

## LEGAL PROTECTION OF ANIMALS IN ISRAEL

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### TABLE OF CONTENTS

- I. Introduction to the animal protection dynamics in Israeli society
- II. Religious and moral fundamentals of animal protection in Judaism
- III. Overview of the legislation on animals in Israel: cruelty, companions, experiments and wildlife
- IV. Case law on animal cruelty in Israel
- V. Further welfare concerns in Judaism and in the State of Israel
- VI. The future of religious and legal consideration of animals: veganism?
- VII. Conclusion on the current protection of animals in Israel
- VIII. References

### **I. Introduction to the animal protection dynamics in Israeli society**

The lawmakers of *Israel* have been promoting *animal welfare* and *animal rights* in an unprecedented way in recent years, irrespective of their political affiliation; they have united to increase the importance of cruelty to animals and animal suffering as a topic at the *Knesset*<sup>2</sup> - where a *Subcommittee for cruelty towards animals* has been created<sup>3</sup>, and *Animals Rights Day* is marked with vegan dishes to be served to the Members of Parliament<sup>4</sup> - in light of the Jewish religious and ethical values.

Animal defence organisations do not hesitate to use the opportunity laid down in the Animal Protection Law to refer animal abuse cases to the courts, with some even being taken to the Supreme Court of the State. Aside from *Egypt*, which

<sup>1</sup> Master in Animal Law and Society, UAB, 6th edition. Written in Barcelona, reviewed June 12th of 2017.

<sup>2</sup> The Israeli Parliament. <http://main.knesset.gov.il/Pages/default.aspx>

<sup>3</sup> [http://knesset.gov.il/committees/eng/committee\\_eng.asp?c\\_id=577](http://knesset.gov.il/committees/eng/committee_eng.asp?c_id=577)

<sup>4</sup> [http://knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=11169](http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=11169)

inserted into its Constitution the principle of *humane treatment of animals* in 2014 and criminalized their mistreatment since 1937, Israel<sup>5</sup> is the only country in the Middle East to even possess animal *anti-cruelty* legislation and to regulate their welfare, from the early days of the State on.

Protests to end animal suffering have been taking place in *Israel*, particularly since the beginning of the 2010s, while activism started in the 1980s and vegetarian campaigns in the 1990s, mostly in opposition to factory-farming and animal testing. More recently, a speech given by activist *Gary Yourofsky* on *veganism and animal rights* became one of the most watched videos of all time in *Israel*<sup>6</sup>. In the meantime, several undercover investigations led by *Anonymous for the Animals Israel* were broadcasted on major TV Channels such as *Channel 2* and *Channel 10 News*<sup>7</sup>, catching the attention of the public on a regular basis. On another hand, the *269life*<sup>8</sup> movement spread internationally after activists in Israel began tattooing themselves after the number given to a rescued calf<sup>9</sup>. Other organizations and activist movements work hard to sensitise and educate the public by reporting, drafting, filing suits and holding protests, such as *Let the Animals Live, Israel against Live Shipments*, and *CHAI*, among others.

The biggest march for animal rights worldwide and in Israel history just took place in September 2017<sup>10</sup>, with about 30 000 people marching in downtown Tel Aviv to denounce the inhumane treatment of animals and calling for compassion, justice and veganism in Israel, with regards especially to live export of animals from Europe and Australia, the absence of a no-kill of stray animals policy, the lack of enforcement of anti-cruelty legislation, and the harm caused to animals in slaughterhouses<sup>11</sup>.

According to a survey led by the Economy Ministry, a third of Israeli households have pets, with 380 000 dogs registered as a permit is mandatory, while

<sup>5</sup> <https://www.globalanimallaw.org/database/national/egypt/>

<sup>6</sup> « Best Speech Ever », Gary Yourofsky,

<https://www.youtube.com/watch?v=omweihtaYwI&feature=youtu.be>

<sup>7</sup> Investigation at Dabbach accessible at: <https://anonymous.org.il/dabbach>

Investigation Soglowek accessible at: <https://anonymous.org.il/soglowekpics>

<sup>8</sup> <http://www.269life.com/#&panel1-1>

<sup>9</sup> « The Israeli Calf that started a Mass Tattoo Movement », by Netta Ahituv, March 21st, 2013, Haaretz, accessible at:

<http://www.haaretz.com/israel-news/the-israeli-calf-that-started-a-mass-tattoo-movement.premium-1.511045>

<sup>10</sup> Records from the march accessible at: <https://www.youtube.com/watch?v=U10RYK-9BqE>.

<sup>11</sup> « Thousands flock to mass Tel Aviv rally for Animal Rights », by Daniel K. Eisenbud, September 10, 2017, The Jerusalem Post, accessible at: <http://www.jpost.com/Israel-News/WATCH-Thousands-flock-to-mass-Tel-Aviv-rally-for-animal-rights-504657>

no exact numbers can be found regarding cats, yet they are estimated to be about 260 000<sup>12</sup>. Yet feral cats are everywhere in Israel.

As for the animals kept by the food industry, there is one hen per citizen in Israel, meaning, in the words of *Avraham Pinkas*<sup>13</sup> - founder of *Hai-Meshek*, an Israeli organization preventing the cruelty against animals who launched successful campaigns - that every person is responsible for the treatment inflicted upon this animal. The rationale is that, in such a small country, people can choose to free laying-hens from their cages by buying free-range and thus improve their welfare, and the organization created a label to ensure the living conditions of free-range laying hens<sup>14</sup>, as battery-cages have not been forbidden yet in the country despite their horrible reality<sup>15</sup>.

