

Use of Animals in Jewish Tradition

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ABSTRACT

On June, 1964 a Commission was appointed in Scotland with the purpose of “examining the conditions in which livestock are kept under systems of intensive husbandry and to advise whether standards ought to be set in the interests of their welfare, and if so what they should be”. The Commission concluded its work recommending that for farm animals, at least 5 basic conditions, or freedoms, should be granted: Freedom from hunger and thirst; from discomfort; from pain, injury, or disease; from fear and distress; and to express normal behavior. In Judaism these concepts were already known for the last 32 centuries, being included in the Law (The Torah), even if otherwise declined; extensively commented by Sages thru generations until today; still considered valid and ethic; even influencing the Legislator or the Judiciary power. Protecting animals from harmful or dangerous situations, and minimizing any traumatic event, abstaining from any intentional traumatic action, and abstaining from any unnecessarily painful action, these are the basic teaching of Judaism relative to animal welfare. Judaism sees in animal’s protection a powerful teaching for the respect of all the Creation and its protection. Granting the animals the satisfaction of their needs does not mean placing them at same level of man. In fact, their use is allowed, while highly regulated; their killing is also permitted in order to supply food to man; and again their killing must be done in a painless manner possible. Judaism developed a highly skilled and regulated way, the shechita, for slaughtering animals considered for food production, aimed to be quick, precise and as painless as possible; exclusively using skilled professionals. Today, in several European Countries, shechita is under scrutiny, with erroneous accusations of malpractice. In other Countries, like the USA, it is legally protected and clearly included among the humane ways of slaughter which are granted to be used.

Key Words: Animal Welfare; Protection; Needs; Freedoms; Suffering; Legislation.

INTRODUCTION

The Agenda of the Organization of United Nations (ONU) for Sustainable Development has been subscribed on September 2015 by 193 member States of The United Nations. The Agenda represents the action plan relative to human wellbeing and prosperity and world health (1). The program for the achievement of Sustainable Development goals started in 2016, and consists of a work program with 169 goals, to be achieved in the next 15 years. Countries are in fact, committed to reach these goals by 2030. Within the 17 goals for a Sustainable Development, goals 2, 12 and 15 ponder:

Goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture;

Goal 12: Ensure sustainable consumption and production patterns;

Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

The final objectives of these goals have a strong ethic and moral significance, with evident repercussions relative to the management of the planet’s resources. Whereas, at least for

Goal 2, food safety is represented by achieving enough animal and vegetal productions destined for food by their distribution worldwide; with implicit considerations relative to “how” and “how much” we can use and exploit these resources.

Beyond technical aspects relative for how to carry out productions (vegetable, animal, energetic, etc.), it should be taken into account how technical choices or decisions are inevitably linked to cultural, and perhaps even moral, attitudes or perceptions possibly developed by a culture or faith towards that kind of act/production.

For example, not so far back in history, and in some western countries, which we consider culturally “close” to us, crop production could have an intrinsic value definitely higher than the intrinsic value of a slave involved in production of the crop, or, vice versa, the value of a slave was only in relation to his tasks. The issue we would like to present is whether there is a Jewish point of view relative to animals, and food production and safety linked to use of animals. Is Judaism referring to the animal world, to the environment or to food safety?

The issue itself of a relationship between ethic(s) and animals is controversial! “Traditional theories of Christian, Kantian, Cartesian, or Aristotelic origins, argued that only humans are entitled to a higher moral status, whereas animals are not; this because humans own rationality, language and ability to act morally, differently from animals” (2). Until the 17th century, modern philosophers still believed animals as unconscious “*automata*” (a doctrine for which animals are mere machines) and even unable to suffer pain (3). In such a way, these theories consider part of the Creation (the animal world) merely from an utilitarian point of view. To be noticed, however, that was the Jewish philosopher Spinoza, in his “*Ethica*”, on 1677, contested this view, recognizing in animals as sentient and possessing some more rights, even if he does not claim equal rights with humans (3).

ANIMALS AND THE ENVIRONMENT IN JUDAISM

Animals have been created day 5th and 6th of Creation, before man: “he was created on the eve of the Sabbath, so that if a person becomes haughty, God can say to him: The mosquito preceded you in the acts of Creation, as you were created last” (4).

