Problems With Kosher Slaughter

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Abstract

Ritual slaughter to produce kosher meat is rooted in the teachings and writings of the Talmud. However, the preslaughter handling features of modern systems, particularly the shackling and hoisting of large steers, contravene the basic message of humaneness included in the teachings. The throat-cutting of a live, conscious animal is relatively pain-free, provided that certain precautions are followed, but U.S. kosher plants need to install newly developed conveyor-restrainer systems to eliminate the abuses of shackling and hoisting. Conveyor-restrainer systems for large and small animals are discussed.

The Religious Ritual

In order for a piece of meat to be kosher, it must be slaughtered and processed according to ritual methods specified in the Talmud. These methods derive from explicit commands contained in the Torah on the types of animals that the children of Israel may eat and how these animals should be prepared for consumption 'Shechitah', the act of killing for food, must be conducted by a learned, pious Jew, the 'shochet', who is trained in the slaughter ritual.

The shochet slaughters the fully conscious animal with a razor-sharp knife, which must be twice the width of the throat of the animal to be slaughtered. He uses a single, smooth deliberate motion, severing the carotids and the trachea. After each cut, the shochet checks the knife for nicks or imperfections. If the blade has a nick, then the animal is declared to be 'tref' or not kosher and the meat is sold on the regular market. Shochet Rabbi Garb (1977, personal communication) contends that, if the cut is made correctly and the knife has no nicks, the animal feels little or no pain.

The five rules of kosher slaughter are as follows:

1. 'Shechitah' (Delay)— A delay or hesitation of even a moment makes the

animal’s flesh unkosher. The knife must move in a single uninterrupted sweep.

2. ‘Derasah’ (Pressing) — The knife must be drawn across the throat with little exertion. Any undue pressure renders the meat unkosher.

3. ‘Haladah’ (Digging) — The knife must be drawn over the throat so that it is visible while shechitah is being performed.

4. ‘Hagedramah’ (Slipping) — The limits within which the knife may be inserted are from the large ring in the windpipe to the top of the upper lobe of the lung when it is inflated, and corresponding to the length of the pharynx. Slaughtering above or below these limits renders the meat unkosher.

5. ‘Ikku’ (Tearing) — If either the esophagus or the trachea is torn out or removed from its normal position during slaughter the carcass is unkosher.

The shochet’s work is not done until he has inspected the internal organs for signs of disease. The Talmud contains detailed instructions on how to conduct a postmortem inspection. If any sign of disease is found the entire carcass is declared unkosher. The ancient Jews had considerable knowledge of anatomy and their postmortem inspection was the forerunner of the USDA inspection which takes place in all federally inspected meat packing plants. In a kosher plant, the carcass and internal organs are inspected by a shochet and either a state or USDA meat inspector. While the USDA rejects only the part or organ which is unwholesome or diseased, the shochet rejects the entire carcass. The shochet may, however, pass carcasses from a sick animal since there are many pathologies which are not specified in the Talmud.

After the carcasses have been inspected, the rabbis or shochets put a kosher mark on the brisket of the carcass, and on the edible offal such as tongue, in a large kosher slaughter plant, 2 or 4 shochets will work together, slaughtering, inspecting organs and tagging meat. Rabbi Abe Kriese (1977, personal communication) explained that a different mark, corresponding to one of the 52 chapters in the five Books of Moses, is used each week.

If the carcass is held in the cooler or during transit for more than 72 hours after slaughter it must be washed; otherwise it will lose its kosher status (Wentworth, 1979). One of the major reasons for washing the meat is to remove blood. When the meat is consumed in the home, further steps are taken to remove blood. The meat must be soaked in cold water for half an hour and then salted before cooking (Gordon and Geller, 1955). Another acceptable way of preparing meat is by broiling since the blood drips away through the rack.

