

Hilchot Shechitah
A Rabbinic Capstone

By Gersh Lazarow
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Texts Studied

- 1) Hilchot Shechita as found in Mishneh Torah: Kedusha
14 chapters and assigned commentaries
- 2) Hilchot Shechita as found in Shulchan Aruch: Yoreh Deah
28 chapters and assigned commentaries
- 3) Babylonian Talmud as referenced in Mishneh Torah

Assessments

- 1) Displays competencies and familiarity with assigned texts.
- 2) Completes 3 written assessments exploring Hilchot Shechita
Provisional Topics
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Halal and Kashrut
A Comparative Study

By Gersh Lazarow

It is well known that the Islamic dietary laws (Halal) and the Jewish dietary laws (Kashrut) share a common scriptural origin: a legal code first expounded in Leviticus¹ and later referenced in the Qur'an. What is less well known, is the fact that the terms Halal and Kashrut also share similar linguistic and cultural meanings. Something that is in accord with Jewish Law is termed kosher, from the Hebrew term kashér, meaning that it is "fit", while the term Halal is an Arabic word meaning "permissible" and can be used to describe anything that is in accord with Islamic Law. Importantly, while both these terms do have a broad technical meaning in their respective legal codes, they are most commonly used in the narrower context of the dietary laws and have essentially become synonymous with them. Recognizing these commonalities, one is able to appreciate why some assume that the terms are analogous or even interchangeable. Nevertheless as this paper will highlight, by 1) comparing the animal fit for slaughter, 2) examining the different prohibition against the consumption of blood, and 3) exploring the actual procedures and purpose of ritual slaughter, one is able to clearly see that while there may be some superficial similarities between Halal and Kashrut, there are also profound differences between them that clarify their purpose and role within their respective religious traditions.

In beginning this analysis it is necessary to note that at the centre of both the Jewish and Islamic dietary codes is the notion that there are certain animals that are considered "permitted" or "fit" for consumption while there are others whose consumption is prohibited. While it is not the goal of this paper to explore how or why each of the traditions chose to label a given animal as such, it is useful to examine the basic principles of classification as they can help us better understand

¹ See Leviticus Chapter 9: 1-23 in Tanakh: The Holy Scriptures, Philadelphia: Jewish Publication Society, 1985.

the various commonalties and differences between Halal and Kashrut. In doing this, it is also important to note that no matter how they came to characterize a given animal, both Islamic and Jewish law consider prohibited animals as “forbidden” – Haram or Asur respectively - and do not allow them to be eaten unless one is under the threat of death.

In his *Sefer HaMitzvot*, Maimonides explains that the Kosher status of an animal is governed by a number of essential rules that are outlined in *Leviticus*². Firstly³, *RaMBaM* explains that all Kosher animals must be ruminants and have completely split hooves⁴. Secondly⁵, if an animal kills other animals regularly for its own food, is a carrion eater or is known to be dangerous⁶, it is not fit for consumption⁷. Thirdly, as regards aquatic creatures⁸, the *RaMBaM* concludes they must have fins and scales⁹. From these basic laws we see that at the core of the Kashrut classification process is the fundamental belief that one’s state of holiness can be altered by that which they eat and by prohibiting certain undesirable creatures, Jewish tradition seeks to ensure that one’s state of holiness is not sullied by the food that one consumes.

² *Ibid.*

³ Positive Mitzvah #149 in Maimonides, *Sefer HaMitzvot*, New York: Moznaim, 2002.

⁴ This automatically rules out canines, felines, pachyderms, primates, simians and anything with claws or paws. Of the remaining hoofed animals, many leave a flat, rounded footprint, indicating a one-surface hoof, like horses and zebras. Of the ones that have the requisite two-section hoof, some aren't completely two-sectioned--they're joined at one end, like the camel. Of the remaining split-hoofed animals, some like swine are not ruminants and are therefore also excluded leaving a list that primarily includes cattle, sheep, goats and various types of deer.

⁵ Positive Mitzvah #150 in Maimonides, *Sefer HaMitzvot*, *Op. Cit.*

⁶ Unlike with land creatures and fish, the Torah doesn't give signs for determining kosher birds; instead it gives a list of unkosher birds. The Talmud (tractate Chulin 59a and 61a) offers signs for determining whether a bird is kosher or not.

⁷ This ruling makes predatory birds unfit to eat. It rules out raptors, eagles, hawks, owls and other hunting birds, vultures and other carrion-eating birds, and storks, kingfishers, penguins and other fish-eating birds. Ostriches and other large fowl that are capable of killing are also prohibited. As a result, Kosher birds are limited chickens, ducks, geese, turkeys, and the like.

⁸ Positive Mitzvah #152 in Maimonides, *Sefer HaMitzvot*, *Op. Cit.*

⁹ Obviously, this cancels out crustaceans, shellfish, squid and octopi, which have neither. Less obvious are sharks, whales, and dolphins, which have fins but not scales.

In understanding this religious intention – that holy eating can foster holiness in life, we are also able to better understand why Jewish tradition goes to what could be considered extreme lengths to ensure that its adherents minimize the consumption of blood (even if it comes from a permitted animal)¹⁰. Indeed, the Torah makes it clear that according to Jewish tradition, blood has more than a biological function. So much so that this prohibition is the only dietary law that has a reason specified in Torah: we do not eat blood because "the blood is the soul"¹¹. By eating blood a person consumes that animal's life energy, and impacts him or herself in a spiritually negative manner. This applies only to the blood of birds and mammals, not to fish blood. Thus, it is necessary to remove all blood from the flesh of kosher animals. The first step in this process occurs at the time of slaughter, as will be discussed later, Kosher slaughter or shechitah allows for rapid draining of most of the blood. The remaining blood must be removed, either by broiling or soaking and salting. Liver may only be made kosher by the broiling method, because it has so much blood in it and such complex blood vessels. This final process must be completed within 72 hours after slaughter, and before the meat is frozen or ground. Similarly, an egg that contains a blood spot may not be eaten. This isn't very common, but tradition dictates that one should break an egg into a container and check it before it is used.

Much like the laws of Kashrut, the Islamic dietary laws of Halal also place prohibitions on both the consumption of certain animals and the ingestion of blood no matter its origin, but it does so for very different reasons. Indeed, while

¹⁰. See Leviticus 7:26-27 and Leviticus. 17:10-14 in *Tanakh: The Holy Scriptures*, Philadelphia: Jewish Publication Society, 1985.

¹¹. See Leviticus 12:23 in *Tanakh: The Holy Scriptures*, Philadelphia: Jewish Publication Society, 1985.

it is true Islamic tradition also derives a list of permitted and prohibited animals from its scriptural tradition; it appears to do so for practical rather than ethical reasons. For example, while the Qur'an clearly prohibits the consumption of swine and carrion¹² as well as fanged beasts of prey and all the birds having talons¹³, the classical books of Islamic jurisprudence¹⁴ seem to suggest disease prevention is the primary reason for their prohibited classification. Indeed these texts come to suggest that the blood should be considered dirty and a primary cause of infection and disease. Interestingly, the Qur'anic prohibition against the consumption of blood also seems to be rooted in practical issues such as health, cleanliness and disease prevention as each of its three references¹⁵ appears in conjunction with the prohibition against the swine and carrion. Continuing in this pragmatic vein, the Qur'an also makes it clear that animals such as the donkey and the camel should be considered work animals "to ride and use for show"¹⁶ and as such should not be eaten and are not fit for consumption.

¹² Muhammad Pickthall (Ed.) The Glorious Qur'an, New York: Tahrike Tarsilem 1999, Surah al Baqarah (The Cow), the second chapter, verse 173; From Surah Al-Maidah (The Table Spread), the fifth chapter, verse 3; And From Surah Al-Nahl (The Bee), the sixteenth chapter, verse 115.

¹³ Muhammad Pickthall (Ed.) The Glorious Qur'an, New York: Tahrike Tarsilem 1999, Surah Al-Maidah (The Table Spread), the fifth chapter, verse 3.

¹⁴ Texts such as al-Fatawa al-Hindiyya, 5/289-291, Bada'i al-Sana'i, 5/35-39 and Radd al-Muhtar, 304-308 as cited and discussed in Mian N. Riaz and Muhammad M. Chaudry, Halal Food Production, Boca Raton: CRC Press, 2003, p. 162.

¹⁵ Muhammad Pickthall (Ed.) The Glorious Qur'an, New York: Tahrike Tarsilem 1999, Surah al Baqarah (The Cow), the second chapter, verse 173; From Surah Al-Maidah (The Table Spread), the fifth chapter, verse 3; And From Surah Al-Nahl (The Bee), the sixteenth chapter, verse 115.

¹⁶ Muhammad Pickthall (Ed.) The Glorious Qur'an, New York: Tahrike Tarsilem 1999, Surah Al Nahl (The Bee), the sixteenth chapter, verse 8.

While the varied categorization of animals as either “fit” or “unfit” for slaughter and differing approaches to treatment of blood could lead one to conclude that these dietary codes are actually more different than they are similar, ultimately it is in examining differences in the way that the two traditions approach animal slaughter itself that is most conclusive. Indeed while it is clear that there are superficial commonalities between Islamic slaughter, known as Dhabihah, and Shechita, ritual slaughter of animals and birds according to Jewish laws, these are more often than not explained by the practical requirements of the day and the common cultural sensibilities that the traditions share. A perfect example of this is the fact that both Shechita and Dhabihah require the slaughter to cut across the neck of the animal with a non-serrated blade in one clean attempt in order to sever the main vessels¹⁷. In his work “Kosher Food Production”, Zushe Blech notes this shared requirement does little more than affirm each traditions respective desire to remove as much of the animal’s blood as possible in the shortest amount of time¹⁸. Similarly in exploring Islamic Law’s insistence on this issue Muhammad ibn Adam explains that “the fuqaha (jurists) have deduced that for the animal to be lawful (halal) it is necessary that its veins are cut open in a way that the blood streams and gushes out. This is to make sure that the impure elements are removed from the animal as much as possible”¹⁹. In short, as both traditions are focused on avoiding the ingestion blood (albeit for very different reasons) there exists no more efficient means than a clean cut across the neck and death by exsanguination.

Similarly, when we recognize that both these legal codes were developed by nomadic and isolated communities, it is perfectly understandable that they also

¹⁷. Zushe Blech, Kosher Food Production, Iowa: Blackwell Publishing, 2003, p35ff

¹⁸. *Ibid*

¹⁹. Discussion can be found at <http://www.shariahprogram.ca>, viewed on November 3rd 2008.

share a common pragmatism that desert life required. For example, as RaMBaM notes in his Mishne Torah, any adult sane Jew who knows the proper technique can perform shechita²⁰. In the same way, any “adult sane Muslim as long as they are following the rules prescribed by Shariah” can perform Dhabihah²¹. The reality here is that any other limitation beyond that of sanity and training would have meant that these laws would have been too impractical for early adherents to follow in their daily life.