To human kind it was said: “Fill the earth and master

it and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth” (5). In addition: “God settled mankind in the garden of Eden, to till it and tend it” (6); and He said: “See My creations, how beautiful and exemplary they are. Everything I created, I created for you. Make certain that you do not ruin and destroy My world, as if you destroy it, there will be no one to mend it after you” (7).

Since the beginning, so far, man was placed ahead of animals and creation: firstly as a ruler and secondly as a keeper of the latter.

The above does not preclude in anyway, the usage both of animals and environment; Abel was a shepherd, Cain a (agricultural) farmer.

Man was entitled:

- to rule over animals (“...and rule...”) and to use them: for milk, work, leather; and where killing is practiced, under certain conditions: In fact Abel made sacrifices using animals.
- to use the land; in fact, Cain farmed vegetables and fruits.

But, at this stage, man was not yet allowed to eat meat (8, 9, 10, 11, 12, 13), a situation which lasted until the Great Flood. Talmud quotes: “Rav Yehuda quotes that Rav (Abba Arecha) says: Meat was not permitted to Adam, the first man, for consumption” (14).

Was this the ideal situation?

Cain thought that the level of the man was as the same as that of animals, therefore he brought vegetables as sacrifice (15). God did not ask, at that time, for sacrifices (16); Cain resolved this. Abel imitated him; “As a result of each having his own vocation, they each brought different offerings” (17). This situation induced Cain to be jealous, upset and downcast (18), where jealousy lead to murder.

Following the Great Flood or Deluge, the situation totally changed, and to Noah’s descendants the explicit permission to eat animals was given: “Every creature that lives shall be yours to eat; as with the green grasses, I give you all these” (19). The reason why God permitted eating creatures (after they had been killed) was that all of them had to thank man for having kept them from perishing during the deluge. As a result, all the animals were now totally at the mercy of man” (20). Interestingly indeed, the right of eating animals comes after, and derives from, having firstly protected, and saved them (against the Great Flood).

STATUS OF ANIMALS AFTER THE REVELATION OF THE TORAH

In the Torah several commandments exist relative to animals.

One of them is particularly emphasized by Sages: “When you see the ass (donkey) of your enemy lying under its burden and would refrain from raising it, you must nevertheless help raise it” (21).

“Rava says: “From the statements of both of these *tannaim* (Sages whose views are recorded in the Mishnah) it can be learned that the requirement to prevent suffering to animals is by Torah law” (22). Rashi comments: “Can you possibly see his ass (donkey) crouching beneath his burden and forbear to help him? Thou shalt surely help him to unload the burden” (23). “You are warned not to remain inactive when faced with the animal’s distress, even if its owner is your enemy” (24).

According to Judaism, from here come both the obligations to help or save an animal (positive/active commandment), and abstain from performing harmful or painful actions on animals (negative/abstain commandment). Saving an animal from a harmful or dangerous situation, minimizing any traumatic event, are considered obligations from the Torah (*mitzwa me-de-Oraita*) (25), such as exemplified by the overloaded/collapsed donkey. Abstaining from any intentionally traumatic action, abstaining from any unnecessarily painful action, are considered obligations instituted by the Sages (*mitzwa me-de-Rabbanan*) (26, 27).

Even if its importance has declined over time with respect to the past, the use of animals remains permitted, but highly regulated, with precise obligations to ban exploitation and abuse, which clearly have (also) an educational purpose. As example, we can cite: “You shall not plow with an ox and an ass (donkey) together” (28): “God had mercy on his creatures. An ass (donkey) is not as strong as an ox” (29). “You shall not muzzle an ox while it is threshing” (30): “It is from the roots of the commandment to teach ourselves that our souls should be a virtuous choosing what is right and cling to it, following kindness and mercy” (31).

Obligation to Feed the Animals: “I will also provide grass in the fields for your cattle and thus you shall eat your fill” (32). “One is prohibited from eating before feeding his animals, as it is stated: “And I will give grass in your fields for your animals first, and only then, you shall eat and be satisfied” (33). Note that referring to animals precedes that of the man.

