabbis permit medical experimentation on animals under the condition that their pain and suffering be kept to the minimum possible.⁸

⁵ Talmud Bavli, Berachot 41a and Gittin 62a based on Deuteronomy 11:15. See Magen Avraham to Shulchan Orach, Orach Chaim 167:18 and 271:12.

⁶ Prague, 1713-1793, Responsa Noda B'Yehuda, Mahadura Tinyana ("second series"), Yoreh De'ah, 10.

⁷ Note that this ruling is not agreed to by the majority of rabbinic authorities.

⁸ See J. David Bleich, Animal Experimentation, in Contemporary Halakhic Problems, volume III, Ktav Publishing, NY, 1989, chapter IX, pages 194-236 and A. Meisels, Scientific Experiments on Animals, Tchumin 14(1994):366 [Hebrew].

The same Rabbi Reischer was also asked (Shu”t Shvut Yaakov 2:110) about making pre-slaughtering incisions in the animal’s neck to facilitate an easier shechita. In this case he determined that the degree of benefit was not sufficient to warrant the suffering and it would therefore violate the prohibition of *tza’ar ba’alei chayim* (in addition to other halachik problems).

In a recent response Rabbi Moshe Feinstein (1895 – 1986; Lithuania, NY; Shu”t Igrot Moshe, Even Haezer 4:92; second half), perhaps the leading *posek* (halachik decisor) of 20th century USA, strongly felt that if veal calves are kept in abusive conditions and/or are fed inappropriate food it violates the prohibition of *tza’ar ba’alei chayim* and the perceived human benefit of white meat does not justify their suffering.

In recent years several entire, large, books on the subject of *tza’ar ba’alei chayim* have been published in both English⁹ and Hebrew,¹⁰ and thus this is a very, very brief overview. Those works can be consulted for more detail.

These laws are viewed as having dual functions. They are designed to protect those who cannot protect themselves, the animals, but they are also meant to engender within man qualities of mercy and compassion and eradicate tendencies of cruelty, traits that can so easily infect a person (Nachmanides, Deuteronomy 22:6). Regarding the prohibition of *tza’ar ba’alei chayim*, Maimonides (Egypt, 1138 – 1204), the great medieval legalist and philosopher stated (Guide to the Perplexed, Book 3, chapter 17 [page 314 Kapach edition, page 288 Friedlander edition]) that the prohibition is intended “to perfect us so that we should not acquire moral habits of cruelty, and should not inflict pain gratuitously; but we should rather act with gentleness and mercy to all living creatures except in situations of need.” Similarly, the Sefer HaChinuch (13th century Spain; Commandment 596) writes: “Among the reasons for this precept [the prohibition against muzzling an animal while it is working] is to teach us that our personality should be refined, choosing fairness and adhering

⁹ Noah J. Cohen, *Tsa’ar ba’alei chayim: The prevention of cruelty to animals: its bases, development, and legislation in Hebrew literature*, Washington, DC, 1959, 1st edition; Feldheim Publishers, NY and Jerusalem, 2nd edition, 1976.

¹⁰ Yitzhak Nachman Eshcoli, *The Prohibition Against Causing Pain to Animals According to Jewish Halacha and Agada* [Hebrew], Ofakim, Israel, 2002.

to it and pursuing kindness and compassion; By habituating to these traits even with regard to animals ... our personality acquires a propensity for these habits to do good to humans beings”

It is against this background of a tradition of general and specific rules designed to safeguard an animal’s physical and psychological welfare that the laws of shechita must be understood. While the reason for each of the specific regulations governing the slaughter of animals is not specified, some commentators have offered suggestions for some of them. For example, Maimonides stated (Guide to the Perplexed, Book III, Chap. 26[page 336 Kapach edition; page 311 Friedlander edition]) that the commandment [of kosher slaughter] was intended to bring about the animal’s death by the most gentle means possible ... and in order to make it a swift death, the condition was imposed that the knife should be exceedingly sharp” and (ibid, chapter 48[page 392 Kapach edition; page 371 Friedlander edition]): ”the [law] searched for the most painless means of killing the animal, and it forbade tormenting them with a slaughter that is reprehensible”. So too, the Sefer HaChinuch (Commandment 451) states that: “the reason for slaughter at the throat with an examined knife is in order not to cause excessive pain to animals. For the Torah has permitted them to man for food and other needs, but not by inflicting unnecessary pain upon them.”