Moving beyond these basic commonalities one quickly comes to appreciate that Hallal and Kashrut are actually two very separate and distinct dietary systems. Basically, the actual requirements of the slaughter in terms of which vessels must be severed and which must be kept intact are not even the same. Shechita requires the frontal structures at the neck including the trachea, oesophagus, the carotid arteries and jugular veins to be severed in a rapid and uninterrupted action²². On the other hand, there is no conclusive answer as to exactly which vessels are required to be severed as per Dhabihah. In a rigorously authenticated Hadith²³ recorded by Sayyiduna Abd Allah ibn Abbas, Mohamed suggests that only the jugular veins are required for slaughter²⁴. However a Hadith recorded by Ibn Abbas and Abu Huraira requires that all the veins are cut²⁵. Like the Hadith, the Fuqaha also differ as to which of the veins must be cut. According to one school

²⁰. Maimonides, Mishne Torah: Sefer Kedushah, New York: Moznaim, 2002, Laws of Slaughter 2:12

²¹. Mian N. Riaz and Muhammad M. Chaudry, Halal Food Production, *Op. Cit*, p. 12

²². Maimonides, Mishne Torah: Sefer Kedushah, New York: Moznaim, 2002, Laws of Slaughter 1:9

²³. Hadith are oral traditions relating to the words and deeds of the Islamic prophet Muhammad.

²⁴. The specific text is read “Whatever cuts the jugular veins, then (after cutting it) eat the animal.” and can be found in the Muwatta of Imam Malik, 2/489 on found at <http://www.shariahprogram.ca>, viewed on November 3rd 2008.

²⁵. Specifically this Hadith prohibited the Sharita of Shaytan. That is an animal that is slaughtered by cutting it open but not severing all the veins.

of thought both the wind pipe and the gullet must be slit in order for the animal to be lawful. But the accepted legal principal – coming from the Hanafi school - suggest three from the four must be cut²⁶.

While these distinctions might seem semantic or superficial they actually go a long way to highlight the essential difference in the details and specificity of the respective dietary laws. Indeed while practically might be very little difference between the basic Islamic and Jewish requirements for slaughter - either all four veins or three out four veins in the neck respectively – the key distinction is that Islamic law ends with this discussion while Jewish law continues to place requirements and restrictions on what can be considered Kosher. Specifically there are five Halachic requirements that the shochet (ritual slaughter) is obliged to ensure in the performance of shechita: 1) There should be no interruption of the incision (Shehiya); 2) There should be no pressing of the knife against the neck (Derasa), this would exclude use of a guillotine; 3) The knife should not be covered by the hide of cattle, wool of sheep or feathers of birds (Chalada), and therefore the chalaf has to be of adequate length; 4) The incision must be at the appropriate site to sever the major structures and vessels at the neck (Hagrama); And finally, 5) there must be no tearing of the vessels before or during the shechita process (Ikkur)²⁷. Ultimately it is because of this detail that today, as a matter of practicality, Shechita is only performed by a licensed, well-trained shochet, while it is still common in certain parts of the world for Moslem families to butcher their own meats.

²⁶ Mian N. Riaz and Muhammad M. Chaudry, Halal Food Production, *Op. Cit*, p. 49

²⁷ List derived from my personal study of Maimonides Hilchot Sechitah.

The strictest application of both Dhabihah halal and Kosher shechita also requires that either God's name or a blessing praising God be pronounced before each slaughter. In Shechita, a blessing to God is recited before beginning an uninterrupted period of slaughtering; as long as the Shochet does not have a lengthy pause, interrupt, or otherwise lose concentration, this blessing covers all the animals slaughtered during that period. The general rule in Judaism is that for rituals that have a pre-ritual blessing, if one omitted the blessing, the ritual is still valid²⁸; as such, even if the shochet failed to recite the blessing before Shechita, the slaughter is still valid and the meat is kosher²⁹. In the same way, upon slaughtering an animal, it is fard³⁰ - a religious duty - upon a Muslim to recite the name of Allah. If he did not recite the name of Allah intentionally, the meat of the animal will not be Halal³¹. Likewise, if he forgot or was under pressure, he will be excused and the meat of such an animal will be Halal³². That being unlike the laws of Kashrut, Halal also permits both Jewish and Christian butcher do it on their behalf³³.

After slaughter, both dietary systems require that the animal be examined to ensure that it is fit for consumption. That being said, Dhabihah guidelines generally say that the carcass should be inspected, while the laws of Shechita as outlined by Maimonides goes into great detail to explain that the animal's internal organs

²⁸ Maimonides, Mishne Torah, New York: Moznaim, 2002, Laws of Blessings 11:5

²⁹ Maimonides, Mishne Torah: Sefer Kedushah, New York: Moznaim, 2002, Laws of Slaughter 1:2

³⁰ Fard also farida

³¹ Muhammad Pickthall (Ed.) The Glorious Qur'an, New York: Tahrike Tarsilem 1999, Surah al-In'aam Aayat 121

³² Ahsanul Fataawa vol.7 pg.403 cited on <http://www.shariahprogram.ca/eat-halal-foods/bismillah-slaughtering-animal.shtml> viewed on November 3rd 2008.

³³ Islamic Law as discussed by al-Haskafi and Ibn Abidin in Radd al-Muhtar `ala al-Durr al-Mukhtar states that the slaughterer must be either a Muslim or from the People of the Book (Ahl al-Kitab).

must be examined to make certain the animal was not diseased or contained any of the seventy different imperfections that could make an animal prohibited³⁴. Ultimately it is this last point – Maimonides listing of the seventy different imperfections that prohibit an animal for Kosher consumption - that is the most telling difference that exists between Kashrut and Halal.

Specifically it is the detail and depth of the Kosher dietary laws that reiterate that the primary purpose is not to manage Jewish eating from a health and safety perspective (as is the thrust of Halal) but rather to elevate eating so that it becomes an expression of holiness. Thus while it is true that the dietary practices of Halal and Kashrut do share obvious similarities in conception and implementation their primary purpose comes to suggest that on a theological level they are remarkably different.

³⁴. Maimonides, Mishne Torah: Sefer Kedushah, New York: Moznaim, 2002, Laws of Slaughter 11:9

Halal and Kashrut A Comparative Study

By Josh Whinston

There are significant differences between the Islamic (*Dhabia*) and Jewish laws on ritual slaughter. In true Jewish form, the *halakhah* concerning *shechitah* is far more intricate, far more complex, and far more expansive. For instance, while there are fourteen chapters in Rambam's Mishneh Torah on *Shechitah*, in the book, "Reliance of the Traveller" by Ahmad ibn Naqib al-Misri, a manual of Islamic sacred law, there are only six and a half pages on the subject of food. If one includes the information regarding sacrifice on 'Eid Al-Adha, the festival which falls on the tenth day of the month *Dhul hijja*, during the *hajj*, two more pages can be added to the count. This being the case, any comparison between the two will leave whole areas of *halakhah* unexplored, as many of the issues pertinent to Judaism are not necessarily pertinent to Islam. There are, of course, some areas of overlap. Because of the relative brevity of Islamic law concerning slaughter, this paper will attempt to compare the different sections that Ahmad ibn Naqib al-Misri enumerates in his guide with corresponding sections from the Mishneh Torah on ritual slaughter.

Islamic religion is focused around the prophet Mohammad, his actions in the world and his interaction with God. Much like Jewish tradition, Islam also has an oral tradition known as *hadith*. It is in the *hadith* and the subsequent commentary on the *hadith* that much of the information about slaughtering is found.

In a *hadith* concerning Muhammad finding a date in his path, he says, "But for fear that it was charity, I would have eaten it." This particular *hadith* is then interpreted as in terms of Muhammad's notion of "doubtful foods." Similar to Jewish law, found meat is questionable, and it must be avoided in most

circumstances. "...when one doubts the that one of the conditions for valid slaughtering has been met, conditions which make [a particular piece of meat] lawful, the assumption is that it remains unlawful...so that the meat only becomes lawful except through certainty..." (al-Misri 361) At first this law seems to be in line with Jewish law, and in fact in some cases that is so. After further consideration one finds that Jewish law is both more lenient in some areas and stricter in others. For instance, *Shechitah* 4:8 states "When a person loses a kid or a chicken: if he finds it slaughtered at home it is permitted. Since the majority of the people that slaughter are experts. If he finds it in the market place, it is forbidden. Perhaps it was slaughtered improperly and became *nevelah* and was therefore cast in the market place. Similarly, if he finds it on the waste dump, it is forbidden." As is clear from the Mishnah Torah text, more issues than just the fact that the meat was found are considered relevant in determining if meat is fit for Jewish consumption or not.

Another example of Halal food laws being more broadly stated, al-Misri writes, "It is permissible to eat any aquatic game except frogs and crocodiles." (al-Misri 363) There are no obvious categories discussed here since all reptiles and all amphibians are not limited for consumption, only frogs and crocodiles. The text goes on to explain that all animals must be slaughtered properly, "...the only exceptions to which are fish and locusts, which are permissible to eat even when they die unslaughtered." (al-Misri 364) In this case the Jewish law is the same as the Islamic law, but the Islamic law is not explained in the same way. Whereas in Islam fish and locusts are permissible even if they are not slaughtered, Rambam takes a nuanced view of the Jewish law. Rambam says in *Shechitah* 1:3, "Fish and locusts need not be slaughtered. Instead, gathering them causes them to be

permitted to be eaten.” For Rambam, the process of gathering makes fish and locusts permissible, he continues, “...gathering fish is like slaughtering cattle and sheep...” Something about the act of gathering changes the status of the fish or locusts and causes them to be considered slaughtered. While it may be the case that an Islamic law scholar might make the same argument as Rambam, nowhere in my research did I find such an argument.

Just as the issue of who does the slaughtering is relevant in Judaism, it is also relevant in Islam. Once again though, Judaism is much more restrictive about who may do the slaughtering. According to al-Misri, the issue of idol worship is essential to the Islamic restrictions, just as it is essential to Jewish law. Al-Misri then states that “...the slaughterer be of a people whose women we are permitted to marry, whether Muslims, Jews, or Christians.” (al-Misri 364) As Rambam has made abundantly clear, only a Jew may slaughter for another Jew. Moreover, the regulations that a Jew must master before he may slaughter, such as knowing the laws of kashrut and being watched by an expert slaughterer before one may slaughter for other people are completely missing from Islamic law, although they may be implied. It would not make much sense to create law, even if it is as minimal as the Islamic law, and then not expect the slaughterer to be familiar with that law. Assumption of knowledge may in fact be more widely assumed within the Muslim community because of the brevity in slaughtering law.

