

PE1118: Evidence from the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities welcomes this opportunity to provide evidence in relation to PE1118. Animal welfare is a cornerstone of *Halachah* (Jewish Law), which sets out detailed laws to ensure the wellbeing of farmed animals.

The *Halachic* requirement for meat consumed by Jewish people to be prepared by means of *shechitah* is absolute, and observant Jews cannot eat meat prepared in any other manner. The Committee is aware that *shechitah* does not currently take place in Scotland, but that, as Richard Lochhead has made clear, "*it would be perfectly legal for this method to be used in Scottish slaughterhouses*". It is, therefore, extremely important to the Scottish Jewish community that it should remain legal, and that the "*Freedom to manifest one's religion*" (ECHR Article 9) should continue to be upheld by the Scottish Parliament and Government.

Article 9 is, of course, not an unqualified right. However, the implications of a ban on *shechitah* are wider than simply requiring the import of kosher meat from elsewhere, and raise the probability of wider discrimination against Jewish people. This has been demonstrated, for example, in Switzerland, where *shechitah* has been banned for many years. All imported meat attracts customs duty, but, of course, it is only the Jewish (and presumably Muslim) communities that have no alternative but to bring in meat from elsewhere. This results in a somewhat bizarre situation whereby all Jewish people are regarded as potential smugglers, and visibly Jewish people are regularly stopped, questioned, and searched at points of entry. A rabbi recently described to us how he and three colleagues, crossing from the French to the Swiss part of Basel, were aggressively questioned by customs officers as to how much meat they were carrying (they were not carrying any) – but were not asked whether they were carrying any other taxable or illegal item (they were not!).

Animal Welfare

The word "slaughter" is emotive, but it is self-evident that the consumption of meat requires animals to be killed by one means or another, and, by its very nature, killing is a disturbing and messy procedure. *Halachah*, however, requires that pain and distress to the animal must be kept at an absolute minimum. To that end, no animal may be within sight or hearing of another being killed, and all must be prevented from seeing the carcass, or even the blood of an animal that has already been killed. The factory methods used in the majority of abattoirs are, therefore, forbidden.

The *shochet* (person who carries out *shechitah*) must be an individual of exemplary character, who has studied intensively for many years and served a comprehensive apprenticeship which includes a thorough knowledge of animal anatomy and pathology as well as of the laws of *shechitah*. He must be licensed by both the Meat Hygiene Service and by the Chief Rabbi. The latter licence lasts for a period of only 12 months, and every *shochet* must undergo an annual examination, and subsequently apply for renewal of his licence. No general slaughterman is subject to such continuous standards of personal assessment, rigorous training and supervision yet he is "licensed for life."

Furthermore, a *shochet* is employed by a *Shechitah* Board or Authority, not by an abattoir, and receives a fixed salary. Since he is not paid according to the number of animals slaughtered, he is not subject to any external time or financial pressure to compromise the meticulous and consistent performance of *shechitah*. This contrasts with the situation of general abattoir slaughtermen who are usually paid on a piece-work basis and rely on speed of throughput.

Shechitah

Shechitah is performed with a surgically sharp instrument (a *chalaf*), which must be perfectly smooth without the minutest notch or irregularity, and which must be carefully examined before and after every procedure to ensure this standard is maintained. The frontal structures at the neck, including the trachea, oesophagus, carotid arteries, and jugular veins are severed in a single rapid and uninterrupted action that causes an instant and almost total loss of blood pressure in the brain.

To understand the process following the *shechitah* cut it is necessary to consider blood flow. The major blood supply to an animal's brain is via the carotid arteries at the front of the neck that divide on each side into two vessels that pass to the middle and front of the brain. A smaller supply, less than 5% of the total blood flow to the brain, passes through the vertebral arteries. It has sometimes been suggested that because the *shechitah* cut does not sever the vertebral arteries, an animal's brain will continue to receive sufficient blood to maintain consciousness for a significant period afterwards. However, research¹ has demonstrated that once the carotid arteries have been severed, all blood flows in the direction of least resistance, and that, since the vertebral arteries are narrow, this is towards the cut. The residual minute vertebral artery flow is inadequate to maintain consciousness in the animal.