Similar campaigns could be launched regarding other animal issues, such as the gestation of pigs still confined in crates under no prohibition, and certainly to improve the welfare of milking cows as well, regarding the fact that Israel has one of the highest dairy production rates per capita in the world<sup>16</sup>.

Having briefly introduced the dynamics of animal protection in the Israeli society, I will first investigate the religious and moral fundamentals of animal protection that can be found in Judaism (I). These foundations have inspired the legislation on animals in Israel (II) as a tool for interpretation and evolution in the application of the norms, especially in animal cruelty cases, as credited by the courts (III). Secondly, while demonstrating that the basis for animal protection and care is strong in Jewish tradition and progress has been made, I will reveal that there is still much to be done as regards serious welfare issues particular to Judaism and Israeli society (IV). Nonetheless, given Israeli society activism and involvement in denouncing animal abuse, and religious roots for veganism and respect for animals, I believe that we can hope for a vegan future (V) as Israel is already home to the highest number of vegans per capita, and to promising research to provide alternatives to intensive farming and the breeding and killing of animals.

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<sup>12</sup> « In Israel, Man's best friend is also his most expensive friend », by Hadar Kane, January 6, 2017, Haaretz, accessible at: <https://www.haaretz.com/israel-news/business/1.763359>

<sup>13</sup> See Hai Meshek's videos:

<https://www.youtube.com/watch?v=fx3FbpYLOno>

<https://www.youtube.com/watch?v=82Lh6by8EPs>

<sup>14</sup> See *Hai Meshek's* website: [http://www.hai-meshek.org.il/?page\\_id=335](http://www.hai-meshek.org.il/?page_id=335)

<sup>15</sup> The Brutal Reality Behind Israel's Egg and Poultry Quotas, by Orna Rinat, December 29th, 2015, Haaretz, accessible at: <http://www.haaretz.com/opinion/.premium-1.694293>

<sup>16</sup> The Land of Milk: Israel's Super Cows are the World's Most Productive, by Joshua Levitt, March 11th, 2014, The Algemeiner, accessible at: <https://www.algemeiner.com/2014/03/11/the-land-of-milk-israels-super-cows-are-the-worlds-most-productive-video/>

## II. Religious and moral fundamentals of animal protection in Judaism

### i. From the holy texts

The most fundamental connection between human beings and animals is found in the first chapters of the *Torah*. Indeed, *Adam* had the responsibility to name animals<sup>17</sup> and all non-human and human animals are even meant to have been speaking the same language before the *original sin*<sup>18</sup>. In the very beginning, despite the Animal Kingdom as believed to have been placed under the dominion of Man who was given permission to employ animals in useful services, meat-eating was not permitted. *Adam and Eve* did not, as a matter of fact, eat meat, according to Jewish tradition; thus, the *Torah* implies the ideal human diet is vegetarianism, making what we eat a matter of primary concern from the very moment of the *Creation*<sup>19</sup>. Also, *Genesis* emphasizes the link between humanity - *adam* - and the earth - *adamah*.

The story of *Noah's* ark was a fundamental episode and turning-point regarding the relationship between human and non-human animals, as only after punishing Man's behaviors did God decide to allow humans to eat animals within the *Seven Laws* - known as the *Noahide laws* - due to Man's supposed intrinsic weakness. As a consequence, only after the *Flood* has Man been given the limited « right » to kill animals for food, providing there is such need and it is done in the most humane way possible.

The principle of *tsaar ba'alei chayim*, prohibiting unnecessary pain to animals, was laid down by the *Torah* over than 3000 years ago; there is consequently a biblical limit to Man's cruelty and use of animals for human need found in the prohibition of cutting a limb off a living animal, later on understood more broadly as prohibiting unnecessary cruelty and undue cruel slaughter<sup>20</sup>.

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<sup>17</sup> Now the Lord God had formed out of the ground all the wild animals and all the birds in the sky. He brought them to the man to see what he would name them; and whatever the man called each living creature, that was its name.

So the man gave names to all the livestock, the birds in the sky and all the wild animals. *Genesis 1:1*

<sup>18</sup> Now the serpent was more crafty than any of the wild animals the Lord God had made. He said to the woman, "Did God really say, 'You must not eat from any tree in the garden'?"

The woman said to the serpent, "We may eat fruit from the trees in the garden, but God did say, 'You must not eat fruit from the tree that is in the middle of the garden, and you must not touch it, or you will die.'"

"You will not certainly die," the serpent said to the woman. "For God knows that when you eat from it your eyes will be opened, and you will be like God, knowing good and evil." *Genesis 1-3*

<sup>19</sup> And God said: "Behold, I have given you every herb yielding seed which is upon the face of all the earth, and every tree that has seed-yielding fruit—to you it shall be for food." *Genesis 1:29*

<sup>20</sup> Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things. But flesh with the life thereof, which is the blood thereof, shall ye not eat. *Genesis 9:3-4*

## ii. From the rabbinic interpretation

One of the most famous Jewish scholars of the 12<sup>th</sup> century *Orthodox* movement, *Maimonides*<sup>21</sup>, considered animals to exist for their own sake, and independently of Man, because they were created by God's will. He further considered there was no difference between the pain of Man and this of other living creatures. An interesting perspective and a topic contemporary interest is his teaching of the restriction of killing the offspring in the sight of its mother, based on the indistinguishable feelings of love and tenderness that both human and non-human animals share towards their young: such a scene would unambiguously convey extreme pain, and has led to the Jewish prohibition of killing a mother and its offspring on the same day.