All the suggested reasons notwithstanding, halacha is not determined based on the reasons. In other words, the many rules of shechita are laid down in the Talmud and codified in the codes and based on that the commentators search for reasons. They will never attempt to use those reasons to alter or determine the halacha. The reasons are post facto and are descriptive not prescriptive.

Kosher meat: There is a great deal more to kosher meat than the method of slaughter, although that is of course a non-dispensable component. Understanding the other requirements will help explain why in general kosher meat is only available in stores that specialize in it, why strict rabbinic supervision is required, and why it is often more expensive than non-kosher meat. The requirements of shechita will be explained as part of the sequential description of the production of kosher meat.

Before explaining what kosher meat is, it must be emphasized that kosher meat is not meat or food that was “blessed” by a rabbi. This widespread misconception may have

originated because often a rabbi is present during the production of kosher food. But his role is either to supervise or to participate - never simply to bless.

Kosher species: The first requisite in the production of kosher meat is that the animal source be of a kosher type. For the purpose of identifying kosher animals, the Shulchan Aruch (Yoreh De'ah 79, 82, 83 and 85), based on Leviticus 11:1-27 and Deuteronomy 14:3-20, divides the animal kingdom into five categories. These are: (1) terrestrial mammalian quadrupeds, (2) birds, (3) fish, (4) invertebrates, and (5) "bugs". Each of the first four categories includes kosher species. All members of the fifth category (see Shulchan Aruch, Yoreh De'ah 84) and any creature that does not readily fit into one of the other categories are not kosher.

Among terrestrial mammalian quadrupeds, the Torah specifies physical characteristics of the kosher species. An animal is kosher if it both chews its cud and has fully split hooves.¹¹ The kosher species include cows, sheep, goat, deer, antelope, and giraffe. Non-kosher species include camel, pig, rabbit, and dog.

According to the Torah, fish are kosher if they possess two physical signs: fins and scales.¹² The Mishna (Niddah 6:9) observes that all fish with scales also have fins, although not all fish that have fins necessarily have scales. Thus, a fish that has scales may be categorized as kosher, and in practice there is really only one sign required in order to declare a fish as kosher. Kosher fish include tuna, salmon, carp, bluefish, flounder, herring, whitefish, and bass. Non-kosher fish include catfish, eel, and shark. In addition non-fish seafood such as lobster and crab are non-kosher.

¹¹ For additional details on kosher terrestrial mammalian quadrupeds see: Doni Zivotofsky, Ari Z. Zivotofsky, and Zohar Amar, Giraffe: A Halakhically Oriented Dissection, *The Torah U-Madda Journal*, 2002-2003, Vol. 11, pages 203-221 [available at:

http://www.yutorah.org/shiurim/%2FTU11_Zivotofsky.pdf] and Ari Z. Zivotofsky,

Buffalo, Giraffe, and the Babirusa ("kosher pig"): The Halakhic and scientific factors in determining their kashrut status, *BDD (Bekhol Derakhekha Daehu)*, Winter 2001, 12:5-32.

¹² For more about kosher fish, see Ari Z. Zivotofsky, The Turning of the Tide: The Kashrut Tale of the Swordfish, *BDD (Bekhol Derakhekha Daehu)*, Vol. 19, January 2008: 5-53.