Obligation to Rest the Animals: “Six days you shall do your work, but on the seventh day you shall cease from labor, in order that your ox and your ass may rest, and that your home-born slave and the stranger may be refreshed” (34). A gloss/commentary on this verse adds a further significance, beyond the mere “resting from work”, and it quotes: “(*this verse*) means: give the animal some satisfaction, by permitting it to pull up and eat grass from the ground as it pleases. Or, perhaps, this is not the meaning but it indicates that it must rest. That one must tie it up in its stall so that it does no work in the field! You will, however, admit this is no satisfaction but a source of cruelty” (35). The gloss/commentary recognizes that even work animals can enjoy from Shabbath satisfaction/*oneg shabbath*, beyond the simple abstention from work.

Obligation to Give Refuge and Return (to their Owners)

Lost Animals: “When you encounter your enemy’s ox or ass wandering, you must take it back (36). “If you see your fellow Israelite’s ox or sheep gone astray, do not ignore it; you must take it back to your fellow. If your fellow Israelite does not live near you or you do not know who [the owner] is, you shall bring it home and it shall remain with you until your fellow claims it; then you shall give it back” (37, 38).

Beyond logic utilitarian and social implications as “saving a good” and “saving a fellow’s good”, we cannot ignore some animal welfare implications *ante litteram*, as in Rashi’s comment about interpreting Shabbat’s rest for animals not only like a mere abstention from work, but also as really “enjoying the day” and feed free on the pasture.

As previously mentioned, the explicit permission to feed on animals was given only after the Great Flood: “Every creature that lives shall be yours to eat; as with the green grasses, I give you all these” (19). However, with specific limitations and these refer at the time of Noah, which means before the Patriarchs and even before the concept itself of Jewish people or Israel, they have an intrinsic value for the entire humanity: “You must not, however, eat flesh with its life-blood in it” (38). Commentaries by the Sages are extremely interesting: the expression “its life-blood” implicates the prohibition to “the eating of a limb cut from a living animal” (40), which means the obligation to kill completely an animal before feeding on it. And, “It was prohibited to cut off a limb of a living animal and eat it, because such an act would produce cruelty” (41). “In truth, there is no greater cruelty in the world

then the one who cuts a limb or meat from an animal while it is still alive in front of him and eats it” (42).

Different commandments and comments dealing with feeding on animals underline the concept that, despite the fact that we are allowed to feed on them, this must be done in a way that the possible suffering caused to them will be minimal as possible (43, 44). Notwithstanding that sages anyway forbid consciously induced suffering.

Other obligations or commandments from the Torah, as they mentioned, do not seem to have a significance strictly linked to avoid animals' physical sufferings, or satisfy their basic needs (feeding, etc.). For this reason, comments by Sages are particularly interesting: Prohibition to slaughter very young livestock, below the 8th day from birth: “When an ox or a sheep or a goat is born, it shall stay seven days with its mother, and from the eighth day on it shall be acceptable as an offering” (45). “As before then, it is not fit for anything – and no man would desire it for eating or for commerce or for a gift” (46).

Prohibition to pick, in nature, eggs or chicks in the presence of the mother: “If, along the road, you chance upon a bird's nest, in any tree or on the ground, with fledglings or eggs and the mother sitting over the fledglings or on the eggs, do not take the mother together with her young.

Let the mother go, and take only the young, in order that you may fare well and have a long life” (47). “If the mother is left free, she does not grieve (48). “It is from the roots of this commandment to put into our hearts that the providence of God ...is upon all of His creatures - with the human species individually.....and therefore, no species will ever become extinct from all of the species of creatures” (49). “In the matter of dispatching the mother bird before taking her chicks, we find some display of protective concern by the Torah for the preservation of the species, an effort not to destroy the seed of the birds of the field although they are “*hefker*” (*res nullius*), unclaimed property” (50). Again, these glosses and comments induce us to think about an “environmentalist thought” *ante-litteram*.