Another very interesting element is the perspective on the extinction of species. From a Jewish point of view, it is not permitted to bring an entire species to extinction, according to *Nachmanides*<sup>22</sup>, based on the idea that nothing is deemed to have been created in vain, according to the *Talmud. Reform Judaism*, for its part, considers that dominion over animals comes with an obligation to protect all of God's creatures, as they all have intrinsic value, also supported by the views of *Maimonides*. Notably, the concept of *tikkun olam*, which means healing the world, and is very important to *Reform Judaism*, implies supporting the protection of endangered species and their habitats. Moreover, it considers the duty of care to domestic animals to be a moral obligation.

On the other hand, hunting is considered by the three movements as being a violation of Jewish ethical codes, such as the principles of *tsaar ba'alei chayim* and *bal tashchit*<sup>23</sup>, as well as a cruel and wasteful sport.

*Conservative Judaism* highlights another interesting example of mercy to animals, in line with the contemporarily researched and established link between cruelty to and violence directed towards animals, and the subsequent or concomitant violent behaviour of humans<sup>24</sup>. Indeed, according to this theory,

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<sup>21</sup> Moses Maimonides, *A Guide for the Perplexed*, translated from the original Arabic text, 1186, by M. Friedlaender, 4th revised ed., New York: E.P. Dutton, 1904,

<sup>22</sup> Nachmanides was also a Spanish scholar, from the 13th century and died in the Holy Land after having been expelled from Spain.

<sup>23</sup> i.e. the law prohibiting waste.

<sup>24</sup> There is abundant literature relevant to the subject as reviewed by PETA:

<https://www.peta.org/issues/companion-animal-issues/companion-animals-factsheets/animal-abuse-human-abuse-partners-crime/>

and the HSUS notably:

[http://www.humanesociety.org/issues/abuse\\_neglect/qa/cruelty\\_violence\\_connection\\_faq.html?referrer=https://www.google.es/](http://www.humanesociety.org/issues/abuse_neglect/qa/cruelty_violence_connection_faq.html?referrer=https://www.google.es/)

compassion towards animals would promote piety and prevent human beings from behaving cruelly towards each other.

### III. Overview of the legislation on Animals in Israel: cruelty, companions, experiments and wildlife

The *Minister for the Environment*<sup>25</sup> and in particularly the *Minister for the Agriculture* are principally in charge of the protection of animals in the *State of Israel*<sup>26</sup>; it was decided that the latter would continue to be the one enforcing animal welfare legislation amid concerns from activist groups of a possible conflict of interest, and accusations of negligence in its implementation<sup>27</sup>. The *Minister for the Agriculture* is in charge of enacting regulations concerning the keeping of animals (as much farm animals as pets in shops), the conditions of transporting animals, the means of killing animals (except for the slaughter for food), training animals and animal exhibitions.

We will provide an overview of anti-cruelty legislation structure, provisions and enforcement (1) with a focus on cats and dogs protection in Israel (2) and the state of animal experimentation (3) before mentioning wildlife protection measures (4) and draft bills seeking approval before the Knesset in the near future (5).

#### i. Anti-cruelty legislation and general animal protection framework

The *Animal Protection Law on Cruelty to Animals*, 5754, was passed by the *Knesset* on 28 Tevet<sup>28</sup> which *CHAI* (Concern for Helping Animals in Israel), an Israeli animal welfare organization<sup>29</sup>, helped to draft. It lays down main prohibitions towards animals and the punishment of the breach thereof. This is the main piece of Israeli legislation regulating the treatment of animals. The same year, a second *Animal Protection Law on Animal Experimentation* was enacted. Both were initiated by *Member of Knesset Abraham Poraz*.

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If you want to stop violence against people, Stop violence against animals, by Lynne Peoples, August 10th, 2015, The Huffington Post:

[http://www.huffingtonpost.com/entry/animal-abuse-human-violence-link\\_us\\_560f2269e4b0af3706e0fd5b](http://www.huffingtonpost.com/entry/animal-abuse-human-violence-link_us_560f2269e4b0af3706e0fd5b)

<sup>25</sup> <http://www.sviva.gov.il/English/Pages/HomePage.aspx>

<sup>26</sup> <http://www.moag.gov.il/Pages/HomePage.aspx>

<sup>27</sup> *Animal Welfare Enforcement to Remain in Agriculture Ministry*, by Sharon Udasin, December 14th, 2015, The Jerusalem Post, accessible at:

<http://www.jpost.com/Israel-News/Animal-welfare-enforcement-to-remain-in-Agriculture-Ministry-437247>

<sup>28</sup> 11 January 1994.

<sup>29</sup> See *CHAI's* website: <http://www.chai-online.org/>

The *Law on Cruelty to Animals* describes in very simple words that which is to be forbidden towards animals – preferable to using ambiguous terms to refer to cruel treatments. Thus it appears to be a broad yet efficient text aimed at regulating a wide range of human behaviors *towards all animals, under all circumstances*, according to the text.