In consequence, the *shechitah* incision results in the immediate and irreversible cessation of consciousness and of sensibility to pain, and therefore constitutes stunning as defined in Scottish law, namely "*any process which causes immediate loss of consciousness which lasts until death*".² Since animals that are subject to *shechitah* are stunned by the same action that brings about their death, there is no opportunity for any partial recovery between stun and killing, as not infrequently occurs in abattoirs that pre-stun animals by means of captive bolt, electricity, or gas.

In a study of over 3000 cattle, Grandin and Regenstein have reported³ that there is no reflex defence response suggestive of any sensation of pain either prior to *shechitah*, at the moment of the incision, or immediately afterwards. On the contrary, they state that, although some animals "*were held so loosely by the head holder and rear pusher gate that they could have easily pulled away from the knife these animals made no attempt to pull away.*" This vitiates the anthropomorphic concern about "animals' throats being cut while fully conscious", as they have no consciousness of any threat. This lack of response to the *shechitah* incision, also observed by Bager⁴, is noted as being in marked contrast to the observable effects of inflicting such painful stimuli as ear tagging or captive bolt stunning.

Other methods of slaughter

It has been documented by a number of animal welfare agencies, including the RSPCA,⁵ that inefficient or misapplied stunning techniques cause unnecessary suffering to the animal. A

¹ S Rosen. Physiological Insights Into Shechita. *Veterinary Record*, 2004; 154 (12 June): 759-65.

² Statutory Instruments 1995 No. 731. The Welfare of Animals (Slaughter or Killing) Regulations 1995. (Available at: http://www.opsi.gov.uk/si/si1995/Uksi_19950731_en_1.htm)

³ T. Grandin, J.M. Regenstein. Religious slaughter and animal welfare: a discussion for meat scientists. *Meat Focus International*, 1994 (March): 115-123. (Available at: <http://www.grandin.com/ritual/kosher.slaugh.html>).

⁴ A.E. Graafhus, D.J. Mellor, A. Taener, M.P. Updell. Onset of insensibility in calves: Effects of electroplectic seizure and exsanguination on the spontaneous electrocortical activity and indices of cerebral metabolism. *Research in Veterinary Science*, 1992; 52: 162-173.

⁵ RSPCA. Farm animals information. The slaughter of food animals. 2008 (June). (Available at: <http://tinyurl.com/5hww6g>)

European Commission report of an investigation carried out in the UK during summer 2007 to "Assess the system of controls on animal welfare at slaughter and during killing"⁶ reported that "Out of nine animals observed in one slaughterhouse, one showed positive corneal reflex ...; movements were seen during hoisting of a second animal In the other slaughterhouse four out of eleven animals observed showed a positive corneal reflex after stunning or during bleeding. Paddling during bleeding was observed in five animals and mouth movements in four. ... All the above observations may lead to the conclusion that these animals were either ineffectively stunned or they were regaining consciousness during hoisting."

Research reported by the European Food Safety Authority (EFSA)⁷ indicates that the failure rate for penetrating captive bolt stunning in cattle may be as high as 6.6%, and for non-penetrating captive bolt stunning and electric stunning this can rise as high as 31%. The EFSA notes that "The author concludes that from the animal welfare point of view the method is unsatisfactory, due to the relative high failure rate."

30.5 million red meat animals were slaughtered in the UK during 2007⁸, so the number of animals suffering pain and distress as a result of ineffective stunning is likely to have been far in excess of the 2.1 million animals killed in the UK by *shechitah* during the same period, a fact which alone impugns the motives of those purporting to oppose *shechitah* on animal welfare grounds.

Moreover, there are substantial data^{9 10} to suggest that widely employed stunning techniques may cause substantial pain even when applied in the prescribed fashion. Mechanical stunning is a technique in which a severe blow is delivered to the head of the animal while it is fully conscious. It entails a massive sympathetic discharge, which might be taken to indicate a very large stress response. Furthermore, there is some evidence that the splatter of organic material from captive bolt stunning may be associated with risk of transmission of infection, including prion diseases such as variant Creutzfeld-Jacob disease (vCJD) in association with bovine spongiform encephalopathy (BSE).¹¹

⁶ European Commission Health & Consumer Protection Directorate-General. DG(SANCO)2007-7337. Final report of a mission carried out in the United Kingdom from 25 June to 3 July 2007 in order to assess the system of controls on animal welfare at slaughter and during killing. 2007. (Available at: http://ec.europa.eu/food/fvo/act_getPDF.cfm?PDF_ID=6462)