Is a non-physical suffering considered? Torah forbids slaughtering a mother (genitor) and offspring the same day. “However, no animal from the herd or from the flock shall be slaughtered on the same day with its young” (51). The Sages comment: “And we can also express about the matter from the angle of the simple understanding as well, that this is to fix in our souls the trait of compassion and to distance

us from the trait of cruelty – which is a bad trait. Therefore even though God permitted us [to eat] species of animals for our sustenance, He [also] commanded us that we not kill it and its child on one day to fix the trait of compassion in our souls (52). “People should be restrained and prevented from killing the two together in such a manner that the young is slain in the sight of the mother; for the pain of the animals under such circumstances is very great. There is no difference in this case between the pain of man and the pain of other living beings, since the love and tenderness of the mother for her young ones is not produced by reasoning, but by imagination, and this faculty exists not only in man but also in most living beings” (53).

“If the Law provides that such grief should not be caused to cattle or birds, how much more careful must we be that we should not cause grief to our fellowmen” (41). Even if the Rambam admits that not only humans, but also animals may have feelings and sensations, as all living beings, nevertheless reason of the commandment was that inducing suffering has a negative influence on man itself, making him getting used to evil.

In the light of so many explanations and comments relative to the respect for animals, if Torah would consider it unfit or cruel, the shechita (Kosher Slaughter) would not have been considered as a slaughter method.

Shechita has been indicated by Torah as a compassionate instrument for killing of animals destined to food for human consumption. Biblical text, in a strict sense, does not precisely prescribe or dictate how it is allowed to slaughter an animal. The verse “you may slaughter any of the cattle or sheep that God gives you, “*as I have instructed you*”; and you may eat to your heart's content in your settlements” (55), was interpreted by Sages as a reference to the oral tradition, which dictates, in the way I have *orally* instructed you. This was codified as, it “teaches about cutting the gullet and about cutting the windpipe, and about the requirement to cut the majority of one *siman* (sign: either gullet or windpipe) for a bird, and the majority of two *simanim* (signs: both gullet and windpipe) for an animal (livestock) ... and the veins (in a bird) (55). “In livestock, also the cutting of the veins” (56), where “veins” are intended as blood vessels in general.

This manner of slaughter is completed to induce death in the animal avoiding unnecessary pain: “and we can also say as a reason for slaughter from the neck with a checked knife, [that it is] in order that we not cause too

much pain to living beings. As the Torah [only] permitted man – due to his status – to derive nourishment from them for all of his needs, but not to cause them pain for no reason” (57); which may be considered an animal welfare statement *ante-litteram* when we think was written in the XIII century.

Furthermore, it is useful to be reminded of the prohibition to castrate: “You shall have no such practices (mutilations) in your own land” (58), which prohibition is observed, at least in Israel, relative to livestock. Relatively to dogs and cats, some modern teachers allow spaying females, as it is considered a lighter violation of the commandment, like making males infertile through reduction or elimination of blood drain without removing the testicles; or allowing temporary measure (hormonal castration; ligation of *vas deferens* and/or tubes in females).

Urgent therapeutic needs do not fall under the prohibition; neutering done for the sake of the animal’s health may be considered permitted and essential (59). Likewise, if the procedure is performed to spare suffering and distress in the animal, for example neutered dogs being less likely to leave home, which may spare the life of the dog from death by automobiles, hunger or other hazards.

The Chief Rabbinate, in the past, considered a more lenient approach for public safety concerns from wild and ownerless animals, in order to achieve control of the stray populations (dogs, cats) and having as final goal a collective benefit and/or prevention of diseases, even zoonotic; with recommendation on who should perform the procedure, and how.

The use of animals for work, and relative norms, are nowadays scarce or without implications. However some norms could find new interpretations according to different situations in which animals are kept or found in modern society. For example, the obligation to feed, including stray animals (cats), which once tolerated have become “fellow citizens” dependent on humans, for which the Supreme Court of Israel forbid their killing as a solution to the “simple nuisance” caused by their presence (60).

