YD 6.2000

Shackling and Hoisting

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This paper was approved by the CJLS on September 20, 2000, by a vote of twenty-one in favor (21-0-0). Voting in favor: Rabbis Kassel Abelson, Ben Zion Bergman, Elliot N. Dorff, Paul Drazen, Baruch Frydman-Kohl, Nechama D. Goldberg, Arnold M. Goodman, Susan Grossman, Judah Kogen, Aaron L. Mackler, Daniel S. Nevins, Hillel Norry, Stanley Platek, Paul Plotkin, Mayer Rabinowitz, Avram Israel Reisner, Joel E. Rembaum, James S. Rosen, Joel Roth, Elie Kaplan Spitz, and Gordon Tucker.

The Committee on Jewish Law and Standards of the Rabbinical Assembly provides guidance in matters of halakhah for the Conservative movement. The individual rabbi, however, is the authority for the interpretation and application of all matters of halakhah.

שאלה

Is shackling and hoisting animals in the process of slaughtering them a violation of Jewish laws prohibiting inflicting pain to animals (צער בעלי חיים)?

תשובה

We would first like to thank Mr. Aaron Frank and Rabbi Adam Frank for raising this issue and for providing us with some important information regarding this method of slaughter. We would also like to thank Dr. Temple Grandin, whose research and writing[1] has been primarily responsible for bringing this entire issue to the attention of the Jewish community and who graciously presented this material to rabbinical students at the University of Judaism in spring, 1999, and at the Jewish Theological Seminary in fall, 1999.

We shall begin by quoting a few paragraphs from a letter that Rabbi Adam Frank and Mr. Aaron Frank circulated to the Committee on Jewish Law and Standards:

[1] Among her writings on this subject, see "High Speed Double Rail Restrainer for Stunning or Ritual Slaughter," *Proceedings of the 33rd International Congress of Meat Science and Technology* in Ghent, Belgium, 1:101 (1987); "Humane Restraint Equipment for Kosher Slaughter," *Kashrus Magazine* (June 1991): 18-21; "Religious Slaughter and Animal Welfare: A Discussion for Meat Scientists," *Meat Focus International* 3 (Mar. 1994): 115-123 (with Joe M. Regenstein); "Animal Welfare in Slaughter Plants," *Proceedings of the American Association of Bovine Practitioners* (1996), pp. 22-26; "Objective Scoring of Animal Handling and Stunning Procedures in Slaughter Plants," *Journal of the American Veterinary Medicine Association* 212 (1998): 36-39, as well as her book, *Thinking in Pictures* (New York: Vintage, 1996), pp. 40-42, 153-154, 204-206. See also C.S. Dunn, "Stress Reactions of Cattle Undergoing Ritual Slaughter Using Two Methods of Restraint," *Veterinary Record* 126 (1990): pp. 522-525; and Phyllis Klasky Karas, "Is Kosher Slaughter Inhumane?" *Moment* (Feb. 1991): 40-45 and 54. We would like to thank Mr. Aaron Frank for supplying us with some of these articles, and we call the reader's attention to Dr. Grandin's website, *www.grandin.com.*

> Shackling and hoisting is a method of slaughter restraint in which a fully conscious animal is shackled with a chain around its back leg and hoisted into the air. The animal hangs upside down, often for minutes, prior to slaughter. Often, nose tongs are used to pull the head back to allow for the throat to be cut.
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> Shackling and hoisting came into widespread practice when the U.S. Pure Food and Drug Act of 1906 stipulated that, for sanitary reasons, an animal cannot be slaughtered on the ground falling into the blood of another animal. At that time, shackling and hoisting was implemented as the primary method of both kosher and non-kosher slaughter. Ironically, due to the cruel nature of this method, the regulations were once strongly resisted by the Jewish community.
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> Shackling and hoisting of conscious animals was later outlawed as inhumane in the United States by the Humane Slaughter Act of 1958. This legislation required that all cattle be instantaneously rendered unconscious before being hoisted from the ground. Kosher slaughter was specifically exempted from this ban because, at the time, no alternative existed in order to comply with both the halakhic requirement of the animal being conscious and the sanitary requirement of the federal government.
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> By 1963 alternative methods of kosher slaughter existed which kept cattle upright and relatively calm during שחיטה. Today, state-of-the-art methods are being used by major slaughter facilities which allow for efficient and economical upright kosher slaughter. Nevertheless, shackling and hoisting are still practiced in kosher slaughter today. . . .
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> Today about 10% of large cattle are being shackled and hoisted. However, 50% of veal calves and 100% of sheep and lamb are still being shackled and hoisted. Furthermore, inverted kosher slaughter is the primary method used for most countries outside of the United States.