A key area where both Islamic and Jewish laws are in alignment is concerning the organs that need to be cut in order for the slaughter to be considered pure. “The necessary condition for slaughtering any animal which is within one’s capacity to

slaughter is to cut both the windpipe and the gullet.”(al-Misri 364) This idea is plainly stated in Islamic law and does not concern itself with knowing the most accurate place on the neck to do the slaughtering as Jewish law does.

The issue of how soon one must cut again if the first cut was unsuccessful is stated more clearly in Islamic law. “The determining factor is whether life remains in the animal when the knife is applied at the beginning of the last stroke.” (al-Misri 365) Jewish law, on the other hand seems to be convoluted on this issue. Rambam recognizes that the slaughterer may have to cut more than once and may have to wait in between cuts, but his standard for length of time permitted is highly subjective. Rambam writes, “If he waited the amount of time it would take to lift the animal, cause it to lie down, and slaughter it, his slaughter is not acceptable. If he waited less than this amount of time, his slaughter is acceptable.” (Shechitah 3:2) There is no doubt, it is easier to see if an animal has any life left in it than it is to estimate the time it would take to raise and lower that animal.

One area of Islamic law that goes against Jewish law completely is the notion of thrusting the knife. Rambam makes clear that the knife must only be used in a slicing manner.¹ In fact, in Chapter three of Shechitah, Rambam goes over five types of cutting motions that would cause a slaughter to be unacceptable. Islamic law does not have such an enumeration and in fact, one of the areas that would cause a slaughter to be invalid in Jewish law is the preferred method in Islamic law. Thrusting the knife is recommended in the following law. “It is

1. See Hilchot Shechitah 2:7

recommended to slaughter camels by thrusting the knife above the chest so that one severs them in this concavity, since it is easier than cutting the throat...” (al-Misri 365) Disregarding the fact that camel would not be fit for slaughter in Jewish law anyway, this Islamic law is a far departure from Jewish law.

Islamic law does seem to agree that cutting from the back of the neck is not the proper way of slaughter, the law even goes as far as saying that “If the slaughterer cuts from the back of the neck until he severs the windpipe and gullet, it is a sin because of the excess pain caused,” then in a note by the author, “though it is valid as a slaughtering.” (al-Misri 364-365) It is unclear if this is a type of *machloket* in Islamic law or if the author was just clarifying the stance of the law. What is clear is that this is not the preferred way of slaughter. In his discussion on cutting from the back of the neck, Rambam does not even mention pain as a factor. Jewish law is concerned only with the cut and how it is performed.

What is most interesting is that Mohammed knew about Jewish dietary laws. In Sura 6, v. 147, the Koran reads “To those who were Jews did we prohibit everything that hath a solid foot; and of oxen and sheep as we prohibit to them the fat, save what the backs of both do bear, or the inwards, or what is mixed with bone. With that did we recompense them for their rebellion.” (Roberts 113) In his book, “The Social Laws of the Qoran,” Robert Roberts argues that this particular Sura is evidence of Muhammed being familiar with at least Torah law on dietary practice. The force of the Sura is to hurl it “against his stubborn opponents.” (Roberts 113) As has been made clear above, Islamic law allows more variety of food and is not as strict about slaughter as Jewish law. One may

conclude that this was to denigrate the Jewish community as they had rejected Muhammed.

In the Koranic text, food seems to be used against the Jews in other places. For instance, in Sura 4:158, the Koran states, “And for the injustice of those who are Jews have we forbidden them good things which we had made lawful for them.” (Roberts 112) The injustice implied may refer again to the rejection of Mohammed. At the very least, it shows the precarious relationship that was being established between the Jewish community and blossoming Muslim community.

There are a number of further areas of interest after comparing the Islamic and Jewish law on slaughter. What is most obvious is that which was stated at the beginning of this paper, the brevity of Islamic law compared to its Jewish counterpart. Rambam’s Mishneh Torah, as good rabbinic literature does, goes out of its way to suggest multiple situations where a particular law may come into question. Jewish law cannot make a statement and be done with the statement, it must expand and expound, it must clarify and provide examples. There seems to be no need for this type of literature in Islam on this subject.

The actual Koranic text seems to be rather small even in comparison to its Torah equivalent which itself is not so extensive. In Robert’s book, “Social Laws of the Qoran,” he only quotes nine Suras to explain laws concerning food. These Koranic pieces were in turn never cultivated into extensive literature as was the Jewish material. The *hadiths* on slaughter seem to be few and far between.

Another area that would seem interesting for a scholar of Islam to undertake goes to the question of reaction. In what way was Islamic food law shaped in reaction to Jewish law? Exploration could show both how it limited and how it expanded what is permissible to eat. There does not seem to be any areas in which Islamic law is conspicuously stricter than Jewish law, in fact just the opposite.

Due to the limited nature of Islamic law on the subject of slaughter, it is fair to assume that more Muslims are familiar with its concepts than Jews are with the *Shichitah* material. Certainly, to become an expert in Jewish slaughter takes a great deal of time. Learning the texts and getting the practice needed to conduct the slaughter could take months, if not years. This does not seem true for Islamic law. At no time does Islamic law suggest that someone must be an expert to slaughter and the relative brevity of the law means that the average Muslim could learn both the written material and the practical application of that material. In Jewish law, just the opposite is true.

While there are similarities in the Islamic and Jewish laws of slaughter and they may have in fact been born out of the same tradition, there are significant differences. It is clear why it is permissible for a Muslim to eat from a Jewish slaughterer and not the other way around. Jewish law covers all the necessary requirements that are laid out in Islamic law, but Islamic law certainly does not fulfill the requirements laid out in Jewish law even if the requirement for the slaughterer to be Jewish were to be removed.

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An Exploration of the Ethical Issues Associated With Shechita

By Gersh Lazarow

“The righteous person regards the life of his beast”¹. I have always felt honored to be part of a heritage that is known to be the first in recorded history that ascribes such benevolent and compassionate treatment towards animals. Judaism’s plethora of laws relating to the treatment of animals delineates the extensive and unique quality of the religion that mandates the utmost compassion of human beings to be extended towards the creatures with which we share this earth. Though the religion permits the slaughter and consumption of animals for food, that permission goes hand in hand with extensive, detailed requirements for the slaughtering process that helps ensure that the animal dies as humanely as possible. It is with this perspective that I viewed the 2004 video tapes released by the People for the Ethical Treatment of Animals (PETA). With shock and disappointment I watched and saw steers at AgriProcessors slaughterhouse in Postville, Iowa staggering and bellowing long after their throats were cut. I found myself wondering how such treatment could be in keeping with the tenants of my Jewish faith. So heinous were parts of this video that for some time I even considered forgoing my own Kosher eating practices in favor of something more humane. Through study however I came to realize that the practices I saw on this video were not necessarily in keeping with either the letter or the spirit of Jewish Law (Halacha).

Indeed, as this paper will show, Judaism places great emphasis on the humane treatment of animals. Over the centuries it has developed a method of slaughter that is in keeping with these ethical values; And how, regrettably, in more recent times, some within organized Judaism have chosen to overlook these ethical Mitzvot in favor of expediency and commercial benefit. In so doing, I hope to explore both the specific issues associated with the PETA 2004 expose of

1. *Proverbs* 12:10.

Agriprocessors Inc. and the wider ethical issues associated with ritual slaughter (shechita).

In beginning to understand the ethical issues associated with shechita, it is necessary to first understand the Jewish legal context that surrounds the treatment of the animals designated for slaughter. To this end, the Torah prescribes many requirements in order to ensure that animals are treated with kindness and compassion. The Talmudic phrase “tza’ar ba’alei chayim” is often used to exemplify Judaism’s prohibition against cruelty to animals². There are numerous examples throughout the Torah that speak to the humanity and compassion that the Jewish people are required to exhibit towards animals. To illustrate, there is a requirement that a person must feed his animals before himself³, as well as a statement that animals are to rest on the Sabbath since work is forbidden on the Sabbath⁴. It is also prohibited by the Torah to sever a limb from a live animal and eat it⁵, and to kill a cow and her calf on the same day⁶.

It is clear when reading the numerous Biblical and Talmudic provisions that provide guidelines on man’s dealings and interactions with animals that the authors of those texts have the utmost concern for kindness and compassion to animals. Indeed we are taught that if, in violation of the prohibition of the Torah⁷, a cow or a sheep and its offspring are slaughtered on the same day, the meat may

2. *Talmud B.M.* 32a.

3. *Deuteronomy* 11:15.

4. *Exodus* 20:10, and *Deuteronomy* 5:14.

5. *Genesis* 9:4, and *Leviticus* 22:2.

6. In Moses Maimonides’ *Guide to the Perplexed* 3:48 he explains this prohibition, writing: [T]his being a precautionary measure in order to avoid slaughtering the young animal in front of its mother. For in these cases animals feel very great pain, there being no difference regarding this pain between man and the other animals. . . This law applies in particular to ox and lamb, because these are the domestic animals that we are allowed to eat and that in most cases it is usual to eat.

7. *Leviticus* 22:28

be consumed but the slaughterer is to be flogged⁸. Similarly the Torah teaches us that it is forbidden to muzzle an ox while it is treading on grain (to thresh it)⁹. Also, in the final passage of the story of Jonah, we are also given a window of understanding into God's concern for animals when he expresses his concern for the cattle of Nineveh as well as for the people¹⁰. With all this said, it is perhaps the Book of Proverbs that most clearly outlines the ethical implications of the treatment of animals destined for slaughter when it teaches that "a righteous man is concerned about his animals."¹¹

Having explored some of the many ethical safeguards that exist within Jewish tradition to ensure that animals are treated with kindness and compassion, our next task is to explore the practice of Shechita itself and consider the extent to which it is in keeping with ethical safeguards. To begin, the process is always performed by a highly trained slaughterer, called a shochet. In order for a shochet's slaughter to be considered Kosher, they are required to be an "expert", having studied for a number of years and undergone an examination in theory and practice of the laws of shechita, animal anatomy, and pathology¹². More often than not, a shochet also is apprenticed to an experienced shochet before he becomes fully qualified¹³. In addition, tradition clearly enumerates that the shochet must be a god-fearing man of integrity¹⁴.

8. *Mishneh Torah, Hilchot Shechita*, 11:1

9. *Deuteronomy* 25:4

10. *Jonah* 4:10-11

11. *Proverbs* 12:10

12. *Can Anyone Perform Shechita?*, CHABAD, at

<http://www.chabad.org/library/article.asp?AID=222243> (last viewed December 7, 2009).

13. *Ibid.*

14. *The Shulchan Oruch Yoreh De'ah*; "It is customary not to allow a person to slaughter unless he is an observant Jew [see 2:1-2ff] and a qualified scholar has certified that he knows the relevant laws [see 18:17; 23:1; 25:1], and it is customary that women not be slaughterers [see 1:1-2]."

