

Ritual slaughter: regulatory responses, consumer choice and labelling strategies

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Abstract

Religious slaughter has always been a controversial and emotive subject from the viewpoint both of assuring animal welfare and of people's cultural/religious rights. In practice, there is considerable variability in the approach taken to ritual slaughter, and no unambiguous and uniform approaches to its performance have been determined.

This paper summarises the current legal situation relating to the performance of ritual slaughter in Italy and the associated scientific knowledge, and emphasises the importance of the introduction of a uniform system of certification/labelling of the products of ritual slaughter.

Ritual slaughter; legislation; consumer; labelling

Introduction

Ritual slaughter is a common practice, particularly for the Islamic (*halal* food) and Jewish (*kosher*) religions. It consists of killing an animal by cutting its trachea and oesophagus with a very sharp blade to ensure the immediate, deep and blunt resection of the blood vessels. It is performed in compliance with specific rules of religious origin and is accompanied by a series of actions (blessings, invoking the name of God, etc.) underlying its ritual significance and sacred nature. In principle, ritual slaughtering may be performed by any Muslim or Jew; in practice it is performed by specially trained people inside abattoirs authorised to perform this type of slaughtering (National Committee for bioethics 2003).

In recent years, a growth in the Islamic community in particular has led to a steady increase in the amount of ritual slaughters (cattle, sheep and goats) and butcheries (Gili and Piscopo 2007). In Italy, a significant (and growing) proportion of the population would no longer be forced to abandon a major element of its own traditions. Most importantly, this could be a good example of integration, i.e. respecting the religious and cultural traditions of a community as long as they fit the key principles of harmonious social co-existence.

On the basis of the above considerations, the authors report the current legal rules concerning ritual slaughter in Italy. The objective is also to discuss and evaluate the need for a labelling system for food derived from kosher and halal slaughter.

Materials and Methods

General rules

The rules and definition of religious slaughter differ according to the religious denomination (or community). For example, some Islamic communities carry out religious slaughter without prior stunning, whereas others accept reversible stunning. Therefore, religious slaughter may be defined as slaughter without stunning for many, but not all religious communities. On the other hand, there are a number of other requirements (besides the issue of stunning) that must be met in order to carry out religious slaughter in a way that is consistent with Jewish or Islamic rites. The prohibition on stunning animals before slaughtering, which is upheld by Orthodox Jewish communities (with some exceptions) and a number of Muslim communities, is the feature of religious slaughter that is taken into greatest consideration by the legal systems of various countries. In fact, this is the feature that is most in contrast with these countries' legislation on slaughter. In spite of national differences, the legislation of many countries is characterised by some common trends, such as, for instance, an increasing awareness of animal welfare. This, in turn, has led many countries to prohibit slaughter without previous stunning, which is a method they regard as inflicting unnecessary pain. Most countries grant derogation from the compulsory requirement of stunning animals before slaughter *exclusively and expressly* for the slaughter of animals *according to a religious rite*.

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In the light of these considerations, it can be understood why many legal texts lack a proper definition of religious slaughter, and limit themselves to allowing religious slaughter without stunning. This is the case for the 1988 European Convention for the Protection of Animals for Slaughter, as well as Council Directive 93/119/EC of 22 December 1993 on the Protection of Animals at the Time of Slaughter or Killing (European Convention for the Protection of Animals for Slaughter 1988).

According to the former, each Contracting Party may authorise derogations from the provisions concerning prior stunning in the case of slaughtering in accordance with religious rituals. The latter stipulated that the requirement of stunning might not apply in the case of animals subject to particular methods of slaughter required by certain religious rites.

Council Regulation (EC) 1099/2009 of 24 September 2009 on the Protection of Animals at the Time of Killing, which shall apply from 2013 and will abrogate the above mentioned Directive, more precisely defines a religious rite as a series of acts related to the slaughter of animals and prescribed by a religion (Art. 2, letter g) (Passantino 2009). The derogation from stunning in the case of religious slaughter taking place in a slaughterhouse has been confirmed - “[...] *derogation from stunning animals prior to slaughter should be maintained, leaving, however, a certain level of subsidiarity to each Member State*” in respect of “*the freedom of religion and the right to manifest religion or belief in worship, teaching, practice and observance, as enshrined in Article 10 of the Charter of Fundamental Rights of the European Union*”. Furthermore, “*in the interest of the animals and provided that it does not affect the functioning of the internal market, it is appropriate to allow Member States certain flexibility to maintain or, in certain specific fields, adopt more extensive national rules*” (Council Regulation (EC) No 1099/2009). This will allow that religious slaughter will be transposed differently depending on each European country and considering that national rules take into account dimensions that go beyond the purpose of the Regulation.