Torah states that the blood contains the life, or soul, of the animal. The prohibition against eating blood is stated many times in the Bible. “Only be sure that there is more blood remaining in the flesh of animals killed ritually than when they are first made unconscious before bleeding. The lighter color of ritually slaughtered meat is due to the larger amount of oxygen in the blood as a result of heavier breathing of the animal before it dies.” In many instances, a stunned animal will bleed out as well or better than one slaughtered without stunning (Grandin, 1980a).

Observations by the author in slaughter plants indicate that heavy steers killed by the kosher method have more bloodsplashed meat (small hemorrhages in the meat) than heavy steers which are stunned with a captive bolt. During the fall season, when animals are more prone to bloodspashing, the incidence of bloodsplashed meat in ritually killed heavy steers may reach 2-10%. Bloodspashing seldom occurs in ritually killed sheep.

The Importance of Kashrut (Dietary Laws)

Many people wonder why Orthodox Jews believe in maintaining dietary laws which from the practical standpoint of hygiene are no longer needed. According to Rabbi David Rebbi (1977, personal communication), Dean of the Phoenix Hebrew Academy, observing the dietary laws helps one to live a holy life. In Biblical references to dietary laws, the concept of holiness is integral. Deuteronomy 14:21 says, “Thou shalt not eat an animal that dieth itself, for a holy people are ye to the Lord.” The Handbook of Jewish Dietary Laws, which is published by the Union of Orthodox Jewish Congregations of America and the Rabbinical Council of America (Gordon and Geller, 1955) concludes: “Thus the Bible uniformly regards the Dietary Laws as a discipline of holiness. They are a discipline of the spirit imposed on a process that is otherwise entirely physical. They are an insistence that man’s eating should be not only a satisfaction of his bodily appetites, but also an exercise in holiness of the soul. Judaism takes eating and drinking and weaves them into the fabric of religious living.”

Grünwald (1955) stated that the person performing shechitah should think about the act of taking an animal’s life.

“A man may kill an animal but he should always remember that the animal is a living creature and that taking life from the animal involves responsibility.” (Levinger, 1979a)

Judaism attaches great seriousness to the act of taking life. One reason for the many laws detailing the precise manner by which animals are killed for food is to maintain controls on the act itself.

About six years ago, I started designing slaughter equipment and was disturbed by cases of brutality and desensitization. As I continued to work on the equipment used to end the lives of the cattle I became convinced that slaughter should be treated as a sacred ritual as demonstrated by this passage, written four years ago,

“I reached over the side of the chute and touched a steer’s back. I had empathy for the animal and maybe it sensed it because its fear diminished. In a few seconds the animal would become dead, and the essence of its individuality would return to God. For any living thing to continue to live another living...”
Humaneness of Kosher Slaughter

Preventing pain to an animal is a command of the Torah (Cohen, 1949) and great care is taken to insure that the throat cut will be as painless as possible. Morris Laub (1966) of the United Synagogue of America states: “Jews have been known for their active interest in humaneness of (sic) animals. Indeed, the very traditions of the hagim appear to have similar feelings. The Machinefabriek, G.J. NIJHUIS B.V., in Winterswijk, Holland named their most highly automated equipment “Walhalla”. In Nordic mythology, Walhalla is the paradise for warriors who died gloriously in battle (Davidson, 1972).

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TABLE 1 – Number of seconds after the throat is cut to the onset of unconsciousness and cortical death as determined by the EEG

<table>
<thead>
<tr>
<th></th>
<th>Sheep</th>
<th>Calves</th>
<th>Cattle</th>
</tr>
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<tbody>
<tr>
<td>Unconsciousness</td>
<td>3.3-6.2</td>
<td>4.4-6.9</td>
<td>10</td>
</tr>
<tr>
<td>Cortical Death</td>
<td>20.8-35.4</td>
<td>18.8-39.2</td>
<td>120-150</td>
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1) Nangeroni & Kennett (1963)  
2) Levinger (1979b)

slaughtered by the kosher method lost the blinking reflex within 15 seconds but that the time for individual animals varied from 5 to 75 seconds after having their throats cut. In adult cattle, the blinking reflex persisted for 27 to 32 seconds. However, the blinking reflex is not a reliable indicator of the onset of insensibility in kosher slaughter although it is valid in the use of the captive bolt stunner (Grandin, 1980b; Rowell, 1979). It has been reported that week-old calves killed by the kosher method would resist, vocalize and show both palpebral and corneal reflexes when the EEG recordings indicated that they were unconscious and
insensitive to pain (Blackmore et al., 1979). Levinger (1979b) and Nangeroni and Kennett (1963) also report that reflexes continued to be exhibited after the cessation of cortical activity.