The shechita procedure itself consists of a rapid, expert transverse incision with an instrument of surgical sharpness, called a chalaf, which severs the major structures and vessels at the neck¹⁵. The chalaf must be perfectly smooth without the minutest notch or irregularity, and the shochet must constantly examine it to ensure that this is the case¹⁶. Tradition requires that slaughter ideally be performed in a single stroke that severs the frontal structures of the animal's neck, namely the trachea, esophagus, the carotid arteries and jugular veins¹⁷. The aforementioned procedure causes an instant drop in blood pressure in the brain and immediately results in the irreversible cessation of consciousness. Thus, shechita renders an animal insensitive to pain, dispatches and exsanguinates in a swift action, and fulfills all the requirements of humaneness and compassion.¹⁸

The Mishneh Torah¹⁹, notes that there are five halachic requirements that the shochet must ensure in order to correctly perform shechita. They are:

- a) there should be no interruption of the incision (*Shehiya*);
- b) there should be no pressing of the chalaf against the neck (*Derasa*), this would exclude use of an axe, hatchet or guillotine;
- c) the chalaf should not be covered by the hide of cattle, wool of sheep or feathers of birds (*Chalada*), and therefore the chalaf has to be of adequate length;
- d) the incision must be at the appropriate site to sever the major structures

15. *Guide to Shechita*, SHECHITA UK, at <http://www.shechitauk.org/resources.php>

16. *Shulchan Oruch, Yoreh De'ah*, 6:1: "The instrument must be free of blemishes on or close to its cutting edges that can "catch" even an object as thin as a hair [see 18:2, and 18:4-6,10]. It should be checked (by touch) for such blemishes both before and after slaughtering with it [18:3, 9, 11-12]; this checking must be done very carefully by a qualified expert [18:17]. If a blemish is found after slaughter the slaughter is invalid even though no blemish was present before slaughter [18:1; see also 18:11, 13,15-16]."

17. *Ibid*

18. *Guide to Shechita*, *Op. Cit.*

19. *Mishneh Torah, Hilchot Shechita*, 3:9ff

and vessels at the neck (*Hagrama*);

e) there must be no tearing of the vessels before or during the shechita process (*Ikkur*).

After the severance of the structures and vessels at the neck, the shochet must examine the organs and vessels immediately to ascertain that the shechita was properly performed²⁰. This examination is visual and tactile, and is required by halacha. The shochet also examines the internal organs and lungs of an animal in order to determine whether there are any defects or abnormalities in the animal that there otherwise would be. Here it is important to note that stunning the animal prior to slaughter would render the animal non-kosher, since an animal intended for food must be healthy and uninjured at the time of slaughter²¹. Furthermore, if the stunning kills the animal it would be considered carrion and would also be considered non-kosher, and as such be forbidden as food to Jewish people²².

Having briefly explored both Judaism's ethic command to treat animals humanely and its requirements for proper ritual slaughter, we are left considering whether laws of shechita are in keeping with the Talmudic dictum of "*tza'ar ba'alei chayim*". Halachist such as those associated with Shechita UK – a British advocacy group – argue that "there is a significant body of scientific opinion which concludes that shechita causes no suffering, pain or distress for the animal."²³ In doing this, they cite a series of experiments conducted in 1994 by Dr. Temple Grandin – the preeminent expert in animal handling - who set out to

20. *Guide to Shechita*, *Op. Cit.*

21. *Shulchan Oruch*, *Yoreh De'ah* 29-60, and *Guide to Shechita*, *Op. Cit*

22. Deuteronomy 14:21 and *Mishneh Torah*, *Hilchot Shechita*, 3:9,10.

23. *Guide to Shechita*, *Op. Cit.*

determine whether cattle feel the shechita incision. In one case, the device used to restrain an animal's head during shechita was deliberately applied so lightly that during the incision it could pull its head away from the chalaf. None of the ten animals in the experiment reacted or attempted to pull their heads away leading Dr. Grandin to conclude: "it appears the animal is not aware that its throat has been cut."²⁴ Similarly in a paper entitled *Physiological Insights Into Shechita*²⁵ Dr. Stuart Rosen states that "the paper discusses the behavioural responses of animals to shechita and the neurophysiological studies relevant to the assessment of pain, and concludes that: "shechita is a painless and humane method of animal slaughter"²⁶."

Accepting the expertise of Dr. Grandin and Dr. Rosen, one is then able to accept the that while the cruelty highlights in 2004 PETA video exposing the slaughter practices of AgriProcessors is undeniable, it is not necessarily the same thing as saying that shechita is by default cruel. As Rabbi Yisrael Belsky states in an article regarding shechita, in former generations the procedure was performed on animals and fowl on a local basis. Every town, he explains had its own shochtim who were under the direct supervision of the local religious court, who took great care to ensure that both the letter and spirit of the law were followed directly²⁷. This he notes was particularly evident in, the requirement of the review of the shochet's knife for "one who was lax in this practice would be removed from his post, excommunicated and publicly denounced"²⁸. The harshness of this ruling

24. *Ibid*

25. Rosen, S. *Physiological Insights Into Shechita* , The Veterinary Record, Imperial College, London. April 2004, p 446.

26. *Ibid*

27. Rabbi Yisrael Belsky, *Learn About Kosher, Shechita*, ORTHODOX UNION KOSHER, available at <http://oukosh.org/index.php/articles/single/18/> (last viewed December 2, 2008).

28. *Ibid*

suggests that Judaism has long been troubled by the appearance of lax practices in the slaughterhouse.

This is clearly in direct contrast with the environment in which shechita is performed today, with mechanized conveyor belts transporting cattle to mechanical restraining devices, like the rotating faciomat pen used at AgriProcessors. Furthermore, economic necessity has displaced local operations and replaced them with huge, centralized slaughterhouses. Rabbi Belsky states that anywhere from 500-1200 herds are slaughtered daily in over twenty-five facilities across America in assembly line fashion²⁹. Thus, supervision is divided among the slaughterhouse distributor, processor, and butcher³⁰. The result of producing hundreds of thousands of pounds of meat on such a massive scale can lead to carelessness and error in the interest of expediency, which in turn leads to increased animal suffering. This is the context in which the video of the practices at AgriProcessors must be viewed: as the product of a system in which expediency is paramount to ensure cost effectiveness, and the Jewish laws promoting kindness and compassion to animals takes a backseat.

Indeed, one of the most glaring problems that can be observed even by the untrained eye in the PETA video is that some of the animals in the video are conscious after both the cutting of the throat, and the tearing out of the trachea and esophagus. Animals struggle wildly after procedures occur, some for periods lasting as long as three minutes. Even a spokesman for Shechita UK who watched the tape with a rabbi and a British shochet was quoted in the *New York*

29. *Ibid*

30. *Ibid*

Times as saying he “felt queasy,” and added, “I don’t know what that is, but it’s not shechita³¹”. Despite the blatancy of the conclusion that the animals are not still conscious after watching them walk around with their tracheas and esophagi dangling from their necks, Rabbi Chaim Kohn of the AgriProcessors plant “says the animals feel nothing, even as they struggle on the floor and slam their heads into walls. He argued, ‘Unconsciousness and the external behavior of the animal have nothing to do with shechita’³²” Dr. Grandin, also analyzed the video and not surprisingly came to a vastly different conclusion regarding the consciousness of the animals in the PETA video. In answering the question of whether the animal walking around with its throat cut was still conscious, she explained that “the walking animal was definitely fully conscious and ripping of the trachea would have caused great pain. Any animal that walks, lifts its head, or attempts to get up after slaughter is still aware and conscious. Cattle on the floor that thrashed and kicked but made no attempt to raise their head were unconscious and insensible. Leg kicking is just reflexes, but raising of the head would be an indication of sensibility.³³”

Dr. Grandin also addresses the question of whether unconsciousness is instantaneous after the shechita cut. She states that while “[m]ost cattle will become insensible within 5 to 10 seconds after a biologically effective cut,” many scientific studies have shown that “insensibility after the throat cut is not instantaneous.³⁴” As to the instances at AgriProcessors in which shechita failed to produce rapid unconsciousness in some of the cows that were slaughtered, Dr.

31. Donald G. McNeil Jr., *Videos Cited in Calling Kosher Slaughterhouse Inhumane*, N.Y. TIMES, Dec. 1, 2004.

32. *Ibid*

33. Dr. Temple Grandin, *Answers to Questions About Cattle Insensibility and Pain During Kosher Slaughter and Analysis of the AgriProcessors Video*, at <http://www.grandin.com/ritual/qa.cattle.insensibility.html> (last viewed Dec 2, 2008).

34. *Ibid*

Grandin opined that the efficacy of the shochet in producing a biologically effective cut is the paramount issue. She states that she has “observed kosher slaughter of thousands of cattle and calves. Some shochets are much more effective than other shochets. The cuts from all the shochets were proper and acceptable from a religious standpoint but some shochets performed cuts that were biologically more effective. Shochets who performed a fast knife stroke at the moment the carotid arteries were cut induced rapid unconsciousness more reliably than shochets who used a slower stroke. A slower stroke may cause the blood vessels to seal off. I have observed that cattle are more likely to attempt to get up when a slow stroke is used. Other variables include the angle and the exact position of the cut. The best shochets are able to cause over 90% of the cattle to collapse within 10 seconds. It is my opinion that shochets should be evaluated on the ability to perform both ritually correct cuts and biologically effective cuts. This could be done by scoring them on the percentage of cattle that collapse within 10 seconds.”³⁵

Finally, Dr. Grandin analyzes the procedure in which a second AgriProcessors employee (not the shochet) tears one end of the trachea and esophagus free from the surrounding tissue in the cow’s neck. The Orthodox Union has stated that though the practice is not common, “nothing in any such post-shechita ‘second cut’ or excision in any way undermines the validity of the shechita itself or the kosher status of the slaughtered animal’s meat.”³⁶ The Orthodox Union further stated that this second cut “is both approved and encouraged by the USDA.”³⁷

35. Ibid

36. Message from Rabbi Dr. Tzvi Hersh Weinreb, OU Executive Vice President, and Rabbi Menachem Genack, OU Kashrut Administrator, ORTHODOX UNION, available at <http://ou.org/other/5765/shechita65.htm>

37. Ibid

While the USDA Food Safety and Inspection Service (FSIS) has stated in its directive that a second cut to facilitate bleeding is permitted, nowhere could any seeming encouragement of this practice be found in any of its directives. Moreover, the procedure at AgriProcessors was not merely a second cut that would enlarge the initial cut and facilitate bleeding. It consisted of the digging into the neck of the cow with a hook and removing one end of the trachea and esophagus. Of this process, Dr. Grandin states unequivocally that “removal of the trachea and other parts before the animal has become insensible would cause great suffering and pain.”³⁸ Moreover, she states, “Many of the cattle on this tape had the procedure performed when they were still fully sensible. . . . Several cattle were walking around with the trachea and other parts hanging out of them.”³⁹

Ultimately, there is little doubt that what PETA exposed in 2004 was heinous, cruel and something other than Kosher. Regrettably, because of the size and importance of AgriProcessors operation to the US kosher food market, the relevant religious authorities allowed them to maintain their Kosher status and used the weight of the Jewish lobby to minimize the legislative and criminal impact of the fiasco. Thankfully, earlier this year AgriProcessors Iowa plant was permanently closed when federal authorities entered the plant and arrested 390 workers — more than a third of the company’s workforce — on illegal immigration charges. While this action goes a long way to remedy the specific concerns that surfaced following the release of the 2004 video, it does not provide any categorical assurance that wholesale Kosher slaughters will refocus on their ethical mandate. Nevertheless what is abundantly clear, is the world is watching and the kosher consumer is becoming an increasingly discerning buyer. As a

38. Donald G. McNeil, Jr. *Kosher Authority Seeks Change in Steer Killings*, N.Y. TIMES, Dec. 3, 2004.

39. *Ibid*

result, organizations like the Conservative Movement's "Hekhsher Tzedek"⁴⁰ and "Kosher Conscience"⁴¹ an independent Kosher meat co-op are looking in return to wrestle Kosher meat production away from multinational conglomerates and return it to the local farmer who exists in relationship with local butchers, buyers and of course reliable shochtim. Ultimately this is the very intent of Halacha.