Today the above-mentioned flexibility is applied in Member States and third countries, and the legal situation of ritual slaughter differs from country to country. A brief look at these situations will follow.

In Western countries, the law covers every stage of ritual slaughter, from the slaughtering of livestock to the sale of kosher or halal meat. Governments regulate ritual slaughter primarily through legislation and administrative law. Switzerland, Norway and Iceland, as no EU members, are the only other countries to ban shechita in Europe. Ritual slaughter is a practice covered by Article 9 of *The European Convention on Human Rights* that provides for the right to manifest religious observance. Thus, under the Court’s interpretation of the European Convention on Human Rights in the Cha’are Shalom case, restrictions on ritual slaughter are permissible, but only if they do not prevent religious adherents from obtaining religiously slaughtered meat. The Basic Law for the Federal Republic of Germany provides a broader guarantee of human rights in the area of religious freedom than the European Convention on Human Rights. Countries in which animals must be stunned right after the cut is made include Denmark, Finland and the Lower Austrian province; Norway, Iceland and Switzerland are countries that impose stunning before slaughter. In the Netherlands, halal slaughter includes some pre-mortem stunning. The Netherlands is one of the countries that have introduced legislative protection for shechita. Spain allows ritual slaughter for sheep and goats, but not for cattle. Many other EU countries also allow slaughter without prior stunning for religious reasons (e.g. Germany, UK, Italy and Belgium) (Havinga 2010). However, some countries do not allow slaughter without prior stunning (e.g. Sweden, Norway and New Zealand) (in Italy, slaughter carried out according to Jewish and Islamic rites is allowed by the Ministerial Decree (MD) concerning the Authorisation of Slaughter of Animals according to Jewish and Islamic rites of 11 June 1980 (Anon 1980), and by Article 5 of Legislative Decree (LD) no. 333 of 1 September 1998 concerning the Execution of Directive 93/119/CE on the Protection of Animals at the Time of Slaughter or Killing (Anon 1998). Jewish communities in Italy are also authorised to perform slaughter in compliance with Jewish law and traditions by Article 6 § 2 of the Law approving the Agreement between the Italian State and the Union of Italian Jewish Communities (Law no. 101 of 8 March 1989) (Anon 1989). No such agreement exists between the Italian State and Muslim communities, which are nonetheless granted the right to carry out slaughter according to Islamic rites by Article 4 of the aforementioned MD of 1980. Slaughter must be carried out by qualified persons having the knowledge and skill necessary to carry out the respective ritual methods, and it must be performed in such a way as to cut the oesophagus, the trachea and the large blood vessels in the neck at the same time with just one incision (Article 2 of MD/1980) (Anon 1980). Bovine animals to be slaughtered according to a religious rite must be restrained by using a mechanical method intended to avoid any pain, suffering or agitation and any injuries or contusions to animals (Article 1 § 2 of Annex B of the LD/1998) (Anon 1998). National rules on ritual slaughter do not provide any clarification regarding meat destination, health marks, the need for separate market channels and/or specific labelling requirements for slaughter methods, etc. Meat destined for commercial distribution could be indistinguishable from traditionally slaughtered meat; neither macroscopic and objective differences nor a particular form of identification mark allow for differentiation. Labelling information about this meat could come from the general law on foodstuff labelling. As a consequence of this, a unique opinion would be necessary between representatives of Jewish and Islamic communities in view of scientific advances in the fields of slaughter technology and meat preservation with a reasonable compromise between both religious needs and the requirements of animal protection and respect (Gili and Piscopo 2007).

Social background

A debate over religious slaughter emerged in the mid 19th century when, in the aftermath of the Enlightenment, the first societies for the prevention of cruelty to animals were founded in some northern

European countries and the European population began to reflect on ethical behaviour toward animals. At that time, the stunning of animals prior to all forms of slaughter was debated publicly for the first time ever. As a result, just a few decades later, some states enacted mandatory stunning without exemptions for religious slaughter. On January 2002 the German Federal Constitutional Court (Constitution) reported that the Basic Law for the Federal Republic of Germany provides a broader guarantee of human rights in the area of religious freedom than the European Convention on Human Rights. In an appeal by a Turkish citizen who practiced Islamic ritual slaughter, the German court erased Germany's former ban on ritual slaughter, holding that the German Basic Law's guarantee of religious freedom prohibited the German government from applying a law requiring stunning prior to slaughter to observant Muslims who practice ritual slaughter for religious reasons, and that the Basic Law's guarantee of religious freedom applies to slaughterers as well as consumers of meat (Ban religious slaughter in Europe).