Animal use for experimentation is nonetheless excluded from the application of the State anti-cruelty legislative provisions, but is covered by particular regulations. Also excluded is the slaughter of animals for the purposes of food for humans, as they obey other commandments, and the legislator does not want to interfere with neither Jewish nor Muslim ritual slaughter. Lastly, slaughter of animals concerned with specific regulations of the *Rabies and Animal Diseases ordinances* of 1934 and 1985<sup>30</sup> is excluded for the general interest of the State to prevent and eradicate zoonoses. Yet these ordinances ought to be amended, as they cannot be read in any way other than the outdated notion that animals are regarded pests and treated as such - without much consideration; more balance would be welcome in the means for human health protection as an end.

The anti-cruelty law stipulates, under Section 2, that (a) « *no person shall torture, treat cruelly or in any way abuse any animal* »; (b) « *no person shall incite one animal against another* »; (c) « *no person shall organize a contest between animals* » making it clear that animal fighting and any other sport or competition involving animals is strictly forbidden<sup>31</sup>; and (d) « *no person shall cut into a live tissue of an animal for cosmetic purposes* » prohibiting animal vivisection for teaching purposes in classes, and practices such as cropping the ears and tails of purebred dogs since 2001, as well as tattooing further to 2015 amendment. However, as another particular law has been designed specifically to regulate experimentation on animals, this anti-cruelty law does not apply to animals in laboratories used for experimentation.

The law goes on to protect animals used for work, following the traditional view that Man can use animals to help him when carrying out useful tasks, as both have evolved to cooperate through and benefit from working relationships due to their mutual needs. It aims to ensure that Man respects the natural limitations imposed upon the animal, resulting in care for its physical condition, and must be accounted for when prohibiting unfit animals to work. Working any animal to exhaustion is equally forbidden under Section 3. This provision is particularly

<sup>30</sup> *Rabies ordinance*, 1934, accessible at: <http://extwprlegs1.fao.org/docs/pdf/isr20790e.pdf>

*Animal Diseases ordinance*, 1985, accessible at: <http://extwprlegs1.fao.org/docs/pdf/isr21179.pdf>

<sup>31</sup> For example, there is not and has never been in Israel horse racing or dog racing, nor bullfighting.

impregnated with Jewish spirit, as, for example, it requires that animals rest on *Shabbat*, just like Man must.

The scope of the law does not privilege one category of animals over the other; companion animals, captive animals, farm and wild animals are entitled the same level of protection through a system of prohibition of human behaviors.

The law mentions also the interdiction of killing by poison, notably quoting strychnine, a neurotoxin which toxicity is known especially for birds, cats, dogs, mice, rats, rabbits and other small vertebrates, killing them by muscular convulsions leading to asphyxia, particularly painful and cruel. An exemption applies to veterinarians killing animals through means of poison for prevention of rabies and other zoonoses under authorization and control of the Veterinary Services of the Ministry of Agriculture according to the *Rabies and Prevention of Animal Diseases* ordinances.

The law establishes powers to search and investigate any offense under the Law in Section 6, in which case, according to Section 8, the animal can be seized as a protective measure when it is suspected that abuse has been committed. Section 13 stipulates that, should the state of an animal justify the need to end its sickness or suffering, euthanasia should be carried out without causing unnecessary suffering, essentially meaning, in the most humane way possible.

Moreover, Section 15 institutes the right for animal protection organizations duly approved by the *Minister for the Environment* to file complaints regarding offenses to the law, i.e. cruelty to animals: they have standing. There is no such issue as legal standing as far as animal defence organizations are concerned in Israel; organisations are entitled to defend the interests of animals in the courts whether it is a civil, administrative or criminal process. These offenses are punishable by up to 4 years imprisonment for cruel treatment (section 2), and up to 1 year of imprisonment for breaching the prohibition on working animals (section 3) or poisoning (section 4), coupled with fines of up to NIS 226 000<sup>32</sup>, following an amendment to the Animal Protection Law in December 2015<sup>33</sup>. Progress was heavily welcomed by civil society, as well as Members of the Knesset and government, with the *Jerusalem Post* even, although perhaps mistakenly, speaking of « stricter animal rights measures ».

Covering the main areas pertaining to the protection of animals, section 14 again establishes a *Fund for Animals* in charge of the education, information, training

<sup>32</sup> About 57 000 euros as of June 12th, 2017.

<sup>33</sup> Knesset passes stricter animal rights measures: more jail time, increased fines for violators, by Sharon Udasin, December 15th, 2015, The Jerusalem Post, accessible at: <http://www.jpost.com/Israel-News/Politics-And-Diplomacy/Knesset-passes-stricter-animal-rights-measures-More-jail-time-increased-fines-for-violators-437396>



and assistance regarding animal cruelty issues. Moreover, when punishment is decided but does not amount to prison for an offense committed under the *Law on Protection of Animals*, the fine granted is systematically given to the *Animal Fund* with the objective of promoting the purposes of this law.

Significantly, the *Knesset* amended the Law in 2015 to establish the duty of care of the animal's guardian, as well as a provision for the basic needs of an animal as a question of welfare<sup>34</sup>, ensuring that abandonment can result in sanction when perpetrated by non-owners also: the law is to be applied both to the owner and to the holder of the animal, regardless of ownership. Additionally, there is a clause adding that shelters have the obligation to spay and neuter their animals before putting them up for adoption.