40. <http://hekhshertzedek.org/>

41. <http://www.kosherconscience.com/>

An Exploration of the Ethical Issues Associated With Shechita

By Josh Whinston

There is a gross misconception amongst much of the Jewish world, and certainly in the liberal Jewish world. Even among well-informed Jews, there is an assumption that Jewish ritual slaughter is somehow concerned with the welfare of the animal that is being slaughtered in some altruistic kind of way. I was among the Jews that held this misconception prior to beginning work on the Mishneh Torah, Hilchot Shechitah. I was surprised to find, at no point in this code of law is the welfare of the animal the explicit concern. Rather, what became abundantly clear, was that the major concerns of the sages are that the animal be fit for consumption and that the blood leave the body as quickly as possible. Whether or not the animal is fit for consumption depends on the accuracy of the cut and how the cut was performed as well as other details of the animal's health. The actions that disqualify a slaughter are outlined throughout much of the Mishneh Torah, Hilchot Shechitah beginning in chapter three.

If much of the halahic material on ritual slaughter has nothing to do with ethical issues and the welfare of the animal being slaughtered, it is curious that so much of the Jewish population believes these issues to be the bedrock of kosher slaughter. As it turns out, the majority of the Jewish community is not completely wrong, there is material that defends the ethical nature of shechitah, it is just that this material is not found in the codes.

In his book *Guide for the perplexed*, Maimonides remarks on the ethical nature of the shechitah. Rambam is discussing the nature of the commandments and recognizes that some commandments are commanded because they are useful and some commandments are commanded for other reasons than their utilitarian

nature. Shechitah happens to be one of the commandments that has a reason other than its utilitarian nature. Rambam writes, “For it has become necessary to eat the flesh of animals, it was intended by the above regulations to ensure an easy death and to effect it by suitable means; whilst decapitation requires a sword or a similar instrument, the shechitah can be performed with any instrument; and in order to ensure an easy death our Sages insisted that the knife should be well sharpened.”(Maimonides, *The Guide For the Perplexed* 1910) Rambam makes a clear statement here that never comes up in his discussion of the halakhah of the knife. It seems, the problem with trying to find ethical implications in the legal writing concerning shechitah is that it is legal writing. Simply, the halakhic material is not concerned with the ethics of shechitah. In his *Mishneh Torah*, Maimonides intended to lay out the rules and regulations of shechitah, not the ethical implications of ritual slaughter.

Although it is clear the ethical implications of slaughter are not the primary reason for elucidating shechitah, it is possible to render ethical ideas of slaughter from the law. If Rambam is able to say that shechitah was meant “to ensure an easy death” (Maimonides, *The Guide For the Perplexed* 1910), based on the insistence for a well sharpened knife, there must be other ethical implications for shechitah. Certainly a sharp knife was not primarily used to ensure an easy death, but rather to make a clean cut without tearing the flesh which would invalidate the slaughter.¹ It is clear that our ancestors understood there are ethical implications for shechitah and so must we.

1. See *Mishneh Torah*, Sh’chitah 6:2

The fact is, shechitah was never imagined in the circumstances it is found today. There is no indication in any text that massive industrial style slaughter was taking place in the towns and villages of Europe and the Middle East. The ethical questions that must be addressed today are far more complex than they were 1000 years ago. When a company is slaughtering chickens for half the Jewish population of the United States there are different concerns than when a farmer is slaughtering chickens for his own consumption or for sale in the local market. There are a number of issues I find to be most pertinent when addressing ethical concerns with shechitah today. These concerns include, the rejection rate of slaughtered animals, observable animal reaction to slaughter, the type of restraint system used for slaughter, and the treatment of the workers who are involved in slaughter. While there may not be a direct halakhic issue with the treatment of the worker that could invalidate slaughter, I will show how treatment of workers may impact how those workers treat the animals.

Since the time when shechitah was first imagined, the possibilities for a more humane slaughter have improved. While there are still repugnant practices that go on in both kosher and non-kosher slaughterhouses, some techniques have improved. One area of improvement in many countries, but only in non-kosher slaughterhouses, is the use of stunning. Before animals are killed they are stunned with an electric stunner. If the animal is shocked and unconscious they will not feel the slaughter. Obviously, if there is a chance the animal is feeling pain, it brings into question the ethical nature of shechitah and therefore, “The Shechitah procedure may be considered less humane than conventional slaughter, because the birds are not stunned...” (Barnett, Cronin and Scott 2007) According to Jewish law, the animal must be killed by shechitah to the neck and stunning the

animal before shechitah would make it difficult to ascertain if the knife in fact killed the animal and not the initial stun.

If shechitah is performed properly, the pain inflicted on an animal is minimal, even without stunning the animal. The issue of whether to stun an animal or not is essentially a moot point in shechitah law and therefore an uninteresting discussion. What is more relevant is the question of rejection rate. If kosher slaughter is being done properly, without the use of stunning, and therefore causing some pain to the animal, then it is essential that the slaughterhouse keep rejection of the *sheched* animals to a minimum. In a study published in *The Veterinary Record*, researchers were looking at this very idea. The researchers found in one Australian slaughterhouse that “5·9 and 10·8 per cent of the birds were rejected after slaughter for reasons of conformation.” (Barnett, Cronin and Scott 2007) (Maimonides, *The Guide For the Perplexed* 1910) Whether or not these percentages are high is beyond my expertise. What is clear is that a lower rejection rate is preferable both for profit sake and for ethical reasons. If one is concerned with the ethical nature of his food and intends to eat kosher meat, finding out the rejection rate of the slaughtered animals in a particular slaughterhouse should be a consideration.

The second area of concern for ethical slaughter is the reaction rate of an animal after slaughter has occurred. Since kosher slaughter requires the draining of the blood from the body, death is not immediate. In the report, *Behavioral responses of poultry during kosher slaughter and their implications for the birds' welfare*, published in *The Veterinary Record*, reports on the issue of reaction to an eye test. This eye test consists of touching the eye of a bird at different intervals to assess

the consciousness of the animal. "...the loss of the eye response, in conjunction with other indicators, such as the absence of coordination and the presence of muscular contractions, is still considered to be an indicator of unconsciousness provided there is no direct interference with the bird's neuromuscular capacity to make the response (Gregory and Shaw 2000); when this reflex is absent, it is likely that the animal is unconscious (Gregory 1998)." (Barnett, Cronin and Scott 2007) The article continues, the "data suggest that on average the birds would have lost consciousness after between about 12 and 15 seconds, although some birds may have remained conscious for up to 26 seconds." (Barnett, Cronin and Scott 2007) Again, I am not an expert in the time it takes for exsanguination, but this amount of time seems to be rather short.

Another issue these researchers were interested in was the handling of the animals. As it turns out, in non-kosher slaughterhouses, chickens are not handled well by the workers. They take little to no care of the animals as they prepare them for slaughter. It is imperative that a chicken is handled well before it is slaughtered. It is possible that mishandling the chicken could lead to *ikur*, the displacement of the windpipe or gullet, once this occurs, the animal is no longer kosher no matter how well it's neck is cut.² The researchers observed that in this kosher slaughterhouse each animal was handled gently as it was taken from the crate. "Thus, on balance, taking into account the entire process, including the removal of the birds from the crates, their behavioral responses to neck cutting, the time to bleed out and the avoidance of the need to shackle live birds, the authors consider that the Shechitah procedure is acceptable." (Barnett, Cronin and Scott 2007) Although shechitah has some questionable practices, the authors here

2. See Mishneh Torah, Sh'chitah 3:15

were able to see the benefits as well. At least in this particular slaughterhouse in Australia, kosher slaughter seems to be humane.

Chickens and most other birds are small enough to be slaughtered by hand. Cows, however, are another matter. Larger cattle, especially in industrial sized slaughterhouses where there is a premium on quantity, require some type of constraint. “In North America some kosher slaughter plants use very stressful methods of restraint such as shackling and hoisting fully conscious cattle by one rear leg.” (Grandin 1994) This method of restraining the cattle needs little explanation to understand that it is certainly not humane. Temple Grandin has gone on to show that neither is as effective in the shechitah procedure.

Temple Grandin has become one of the foremost scholars on the issue of animal slaughter. Her work at Colorado State University has led to countless slaughterhouses changing their practices, including kosher slaughterhouses. She has been able to document conditions before the implementation of her recommendations and after. While it is impossible to understand completely the effects of her recommendations, there are certainly signs that her suggestions have a dramatic effect.

One of the ways Grandin measures stress on the animals is through their vocalization. Grandin believes that cattle vocalize when in distress and that a relief of stress decreases vocalization. In one facility she inspected, before any of her recommendations were implemented, 32% of the animals vocalized as they

were squeezed into a slaughter pen that was too small for them. After her recommendations were implemented, only 5% of the animals vocalized as they were slaughtered.³ Grandin has recommendations for slaughterhouses as varied as how to encourage the cattle to enter the slaughter area to diagrams showing a better type of slaughtering pen. Her research has gone on to effect slaughterhouses both kosher and non-kosher all across the world. Grandin's most significant recommendation to the slaughterhouse world is the slaughtering pen she designed.

In Europe, some slaughterhouses use an inverted casting pen to slaughter cattle. This type of pen turns the cattle on its back so that the shochet will have easy access to the cattle's neck. Grandin believes that this type of restraint should not be used. "...both cattle and calves will aspirate blood after the incision."(Grandin 1994) Aspiration of blood certainly is not a good thing as it makes inspection of the lungs more difficult and may result in the animal dying of suffocation rather than exsanguination. Grandin believes her recommendations for slaughter pen and double rail conveyor restrainer lead to a more humane and less stressful death without compromising the shechitah.