⁷ European Food Safety Authority. AHAW/04-027. Welfare aspects of animal stunning and killing methods. Scientific report of the scientific panel for animal health and welfare on a request from the Commission related to welfare aspects of animal stunning and killing methods. 2004. (Available at: http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/opinion_ahaw_02_ej45_stunning_report_v2_en1.pdf?ssbinary=true)

⁸ DEFRA. United Kingdom slaughter statistics 2008. (Available at: <https://statistics.defra.gov.uk/esg/datasets/slaughm.xls>)

⁹ G. Mitchell, J. Hattingh, and M. Ganhao. Stress in cattle assessed after handling, after transport and after slaughter, *Veterinary Record*, 1988; 123, (8): 201-205.

¹⁰ J. Hartung, B. Nowak, K.H. Waldmann, S. Ellerbrock. CO2-stunning of slaughter pigs: effects on EEG, catecholamines and clinical reflexes. *Deutsche Tierärztliche Wochenschrift*, 2002 March; 109(3):135-9.

¹¹ D.M. Prendergast, J.J. Sheridan, D.J. Dalya, D.A. McDowell and I.S. Blair. Dissemination of central nervous system tissue from the brain and spinal cord of cattle after captive bolt stunning and carcass splitting. *Meat Science*, 2003; 65 (4): 1201-9. (Available at: http://www.sciencedirect.com/science?_ob=ArticleURL&_udi=B6T9G-48BKW7F-1&_user=10&_rdoc=1&_fmt=&_orig=search&_sort=d&view=c&_acct=C000050221&_version=1&_urlVersion=0&_userid=10&md5=485c4755bbff67a34c8cd0ef6b1591b2)

The EFSA has reported¹² that "*In a detailed study on 80 slaughtered pigs in a big German abattoir, 49% of the animals showed broken bones and 73% blood spots and blood splashes in the muscles of the shoulder ... after electrical stunning (Nowak, 1998).¹³ ... In a subsequent study in another abattoir, the respective figures for bone breakages and blood spots were 27% and 80% (Nowak, 2002).¹⁴*"

Of stunning by means of gas, the same report states that "*carbon dioxide delivered to nasal mucous membrane is used as a painful stimulus to evoke electrical potentials in the brain, and therefore, induction of unconsciousness with this gas may not be free from pain or distress.*"

Consequences of Devolution

We note that both the petitioner and the Scottish Government refer to the 2000 ECHR Cha'are Shalom v'Tsedek ruling, that Article 9 rights were not contravened owing to the availability of *glatt* (kosher meat prepared under stricter than normal supervision) from other outlets in the relevant member state. We do not, however, believe that an analogy should be drawn with PE1118, since farming and food are devolved matters, entirely within the purview of the Scottish Government, and a ban would compel observant Jews and Muslims to obtain meat from another jurisdiction. That would be a very different situation from that which pertains at present, when purchasing meat from south of the border rather than establishing kosher or halal facilities in Scotland is a matter of choice for the communities concerned, and it would open the door to the kind of indirect discrimination reported from Switzerland.

Summary

Shechitah is indubitably a humane means of killing animals for meat, and is a manifestation of the importance that Judaism, and Jewish Law ascribe to animal welfare. The fact that *shechitah* does not currently take place north of the border does not indicate that it is of little relevance, merely that economic and demographic factors currently make it more practical for kosher meat to be bought from outlets in England.

The importance to the Jewish community of maintaining the legality of *shechitah* in Scotland cannot be understated, and we therefore urge the Committee to recognise this and to reject PE1118.

Note: The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen, and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges. SCoJeC is Scottish Charity SC029438, and its aims are to advance public understanding about the Jewish religion, culture and community. It works with others to promote good relations and understanding among community groups and to promote equality, and represents the Jewish community in Scotland to government and other statutory and official bodies on matters affecting the Jewish community.

¹² See note 7

¹³ B. Nowak. Effects of premortal stress and electrical stunning on the incidence of muscle bleedings in slaughter pigs. School of Veterinary Medicine, 1998, Dissertation (PhD) thesis, Hanover, Germany.

¹⁴ B. Nowak. Influence of three different stunning systems on stress response and meat quality of slaughter pigs. School of Veterinary Medicine, 2002, Habilitation (postdoctoral) thesis, Hanover, Germany.