The obligation for (veterinary) care for livestock and pets, including diseases prevention through effective vaccinations (61); assistance at parturition; limitation in use for medical purposes; prohibition, in a wider sense, for cruel practices. For example, the prohibition to restrain and force feeding for geese destined to production of *foie – gras* (62). The prohibi-

tion to assist to “corrida” bullfights (63). The prohibition of hunting for sport or cruelty (64), and because of “useless (*the prey killed by hunting is not kosher*) and dangerous destruction of living beings” (65). The prohibition for traditional “white veal” rearing, because “even if we could take into account that human needs could justify a certain suffering in animals, certainly white veal rearing is for the benefit of a small population only; and this does not justify that type of suffering” (66). Indeed, improved conditions requested in Israel for white veal rearing, in fact reduced this kind of industry to almost zero; however, the same considerations are used for animal fur prohibition (66).

Male chicks from eggs-producing lineages are generally killed at hatch, together with ill/deformed chicks. Killing of ill/deformed chicks is aimed to prevent further suffering which it can be done in a way which ensures minimal suffering. The killing of male chicks has been considered acceptable while there was no way to sex embryos and prevent male chicks development in eggs-producing lineages; and it is done with as less suffering as possible. In such a perspective, six to eight million chicks are killed at their hatch every year in Israel; some 7 billion in the EU. A biomarker, identified in 2016, allows a fast and highly precise determination of the sex of an egg (>99%) in a very early stage (<12 days), before development of pain-sensitivity of chicks. The automated solution detects if an egg contains male or female chicks, which allows removing males from incubators early in the breeding process and only hatch female layer chickens (67). Another solution, based on genetic sexing of chromosomes, allows female embryo development only at an early stage, while leading to the expression of the embryonic lethality-inducing gene in males embryos, which will not develop, with an expected accuracy of 100% (68). From an animal protection point of view, these systems should definitely be taken advantage of.

THE MEANING OF ANIMALS-RELATED COMMANDMENTS

Nature exists, and it has its own laws. It is the duty of the Jew is to be compassionate towards the creation and nature, even if time to time its laws seem *ruthless* to us.

The commandments were not given to change the order of the creation, rather to elevate man over nature, and imbue man with something divine: the mercy of God himself in

relation to his creation and living beings: “God is good to all, and his mercy is upon all his works” (69).

Rav Yehudah suffered for a long period, because of not having showed compassion to a veal destined to slaughter (70). His suffering ceased the day he showed compassion towards a little mouse and her offspring found in his house...

Vegetarianism and Abstaining from Meat.

The Torah in general, does not demand abstaining from eating meat or from their products; on the other hand, the Torah has no requirement for eating meat every day, rather on particular occasions such as during the time of the presence of the Sanctuary in Jerusalem, like Pesach sacrifices and other festive occasions. On the other hand, the Sages understood how it is in man's nature to look for satisfaction also in food: “A man is obligated to gladden his children and the members of his household on a Festival” ... Rav Yehudha Ben Batira says “when the Temple was standing, rejoicing was only through meat; and now that the Temple is not standingonly by wine” (71).

Abstaining from, or diminishing the consumption of meat are considered much more important from a health point of view rather than a moral ideal (72). As such, even if decisive thinkers in modern and Zionist Judaism see in the framework of “vegetarianism and peace” that ideal world represented by the experience of first Man at the beginning of Creation (73), which means, before meat consumption by man.

The Torah does not forbid the killing of animals to use them for food; the Torah teaches us to sanctify with living beings and goods: “when you have eaten your fill, give thanks to your God for the good land given to you” (74). Vice-versa, the Torah forbids the waste of the creation, living beings and objects, and it forbids the destruction of the Creation.

Animal Welfare & Freedom of Religion: the *Vexata quaestio* of Shechita in Europe and North America.

In recent years, a significant dispute involved the compatibility of shechita (Kosher Slaughter) with European Union legislation. European Union adopted two relevant acts, Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing, which establishes common minimum rules for the protection of animals at the time of slaughter or killing

in member States. The directive has been followed by Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing. The 2009 Regulation states at Whereas, 20: “Many killing methods are painful for animals. Stunning is therefore necessary to induce a lack of consciousness and sensibility before, or at the same time as, the animals are killed. Measuring the lack of consciousness and sensibility of an animal is complex and needs to be performed under scientifically approved methodology. Monitoring through indicators, however, should be carried out to evaluate the efficiency of the procedure under practical conditions.” And at Whereas, 21: “Monitoring stunning efficiency is mainly based on the evaluation of consciousness and sensibility of the animals. The consciousness of an animal is essentially its ability to feel emotions and control its voluntary mobility.” Article 4 of the 2009 regulations prescribes stunning as a compulsory procedure in the slaughtering process, as stunning is deemed to reduce pain in the animal.