There are several factors which could possibly prolong consciousness after throat-cutting. Thornton (1958) warned that unconsciousness could be delayed if the ends of the severed arteries sealed themselves off, or alternatively, if the blood supply from the vertebral arteries was sufficient (Baldwin, 1971). For instance, the vertebral arteries provide a greater proportion of the blood supply to a bovine's brain than to a sheep's brain. Suspending animals upside down after cutting the throat could also prolong consciousness since the blood would tend to pool in the head and maintain a sufficient oxygen supply for a few moments. However, this is a topic which needs to be researched using the EEG. It can be definitely concluded that the animal remains conscious for several seconds after having its throat cut.

Several authors report that bleeding, with or without stunning, increases the output of catecholamines, sometimes to a greater extent than other stressful procedures such as trucking (Althen et al., 1977; Kilgour, 1976; Ratcliff, 1971; Warriss, 1978). The data definitely indicate that cutting a conscious animal's throat is stressful. It is vital that animals which have to be slaughtered for religious or other reasons without prior stunning should have both carotid and jugular blood vessels severed simultaneously to ensure rapid bleeding. In order to minimize pain, the edges of the wound should not touch until the animal becomes unconscious (Levinger, 1979b) and the shochet must be skillful. I have observed large steers walking around for over 60 seconds after their throats were cut by an unskilled shochet.

The kosher and Moslem slaughter methods are probably the least painful techniques of throat-cutting for conscious animals, provided a humane restraining device is used. For adult cattle and older calves, the kosher method would be acceptable from a humane standpoint under these conditions. For sheep, the method is probably relatively painless and is quick and humane. Stunners should be attached to one hind foot. A restraining pen, available through the American Society for the Prevention of Cruelty to Animals (Figure 1), is available for restraining large heavy steers, but at least 25% of these animals are still shackled and hoisted. Althen et al. (1977) report that bleeding, with or without stunning, increases the output of catecholamines, sometimes to a greater extent than other stressful procedures such as trucking. The data definitely indicate that cutting a conscious animal's throat is stressful. It is vital that animals which have to be slaughtered for religious or other reasons without prior stunning should have both carotid and jugular blood vessels severed simultaneously to ensure rapid bleeding. In order to minimize pain, the edges of the wound should not touch until the animal becomes unconscious (Levinger, 1979b) and the shochet must be skillful. I have observed large steers walking around for over 60 seconds after their throats were cut by an unskilled shochet.

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Act involved in shackling and hoisting is as follows: Each animal enters a narrow stall equipped with a movable bottom which is tilted to cause the animal to trip and fall down, whereupon a chain is slung round one back foot. The bellowing, writhing steer is then yanked up in the air. The chain causes trauma to the animal's leg approximately 50% of the time and the tissue damage is undoubtedly painful to a conscious animal. In addition, it must be extremely painful for a 1,200 lb. animal to be hung upside down. The weight of the fluid in the rumen bearing down on the diaphragm sometimes causes the animals to vomit. In some plants, up to five steers or calves can be hanging up at any one time waiting to have their throats cut. Employees wearing football helmets and face masks to prevent themselves from being injured by the thrashing animals then attach a clamp to the animal's nostrils. After the clamp is attached, the brown fluid enters a narrow stall equipped with a movable bottom which is tilted to cause the animal to trip and fall down, whereupon a chain is slung round one back foot. The bellowing, writhing steer is then yanked up in the air. The chain causes trauma to the animal's leg approximately 50% of the time and the tissue damage is undoubtedly painful to a conscious animal. In addition, it must be extremely painful for a 1,200 lb. animal to be hung upside down. The weight of the fluid in the rumen bearing down on the diaphragm sometimes causes the animals to vomit. In some plants, up to five steers or calves can be hanging up at any one time waiting to have their throats cut. Employees wearing football helmets and face masks to prevent themselves from being injured by the thrashing animals then attach a clamp to the animal's nostrils. After the clamp is attached, the steer's neck is stretched out by a powerful air cylinder attached to the clamp by a cable. Figure 2 illustrates the tremendous strain placed on the animal's neck by this technique. In addition, it should be noted that the nostrils are a sensitive part of the animal, evidenced by the fact that only a slight amount of pressure on the nose-ring of a bull is required to control the animal.