In order to be kosher invertebrates must have four physical signs: four walking legs, four wings, the wings cover the majority of the body, and two jumping legs. However, regarding invertebrates, the physical signs are not enough – it is also required that there be a tradition passed on from generation to generation that a particular species is known as a “*chagav*.” This has greatly reduced the number of communities that today are familiar with and consume kosher locusts. The most widely accepted kosher species is *Schistocerca gregaria*, the desert locust.¹³

Birds are categorically different from the other three classes in that the Torah offers no identifying features to distinguish the kosher from the non-kosher species. The Torah simply provides a listing of those birds that are not kosher. The Talmud finds a total of 24 non-kosher types in the list. All others are in theory kosher. Because of the difficulty in accurately identifying the Hebrew names that were recorded 3500 years ago, the halacha as understood for almost 1000 years is that the only birds treated as kosher are those for which there is a continuous tradition that they are kosher. Accepted kosher birds include chicken, turkey, duck, goose, pigeon, pheasant, and quail. Non-kosher birds include eagle, owl, and vulture.^{14,15}

Grasshoppers and fish do not require shechita and may be killed in any manner, hence from here on only fowl and terrestrial mammalian quadrupeds will be discussed.

¹³ For more on kosher locust see: Zohar Amar, The Eating of Locusts in Jewish Tradition after the Talmudic period, *The Torah U-Madda Journal*, 2002-2003, Vol. 11, pages 186-202. Dr. Amar also has an entire book in Hebrew on the subject.

¹⁴ For more about birds, see Ari Zivotofsky, Is Turkey kosher? *The Journal of Halacha and Contemporary Society*, Spring 1998, 35:79-110 (available at: <http://www.kashrut.com/articles/turkey/>) and Ari Zivotofsky and Zohar Amar, The Halachic Tale of Three American Birds: Turkey, Prairie Chicken, and Muscovy Duck, *The Journal of Halacha and Contemporary Society*, 46:81-104, Fall 2003 (available at: <http://www.kashrut.com/articles/ThreeBirds/>)

¹⁵ For a story on preserving these traditions, see Ari Zivotofsky and Ari Greenspan, Living the Law, *Jewish Observer*, December 2002, pages 28-31; available at: <http://www.star-k.org/cons-keep-basics-birds.htm> .

Shechita: Once the animal is determined to be a kosher species, the next requirement is that it be killed properly, i.e. via shechita. Shechita is the killing of the animal by exsanguination in as painless a means as possible. This is accomplished by cutting the throat with a sharp, smooth knife resulting in the severing of the trachea, esophagus, jugular veins, and carotid arteries, but without decapitation, leading to almost immediate loss of consciousness and subsequent death.

In Judaism, the requirement to kill an animal before eating any part of it is viewed as a universal requirement incumbent upon Jew and non-Jew alike. The abhorrence with which Judaism views what was an ancient pagan practice of tearing a limb from a living animal is evident in the fact that halacha treats that prohibition as one of the seven commandments incumbent upon all of mankind, and not only on Jews. Halacha thus prohibits *ever min ha'chai*, a limb from a living animal, to all mankind and includes it as one of the laws commanded to Noah when he left the ark and was permitted to eat flesh (based on Genesis 9:4 and Deuteronomy 12:23). The requirement that the animal be killed by shechita in order to consume it applies only to Jews.

The only biblical verse directly relevant to shechita, the kosher method of slaughter, is: “If the place which the Lord your God shall choose to put His name there be too far from you, then you shall kill of your herd and of your flock, which the Lord has given you, **as I have commanded you**, and you shall eat within your gates, after all the desire of your soul” (Deuteronomy 12:21). The obvious difficulty with this verse is that nowhere in the scriptures is there any detail that could be the command referred to in the verse. The biblical commentator *par excellence*, Rashi (11th century, France), based on the *midrash halacha* (Sifre, Deuteronomy, 75) and Talmud (Chullin 28a), explains “and you shall kill . . . as I have commanded you: We learn from here that the method of killing was commanded; they are the laws of shechita that were told to Moses on Sinai.” And which were then transmitted orally until they were finally committed to writing starting with the Mishna. Maimonides lists the laws of slaughter among the positive biblical commandments (Sefer Hamitzvot, Positive Precept #146): “The 146th commandment is that we were commanded to slaughter cattle, game, or fowl before partaking from their meat; there is no permission to eat of them but through shechita. And the Exalted One said [in the Bible] “and you shall kill of your herd and of your flock . . . as I have commanded you”