In addition to this, another new and major provision was introduced by the 2015 amendment, singling out the responsibility of senior executives of corporations that handle animals, such as slaughterhouses, obliging them to do everything in their power to prevent abuse against animals, and emphasizing their responsibility of supervising animal welfare from the top down; this put the burden on the executive to prove that they did everything they could to prevent cases of abuse. Promoter of the amendment, *MK Itzik Shmuli* from the *Zionist Union*, said the next aims was to extend this responsibility to the managers of such corporations.

After the approval of the first reading of this amendment, *Dov Lipman*, from the *Yesh Atid* party, acknowledged that there is a spirit of change in the air regarding progress on preventing the suffering of animals in Israel, highlighting that: « *We now have an agricultural minister, Uri Ariel, who truly cares about the issue and, as this law shows, he plans to take action, (while) the current public security minister, Gilad Erdan, is someone who (...) will, without a doubt, be strict with enforcing the laws in this realm. This creates a real window of opportunity for real progress on this important Jewish and human value.* »<sup>35</sup>

## ii. Companion and stray animals: cats and dogs legislation

On another hand, the *Dog Regulation Law* of 2002 regulating the guardianship of dogs asserts that all dogs must be licensed, micro-chipped and vaccinated annually against rabies<sup>36</sup>, while the *Prohibition on Declawing Cats* of

<sup>34</sup> [https://knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=11818](https://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=11818)

<sup>35</sup> Knesset approves strict amendments to animal welfare law in first reading, by Sharon Udasin, July 28th, 2015, The Jerusalem Post, accessible at: <http://www.jpost.com/Israel-News/Knesset-approves-strict-amendments-to-Animal-Welfare-Law-in-first-reading-410426>

<sup>36</sup> Main pieces of legislation and regulations can be accessed from the *SPCA* platform at [http://spca.co.il/newsite/page\\_en.asp?p\\_id=41](http://spca.co.il/newsite/page_en.asp?p_id=41)

2011<sup>37</sup> forbids onychectomy<sup>38</sup> - amounting mutilation or amputation - unless it is vital for the health of the animal or its owner, imposing a 20 000\$ fine and up to a year of prison on violators.

The question of animal spaying and neutering is a hot topic among Israeli society, not only because it made it to questioning the religious validity of such procedure<sup>39</sup>, but mostly because of the serious overpopulation and predicament of stray animals in the country, calling for more effective measures to manage the street population.

Following a pilot project conducted by Israel's Ministry of the Environment in 2005, several municipalities in Israel have provided all or part of the funding for trap/neuter/vaccinate/release (TNR) programs for feral cats. In 2007, government officials proposed a law providing such funding throughout the country<sup>40</sup>. In 2013, Agriculture Ministry launched a 4.5 million shekels program to spay and neuter 45 000 stray cats in cooperation with local authorities<sup>41</sup> - a number insufficient regarding the wide population of cats in Israel, representing a serious animal welfare issue as street cats results in cats suffering. Cat overpopulation is notably accounted to be due partly to the massive import of cats to deal with rat infestation under the British mandate, coupled with the warm climate allowing cat females to have up to 3 litters a year. In comparison with official estimations, cats activists estimate there are up to 2 million stray cats in Israel<sup>42</sup>.

Israel recently decided to allocate a 4.5 million shekels budget<sup>43</sup> yet only to the spaying and neutering of stray dogs to avoid putting thousands down as means to reduce dog population and the risk of diseases, leaving stray cats behind<sup>44</sup>. The adoption of the bill was motivated by the consideration that in the long run, it will cost less to manage the population through spaying and neutering than maintaining kennels and putting healthy animals to sleep, the cost of which is estimated to be around 33 million shekels a year.

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<sup>37</sup> « In Israel, declawing your cat could get you jail time », by Erin Skarda, December 9th, 2011, Time, accessible at:

<http://newsfeed.time.com/2011/12/09/declawing-your-cat-could-get-you-a-year-in-jail-in-israel/>

<sup>38</sup> i.e. declawing cats.

<sup>39</sup> « Ask the Rabbi: neutering animals », by Schlomo Brody, May 14, 2009, The Jerusalem Post, accessible at: <http://www.jpost.com/Jewish-World/Judaism/Ask-the-Rabbi-Neutering-animals>

<sup>40</sup> « Feral cats in Israel », CHAI Factsheet, accessible at:

[http://www.chai.org.il/en/companion/overpopulation\\_feral.htm](http://www.chai.org.il/en/companion/overpopulation_feral.htm)

<sup>41</sup> « Israel plans mass spaying campaign to combat street cat proliferation », by Sharon Udasin, October 28, 2013, The Jerusalem Post, accessible at: <http://www.jpost.com/Enviro-Tech/Israel-plans-mass-spaying-campaign-to-combat-street-cat-proliferation-329973>

<sup>42</sup> « Scrambling every day: Stray cats struggle to survive in Jerusalem », by Derek Stoffel, August 27, 2016, CBC News, accessible at: <http://www.cbc.ca/news/world/jerusalem-stray-cats-1.3732282>

<sup>43</sup> About 1.25 million \$.