The procedure causes tissue damage to the hind leg, and the jerking of the limbs of live animals would thus seem to violate the principles expressed in some passages of the Talmud and Bible. Any type of injury to the animal prior to shechitah constitutes a blemish. Furthermore, Shoshan (1971) in his book on Animals in Jewish Literature states: "it is not permissible to tie up the legs of any animal or bird in a way which is apt to cause pain."

Why does the American Jewish community tolerate a practice which defiles a sacred ritual? In fact, many shochets are disturbed by shackling and hoisting. The Board of Directors of the United Synagogue of America voted in 1965 to "endorse any state legislation which, while declaring Shechitah humane, would outlaw shackling and hoisting of larger animals" (Laub, 1966). However, the problem has economic and social aspects which complicate its resolution. Shackling and hoisting for kosher slaughter represents a clash between ancient ritual and modern technology. When the ritual was instituted, animals obviously were not handled according to the principles and practices of an industrialized society. Before the advent of large, high speed slaughter plants, each animal was cast on the ground for slaughter. This is no longer permitted in modern plants for sanitary reasons (Laub 1966). The U.S. Department of Agriculture does not permit animals to be bled while lying on the floor unless the floor is completely washed down after each animal. This is not practical in a plant which slaughters 40 to 100 cattle per hour or several hundred calves or sheep per hour.

Some kosher slaughter plants use shackling and hoisting because a minimum of capital investment is required, and it is sanitary and relatively efficient. Many plants are not willing to spend money to make their operation more humane, unless humaneness makes a profit. Laub (1966) reported that plants refused to install the ASPCA restraining pen and that they would only do so under compulsion of law. Another problem is that some plants jump in and out of the kosher market, and they can shacke and hoist for kosher slaughter with only minimal modifications in their present stunning pens.

A technological society also creates affluence, which tends to put distance between the consumer and the process used to make the product. Most Orthodox Jews in the United States have not witnessed slaughter operations. This is especially true of the younger generation. I interviewed a young Orthodox Jew who had no idea of what was occurring in some kosher slaughterhouses. She could not believe what she was told about shackling and hoisting and became extremely upset when she saw a picture of a shackled steer. If Jewish consumers were made aware of how their sacred ritual has been corrupted in some plants, they would demand a stop to it. One large kosher slaughterhouse stopped shackling and hoisting and installed two ASPCA restraining pens because housewives picketed the grocery stores which owned the plant.

Although shackling and hoisting prior to kosher slaughter is practiced on a large scale in the United States, it is forbidden in most European countries (Carding 1971). In Canada, the practice is not permitted, nor is kosher slaughter exempt from humane slaughter laws.

The Kosher Meat Trade

Only the forequarters of heavy steers killed by kosher methods will be stamped kosher and sold on the kosher market. This is because the hindquarters must be deveined according to Jewish dietary laws and this is too time-consuming and costly. In addition, the entire carcass of approximately 30% of all
ritually killed animals is declared 'tref' (unkosher) and sold on the regular market. Another 10-20% of ritually killed animals may be diverted into the regular trade to fill regular orders since most kosher slaughter plants sell both kosher and regular meat. In the final analysis, at least 65% of all the meat from kosher killed livestock in the U.S. is sold on the regular market.