Location – Shechita is an incision performed on the neck, preferable from the front, although if done from the side it is also valid. However, if the cut is made from the back of the neck it is invalid. The neck is defined by upper and lower landmarks on the trachea and esophagus as detailed in the Shulchan Aruch (Yoreh De'ah 20) that essentially includes the entire neck. The cut may be made anywhere in that region, an area that comprises several centimeters on a pigeon, close to a meter on a cow, and on a giraffe approximately two meters.¹⁶

Implement – One of the defining aspects of shechita is the tool used to carry it out. While shechita may be performed with any sharp, perfectly smooth implement, it is universally done with a special knife known as a *chalef*. The *chalef* is a sharp, smooth knife whose length is at least twice the diameter of the animal's neck. The essential point is to guarantee that the knife has absolutely no nicks, and in order to guarantee this, the *chalef* must be examined for nicks along its cutting edge and on both sides. There is a requirement to inspect the *chalef* both before and after the shechita. If it is found defective before it may not be used, and if upon inspection after the cut the *chalef* is found to be defective it is presumed to have been nicked on the skin or some other object before the actual shechita and the shechita is thus invalid.

Practitioner¹⁷ – Shechita is performed only by a highly trained professional known as a *shochet* (ritual slaughterer). In order to train to be a *shochet* one must first study several years in a *yeshiva* (advanced religious seminary). If the student shows promise in mastering the requisite religious texts he may then be accepted as an apprentice to a *shochet* who will guide his studies, train him in the practical aspects, and eventually certify him. The process includes the study of the voluminous pertinent religious texts: relevant sections of the Talmud, Maimonides, Shulchan Aruch, numerous commentaries on the Shulchan Aruch, and the later responsa. The training also includes the practical aspects of slaughtering and of

¹⁶ See Ari Z. Zivotofsky, What's the truth about ... Giraffe Meat, Jewish Action, Fall 2000. Available at: <http://oukosher.org/index.php/articles/single/6556/>

¹⁷ On the history of this topic see Berman chapter 4 (pages 83-140).

inspecting each and every organ for *treifa* (see below). Finally, and perhaps the most rigorous aspect, is learning to examine the knife for even the smallest nick and if found wanting, repairing the knife on whetting stones. Even after the entire training process and years of experience a shochet is never without supervision. The halacha requires that he regularly submit his knife to the local rabbi for inspection (Shulchan Aruch, Yoreh De'ah 18:17). In addition, a shochet operating in a commercial operation is under the supervision of the plant mashgiach (kosher supervisor), who is ultimately responsible for overseeing all aspects of the production. Thus, this is a major difference between kosher slaughter and other slaughter: In many slaughterhouses the one doing the killing is a low paid, minimally trained killer, in a kosher operation the shechita is performed only by a certified, professionally trained shochet.

Act of shechita - The act of shechita involves the shochet using a sharp, smooth chalef to cut the animal's neck. There are five principal rules governing this act, which if violated, or even if the shochet is not familiar with them, render the shechita invalid (Shulchan Aruch, Yoreh De'ah 23:1). They are: 1) *She'heyah* - pausing. The cut must be made without the slightest interruption. The shochet cannot start to cut, stop, and then continue. Even if done accidentally it invalidates the shechita. The incision must be continuous from start to finish. 2) *Drisa* – pressing down. The cut must be a result of the sharpness of the blade as it is drawn to and fro and not by hacking or chopping. The shochet may not cut in a chopping fashion as one cuts cucumbers, but rather using a slicing motion. 3) *Chaladah* – burrowing. The knife must not be burrowed but rather must be exposed and visible from the beginning to the end of the cutting. It may not be covered by wool, feathers, or any other substance. This also precludes inserting the knife under the skin and cutting, or thrusting it into the neck and cutting outwards; the cut must be made from the surface inwards. 4) *Hagrama* – deviating. The cut must be within the prescribed region. Shechita must not only be on the neck, but within a specified (relatively large) region. Any deviation outside of that area above (or below) invalidates the shechita. 5) *Ikkur* – uprooting. The cut must be made on an intact neck without tearing. Thus, ikkur invalidates the shechita on any animal in which the principle organs of the neck have been torn or uprooted from their proper location by any