<sup>44</sup> « In groundbreaking move, Israel creates budget to fix stray dogs rather than putting them down », by Jonathan Lis, March 22, 2017, Haaretz, accessible at: <https://www.haaretz.com/israel-news/1.778818>

### iii. Animal experimentation

Along with the *Animal Protection Law on Cruelty to Animals*, the *Animal Protection Law on Animal Experiments* of 5754 regulates experiments involving animals in *Israel*. It is based on voluntary guidelines set by the *Academy of Sciences and Humanities*. Since 2007, experimentation on animals for cosmetic and household cleaning purposes are banned, but surprisingly any other experiment is allowed without any review or authorization process other than that of the company itself, which obviously does not impose any serious limitation or monitoring on the experimentation on animals. Nonetheless, *Israel* decided, as of January 1st of 2013, to no longer import and sell cosmetics and detergents tested on animals any longer<sup>45</sup>, which is a good step forward.

### iv. Wild animals protection and biodiversity conservation

Furthermore, the recognition of the need to protect *Israel's* exceptionally diverse biodiversity led to the enactment of laws for the protection of nature, assets and wildlife and their habitats. Animals such as *leopards, gazelle, ibex* and *vultures* have been declared protected species, with projects being initiated to reintroduce animal species in wildlife reserves. Although *Israel* has never had a whaling industry, it also joined the *International Whaling Commission* in order to vote against any resumption of commercial whaling.

The *Wildlife Protection Law* 5715<sup>46</sup>, which has the purpose of protecting species rather than individual animals, includes welfare provisions such as the banning of hunting and catching animals with traps, snares and nets, and poison, and introduces *CITES*<sup>47</sup> into Israeli domestic legislation also. The Law regulates hunting in such a way that a license and express permit are required, and permitting it only for scientific purposes, reproduction, maintaining balance in nature, preventing damage to agriculture or danger to humans or animals and to prevent infectious diseases: hunting cannot be a sport.

In the same order of ideas, the *National Parks, Nature Reserves, National Sites and Memorial Sites Law* 5752<sup>48</sup> instituted national parks, defined as an area serving the preservation of nature among others, and nature reserves<sup>49</sup> defined as « *an area*

<sup>45</sup><http://www.peta.org/blog/israel-bans-animal-tested-products/>

<sup>46</sup> 1955, amended in 1999.

חוק להגנת חייית הבר, התשט"ו

<http://extwprlegs1.fao.org/docs/pdf/isr14268.pdf>

<sup>47</sup> <https://www.cites.org/eng/disc/text.php>

<sup>48</sup> 1992.

<sup>49</sup> There are more than 150 nature reserves according to the *Minister of Foreign Affairs*, see:

<http://mfa.gov.il/MFA/IsraelExperience/AboutIsrael/Spotlight/Pages/Nature%20Conservation%20in%20Israel.aspx>

in which animals, vegetation, abiotic objects, soil, caves, water or landscape, which are of scientific or educational interest, are preserved from undesirable changes in their appearance, in their biological composition or their development process» to be declared by the *Minister of the Interior*, and established the protection of natural assets regarding their worth or danger of extinction. Notably it lays down the prohibition to cause damage or bother an animal, to alter the shape or natural position of animals, to interfere with their reproduction, with the breach thereof being punishable by between 6 months and 3 years imprisonment.

Finally, the *Fisheries Ordinance* of 1937 pre-State Law, consolidated in 2000, establishes a license system and minimum requirements regarding the sizes and methods of fishing, some of which are forbidden. In particular, there are two protected species (*blind shrimp* and *marine turtles*) of which fishing is strictly prohibited.

#### v. Further developments and draft bills

Additionally, *Member of Knesset Nitzan Horowitz* has introduced a bill towards banning fur that he has unsuccessfully been trying to pass since 2009 with wide public, religious and political support<sup>50</sup>. *Israel* could become the first country in history to forbid not only the raising of animals for fur, but also the mere selling of it.

## IV. Case law on animal cruelty in Israel

Only a few cases of institutionalized animal cruelty have been brought to court. The need to protect animals was stated by the court to constitute a part of Jewish culture, with an obligation to protect every living being created on this planet<sup>51</sup>.

The *Supreme Court of Israel* has long adopted a cost and benefits approach, balancing the interests of the protagonists at stake - which could reveal itself to be an incredible step towards the upholding and advancement of animal rights if used strategically - that we will envision through the « *Crocodile* » (1) and « *Foie Gras* » (2) cases. Modern Israeli legislation concerning animals adopts the balancing principle, which is reflected in the case law relative to the treatment of animals.

#### i. The « *Crocodile case* »

<sup>50</sup><http://www.peta.org/blog/are-dirty-politics-holding-up-ban-on-fur-in-israel/>

<sup>51</sup>The Cat Welfare Society of Israel v. Municipality of Arad, *Supreme Court of Israel*, 1996, HCJ 6446/96.