It is important to note, as Dr. Joe Regenstein pointed out to us, that Congress recognized and affirmed that Jewish ritual slaughter (שחיטה) itself is humane. Congress granted exemptions to the Jewish community only for pre-slaughter handling of the animals. The exemption Congress afforded us does not entitle us to engage in cruel slaughter. Still, as we shall develop below, we have major reservations in continuing to take advantage of that exemption now that another alternative is available that saves the cattle from the pain and anguish of being shackled and hoisted before slaughter.

Second, we should point out that shackling and hoisting animals is neither a requirement of, nor a violation of, the laws of kosher slaughter. It was a method that was, from 1906 to 1958, a requirement of American law to insure sanitary conditions, but with the invention of the upright pens to restrain the animals, shackling and hoisting was no longer necessary to assure proper sanitation. In fact, shackling and hoisting conscious animals was banned by American law as inhumane in 1958. The method that was then substituted, stunning the cow before slaughter, was taken to violate the laws of

kosher slaughter,[2] and so Congress enacted a specific exemption to allow cattle destined for kosher slaughter to be shackled and hoisted while conscious. Shackling and hoisting, though, are not required for kosher slaughter; these were simply the only methods available at the time to produce kosher meat while fulfilling the U.S. government's requirements for sanitation. Conversely, to the best of our knowledge, no פוסק has maintained that the use of the new pen violates Jewish laws of slaughter, at least if the pen holds the cow's neck extended to enable bleeding, as the modern ones do. Thus meat from cattle that have been shackled and hoisted while they were conscious is still kosher in the sense that the technical procedures required by the laws of kosher slaughter can be fulfilled even if the cattle are shackled and hoisted, but shackling and hoisting violate the laws prohibiting undue pain to animals in doing so. We therefore maintain that now that both sanitation and Jewish ritual fitness (כשרות) can be assured through the use of upright pens without shackling and hoisting, the latter procedures should no longer be used so as not to violate the prohibition of causing undue pain to animals.

We have good evidence that shackling and hoisting animals while still conscious causes immense pain to the animals themselves. This is especially true for large animals like cows; Dr. Grandin herself has fewer concerns with shackling and hoisting small animals. With regard to cows, though, the evidence is clear, as Dr. Grandin has demonstrated in many of her writings. In their letter to the CJLS, Mr. Aaron Frank and Rabbi Adam Frank summarize her findings and those of other researchers on this matter:

> Hanging a 1,000 to 1,200-pound animal upside down by one leg unquestionably causes tremendous suffering. It is common that this method causes bruising, torn flesh, and even broken bones. Furthermore, stress levels can be measured empirically through stress hormone (cortisol) levels. Stress levels for inverted slaughter with devices known as the Weinberg pen (which are less stressful than shackling and hoisting) have yielded the highest average stress ratings ever published (almost 300% higher than cattle killed in upright pens).

Even worse, in some procedures the animals are not only shackled and hoisted before slaughter, but then moved on a conveyer belt in that position to where the slaughterer is; this compounds the pain and cruelty even more. Especially since a much less painful alternative is available for kosher slaughter, shackling and hoisting them unquestionably constitutes a violation of Jewish laws that forbid us to cause undue pain to animals (צער בעלי חיים).[3]

For that matter, some of the pens now being used also violate those laws. As Dr. Regenstein has pointed out in an e-mail to us, the technology of some pens requires that the animal be turned upside down. "The Facoima pen is at best marginal – and is used by at least one major OU facility in the US – although they have now gone from 180 degrees of rotation to 135 degrees. . . .The UK has moved to [require] upright kill. The Weinberg

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[2] A paper by Rabbi Rabinowitz currently before the CJLS argues for the acceptability of stunning animals before slaughter. The impact of the possible adoption of that paper on the subject of this one should be treated in a separate paper. In any case, it is unlikely that all kosher slaughter will include stunning, and so this תשובה will continue to be relevant. [Editors' Note: "A Stunning Matter: Stunning and Bolting After Shehitah" by Rabbi Mayer Rabinowitz was adopted by the CJLS on 13 Mar. 2001.]

[3] For the general principle and some of its applications in classical Jewish law, see B. Shabbat 128b; B. Bava Metzia 32a-32b; M.T. Laws of Murder and Guarding Life 13:13; S.A. Hoshen Mishpat 272:9 (gloss). See also "Animals, Cruelty to," *Encyclopaedia Judaica* 3:5-7.

pen, which is not as well designed as the Facoima pen and also moves the animal upside-down, is unacceptable." To be clear, then, in this ruling we intend not only to ban shackling and hoisting animals, but also those pens that turn the animals upside down before slaughtering them. Only moving and killing the animals in an upright pen satisfies the requirements of Jewish law forbidding cruel treatment of animals.