The European Union legislator, while protecting animal welfare, was fully aware of the religious requirements that may preside over animal's slaughter. In Protocol No. 33: “On protection and welfare of animals”, of the European Union Treaty (then EC), it is recognized the interplay between animal welfare and religion, when affirming that the Community “shall pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage” (75). Regulation 1099/2009: Whereas,18, balances prescriptions on prior stunning with religious freedom, as it provided derogation of prior stunning in case of religious slaughter. The derogation was provided for in Article 4 (4), which reads: “In the case of animals subject to particular methods of slaughter prescribed by religious rites, the requirements of paragraph 1 [compulsory stunning] shall not apply provided that the slaughter takes place in a slaughterhouse.” The exception to compulsory prior stunning for religious reasons, encompassed in the Regulation, therefore, “respects the freedom of religion and the right to manifest religion or belief in worship, teaching, practice and observance”, as enshrined in Article 10 of the Charter of Fundamental Rights of the European Union. It includes an exception to compulsory stunning for religious rites (Whereas, 18). Regulation 1099/2009 at whereas, 43,

describes how slaughter should be conducted without stunning: “Slaughter without stunning requires an accurate cut of the throat with a sharp knife to minimize suffering. In addition, animals that are not mechanically restrained after the cut are likely to endure a slower bleeding process and, thereby, prolonged unnecessary suffering”; “therefore, ruminants slaughtered without stunning should be individually and mechanically restrained”.

At the same time, the European legislator acknowledged how the exceptions to compulsory stunning for religious reasons, already granted by Directive 93/119/EC, have been transposed differently by Member States depending on national context. In *Whereas*, 18, the Regulation deems necessary on the subject of derogation from stunning animals prior to slaughter should be maintained a certain level of subsidiarity to each Member State. Growing political pressures, as well as a certain forms of animal rights activism among the European public opinion regarding animal welfare, brought this legislative base to the European Court of Justice (ECJ) analysis.

In 2018, ECJ decided a case where the Flemish Region challenged the validity of Article 4(4) of Regulation No. 1099/2009. The case originated from the denial of the Belgian Government to approve “temporary slaughterhouses”, during the “Feast of Sacrifice”, to satisfy the increase in demand for halal meat during this Feast. The Court confirmed that ritual slaughter without stunning might take place only in approved slaughterhouses. The Court, considered the Article 4(4) of Regulation 1099/2009, in the light of article 10 of the European Chart of fundamental rights. That obligation (individual, mechanical restrain, as above explained) did not infringe freedom of religion as it was only intended to organize and manage the freedom to practice ritual slaughter, taking into account the fundamental rules on the protection of animal welfare and the health of consumers of meat.

In 2020, Jewish and Muslim Belgian Organizations challenged in front of ECJ a Belgian regulation prohibiting the slaughtering of animals by means of traditional Jewish and Muslim rites, as the regulation required such animals should be stunned prior to slaughter in order to reduce their suffering where the regulation introduced the concept of “reversible stunning”. The Court decided that Member States have the legislative and administrative power *to limit* the application of Article 4(4), but are not permitted *to*

prohibit the slaughter of animals without stunning, that also applies to the slaughter carried for a religious rite. At the same time, Member States can require an alternative stunning procedure for the slaughter carried out in the context of a religious rite, based on reversible stunning and on condition that the stunning should not result in the death of the animal.

On the one hand, the Court wanted to affirm the right, worded in Article 10 of the Charter of Fundamental rights manifest one's religion, while, on the other hand, prohibits ritual slaughter in the name of animal welfare. The case has been severely criticized by scholars and Jewish organizations, which tried to show, as we exposed above, that shechita respects animal welfare (76, 77). We should note that in both cases, ECJ acknowledges the lack of similar requirements (stunning) in the context of “hunting and recreational fishing activities or during cultural or sporting events”, and, surprisingly, retains this is “not contrary” to animal welfare and protection at time of killing (78, 79)! Judaism would never have considered “hunting or killing during sporting events” as a practice to be set apart from animal welfare considerations; in fact, Judaism forbids these activities because they definitely have an impact on animal welfare: a negative one, and a useless reason.