means other than shechita prior to the performance of a valid shechita. In addition, it bars the use of any implement other than a perfectly smooth one without the slightest nick.

The incision is made rapidly and severs the trachea, esophagus, carotid arteries, jugular veins, and the sympathetic and vagal nerves. The wound splits open and as the heart continues to pump the blood streams out, rapidly rendering the animal unconscious and leading to death.

The second rule, *drasa*, plays an important role in one of the modern sources of controversy, the positioning of the animal. Because there can be no undo pressure applied, animals have traditionally been placed in dorsal recumbency and slaughtered. In earlier times animals were thrown to the ground by tying two or three of their feet. Currently more sophisticated methods have been introduced such as the rotating Weinberg Pen introduced in 1927 and the knocking pen. From the perspective of Jewish law these all have the same purpose – placing the animal on his back so that the shochet is cutting from top down, in full control of the pressure placed on the knife. If the animal is upright at the time of slaughter, as it loses control, the weight of the head starts to apply pressure on the knife. In order to avoid this pressure and the problem of *drasa*, which invalidates shechita, an inverted shechita has always been the preferred method. The upright methods for large animals that have been approved by some rabbis in recent years are those in which the weight of the head is supported with a slight upward pressure by a mechanical system. While this method is approved by some rabbis and used in many countries, the preferred method is still an animal on its back, and upright shechita of cows is not accepted in Israel. In the kosher slaughter of fowl, the bird is never fully held by a mechanical system, but rather it is held by the shochet himself or an assistant.

Kisui Ha'dam - After the slaughter of non-domesticated animals and all fowl there is a commandment known as *kisui ha'dam* (“covering the blood”; based on Leviticus 17:13-14) that requires that some of the animal’s blood be covered with dirt. The Torah offers no reason for this commandment, but some of the commentators¹⁸ see in this a symbolic burial. The animal that was slaughtered was “innocent”. Halacha permits the consumption of meat,

¹⁸ See Eshcoli p. 24-25.

which necessitates the killing of the animal. But in order to show respect for the animal its essence, as represented by the blood, is buried.

Treifa - The job of the shochet does not end with the death of the animal. His official title is actually “*Shochet u’Bodek*” (Shu”B for short), which literally means “ritual slaughterer and inspector.” What he is inspecting for is the presence of *treifot* (diseased animals; this law is derived from Exodus 22:30). Any of a list of physical defects renders the animal a “*treifa*” and unfit for consumption. The animal must be known to be healthy and free of these defects at the time of slaughter. There are potential treifot in essentially every organ of the body, and the entire third chapter of tractate Chullin is devoted to the subject. The *shochet u’bodek* must be intimately familiar with animal anatomy and what is and is not normal. Because there is a long list of potential treifot and most animals are healthy and do not have these defects there is in general no obligation to perform a comprehensive post-mortem to look for them. That is, the Shu”B does not have to open the skull and check the meninges, and then take out the spleen and examine it, and then kidneys and check them, etc. But as the animal is being dismembered attention must be paid to the possibility of such treifot and anything that appears out of the ordinary must be examined in greater detail. This also requires that every piece be clearly labeled such that it can be traced back to a particular animal. In case a treifa is found in an organ, all of the pieces of that animal need to be removed from the kosher production.