In 1997, the Jerusalem-based Court could ban human fights with crocodiles on the grounds that the cost of suffering to the animal outweighed the (questionable) benefit of entertainment<sup>52</sup>. « Alligator's Battle Against Man » was judged to be crossing the boundaries of the *Animal Protection Law on Cruelty to Animals* prohibition under Section 2, with the lower court determining that « *it is absolutely clear that that the performance causes the alligator physical suffering, since it involves the use of much force, pressure, pulling, dragging, and shaking. Furthermore, throughout the show, the alligator is forced into unnatural, violent, and frightening movements, which may even be harmful.* » to conclude in first instance that the performance did indeed cause grave physical suffering and stress, hence finding it contrary to the provisions set out in Section 2 without the financial gain of the show being a sufficient ground for performing such behaviour, reinforced by the fact that « *Financial gain simply does not justify cruelty.* » Yet the lower court's ruling was overturned by the *District Court* on grounds of a failure to satisfy the burden of proof relying on the petitioner - animal defence organization *Let the Animals Live*<sup>53</sup>.

In order to interpret meaningfully the terms « torture » (*inui*), « cruelty » and « abuse », the *Supreme Court* turned to the criminal law definition of abuse of minors or helpless persons<sup>54</sup> combined with biblical references from *Exodus*, *Deuteronomy*, *Genesis* and *Samuel* regarding « torture », from *Jeremiah* and *Isaiah* to define « to treat cruelly » (*lehitahzar*), and from *Samuel*, *Judges* and *Jeremiah* to define « abuse » (*hitolelut*).

As part of the judgment, a three-stage test was set out to determine whether an act is proscribed by law: firstly, the act has to be such that it would be seen by a bystander as constituting either torture, cruelty, or abuse; secondly, the extent of pain or suffering caused to the animal are appreciated widely, so as to there no requisite of especially great suffering; thirdly, the means that cause the suffering must be disproportionate to the purpose for which they are employed to constitute animal abuse.

The first judgement confirmed that, as the third element of the test - the show's purpose - was to entertain the audience, the value at stake was not one that justified the suffering of the crocodile, meaning it was disproportionate to cause suffering to an animal for the mere purpose of entertainment, while other means that do not involve animal abuse are available. It would be ideal that such reasoning

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<sup>52</sup> *Let the animals live v Hamat Gader Recreation Enterprises, Tony Loten, Kibbutz Afik, Kibbutz Meitar, Kibbutz Mavo Hama, Kibbutz Kfar Haruv, Court of Civil Appeals*, June 22nd, 1997.

<sup>53</sup> <http://www.letlive.org.il/eng/>

<sup>54</sup> As set by section 368 (c) of the Criminal Law.

be applied in case challenging the necessity and proportionality of causing animals to suffer for food production, following the example of the Foie Gras case.

## ii. The « Foie Gras case »

There are an ever-increasing number of vegans among secular, as well as *Conservative, Reform* and *Orthodox* Jews that, in spite of a wide-range of considerations, all converge to the same conclusion: that exploiting animals and treating them cruelly is wrong. This, in addition to the balance of interests legal approach, provided for another major victory for *animal welfare* in 2003. Presented with the question « does force-feeding constitute torture, cruelty, or abuse? »<sup>55</sup> the *Supreme Court* ruled that the production of foie gras was illegal as it violated the provisions of the *Animal Protection Law on Cruelty to Animals* Section 2, when applying the test designed in the *Crocodile case*.

*Justice E. Rivlin said: « As for myself, there is no doubt in my heart that wild creatures, like pets, have emotions. They were endowed with a soul that experiences the emotions of joy and sorrow, happiness and grief, affection and fear. Some of them nurture special feelings towards their friend-enemy: man. Not all think so; but no one denies that these creatures also feel the pain inflicted upon them through physical harm or a violent intrusion into their bodies. Indeed, whoever wishes to may find, in the circumstances of this appeal, prima facie justification for the acts of artificial force-feeding, justification whose essence is the need to retain the farmer's source of livelihood and enhance the gastronomic delight of others.... But this has a price — and the price is reducing the dignity of Man himself. »*<sup>56</sup>

The Court reasoned as follows, applying the test of animal cruelty to the production of foie gras: first, to a bystander, this process constituted torture, cruelty, or abuse; second, it is scientifically proven that force-feeding animals causes suffering; third, the means used are disproportionate to the purpose of enlarging the liver of the animal beyond its normal size, to produce food for human consumption. Nonetheless, the Court did state that food production is a more important purpose than entertainment, thus to be appreciated with more scrutiny. Moreover, the fact that force-feeding is the only way of producing foie gras most likely strengthened the claim for its prohibition.

The Court defined this to be a case about the way that animals are raised; taking this further, it would have ramifications for other agricultural methods used

<sup>55</sup> The meaning of these terms was defined in the aforementioned decision.

<sup>56</sup> Foie Gras Verdict, *Supreme Court of Israel*, August 2003, accessible at: <http://www.chai.org.il/en/compassion/foiegras/foiegras.pdf>

to raise animals for food consumption. This was the opportunity for the Court to specifically mention calf meat (veal), which requires the raising of the calf in a specific way so that they lack iron, thus giving the meat a pale color, as well as the forced molting of feather from or starving hens to increase their egg production. We can assume that these will be the next targets of the Court, if appropriately presented with these issues by a coalition of animal defence organizations. The Court, indeed, acknowledged the shift in attitudes toward animals that finds expression in new legislation, prohibiting certain uses of animals, and directed towards bettering the conditions in which they are raised.

Even though it took time for the *State* to enforce the verdict, as the Court took into account the need for farmers to reorganize and foresaw the consequences of outlawing a practice from one day to the other, by providing the industry with a transitional period to adapt to the ruling, the *Supreme Court* ordered the *State* to do so again in 2006, and the ban is came into force from then onward. According to the theory of relative invalidity, the court could modulate the consequences of the annulment by deciding the time of its entry into force, as its effects can either be retroactive, immediate, or prospective.