A completely different approach is given by North American Legislators, where the “Humane Methods of Slaughter Act”, 1958 (reinforced on 1978) at §1902, while reinforcing the concept that “No method of slaughtering or handling in connection with slaughtering shall be deemed to comply with the public policy of the United States unless it is humane”(80). It clearly states: “Either of the following two methods of slaughtering and handling are hereby found to be humane:

- (a) in the case of cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or
- (b) by slaughtering in accordance with the ritual requirements of the Jewish faith or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp

Table 1: the “5 freedoms concepts” and references in Judaism dealing with same concepts.

The “5 freedoms” concept of 1965	References in Judaism
Freedom from hunger and thirst	Devarim – Deuteronomy 11:15
Freedom from discomfort	Shemot – Exodus 23:5 Devarim – Deuteronomy 22:10 – Ibn Ezra A., <i>gloss on</i> Devarim – Deuteronomy 22:10 Devarim – Deuteronomy 22:1, 2 Einger D., 2015 (white veal rearing)
Freedom from pain, injury, or disease	Shemot – Exodus 23:5 – Hizchoni, <i>gloss on</i> Shemot – Exodus 23:5
Freedom to express normal behavior	Shemot – Exodus 23:12 – Rashi, <i>gloss on</i> Shemot – Exodus 23:12 Rambam, More’ Nevuchim, 3:48
Freedom from fear and distress	Shemot – Exodus 23:5 – Hizchoni, <i>gloss on</i> Shemot – Exodus 23:5
Further animal protections aspects considered in Judaism	
Compassionate slaughter	Bereshit – Genesis 9:4 – Rashi, <i>gloss on</i> Bereshit – Genesis 9:4 Rambam, More’ Nevuchim, 3:48 HaLevi A., Sefer Ha Chinuch, ch. 452
Prohibition of enjoying/participating to animal suffering	Yossef O., Sheelot ve-teshuvot, 17/10/2010 (bullfighting)
Prohibition of hunting	Rambam, More’ Nevuchim, 3:17 Landau Y., Noda B’Yehudha, on “Yore’ De’a”, question 10th.

instrument and handling in connection with such slaughtering” (80).

The different attitude of the two legal systems, EU and USA, reflects their cultural beliefs, which, we may argue, have little or nothing to do with animal welfare. As we have demonstrated, Judaism is particularly aware of animal welfare and ritual slaughter highly considers the need to avoid animal suffering. The decision to prohibit ritual slaughtering without stunning could be prompted by some desire of uniformity more than a real respect for religions and animals.

CONCLUSIONS

Definitely, Judaism has a position relative to animals:

- awareness they are living beings
- awareness they can suffer and not only physically
- awareness they have needs and necessities.

Living beings are integral part of the Creation, together with the environment.

These clear stances anticipated by many centuries of

today’s known concepts summarized under the title of “The 5 freedoms” (81), defined in UK on 1965 and summarized in Table 1. Of such an ancient anticipation, Jews should be only proud! Judaism teaches to exercise a compassionate dominion on animals, environment, so that we will become accustomed to respect and be compassionate towards our fellows. Table 1 below summarizes the “5 freedoms”, 1965 and recalls the similarities in Judaism.

It is imperative to be compassionate towards animals; a possible Jewish legislation relative to animals (e.g farming, transportation, slaughtering, killing for public health reasons, etc.), at least in the State of Israel, should have as main pillars the teaching of our Sages:

- protecting animals from harmful or dangerous situations, minimizing any traumatic event;
- abstaining from any intentionally traumatic action, abstaining from any gratuitously painful action.

The “key” for understanding is the awareness use of the Creation: benevolence use of animals, with prohibitions to their suffering and prohibitions to wasting or destruction.

Note: Translations from Hebrew, Aramaic original texts are according to: <https://www.sefaria.org/> in order to guarantee uniformity of language.

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