The principal exceptions to the rule that the Shu”B need not inspect for particular treifot concern the lungs and the reticulum of animals (but not fowl). Already in the talmudic period, the rabbis noticed a small but significant percentage of adhesions in the lungs of animals and required that the lungs of every animal be inspected. The rules governing which adhesions are kosher is quite complicated and has led to two “classes” of kosher meat: glatt and non-glatt. Glatt is Yiddish for smooth (in Hebrew it is called *chalak*) and refers to a lung that was found to be “smooth”, i.e. without any adhesions. Many more scrupulous people prefer to eat only “glatt kosher” meat. While non-glatt can be kosher, because of the

complexity of the laws they prefer to use only glatt.¹⁹ In more recent times it has become apparent that cows today eat all sorts of metal and this can result in a treifa in the reticulum, and thus it is now standard to examine that as well. In chickens, it is standard in some countries to examine their lungs and their legs for possible treifot. One of the hesitations against any form of electrical stunning relates to the issue of teifa. Such stunning may introduce treifot that are difficult to look for and may mask others. In order to guarantee that the animal is indeed alive and healthy at the moment of slaughter it is essential that it be conscious at that moment, and not anesthetized or stunned.

Obviously, the Bible does not directly address such contemporary issues as stunning or casting. These issues did not exist in the pre-modern era. So how was the halacha regarding these issues arrived at? The same way as for all other modern questions – the questions were posed to various rabbis who independently evaluated them based on their understanding of the sources and they each ruled for their community. Then slowly a consensus started to emerge and it eventually coalesced around one opinion, or an agreement developed recognizing multiple acceptable alternatives. For example, regarding the issue of casting, the traditional method has always been to slaughter from top down. And indeed in Israel there is today no shechita of upright animals. In many Western countries it is recognized that the preferred and traditional method is to flip the animal, but that shechita on an upright animal under the appropriate conditions may be considered kosher.

Government attempts to impose a requirement of pre-shechita stunning go back to at least the 1860s and was in general regarded by the rabbis as unacceptable for a variety of reasons. The issue came to a fore when within four months of becoming chancellor, Adolf Hitler, as part of his anti-Semitic campaign against the Jews that resulted in the murder of 6,000,000 of them, signed a decree banning shechita of animals in Germany unless they were first stunned. This meant that the half million Jews in Germany would either have to forgo all meat, pay the price to import meat, or find a way to permit shechita according to the Nazi regulations. The German rabbis, led By Rabbi Jehiel Jacob Weinberg, valiantly

¹⁹ For more on this topic see: Ari Z. Zivotofsky, What's the Truth About ... Glatt Kosher, Jewish Action, Winter 1999, available at:

<http://www.ou.org/publications/ja/5760winter/legal-ease.pdf>

sought such permission.²⁰ They scoured the sources, conducted scientific experiments to determine the effect of the current stunning methods, and sent delegations to consult with the leading rabbis in and out of Germany. There were some rabbis willing to consider sanctioning such slaughter under the dire circumstances they were facing at the time; there were no rabbis who viewed it as an acceptable means under normal condition. However, the rabbinic opinion remain “no” to any form of stunning even under the Nazi government and the community as a whole was willing to forgo meat.²¹ And once the consensus arrived at was that stunning was unacceptable, there is today no dissention and there are no longer any rabbinic authorities who will permit stunning prior to shechita under any circumstances.²²

Porging: Even after a kosher species is properly slaughtered and inspected it is still not ready for the kosher consumer. There are portions of the animal that are not kosher and must be removed. The three items are: blood, certain fats known as chailev, and the sciatic nerve known as the gid hanasheh. The consumption of blood is an abhorrence, the admonition of which is repeated several times in the Bible. Its removal is a two-step process; the large vessels must be physically removed and the absorbed blood removed either through

²⁰ On Weinberg see: Marc B. Shapiro, *Between the Yeshiva World and Modern Orthodoxy: The Life and Works of Rabbi Jehiel Jacob Weinberg, 1884-1966*, Littman Library of Jewish Civilization, 1999. For the Shechita issue see pages 117-129.