**Kosher Slaughter Restraining Systems**

The first restraining system which was developed for large cattle was the Weinberg Casting Pen, a European invention. After the animal enters the pen, the entire pen is rolled over and tilted 180 degrees. The animal then moves up on its back with its head protruding through the front opening. The Weinberg Casting Pen has a maximum capacity of 30 animals per hour and is better than shackling and hoisting for kosher slaughter, but there are other types of restrainers which are less stressful.

The next major advance in restrainer design was the ASPCA pen which can be licensed, royalty-free, to any plant which desires to use it (Figure 1). The pen was originally invented by Peter Hoad of Canada Packers Ltd. The belly lift was added by Cross Brothers Packing in Philadelphia. They obtained a U.S. patent and then sold the patent rights to the ASPCA. The pen consists of a stall with an opening in the front for the animal's head. After the animal enters the stall, a bumper pushes the animal forward, forcing the head through the front opening. A yoke then descends, locking the head in position and a lift comes up to support the animal under its belly.

A chin lift then raises the animal's head and stretches the neck for the shochet. After the throat is cut, the side door is then closed and the pen is ready for the next animal.

The design of the head holder is very important; otherwise the pen will not be acceptable to the rabbinical authorities. There must be sufficient clearance so that the shochet's knife will not touch the chin lift. This lift can be used on many different types of restrainers.

There have been some problems with the ASPCA pen. All of the moving parts of the pen are controlled by air cylinders, and operators commonly use too much air pressure for the rear bumper and belly lift. The ASPCA pen causes relatively little stress only if a skilled and conscientious person operates it. Most of the problems which occur with the ASPCA pen are caused by trying to go too fast. This is a management rather than a design problem. However, the pen is mechanically complicated and will usually not reduce labor requirements over a shackler and hoist system.

**a) New large animal restrainers**

Restrainer designs which rely on gravity to restrain the animal instead of moving parts propelled by air cylinders make it nearly impossible for people to hurt an animal by squeezing it too hard or knocking it around in the restrainer. This idea originated from a restrainer that Cincinnati Butcher's Supply Co. built but never developed into a workable form. I adopted the idea for use in kosher slaughter (Grandin, 1977).
can stop, start or reverse the conveyor-restrainer with foot controls. Hand controls are used to operate the head holder. After the restrainer is stopped, the animal's head is caught in a clamshell-like cage. When the cage is lifted the animal's neck is stretched for the shochet. The head holder is powered by both hydraulics and air. A hydraulic cylinder is used to raise and lower the clam shell to facilitate precise positioning. Air is used to power the clam shell because it moves the clam shell quickly.

After the shochet makes the cut the clam shell opens and releases the head. The animal is discharged onto a downward sloping take-away conveyor similar to ones illustrated in Grandin (1980c). The rubber belt is sterilized every time it makes a revolution. A stainless steel box under the take-away conveyor catches the sterilizing water and prevents it from diluting blood in the blood pit. Animals are shackled and handled in the same manner as a standard conveyor-restrainer system.

The new restrainer is much more humane than the old shackling and hoisting system. It also reduces labor requirements and provides safer working conditions for plant employees. In the old shackling and hoisting system three employees were required to hold the animals' heads. With the restrainer these 3 people are no longer needed. The labor savings and reduction in bruises will enable the plant to pay for the restrainer and the new building which houses it in three to five years. In plants where this system could be installed in an existing building, it would pay for itself in two years.

b) Restrainers for small animals

A University of Connecticut research team (Giger et al., 1977) developed a double rail restraining system for kosher slaughter of calves and sheep. This system could also be used for Australia or New Zealand type slaughter of sheep. In the double rail system the animal straddles two rails. The double rail is especially recommended for small calves because they will either fall through or cross their legs in a V restrainer. The double rail is mechanically simpler and it would be easier to keep clean. Research indicates that the double rail is less stressful than shackling and hoisting, especially in the heavier calves (Westervelt et al., 1976).

