

# When Kosher Isn't Kosher

Aaron Gross

Rarely have the traditional Jewish dietary laws ever attracted the international attention that they recently received in the wake of an undercover investigation by People for the Ethical Treatment of Animals (PETA). On November 30, PETA released undercover video footage of grisly animal abuse at AgriProcessors, Inc. (Postville, IA), the largest glatt kosher slaughterhouse in the world. The video documented fully conscious cattle having their tracheas and esophagi ripped from their throats, their sensitive faces shocked with electric prods, and languishing for up to three minutes after their throats had been slit.

Articles in the *New York Times*, the *Jerusalem Post*, the *Los Angeles Times*, the *Washington Post*, and numerous other papers combined with a flurry of activity on web blogs such as FailedMessiah.com (run by an Orthodox Jew who has worked in kosher slaughterhouses) and webzines like Jewweek.com, quickly brought the issue to wide popular attention. After initial statements denying that anything was wrong, the Orthodox Union (OU), which certifies AgriProcessors as kosher, put pressure on the slaughterhouse to address some of the issues raised by the PETA investigation. Promising as this step was, most of the concerns raised by PETA's video have yet to be addressed by the Orthodox Union or AgriProcessors. Indeed, the OU has indicated that, in their view, Judaism's dietary laws are not violated when animals are systematically mutilated, shocked, and left to languish at the hands of sloppy slaughters. Even after the executive vice president of the OU, Rabbi Tzvi Hersh Weinreb, acknowledged to the *New York Times* that the removal of the tracheas and esophagi was "especially inhumane," he asserted in a formal statement, "We continue to vouch for the kashrut of all of the meat prepared by AgriProcessors, Inc., which was never compromised." As far as we know, animals at AgriProcessors continue to suffer needlessly.

At stake is the basis of Jewish dietary law (*kashrut*) itself. While the OU has argued that there was never any violation of kosher law at AgriProcessors, PETA, a secular animal

rights organization, has served as a champion of kashrut's moral and ethical dimension. With the support of numerous rabbis, PETA has argued that the egregious cruelty at AgriProcessors is completely out of line with both the letter and spirit of kosher law, and has described Judaism's record of compassion for animals as the best of all the Abrahamic faiths.

## *What is Kosher Slaughter?*

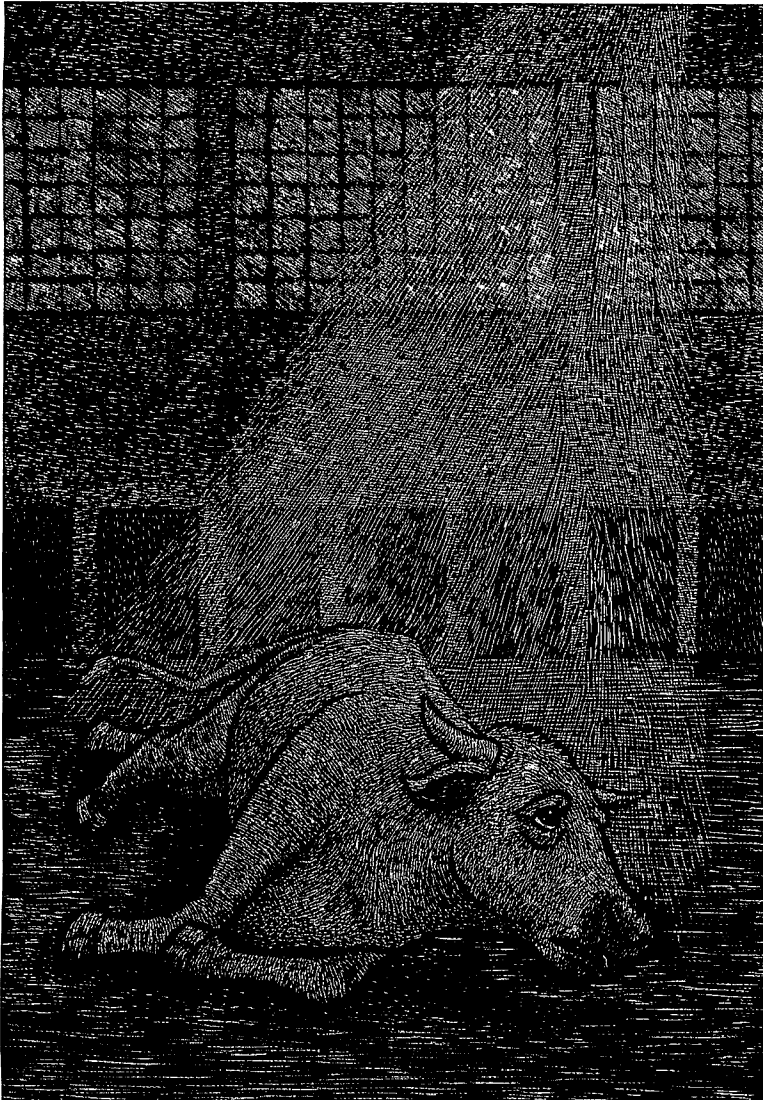
At every kosher slaughterhouse, animals are killed by a ritual cut to the neck called *shechita* that severs the esophagus and trachea (or at least one of these in the case of chickens and turkeys). Ideally, the cut also severs blood flow to the brain and, after a variable period of time, leads to unconsciousness. Jewish law specifies that a razor sharp blade must be used and that the slaughter must be performed by a properly trained individual called a *shochet*. These rules are particularly important for animal welfare because the sharpness of the blade and its proper use seems to reduce the pain caused by the cut and speed unconsciousness. Most, though not all, authorities in *halakha* (Jewish law) have further argued that the animal must be conscious while *shechita* is performed. In non-kosher slaughterhouses, U.S. law requires that animals be stunned before being slaughtered on humane grounds.