Most European countries enacted regulations improving general animal welfare standards such that current EU legislation stipulates that, for animal welfare reasons, animals must be stunned before slaughter, with varying exemptions for the performance of religious slaughter methods in certain member states (Havinga 2010). Judaism has detailed rules and requirements in regard to animal welfare, food and other everyday conduct. The writer Nick Cohen (2004) discusses some collected research papers which indicate that the animal suffers pain during and after the process. This has led to prohibitions against not stunned slaughter in some countries. These arguments are rejected by the Jewish community that argues that the method is humane. While the campaign against shechita which started around 1840 is still being pursued today, the Jewish community feels that a lot of the science is bogus, and that it is painful is a popular myth, and there is ample scientific evidence to the contrary (The Telegraph 2011). Grandin Temple (2011), a leading designer of animal handling systems gives the various researchers' times to lose consciousness.

Today, there are some non-Orthodox Jews who have no objection to stunning, as for example in U.S.A. Shechita advocates claim that the precise neck incision employed provides the irreversible insensibility required by the definition in law of rendering the animal unconscious until death supervenes, similarly as for stunning. However, this point of view is controversial because of the time interval between neck incision and loss of consciousness (Havinga 2010). Furthermore, although legislation can provide exemption from stunning in most EU countries, shechita is not regarded as a stunning method by EU law (Gili and Piscopo 2007).

On several occasions, the Italian National Committee for bioethics has underlined the need to address the issue of "*ritual slaughtering with an eye to the inter-cultural dimension of bioethics*", starting from the balance between respect for a few universal values and the attention given to the peculiarities of each individual culture. This approach prevents a practice deeply rooted in the culture and traditions of any community from being rejected merely on the grounds that it is different from the practice followed by another segment of the population, even if it was the majority. It is necessary to justify why such a difference would make a practice ethically unacceptable. When no reason can be found or if it is not sufficiently sound, respect for diversity may turn out to be quite positive for the social integration of a number of communities that have recently settled in Italy (suffice to think of Muslim immigrants) (National Committee for bioethics 2003).

Although religions may impose strict dietary laws, the numbers of people following them may vary considerably. Islam is the fastest growing religion on earth. The total number of Muslims worldwide is estimated at 1.4 billion. Approximately 11 million Muslims live in North America and their population is growing three times faster than any other minority group. Western Europe has a Muslim population of approximately 12 to 13 million Muslims who originate from North Africa and other Arabic-speaking countries, Turkey, the Indian subcontinent, Africa and the Balkan region. The global halal market for foods is estimated at 1.5 billion consumers. Until recently, the food industry has largely ignored this Muslim consumer segment, in contrast with the well-developed kosher market (on average 30% to 40% of the grocery items in US supermarkets are kosher). Nowadays, Muslims are making their presence felt socially and politically and are requesting halal-labelled food products.

Halal is a credence quality attribute, i.e. a product characteristic that cannot be evaluated or ascertained by the individual consumer, even upon or after consuming the goods. As a product attribute, "halal" refers to the nature, origin and processing method of the food product, which entails similarities with foods produced taking animal welfare issues into account (Bonne and Verbeke 2008).

In Italy, Islam excites great interest due to the presence of a large number of Muslims; this raises Islamism as the second largest religion professed in our country. Muslims are a majority in several Italian regions, such as Val d'Aosta, Basilicata, Puglia, Calabria, Sicily, Sardinia and Emilia Romagna. The preservation of food traditions, together with the observance of religious dietary laws, has led to an increase in the production and marketing of ethnic food (Dini and Minareti 1988).

The principle of quality assurance in the meat chain

A further issue is the hygiene quality of meat from ritual slaughter. A recent study on the effects of slaughter on beef qualitative characteristics has shown that after conventional slaughter the pH value remained stable until the 6th day of storage, while after ritual slaughter it increased from the 2nd to 6th day of storage. Drip loss increased considerably from the 2nd to 6th day of storage in the case of conventional slaughter, while after ritual slaughter the drip loss increase was lower. Meat colour was not influenced by the slaughtering system, but only by different lengths of storage. In conclusion, the meat derived from animals slaughtered without stunning showed higher

pH values, lower drip loss and some petechial haemorrhages. Further development and extension are required in order to better define the effect of ritual slaughter on animal welfare and bleeding efficiency and, consequently, on the quality and shelf-life of the meat (D'Agata et al. 2009).