Furthermore, people who slaughter conscious animals that have been shackled and hoisted are themselves in danger because the large animals sometimes kick the slaughterer. Those who work in slaughterhouses routinely wear helmets, but they are still at risk of considerable injury and even death from hoisted animals that are scared and violent. It is precisely to avoid this risk and the Workmen's Compensation costs that injuries or death would entail that the largest slaughterhouses have reformed their process of slaughter to use restraining pens rather than shackling and hoisting the animals. Especially since kosher slaughter can now be accomplished much more safely through the use of the restraining pens, there is no longer any excuse for exposing workers to these dangers.

Clearly there are halakhically acceptable methods to convey animals to slaughter, for some 90% of cattle slaughtered in the United States are already restrained in upright pens. The most common argument for maintaining shackling and hoisting in the remainder of kosher slaughter, then, is the economic one that plants now using this method would incur financial expenses in transforming their operations to the upright pens.

While the economic costs are real, several points should be made about them. First, secular society required all non-kosher plants to abandon the shackling and hoisting of conscious animals in 1958, demanding instead that all animals be stunned before being subjected to such treatment. Since stunning was understood at the time to violate Jewish dietary laws, and since pens that would keep the animals standing before slaughter and would yet fulfill the government's sanitary requirements were not yet available then, the Jewish community had to argue for an exemption from this rule. Now that there is a humane alternative, we no longer need that exemption. Moreover, while slaughter-houses that cater to the non-kosher trade can still legally stun animals and then shackle and hoist them, most have voluntarily changed over to the new pens. That is, most have spent what is necessary to transform their slaughtering to the new pens, and so it must be possible to stay in business and yet adopt the new pens.

Second, we have good reason to discontinue using the exemption, for we definitely should not do anything to suggest to non-Jews that the Jewish religion requires a lower standard of morality and humane slaughter than is now commonly accepted by the rest of society and, indeed, enacted as law. Acting in any way that suggests that we abide by lower moral standards than the rest of society is a clear violation of our duty to avoid a desecration of God's name (חילול השם). Moreover, the danger of this particular desecration becoming public is both great and imminent: all that has to happen is that any of a number of animal rights groups discovers that the more humane alternative of the pens could satisfy our religious needs and yet we continue to insist on being allowed to use the painful shackling and hoisting method.

Third, the cost itself will vary with the equipment used and the size of the operation. Based on their research, Rabbi Adam and Mr. Aaron Frank estimate that, for a small plant, installing one such pen would cost $2,000, and for a larger plant to convert their kosher slaughter now using shackling and hoisting to the pens would cost something like $15,000. Dr. Regenstein pointed out to us that the cost may be considerably more than that, that while Dr. Grandin has designed efficient, low cost equipment, the serious meat plant needs expensive equipment. Line speeds are another issue that must be addressed as they strong-

ly effect the economic issues. Blood splash is another issue. Equipment and handling must be carefully designed to minimize this problem. The fact that the rabbis take a large amount of the slaughter off-shore is partly because most plants cannot routinely do mainstream kosher slaughter and survive economically. It is important to recognize that the kosher plant needs to meet all the U.S. regulatory requirements of non-kosher slaughter (and therefore has incurred most of the same costs) while it still needs to incur the special costs and equipment needs of kosher slaughter. The only state mandate not being met is the need for stunning – and this is not the most expensive operation when done in the non-kosher mode.

We are concerned about the cost, for kosher slaughter must be economically viable if it is to occur in the United States. We are also concerned that the practice of using abattoirs outside the United States to provide kosher meat removes the protections of U.S. law for both sanitation and humane slaughter. Still, we Jews must not be seen as impervious to the moral demands of humane slaughter. Kosher slaughterhouses certainly have the right to earn money, but shackling and hoisting is an impermissible method of doing that now that the demands of kosher slaughter can be met in a much more humane way. In that context, to continue shackling and hoisting animals violates Jewish laws demanding humane treatment of animals and safety for human beings.

Conclusion

Now that kosher, humane slaughter using upright pens is both possible and widespread, we find shackling and hoisting to be a violation of Jewish laws forbidding cruelty to animals (צער בעלי חיים) and requiring that we avoid unnecessary dangers to human life. As the CJLS, then, we rule that shackling and hoisting should be stopped.