The time to loss of consciousness after *shechita* is a central humane concern in any kosher slaughterhouse. Studies have shown that this time varies greatly based on the species being slaughtered, the type of restraint mechanisms used to hold the animal during slaughter, and the skill of the *shochet*. A 1994 review of the relevant scientific literature by Dr. Temple Grandin and Dr. Joe Regenstein, the two senior-most U.S. scientific experts on kosher slaughter, showed that even in the best cases, 5 percent of the animals retained consciousness for more than a few seconds after *shechita*. In other cases, technically correct *shechita* left 30 percent of the animals conscious for extended periods of time up to 30 seconds.

Overall, it is clear that *shechita* can render an animal unconscious in an optimal manner and is almost always better regulated than non-kosher slaughter. This is why animal rights groups like PETA have insisted that kosher slaughter is generally better than non-kosher slaughter. However, for kosher slaughter to optimally reduce suffering requires properly designed "upright" restraint devices and specific forms of employee training, neither of which are required by

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the USDA or kosher certification agencies. As a result, though the Jewish community may be rightfully proud that kosher law dictates a method of slaughter that *can* reduce animal suffering during slaughter to an absolute minimum, there is presently no guarantee that this is the case. The fact that the OU has stated that there were never any problems with kosher law at AgriProcessors underscores this point.

### *What Happened at AgriProcessors?*

The abuses documented at AgriProcessors were not aberrations, but standard operating procedures. Most troubling is the procedure, performed immediately after *shechita*, of ripping out the tracheas and esophagi of conscious cattle. Significantly, this procedure is not typically performed in other kosher slaughterhouses and, according to Dr. Temple Grandin, the real purpose behind the procedure at AgriProcessors remains unclear. Whatever the reason, this procedure is not required by kosher law.

Nonetheless, the removal of the trachea and esophagus was performed on *every single* animal that PETA was able to video tape, the only exceptions being cases where pressure to keep the line moving meant the procedure was skipped. PETA was able to obtain a total of five hours of footage of cattle slaughter in six sessions over about seven weeks in which 278 animals were slaughtered; 230 of these animals were clearly visible and at least 20 percent of these animals were conscious *after* being dumped onto a concrete floor with their tracheas and esophagi hanging from their necks.

Stephen Bloom, a journalist who wrote the highly acclaimed book *Postville* about the clash of cultures in the small Iowa town where the slaughterhouse is located, has confirmed that shoddy slaughter existed as far back as 1996 when he was given a tour of the slaughter facility. Bloom witnessed multiple animals struggling to stand minutes after *shechita*. Although Bloom did not actually see animals' throats slit and so does not know whether or not the animals' tracheas and esophagi were removed at that time, another anonymous source has come forward to state that she saw the trachea and esophagus procedure when she visited the slaughter line in 1998.

Our best information, then, is that for at least six years AgriProcessors saw fit to cut the tracheas and esophagi out of animals that had at least a one in five chance (based on the undercover footage) of being conscious *after* the procedure. Moreover, for at least eight years, they have been so lax in their slaughter technique that animals have routinely been

fully conscious for minutes after they were dumped from the restraint onto concrete floors. And all this is to say nothing of other equally systematic abuses of animals at AgriProcessors, such as the misuse of electric prods on animals' faces and the use of a restraining pen which has been condemned as a violation of *tza'ar ba'alei hayyim* (the torah mandate not to cause pain to animals) by the Conservative movement's highest halakhic body.