Grandin's system includes a conveyor system that moves the cattle in a single file line to the slaughtering pen. As the cattle move onto the conveyor system they are unable to see that the floor is going to drop out from under them as they are lifted onto a conveyor that mechanically leads them to the slaughter pen. From Grandin's observations, the cattle remain calm throughout this process and, "They

3. See <http://www.grandin.com/ritual/vocal.scoring.restraint.cattle.welfare.audit.html>

voluntarily entered the box⁴ when the rear gate was opened.”(Grandin 1994)⁵

Once the cattle are placed in the slaughtering pen, their heads are led into a head restraint. Once again, Grandin has made improvements to the widely used shackle and hoist by creating a head restraint designed especially for shechitah. “To prevent excessive bending of the neck, the bovine's forehead should be parallel to the floor. This positions the throat properly for ritual slaughter and stretches the neck skin minimizing discomfort. There is an optimal tightness for the neck skin.”(Grandin 1994) Grandin’s research shows that her head restraint is both humane and effective in ritual slaughter. A close review of her diagrams shows that the head position her restraint creates may even be preferable to holding a small animals head in place.

Through her work in slaughterhouses, Temple Grandin has been able to decrease cruelty to animals and therefore make the kosher slaughter process more humane. Her work in designing new conveyor systems and slaughtering pens has revolutionized slaughter in some kosher slaughterhouses. While the mechanisms for making slaughter more humane are very important, Grandin also notes that the treatment of animals as they are led to slaughter is also important.

If the Jewish community expects the animals they eat to be slaughtered properly

4. The box to which Grandin is referring is the slaughter pen. It consists of a rear door so that the cattle behind it cannot see the slaughtering take place.

5. For detailed schematics see:

<http://www.grandin.com/ritual/rec.ritual.slaughter.html>

and with the least amount of pain possible, as Rambam notes in his *Guide For the Perplexed*, then the treatment of the workers involved in slaughter must be of concern as well. It is well known that when workers are under stress their work may suffer. If a worker is treated unfairly or working in substandard conditions they may treat the animals they work with poorly. Grandin makes clear there must be “training of employees in gentle calm cattle handling”(Grandin 1994) When animals are treated in a gentle manner they obviously show less signs of distress. When animals are in less distress they bleed better, “Calm animals will collapse more quickly than excited or agitated animals.”(Grandin 1994) Ensuring the health and safety of workers in a slaughterhouse is important not only for the sake of the workers, but also for the sake of kosher slaughter.

For nearly 2000 years, Judaism was able to claim that God did not only command shechitah, but it was also the most humane way of slaughtering an animal. With the onset of the 20th century, the claim that shechitah is the most humane slaughter not necessarily true. As modern liberal Jews exploring more and more ritual, we come face to face with our modern sensibilities and ancient traditions every day. Sometimes there is no conflict and other times, as is the case with shechitah, there is great conflict. I do believe, that when done properly and with the proper mechanisms, shechitah can be humane. It may not be as humane as other possible techniques now and in the future, but it honors the tradition from which I come. As a Jew dedicated to finding more meaning ritual and fulfilling God’s will, I must take into account our tradition when decided what and how to eat. Shechitah can be humane, but it is not necessarily humane enough for everyone.

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Yoreh Deah 23 & 24
An Original Translation

By Gersh Lazarow
& Josh Whinston

Yoreh Deah 23 The Laws of “pausing” in Slaughter

שולחן ערוך יורה דעה סימן כג סעיף א

כל טבח שאינו יודע הלכות שחיטה אסור לאכול משחיטתו; ואלו הן: שהייה, דרסה, חלדה, הגרמה ועיקור.

It is forbidden to eat that which is slaughtered by a butcher who does not know these laws of slaughter: “pausing”, “striking”, “hiding”, “lifting up/tipping” and “uprooting”.

שולחן ערוך יורה דעה סימן כג סעיף ב

שהייה כיצד, (ל' רמב"ם פ"ג מה"ש דין ב') הרי שהתחיל לשחוט והגביה ידו קודם שיגמור השחיטה, ושהה בין בשוגג בין במזיד בין באונס בין ברצון, ובא הוא או אחר וגמר השחיטה, אם שהה כדי שיגביה הבהמה וירביצנה וישחוט (עד) רוב הסימנים שהוא הכשר שחיטה, שחיטתו פסולה (עי' ס"ק ג'). היתה בהמה דקה, שיעור שהייתה כדי שיגביה בהמה דקה וירביצנה וישחוט. ואם היתה גסה, כדי שיגביה בהמה גסה וירביצנה וישחוט; ובעוף, כדי שיגביה בהמה דקה וירביצנה וישחוט; ויש אומרים דשיעור שהיית עוף כדי שחיטת רוב סימן א' בעוף בלי הגבהה והרבעה; ולפי דבריהם יש לזהר כשהתחיל לשחוט בעוף וחתך מעט עד שהדם יוצא, והגביה סכינו מהצואר, שלא יגמור השחיטה לפי שיש לחוש שמא שחט משהו מהושט; ואפילו לא הגביה סכינו אלא מעט, יש לחוש, מפני ששהיית העוף מועטת מאד דכדי שחיטת רוב סימן א' בעוף הוא נעשה מהר; ואפילו אמר השוחט: ברי לי שלא חתכתי כי אם העור, אין סומכין עליו כיון שיצא הדם; ואם בא לשאול אחר שהגביה סכינו כיצד יעשה, אומרים לו שישחוט הקנה לבדו במקום אחר, ואח"כ יהפוך הושט ויבדוק אותו. ולענין מעשה יש להחמיר כסברא זו, אלא א"כ הוא שעת הדחק או הפסד מרובה שאז יש לסמוך על סברא ראשונה. הגה: והמנהג פשוט במדינות אלו להטריף כל שהייה, אפי' משהו, בין בעוף בין בבהמה (מרדכי ומהרי"ו בהל' שחיטה) ואין לשנות. ואם נמצא לאחר שחיטה (ה) גמי או כיוצא בו מונח בושט או בקנה ונשחט עמו, טריפה, דודאי הוצרך להשהות מעט בחתיכת הדבר ההוא לאחר ששחט הסימן, והוי שהייה במשהו, וטרפה (תה"ד סימן קפ"ה).

What is meant by “pausing”? A person begins to slaughter and lifts up his hand before he completes the slaughter and pauses. Whether he did so inadvertently or intentionally, willingly or unwillingly. If he or another person completed the slaughter but delayed the amount of time it would take to lift up the animal and cause it to lie down, *GLOSS: even if*¹ he slaughtered the greater part of the signs required for slaughter, his slaughter is not acceptable.

With regard to a small animal: the measure of “pausing” is the amount of time it would take to lift up a small animal, cause it to lie down, and slaughter it. With regard to a large animal, the measure of “pausing” is the amount of time it would take to lift up a large animal, cause it to lie down, and slaughter it. With regards to fowl, the measure of “pausing” is the amount of time it would take to lift up a small animal, cause it to lie down, and slaughter it. There are some that say that the measure of “pausing” in fowl is the amount of time it would take to cut the majority of one sign without the lifting up or lying down.

And according to their understanding, one should take heed when one begins to slaughter a fowl and cut slowly until the blood comes out and lifts up his knife from the neck without completing the slaughter². Accordingly there is concern that perhaps he might cut elsewhere on the gullet. And even if he does not lift up his knife but for a moment, there is still concern since [the measurement of] “pausing” in fowl is very small. Accordingly if he slaughters most of one of a sign in the fowl, he should do so quickly. Even if the shochet says “it is clear to me that I only cut the skin,” we don’t rely on this because blood has come out. If another person comes to ask after the knife has been lifted how he did it [the slaughter], they say to him that he should slaughter the windpipe alone in another place and afterward turn out the gullet and inspect it.

There are those that are more rigorous in the matter, reasoning that unless it is at time of emergency or there is potential for great financial loss, one should rely on the first argument. *GLOSS: The common practice in these lands is to [rule] that everything that has been “paused” upon – even in the smallest amounts - is trief. Be it fowl or cattle there is no change. If a reed or something similar is found*

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1. The Ravad inserts here the word “ad” which literally means until
 2. This would invalidate the slaughter.

after slaughter in the membrane of the gullet or the windpipe and it was slaughtered with [the reed] in it, it is trief. For certainly it would have been necessary to pause even for the briefest moment in cutting this thing and as such it is trief.

שולחן ערוך יורה דעה סימן כג סעיף ג

שחט מעט ושהה מעט, וחזר ושחט מעט ושהה מעט, אם כשתצטרף כל השהיות יש שיעור שהייה, שחיטתו פסולה. (ולפי המנהג בכל ענין טריפה).

He slaughters a little and pauses a little and returns and slaughters a little and pauses a little. If, when all of the pauses are joined together, and they measure “shehiyah”³ his slaughter is not acceptable. GLOSS: Accordingly this is the custom in every matter of unfit meat.

שולחן ערוך יורה דעה סימן כג סעיף ד

השוחט בהמה בסכין שאינו חד ונתעכב כשיעור שהייה בשחיטת מיעוט אחרון של סימן ראשון, י הרי זו פסולה.

If one slaughters cattle with a knife that is not sharp and delays in the measure of “shehiyah” in his slaughter a little after [cutting] the first sign⁴, it is not acceptable.

שולחן ערוך יורה דעה סימן כג סעיף ה

אחר ששחט רוב אחד בעוף או רוב שנים בבהמה אין שהייה פוסלת; ולפי זה אין שהייה בקנה בעוף כלל. ויש מי שאומר שכל שלא נגמרה שחיטת כל שני הסימנים פוסלת שהייה; ולכתחלה יש ליזהר לחוש לדבריו. הגה: (י) ואפילו בדיעבד המנהג להטריף; ולכן אם לאחר ששחט רוב שנים שוהה הבהמה או העוף למות יב יכנו על ראשו (יא) להמיתו, יג ולא יחזור וישחוט (תה"ד לדעת רש"י וסמ"ק ומהר"ו וע"פ).