²¹ Literally hundreds of pages in tens of volumes have been written to explain the pros and cons of this issue. This includes over 200 pages in the first volume of Weinberg’s *Sridei Eish*. A short summary of the issue can be found in: Solomon David Sassoon, *A critical study of electrical stunning and the Jewish method of slaughter (shechita)*, Letchworth, Herts, 1955. A detailed analysis is not possible here. However, among the reasons it is unacceptable are: stunning will sometimes result in fatalities that cannot be detected causing the animal to be a neveilah; stunning can cause such injuries that may be classified as treifa but may not be easily detected by the shochet; and stunning causes changes in the muscle properties that make it more difficult or impossible to properly remove the blood.

²² In light of this it is interesting that Rabbi Yosef Eliyahu Henkin did not categorically reject stunning when asked about it by the community of Sao Paulo, Brazil. See his *Tshuvot Ibra*, Vol. 2, page 50.

a process of salting or of roasting. The process of removing the large blood vessels, the forbidden fat, and the sciatic nerve is known as nikkur (in Hebrew), porging (in English), or treibering (in Yiddish) and is done by a trained menaker, porger, or treiberer.²³ Because the vast majority of the chailev and the gid hanasheh are in the hind quarter of the animal (approximately defined as posterior to the 12th rib), the task of porging the hind quarters is significantly more tedious and time-consuming than the task in the fore quarters and is generally not done except occasionally in Israel.

Conclusion: Kosher slaughter, shechita, is a skilled procedure carried out by a highly trained professional, a shochet, and is one step in the production of kosher meat, a process that includes the selection of a kosher species, its proper slaughter by a trained professional using a dedicated implement, the post-mortem inspection to ensure it is not a treifa, and the removal of non-kosher sections. If the animal dies on its own or is not slaughtered properly it is termed a neveila (eg Deuteronomy 14:21) and is unfit for consumption. If it is slaughtered properly but found to have a defect it is called a treifa. Each of the steps is carried out under the supervision of a knowledgeable mashgiach, who certifies that everything was done according to the strict requirement of halacha. If a particular Jewish community is large enough there may be more than one kosher supervising agency, each that employs its own mashgiachs and certifies kosher meat. The agency will also arrange for the butcher to sell the hindquarter and those treifas and nevailas that pass veterinary inspection to the general non-kosher meat market. The entire process is done so that it meets both the letter and spirit of Jewish law.

²³ For more on this topic see: Ari Z. Zivotofsky, What's the Truth about ... Nikkur Achoraim, Jewish Action, Fall 2006, pages 58, 60-62; available at: <http://www.ou.org/pdf/ja/5767/fall67/58-63.pdf>

dialrel

The DIALREL project is funded by the European Commission and involves partners from 11 countries. It addresses issues relating to religious slaughter in order to encourage dialogue between stakeholders and interested parties. Religious slaughter has always been a controversial and emotive subject, caught between animal welfare considerations and cultural and human rights issues. There is considerable variation in current practices and the rules regarding religious requirements are confusing. Consumer demands and concerns also need to be addressed and the project is collecting and collating information relating to slaughter techniques, product ranges, consumer expectations, market share and socio-economic issues. The project is multidisciplinary and based on close cooperation between veterinarians, food scientists, sociologists, and jurists and other interested parties.

EC funded project. N°: FP6-2005-FOOD-4-C: From 1st November 2006 until spring 2010

The text represents the views of the author(s) and does not necessarily represent a position of the Commission, who will not be liable for the use made of such information.

Project Coordinator
Dr Mara Miele
School of City and Regional
Planning
Cardiff University
Glamorgan Building
King Edward VII Avenue
Cardiff, CF10 3WA
United Kingdom
Tel : +44 (0)29 20879121
Fax: +44 (0)29 20874845
e-mail: MieleM@Cardiff.ac.uk
www.dialrel.eu