In an ongoing, cynical attempt to distort the full extent of this abuse, representatives of AgriProcessors and the OU have suggested that the animals on PETA's tapes were not conscious. Everyone agrees that brain-dead animals sometimes make movements that non-experts might think indicate life. However, every single scientific and slaughter expert that has been consulted, *without exception*, has agreed that the animals on PETA's video were conscious (an impressive list of these expert statements is available on PETA's website, [www.goveg.com](http://www.goveg.com)). Nonetheless, the president of

AgriProcessors, Sholom Rubashkin, continues to maintain, “What you see on the video is not out of the ordinary... Nothing wrong was, or is, being done. There is nothing to admit.”

The USDA, by contrast, found the abuse at AgriProcessors so offensive that they created a new “scenario” of animal abuse which precisely describes what occurred at AgriProcessors, as documented by PETA’s video footage. The USDA advises that were an inspector to witness such a scenario, they should immediately suspend slaughter operations and notify the relevant authorities of “this egregious violation of the Humane Methods of Slaughter Act...” (view the full USDA scenario at [http://www.fsis.usda.gov/ofotsc/hike\\_03-04.htm](http://www.fsis.usda.gov/ofotsc/hike_03-04.htm)).

### *The Broader Context*

What does it mean that such misery could go on for years in a facility that was doubly inspected by the USDA and religious authorities? Sadly, the abuse at AgriProcessors is a symbol of entrenched, systematic abuse of animals in today’s meat industry, rather than an anomaly. It may be aberrant to mutilate animals in the particularly offensive manner practiced by AgriProcessors, but on today’s factory farms it is perfectly routine and legal to cut horns, testicles, and beaks off animals without painkillers, and to confine animals for their entire lives in spaces so cramped that they must be fed antibiotics simply to keep them alive. Sadly, virtually all kosher meat comes from animals that are raised in the same abusive factory farms that produce most meat in America. This chronic abuse of animals on factory farms does not capture headlines in the way that the unusual level of abuse at Agriprocessors has, but this “normalized” abuse is equally, and perhaps more, worthy of our attention.

The contemporary French-Jewish philosopher Jacques Derrida was deeply disturbed by the cruelty of factory farming, and, perhaps even more, by the denials that allow it to continue. His remarks on the contemporary indifference to the misery of these “farms” are as chilling as they are relevant: “No one can deny seriously, or for very long, that men do all they can in order to dissimulate this cruelty or to hide it from themselves, in order to organize on a global scale the forgetting or misunderstanding of this violence that some would compare to the worst cases of genocide.” Roughly 10 billion land animals are killed for meat every year in the United States alone and yet the average person has never witnessed an animal being slaughtered. Undercover investi-

gations, one after another, have demonstrated conclusively that neither the USDA nor religious authorities have adequate regulation to address even the most extreme instances of abuse.

Looked at in the broader societal context, the fact that the products of factory farming and even abusive facilities like AgriProcessors are given moral legitimacy by being deemed “kosher,” transforms kashrut from an ethical system into one that helps mask organized animal abuse. This awkward situation is so far from the moral vision of kashrut that it is painful to even acknowledge.

### *The Ethical Basis of Kashrut*

Few contemporary rabbis have articulated the moral foundations of kashrut for so many of today’s current Jewish leaders as Rabbi Samuel Dresner. In his book *Keeping Kosher*, he reminds us that in the biblical vision, “permission to eat meat is... understood as a *compromise, a divine concession*.” The Rabbinic tradition has taught that human beings were originally vegetarian in the garden of Eden on the basis of Genesis 1:29, “See, I give you every seed-bearing plant that is upon the earth, and every tree that has seed-bearing fruit; they shall be yours for food.” God’s original plan contained no slaughterhouses; animal slaughter was only reluctantly allowed after the flood, and this slaughter had to be regulated.

As Dresner explains, “Jews are permitted to eat meat, but they must learn to have reverence for the life they take.” The laws of *shechita* are the concrete manifestation of this required reverence. However, it also is now evident that kosher slaughter can be turned on its head, becoming among the cruelest methods of ending life. As Rabbi Barry Schwartz, who sits on the task force on kashrut for the Central Conference of American Rabbis, noted upon viewing PETA’s video, “If this is kosher, then we have a big problem.”

Fortunately, Rabbi Schwartz has been joined by many others, and, in a remarkable demonstration of spontaneous Jewish pluralism, these voices have come from across the Jewish spectrum. Rabbi Raphael Rank, the President of the Conservative movement’s Rabbinical Assembly, fired off a letter to all Conservative Rabbis shortly after the AgriProcessors’s story appeared, calling PETA’s investigation “a welcome, though unfortunate service to the Jewish community.” He argued that “[w]hen a company purporting to be kosher violates the prohibition against *tza’ar ba’alei hayyim*, causing pain to one of God’s living creatures, that

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company must answer to the Jewish community, and ultimately, to God.”