3. As defined in 23:2 above
4. Implying that a dull knife may itself cause delay in slaughter

After he slaughters most of one [sign] in fowl, or most of two [signs] in cattle, there is no “shehiyah” that can make it [the slaughter] not acceptable. Accordingly there is not “shehiyah” with the windpipe in fowl. But there are those that say that in any place that one does not finish the slaughter of both signs it [the slaughter] is not acceptable on the grounds of “shehiyah”, and ab initio they should take heed and be concerned about this. *GLOSS: And even if after the fact, the custom is that the meat is unfit. Therefore after one slaughters most of the signs and the cattle or fowl dies slowly, one should hit it on the head to kill it and not return to slaughter.*

שולחן ערוך יורה דעה סימן כג סעיף ו

שחט עוף ושהה בו טו ואינו יודע אם ניקב הושט, חוזר ושוחט הקנה לבדו במקום אחר ומניחו עד שימות, והופך הושט ובודקו מבפנים; אם לא נמצא בו טיפת דם, בידוע שלא ניקב וכשרה. הגה: והמנהג להטריף הכל יז אפילו לא שהה רק במיעוט קמא דקנה (מהרי"ו); יח ואסור למוכרו לאינו יהודי כך, יט אלא ימיתנו ואח"כ ימכרנו לאינו יהודי (הגהות סמ"ק ומרדכי), משום דאנן לא בקיאין בבדיקת הושט וחיישינן לנקיבת הושט (אגור); ומטעם זה כ אם תלש הנוצות (יב) מן העוף ויצא דם, או (יג) חתך העור בבהמה ויצא דם ממנה יש להטריף, דחיישינן לנקיבת הושט (מהרי"ו ומהר"ם פדו"ה סימן ס"ג / פ"ג / וכו"ה בשחיטת האחרונים); כא (יד) אבל אם לא יצא דם ולא חתך כל העור, יש להכשיר ע"י שישחוט למעלה או למטה ולבדוק נגד מקום החתך (דלא כמהרי"ק שורש ל"ד). ולכן יש לזהר שלא למרוט הנוצות, אם יוכל לשחוט בלא זה (א"ז).

One slaughters a fowl and pauses without knowing if he perforated the gullet, he should return and slaughter⁵ the windpipe in another place and wait until it dies. He then turns the gullet out and checks it [the cuts] against each other. If spots of blood are not found, it is known that there are no perforations and it [the slaughter] is kosher. *GLOSS: The custom is that this is all unfit. Even if he did not pause but for only the briefest moment on the windpipe. It is forbidden to sell it [this cut animal] to a gentile. Rather he should kill the animal and then sell it to a gentile since he is not an expert in checking the gullet and we must take into account the perforations therein. By the same reason, if one plucks the feathers*

5. In using the term slaughters we intend to mean cutting in a ritually appropriate manner and location.

from fowl and blood comes out or he cuts the hide of the cattle and blood comes out, it [this animal] is unfit. We must take into account the perforation of the gullet if no blood comes out and there is no cut on the hide it is kosher if he cuts above or below [the initial cut] and checks it against the place [of the initial cut]. And therefore one should take heed not pluck feathers if he is able to slaughter without plucking.

Yoreh Deah 24

The Laws of “striking”, “hiding”, “lifting up/tipping” and “uprooting”.

שולחן ערוך יורה דעה סימן כד סעיף א

דרסה כיצד, כגון שהניח הסכין על הצואר ודחק וחתך למטה כחותך צנן או קישות,
הרי זה פסולה; ואין צריך לומר אם הכה בסכין על הצואר, כדרך שמכין בסייף,
וחתך הסימנים בבת אחת.

What is meant by “striking”? When one rests the knife on the neck and presses, cutting downward in the same way as one cuts a radish or a squash. This is not permitted. It goes without saying that if one struck with a knife on the neck in the manner that one strikes a sword and cuts the signs at one time [the animal is not Kosher].¹

שולחן ערוך יורה דעה סימן כד סעיף ב

שחט בהולכה או בהבאה לבד, א אם יש בסכין כמלא צואר וחוצץ לצואר כמלא צואר
(עם העור והמפרקת) (מהרי"ו), כשרה; ואם לאו, פסולה שכל שאין בו כשיעור הזה אי
אפשר לשחוט בלא דרסה על ידי הולכה או הבאה לבד; ואם הולך והביא, אפילו
שחט באזמל כל שהוא כשרה. הגה: ויש מחמירין בבהמה (מרדכי ור"ן בשם ר"ת ואיכא מ"ד ברי"ף
וניזכר באגודה וכל בו והג"א מא"ז); והמנהג בגלילות אלו לפסול בבהמה, אפילו הולך והביא, אם אין
בסכין כמלא צואר וחוצץ לצואר משהו (זהו דעת מהרי"ו).

When one cuts in a forward and backward motion, if it is with a knife that is the fullness of the neck and extends off the neck, the fullness of the neck *GLOSS: including the skin of the nape* it [the slaughter] is kosher², if not it [the slaughter] is not acceptable. Any [knife] that is not this measurement; it is impossible to slaughter without “dirasah” by going in a forward and backward motion alone. But if he goes forward and backward with a very sharp knife it is kosher. *GLOSS:*

1. Implying that if the first is true, than certainly using a sword to chop through the neck is invalid as well. 2. In other words the knife needs to twice the width of the neck at it thickest/widest point.

There are those that are stringent with cattle. The custom being that these circular motions are not acceptable in cattle even if forward and backward if it is not with a knife that extends the fullness of the neck and outside the neck.³

שולחן ערוך יורה דעה סימן כד סעיף ג

ב שחט ב' ראשים כאחד בהולכה או בהבאה בלבד, ג אם יש בסכין כדי ג' צוארין, כשרה; ד ואם לאו, יש לחוש ולאסור שתיהן (רמב"ן ורשב"א ור"ן ור' ירוחם).

If one slaughters two heads [of cattle] with one forward and backward motion, if it with a knife [that is as thick as] three necks it is kosher. If not, there is a concern and both of them [the slaughtered animals] are not acceptable.

שולחן ערוך יורה דעה סימן כד סעיף ד

שנים או חוין בסכין ושוחטין, אפילו זה למעלה לצד הראש וזה למטה לצד החזה, שאווחין אותו באלכסון, כשרה ולא חיישינן שמא ידרסו זה על זה.

Two [people] are holding the knife and slaughter, one from above, the side of the head, and one from below, the side of the chest, holding it [the knife] diagonally, it is kosher and there is no concern of "dirasah".

שולחן ערוך יורה דעה סימן כד סעיף ה

היה שוחט וחתך כל המפרקת, כשרה. (מרדכי בשם מהר"ם ועיין ס"ק ה'). הגה: ה והמנהג להטריף אפילו לא חתך (א) רק רוב המפרקת (מהרי"ו ואגור ות"ה), ואין לשנות כי יש מרבוותא סוברין כן (דקדק ראב"ה מפ"י רש"י).

One slaughters and cuts the entire nape, it is kosher. GLOSS: *The custom is that it is unfit when one only cuts the majority of the nape. We do not deviate from this practice [in cattle or fowl] as there are important scholars that reason this way.*

3. Implying twice the width of the neck

שולחן ערוך יורה דעה סימן כד סעיף ו

כשאדם שוחט עוף ואוחז בסימנים בשתי אצבעותיו צריך שיאחוז אותם יפה, שאם אינו אוחז אותם בטוב פעמים שיהיו נשמטין לכאן ולכאן ולא יכול לשחטן ע"י הולכה, ויבא לידי דרסה. הגה: וכן לא יניח האצבע על הסכין אלא יחזיק אותו בקתא, כדי שלא יבא לידי דרסה, (דעת עצמו מקבלת השוחטים ומהרש"ל פ' השוחט סימן י"ב); ואפילו לא עשה דרסה אלא במשהו מן הוושט, פסולה. הגה: והמנהג להטריף כל דרסה, בין במיעוט קמא בין במיעוט בתרא, בין בקנה בין בוושט. (שחיתות מהרי"ו).

When a person slaughters a fowl and holds the signs between two fingers, he needs to hold them well and if he does not hold them well sometimes they will loosen here and there and he won't be able to cut it in a slicing fashion, rather he will do "dirasah". *GLOSS: And thus one should not rest ones fingers on the knife but rather grip it by the handle so that he won't cause "dirasah".* Even if one does not do "dirasah" with anything other than the gullet in the slightest degree, it [the slaughter] is not acceptable. *The custom is that all "dirasah" is unfit whether it be a little in the beginning [of cutting] or at the end [of cutting], whether with the windpipe or gullet.*

שולחן ערוך יורה דעה סימן כד סעיף ז

חלדה כיצד, כגון שהכניס הסכין בין סימן לסימן, בין ששחט התחתון כהלכתו מלמעלה למטה וחזר והוציאו ושחט העליון, בין ששחט העליון ממטה למעלה שלא כהלכתו, פסולה.

What is meant by "hiding"? When one inserts the knife between the signs [that is between the gullet and the windpipe], slaughtering the lower sign in a manner from above to below and returns to remove it [his knife] and slaughters the one [sign] above in a manner from below to above, it is not acceptable.

שולחן ערוך יורה דעה סימן כד סעיף ח

החליד את הסכין תחת העור, או תחת צמר מסובך בצואר הבהמה, או תחת מטלית הקשור בצוארה, או שהמטלית מדובק בו בשעוה ושחט, ז שחיטתו פסולה; אבל אם המטלית פרוש על צוארה ושחט, שחיטתו כשרה. ויש מי שפוסל גם בזה, ולכתחלה יש לחוש לדבריו. הגה: ח וכן יש לזהר בכבשים שיש להם צמר מסובך בצואריהם (ב) לתלוש (ג) הצמר המסובך, שלא יבא לידי חלדה (מרדכי פרק השוחט ורוקח).

If one hides the knife under the hide or under tangled wool in the neck of cattle or under knotted cloth on the neck or cloth that is stuck with wax and slaughters, his slaughter is not acceptable. If however, the cloth is spread on the neck and he slaughters, his slaughter is kosher. There are those [that say] this is also not permitted. Ab initio, there is a concern in the matter. *GLOSS: Accordingly one should take heed with sheep as they have tangled wool on their neck. One should tear or pluck the clinging wool so as not to do "chaladah".*

שולחן ערוך יורה דעה סימן כד סעיף ט

צריך לזהר כשאדם שוחט, וחס על העור שלא יעשה בו קרע גדול ושוחט בראש הסכין ומתכסה מהעור; אמנם אם שוחט באמצע הסכין אין לחוש אם ראשו מתכסה בעור, כיון שהסכין במקום ששוחט בו כנגד הסימנים אינו מכוסה; ויש מי שמחמיר גם בזה, ויש לחוש לדבריו לכתחלה.

When a person slaughters he should take heed and have consideration for the hide so that he does not tear it significantly and slaughtering with the head of the knife so that it is covered by the hide. If one slaughters with the middle of the knife there is no concern about the head of the knife being covered by hide since the knife is in the place of proper slaughter [that is] apposing the signs and not covered. There are those that are stringent with this and there is a concern in the matter ab initio.⁴

4. The emphasis here is that one must slaughter in the correct spot so that the knife is never covered by skin.

שולחן ערוך יורה דעה סימן כד סעיף י

אם לאחר ששחט רוב הסימנים החליד הסכין תחת מיעוט הנשאר משניהם או מאחד מהם ופסקו, מותר. ויש מי שאוסר גם בזה, וראוי לחוש לדבריו לכתחלה. הגה: והמנהג להטריף כל חלדה, בין במיעוט קמא בין במיעוט בתרא, בין בקנה בין בוושט (שחיטת מהרי"ו).