The double rail concept could be used in three types of system. A small system where each animal is placed in the restrainer singly, a semi-automatic system for up to 225 animals per hour, or a continuous large automated system where up to 200 calves or 400 sheep per hour could be slaughtered. It could also be used for kosher, Moslem and regular slaughter where the animals are stunned. Figure 4 illustrates the working of the system.

Conclusion

From the standpoint of humanness, the problem with kosher slaughter is not in the killing method per se, but in the pre-slaughter handling technique of shackling and hoisting heavy, fully conscious animals. The slaughter ritual was developed in a pre-industrial society, and the handling methods were designed not only to adhere to the commands of the Torah concerning food animal slaughter, but also to ensure humane treatment of the animals. Humanness, a
central tenet of the Jewish attitude toward animals, has become an issue in kosher slaughter only since the advent of large, high speed plants which must conform to secular standards of hygiene as well as to the religious proscriptions of the ritual. Thus a situation has developed in which the spirit of the ritual has been lost or perverted in the attempt to preserve ancient practices in a modern, highly technological setting.

However, although technology has in a sense created the problem, technology, or rather its proper application combined with some creative thinking, may be able to solve it as well. The evidence indicates that ritual slaughter can be at least as humane as other systems, provided that the shackling and hoisting of large animals is replaced by some other kind of restraining device which will hold the animals in the correct manner according to Talmudic instruction and also spare the animal undue stress and suffering. The automatic conveyor-restrainer described above achieves these goals and has the added advantage of reducing labor costs.

References


Grandin, T. (1975) Survey of behavioral and physical events which occur in hydraulic restraining chutes for cattle. Thesis, Arizona State University, Tempe, AZ.
T. Grandin—Kosher Slaughter

LEGISLATION AND REGULATION

Farm Animal Welfare Legislation in the U.S.

The legal profession is now giving increased attention to the question of animal rights, and more specifically, to the status of factory farm animals.

Attorney Jonny Frank has published an article entitled “Factory Farming: An Imminent Clash Between Animal Rightsists and Agribusiness” (Boston College Environmental Affairs Law Review 7:423-451, 1979), which reviews the major welfare concerns in the factory farming of animals and presents a convincing case for the implementation of reforms.

According to Frank, current state anticruelty statutes, by virtue of their legal definition, are ineffective in stopping factory farm animal abuse. Farm animals may not even be considered part of the definition of “animal” in these statutes (a problem similar to the meaning of “animal” in the federal Animal Welfare Act). Moreover, in order to fulfill the legal meaning of “cruelty,” a practice must be shown to be “unnecessary or unjustifiable.” However, necessity of and justification for a practice are more often determined by its economic benefit rather than by its effect on the animals’ welfare.

Even in instances where the obstacles posed by legal language can be overcome, enforcement of the anti-cruelty statutes remains an additional set of problems. Agribusiness interests have traditionally exerted a great deal of influence on state agricultural and animal protection agencies. This factor, combined with the low priority usually given by law enforcement officers to animal protection and the frustration of private citizen efforts by current legal notions of the standing and rights of animals, makes enforcement of the statutes extremely difficult.

In view of the inadequacies of the current laws, Frank proposes a Model Farm Animal Protection Act (see below). The Act, which could be designed either as state or federal legislation, would be administered by the Bureau of Farm Animal Protection whose duties would include: “(1) investigation of the treatment of farm animals; (2) research into more humane alternative farming methods; (3) promulgation of rules and regulations for the protection of farm animals; and (4) enforcement of such rules and regulations” (p. 450).

Frank emphasizes the important point that the major costs of food production occur after the animal is slaughtered, with packing, shipping and marketing representing two-thirds of the retail cost (See J. Hightower, Eat Your Heart Out—How Food Proflitees Victimize the Consumer, Vintage Books, 1975). Therefore, savings in the growing of animals are not passed on to the consumer, they are pocketed by corporate factory farm enterprises. In fact, there is not even any definitive proof that the abusive factory farmer insures any savings at all in the rearing stage. One study of egg production revealed that the stress produced by overcrowding of chickens actually