The meat chain meeting all prescribed religious criteria is an extremely complex matter, and there is controversy on a number of issues. In addition, halal meat safety and wholesomeness in terms of its halal status is difficult to verify by consumers before purchase, during consumption, and even after consumption, resulting in potentially uncertain quality. In this situation, implementation of a quality assurance system is a prerequisite enabling stakeholders involved in the meat chain to claim and trust that halal meat fulfils the defined quality requirements (Bergeaud - Blackler 2004).

Recently (30 June 2010), the Project Certification Halal Italy has been discussed at the Ministry of Foreign Affairs. A brand has been created and registered with the Italian Patent and Trademark Office by the Ethics Committee of Italy Coreis Halal (Islamic Religious Community). A halal certification body in our country will issue the compliance of various products with the laws of Islam; the mark of quality will be valid throughout the national territory for the Italian market in food products, cosmetics and pharmaceuticals, including other countries with Muslim majorities. The project has already led to product certification by some Italian companies, which are now sold to consumer Muslims in Italy and abroad (Distefano).

The consequent legitimacy of the project has led to the formulation of a specific national ministerial agreement, showing the support of political institutions, as is necessary for the internationalisation of the Italian production system and the protection and promotion of Italian interests abroad (Convenzione Interministeriale per garantire sostegno all'iniziativa "Halal Italia" tra il Ministero degli Affari Esteri, il Ministero dello Sviluppo Economico, il Ministero della Salute, il Ministero delle Politiche Agricole, Alimentari e forestali, 2010).

Necessary adaptations have been put into the agreement, incorporating the halal standard criteria for hygiene, safety and higher quality systems already in production under current legislation. Some Lombard companies have already joined the project and chosen to certify their products. This is considered a positive development for the Italian Islamic community that is formally recognised by the agreement of four national Ministries, as a real religious and trustworthy presence in Italy, to contribute to the widespread prosperity of the national population (Halal Italia 2010).

The Italian enterprise was inspired by the activity of the Halal Food Association (HFA) "an association with experienced manpower and Islamic religious scholars that focuses on ten principles for halal certification". At the last HFA International Conference, some basic principles were expressed; making Halal food more readily available and accepted throughout the world, especially on the European market; emphasising the two-pronged approach, i.e. adherence to the requirements; highlighting the importance of harmonised halal standards among certifying bodies (Halal Food Association).

Discussion

As mentioned above, Muslim ritual slaughter has never been precisely defined and has benefited from a status of exception in most legislative systems by overriding animal welfare regulation.

One of the consequences of this exceptional status has been the growth of an unregulated market that does not give the consumer (Muslim and non-Muslim alike) any assurance regarding the process of production of Halal products (Bergeaud-Blackler 2004).

In Italy, current halal quality coordination is strongly based on civic and domestic logics in which Muslim consumers prefer transacting with Muslim butchers, that is, individuals of known reputation with similar moral and religious obligations. Consequently, the socio-technical construction of halal credence quality, for example with respect to ritual slaughter, and the quality coordination mechanism aimed at reducing halal quality uncertainty among Muslim consumers, for example through labelling (Bonne and Verbeke 2008). Furthermore, in order to have some utility value to the consumer and to be useful for purchasing decision-making, the communication source and message conveyed with respect to the credence quality have to be trustworthy and believable. "(...) it is very important to install a control mechanism on the halal market, which is too often subject to being abused for commercial ends. A Muslim should be able to buy a real halal product, not just a word. It's a question of transparency and responsibility (Halal Food Association).

Facing this situation, the approach for a "ritual food chain" should be to apply a "farm-to-fork" criterion that is similar, in terms of traceability and labelling, to "non-ritual food".

Traceability is an essential element in ensuring food safety; in view of this food business operators should ensure that the ritual meat, as a product of animal origin, “*that they place on the market bear either a health mark or an identification mark*”. European regulations on food hygiene highlight the “*assurance of a high level of protection of human health and consumers’ interest in relation to food, taking into account in particular the diversity in the supply of food including traditional products, whilst ensuring the effective functioning of the internal market*” (Regulation (EC) no 853/2004). This concept of paramount importance must be applied to food from ritual slaughter.

It is essential that the legislative framework of European countries provides an adequate and effective system of marking or labelling to distinguish unequivocally the meat butchered according to religious rites from that normally slaughtered, to protect the principle of reciprocity and to provide the fullest possible information to the consumer (Bonne and Verbeke 2008).

Another strongly related critical issue is who should monitor, control and certify halal quality, i.e. the issue of third part responsibility and authority for quality assessment and auditing. In most European countries, such as Italy, institutionalised quality reassurance systems are lacking, and there are very few active private and independent certification organisations.

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