Chaim Milikowsky, the chair of the Talmud department at Bar Ilan University and a traditionally observant Jew, went so far as to say of AgriProcessors that, “It very well may be that any plant performing such types of *shechita* is guilty of *hillul hashem*—the desecration of God’s name—for to insist that God cares only about his ritual law and not about his moral law is to desecrate His Name.”

The President and Executive Director of the Reform movement’s Central Conference of American Rabbis, Janet Marder and Paul Menitoff, were among signatories to a joint statement by Jewish leaders which asserts that, “Judaism’s powerful tradition of teaching compassion for animals has been violated by these systematic abuses [at AgriProcessors] and needs to be reasserted” (the full statement and signatories can be viewed and signed at [www.HumaneKosher.com](http://www.HumaneKosher.com)). The statement, which goes on to call for specific changes at AgriProcessors and for basic humane standards to be established for all kosher certification agencies, was also signed by Arthur Green, Dean of the Rabbinical School of Hebrew College; Arthur Waskow, the Director of the Shalom Center; Elliot Dorff, Rector at the University of Judaism and Vice-Chair of the Conservative Movement’s Committee on Jewish Law; and other senior leaders in all major branches of Judaism.

### *Individual Responsibility*

More than animals suffer in slaughterhouses like AgriProcessors. The entire tradition of reverence and compassion that is Judaism’s life blood is drained when kosher slaughter becomes an act of cruelty. When *shechita* becomes part of systematic abuse of animals rather than a compassionate compromise with the inherent violence of meat-eating, the wounds that are inflicted upon these animals becomes wounds inflicted on all of us.

### **Resources**

A free vegetarian starter kit is available from PETA at 1-888-VEG-FOOD or [www.GoVeg.com](http://www.GoVeg.com) (mention Tikkun to receive complimentary information on Judaism and vegetarianism). The growth of community supported agriculture (CSA) allows consumers to buy a share in the food produced in an area farm. To identify a CSA or similar options in your area:

- [www.sustainabletable.com](http://www.sustainabletable.com)
- [www.nal.usda.gov/afsic/csa](http://www.nal.usda.gov/afsic/csa)
- [www.biodynamics.com](http://www.biodynamics.com)
- [www.landstewardshipproject.org/csa.html](http://www.landstewardshipproject.org/csa.html)

For many, the pervasive nature of animal abuse at AgriProcessors and elsewhere means that eschewing meat is now a moral imperative. Indeed, many who have investigated the pitiful conditions in which dairy cattle and egg-laying hens are raised, have committed themselves to veganism (eschewing all animal products). Vegan diets also have well-established health and ecological advantages, and are increasingly popular, especially with young people. A recent survey of 100,000 college students by food service giant Aramark indicated that fully one in four students consider finding vegan meals on campus important to them. In a like manner, many Jews feel that vegetarianism is the most effective way to stand against the cruelty of factory farms and within the Judaic vision of reverence for all life.

Those who choose not to become vegetarian still have an ethical responsibility to ensure the meat and animal products they eat come from animals that are both humanely raised and slaughtered. The only adequately regulated labels that a consumer could look for on a wide variety of products to ensure *better* treatment of animals are “organic” and “Certified Humane.” Unfortunately, though these certifications eliminate some abuses, they allow farms to systematically mutilate animals without pain relief (for example, cutting off part of chickens’ sensitive beaks), do not mandate access to the outdoors, and have no standards for the transportation of birds. Claims that animals are “free range” are so poorly regulated as to be meaningless and a multitude of industry-promoted “humane” labels like “Animal Care Certified” and the “Swine Welfare Assurance Program” are simply Orwellian tactics by industry to redefine even the worst factory farm methods as “humane.”

This sorry state of affairs is further indicated by the fact that the only national chain of grocery stores which has meaningful humane standards for the animal products they sell is Whole Foods (roughly as good as those used by the “Certified Humane” label). Significantly, Whole Foods is in the process of developing new animal welfare standards which, when released, are likely to be vastly superior to any currently available. At present, however, the only way to ensure that animals are treated humanely is to avoid eating them or identify a free range farm (that you inspect yourself) and to personally arrange for the animals’ slaughter.

Whether we choose vegetarianism or not, it is time we confront our own forgetfulness about the suffering of animals, and, equally, our forgetfulness about the moral intent of kosher law. Continued silence about the fate of the animals we eat is not just silence, but denial. The voices calling for compassion in how we treat farm animals are stronger now than at anytime in recent memory; they testify to a process of remembering a venerable tradition of reverence for life which continues to animate Jews today. Let us work to make these remembrances into a concrete, living tradition of day-to-day concern for all life. Let the image of the divine that we represent, be a vision of compassion. □