If after one slaughtered most of the signs and the knife becomes hidden under the remaining minority [of the signs], or from one of them [the signs] and divided [cut] it, it [the slaughter] is permitted. There are those [that say] that this is also forbidden and it is clear that there is concern in the matter ab initio. *GLOSS: The custom is that all "chaladah" is unfit, be a little in the beginning [of cutting] or at the end [of cutting], whether with the windpipe or gullet.*

שולחן ערוך יורה דעה סימן כד סעיף יא

אם החליד הסכין תחת מיעוט הראשון ושחטו ממטה למעלה, ואח"כ גמר השחיטה כדרכה; וכן אם שחט רוב סימן אחד בבהמה, והחליד הסכין תחת מיעוט הנשאר ושחט סימן השני; וכן אם שחט מיעוט הראשון בחלדה, וגמר השחיטה שלא בחלדה, הרי זו פסולה.

If the knife is hidden under a little bit of the first [sign] and he cuts from below to above and afterwards finishes the slaughter in proper manner; or similarly if he slaughters most of one sign in cattle and the knife is hidden under the remaining remnant and he then slaughters the second sign; or similarly if he slaughters a little of the first [sign] by "chaladah" and finishes the slaughter not by "chaladah" all of these [mean of slaughter] are not acceptable.

שולחן ערוך יורה דעה סימן כד סעיף יב

הגרמה כיצד, זה השוחט בקנה למעלה במקום שאינו ראוי לשחיטה, או שהתחיל לשחוט במקום שחיטה ושחט מעט והטה הסכין חוץ למקום שחיטה למעלה וגמרה שם; אבל שחט רוב חלל הקנה במקום שחיטה, והטה הסכין חוץ למקום

שחיטה למעלה וגמר שם חתיכת כל הקנה, כשרה. וה"ה אם שחט רוב שנים בבהמה במקום שחיטה והשלים השחיטה בהגרמה או בדרסה, כשרה; ויש מי שפוסל בדרסה, ויש לחוש לדבריו לכתחלה. הגה: והמנהג להטריף בין בדרסה בין בהגרמה, בין במיעוט קמא בין במיעוט בתרא, בין בקנה בין ביושט. (ג"כ במהרי"ו).

What is meant by "lifting up/tipping"? One slaughters the windpipe above the place that is not permitted for proper slaughter. Or if one begins to slaughter in a place permitted for proper slaughter and slaughters a little and inclines the knife outside of the place fit for slaughter from above and finishes there. However, if he slaughters most of the windpipe in a place fit for slaughter and inclines the knife outside a place fit for slaughter from above and finishes their, cutting the entire windpipe it is kosher. This is the law if he slaughters most of the two [signs] in cattle in a place fit for slaughter and completes the slaughter by doing "hagramah" or "dirasah" it is kosher. There are those [that say] this is not acceptable if it is by "dirasah" and there is concern in these matters ab initio. *GLOSS: The custom is that they are unfit, be it be "dirasah" or "hagramah", a little in the beginning [of cutting] or at the end [of cutting], whether with the windpipe or gullet.*

שולחן ערוך יורה דעה סימן כד סעיף יג

הגרים בקנה בתחלת שליש ושחט ב' שלישים, כשרה; שחט שליש והגרים שליש, וחזר ושחט שליש האחרון, כשרה; הגרים שליש ושחט שליש, וחזר והגרים שליש האחרון, הרי זו פסולה; יח ואם דרס או החליד, בין בשליש ראשון בין בשליש אמצעי, הרי זו פסולה.

If one inclines the knife in the in first third and slaughters the next two thirds properly, it is kosher. If one slaughters the first third properly, inclines [while cutting] the second third and then returns and cuts the final third properly, it is kosher. If one inclines on the first third, slaughter the second third properly and then returns to incline on the final third, it is not acceptable. If he presses or hides in the first third or the middle third, it is not acceptable.

שולחן ערוך יורה דעה סימן כד סעיף יד

כל אלו החלוקים כשהוא ודאי שלא נגע בוושט אלא בקנה לצד מעלה; אבל בוושט, אפילו שחט בו כל שהוא חוץ למקום שחיטה, בין לצד מעלה בין לצד מטה; וכן בקנה לצד מטה, קודם גמר הכשר שחיטה, אעפ"י שגמר כל השאר במקום שחיטה, הרי זו פסולה מפני שנקיבת מקומות הללו במשהו (ד"ע ור' ירוחם). והמנהג להטריף מכל מקום ואין לשנות (מהרי"ו).

All of these sections [that which has just been discussed], when he is certain that he did not strike the gullet but rather only the windpipe [moving] upward. But even if you slaughter the gullet with the slightest cut outside the place permitted for slaughter, be it from the upper side or the lower side; or similarly with the windpipe from the side below before he finishes it in a kosher slaughter even if he finish [cutting] all of the remainder in a place permitted for kosher slaughter, it is not acceptable since even the smallest of these perforations count. *GLOSS: The custom is that it is unfit in every place and one does not alter this practice.*

שולחן ערוך יורה דעה סימן כד סעיף טו

עיקור כיצד, כגון שנעקר הקנה או הוושט מהלחי ומהבשר, ונשמט אחד מהם או שניהם קודם גמר שחיטה; אבל אם שחט אחד בעוף או רובו ואח"כ נשמט השני, שחיטתו כשרה; נשמט אחד מהם ואחר כך שחט את השני, שחיטתו פסולה. הגה: כג (ד) ואנו נוהגין להטריף כל עיקור בין במיעוט קמא בין במיעוט בתרא בין בקנה בין בוושט (ע"פ מהרי"ו); ודוקא לאחר שנשחט, אבל בחייו כשר אלא שאין שחיטה מועלת בו, (ה) ונ"מ לענין חלבו או ביצים שלו שהם כשרות. (בית יוסף מתשובת רשב"א).

What is meant by "uprooting"? When the windpipe or the gullet is ripped from the jaw and from the flesh and one or both of them slips before slaughter has been completed. If one [sign] in a fowl is slaughtered or most and afterward the second slipped, his slaughter is kosher. If one [sign] slips and afterward he slaughters the second his slaughter is not acceptable. *GLOSS: We have a custom that all "uprooting" is unfit be it a little in the beginning [of cutting] or at the end [of cutting], whether with the windpipe or gullet. But this applies only after an*

animal is slaughtered. But if this happens while the animal is alive it is kosher but the slaughter will not help. The significant element here is that the milk and eggs are kosher [though the meat is not].

שולחן ערוך יורה דעה סימן כד סעיף טז

הא דפסול בעיקור היינו כשנעקר כולו, אבל אם נשתיר בו אפילו משהו, כשר והוא שאותו שנשאר הוא במקום אחד; כה אבל אם מיעוט הנשאר הוא מדולדל, שהוא מעט כאן ומעט כאן, פסול, שניכר הדבר שנעקר בכח ומה שנשאר מחובר חיבור מדולדל הוא והוא ליה נעקר כולו ופסול; והני מילי כשנעקר רובו, אבל אם לא נעקר אלא מיעוט, ורובו קיים, אף על פי שרוב זה הנשאר הוא מדולדל מעט כאן ומעט כאן, כשר.

As to the issue of "Ikur" being unacceptable, [this is the case when] we have a complete uprooting, but if there is a remnant, even a little bit, it is kosher provided that the remnant is in its place, but if a little bit of the remnant is loose - a little here and a little there - it is not acceptable. The matter is clear that it was uprooted with force and what remains is just loosely attached. These rules apply when most is removed but if only a little is uprooted here and most is entacted, if most remains loosely - a little here and a little there - it is kosher.

שולחן ערוך יורה דעה סימן כד סעיף יז

שחט אחד מהסימנים ונמצא השני שמוט, ואין ידוע אם קודם שחיטה נשמט או אחר שחיטה, כז הרי זו פסולה. הגה: ואפילו זרק העוף מידו, כח ולא אמרינן דמחמת זריקה או פרכוס נשמט (מהרי"ק שורש ל"ה); מיהו השוחט נאמן לומר שלא היה שמוט בשעת שחיטה (פסקי מהרא"י סי' ר"ה).

He slaughters one of the signs and the second was found to be displaced but it is not known [if it was displaced] before the slaughter or after the slaughter. This [slaughter] is not acceptable. GLOSS: Even if he throws the chicken from his

hand, we do not say that it is because he threw it, or in its struggles it was dislodged. We [trust the slaughterer to] say that it was dislodged at the time of slaughter.

שולחן ערוך יורה דעה סימן כד סעיף יח

נמצא הסימן השחוט שמוט; אם כששחט תפש הסימנים בידו, או עור בית השחיטה מאחריי, ונדחק הסימן תחת העור, הרי זו פסולה; ואם לאו, מותר ע"י בדיקה שיביא בהמה וישחוט הסימן ואחר כך יעקרנו, אם דומות שתי השחיטות זו לזו, כשרה; ואם השנית מאדמת יותר, פסולה הראשונה. ועכשיו אין אנו בקיאים בבדיקה זו, הלכך בכל גוונא אסור.

If a sign [either the windpipe or gullet] of the slaughter was found dislodged: if when he slaughtered he took hold of the signs in his hand or the skin from behind the place of slaughter and the signs were squeezed under the skin, this is not acceptable. If not, it is permitted upon examination. If he brings cattle and he slaughters the sign and afterward he dislodged it, if it is the same in two of the slaughters, [comparing] one to the other it is kosher. If the second is bloodier, the first one is not acceptable. We no longer have experts to check this and the custom in all of these cases it [the rule them as] not acceptable.

שולחן ערוך יורה דעה סימן כד סעיף יט

שחט העוף כדרכו בהכשר, ואחר גמר שחיטה מצא טבעת מהגרירת שלם על הסכין, כשר. הגה: ויש מטריפין בזה, לא וכן עיקר (שחיטות ישנים בשם מהרא"ק, גם ע"פ גיסו מהר"י כ"ץ שאמר: כך הנהיג מהר"ר משה יפה) (ו) ואין לשנות.

He slaughters a fowl in the proper way that is kosher and he finishes the slaughter, a coin is found from the throat on the knife it is kosher. *GLOSS: There are those that say that is unfit and that it is "ikur" and we do not alter this practice.*

שולחן ערוך יורה דעה סימן כד סעיף כ

השוחט תרגגול צריך ליזהר שידחוק רגלו בקרקע, או יגביהנו שלא ינעוץ רגלו בקרקע, כדי שלא יעקור הסימנים.

When one slaughters a rooster one needs to take heed and squeeze his feet to the ground or lift him up so that his feet do not wedge in the ground in order that he does not dislodge the signs.