Before the ban, some limitations applied to force-feeding through the *Cruelty to Animals regulations on geese force-feeding* of 2001<sup>57</sup> that included freezing the industry, i.e. prohibiting opening new establishments or expanding existing ones. Since 2013, it has been forbidden to import and sell foie gras in the *State of Israel*<sup>58</sup>, as its production methods amount to animal cruelty. This is a major step in acknowledging and working towards minimizing and ending animal suffering, as *Israel* was one of the major foie gras producers and exporters in the world.

## V. Further welfare concerns in Judaism and in the State of Israel

Sadly, there is still no ban on confining hens in battery cages in *Israel*, nor of dehorning without anaesthesia. The main problem lies with abuses taking place in slaughterhouses (2) and the shipments of live animals to be slaughtered (3), coupled with the suffering inherent in the ritual slaughter under *kashrut*<sup>59</sup> and religious sacrifice customs (1).

### i. Animal sacrifice

<sup>57</sup> [https://www.animallaw.info/sites/default/files/stisreal\\_geese\\_force\\_feeding.pdf](https://www.animallaw.info/sites/default/files/stisreal_geese_force_feeding.pdf)

<sup>58</sup> [https://www.knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=10824](https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=10824)

<sup>59</sup> The *kashrut* is the system of dietary rules, a mitzvah to be fulfilled by Jewish people. for example, land animals must have cloven hooves and chew their cud; fish must have fins and scales, amongst others. also, it requires the separation of meat from milk.

*Yom Kippur* is the day of atonement in Judaism and considered the holiest day when Jews fast, pray and repent<sup>60</sup>. On this day, an old and controversial custom takes place: the *kaparot*, where one swings a chicken over one's head as a sign of penance to transfer Man's sins to the animal, that is then slaughtered and traditionally given to charity. It has been opposed by Sages for centuries and being given particular consideration recently<sup>61</sup>.

It is only practiced in traditional communities, yet can still understandably be regarded as animal cruelty by some, as people seem to be more outraged by the killing of animals for religious purposes, even though in way smaller numbers once a year, than they can be by the every day huge number of animals killed in slaughterhouses for food; all acts of killing the animals should be judged on the same level when it comes to assessing their « necessity », and it is unjustified to assert that it is « more » necessary to kill animals for food than for religious observance; everyone is free to replace the animals in both situations.

*Israel's Ministry of Agriculture* launched a powerful campaign last year before *Yom Kippur* to leave the chickens alone by encouraging people not to perform *kaparot* with the slaughter, but only by donating money to the poor on this holiest day of the year, using a cartoon video featuring a chicken fighting for its release<sup>62</sup>. Three cities in *Israel* have already banned the performance of *kaparot* in public places: *Tel-Aviv*, *Petah Tikva* and *Rishon Letzion*<sup>63</sup>.

## ii. Animal Slaughter

In spite of Jewish law stipulating that animals may be eaten providing they are humanely slaughtered, ritual slaughtering remains painful even though Jewish authorities determined *shehita*<sup>64</sup> as being the least painful method of slaughter after

<sup>60</sup> See <http://www.myjewishlearning.com/article/kaparot/> and

[http://www.chabad.org/holidays/JewishNewYear/template\\_cdo/aid/989585/jewish/Kaparot.htm](http://www.chabad.org/holidays/JewishNewYear/template_cdo/aid/989585/jewish/Kaparot.htm)

<sup>61</sup> « Israel's ultra-Orthodox Rethink Yom Kippur Animal Sacrifice », October 7th, 2011, Haaretz, accessible at:

<http://www.haaretz.com/jewish/israel-s-ultra-orthodox-rethink-yom-kippur-animal-sacrifice-1.388636>

<sup>62</sup> « For centuries, the custom of *kaparot* has been part of our tradition on Yom Kippur, » said Agriculture Minister Uri Ariel. « In recent years, we have been putting in an effort to encourage the public to continue this important custom, yet not through chickens that are transported to slaughter, but instead by donating money. It is right two times – once from the standpoint of preventing cruelty to animals, and again by giving *tzedaka* to those in need. »

« Agriculture Ministry Introduces Campaign Against *Kaparot* Ritual », by Sharon Udasin, October 1st, 2016, The Jerusalem Post, accessible at:

<http://www.jpost.com/Business-and-Innovation/Environment/Agriculture-Ministry-introduces-campaign-against-kaparot-ritual-469249>

See video here: <https://youtu.be/KkJoeIM6yXo>

<sup>63</sup> « Petah Tikva, Rishon Letzion ban *kaparot* in public places », by Haim Lev, October 10th, 2016, Arutz Sheva, accessible at:

<http://www.israelnationalnews.com/News/News.aspx/218846>

<sup>64</sup> The religious regulations governing the slaughter of animals, proscribing killing the animal by cutting its throat using a sharpened knife.



the *Rabbinical Committee on Jewish Law* banned the « shackling and hoisting »<sup>65</sup> method of slaughtering in 2000, as it violates the Jewish laws forbidding the causing of unnecessary suffering to animals. Notably, *shehita* was discussed in a book from the 13th century anonymously published in Spain, known as *Sefer haChinnukh*, and considered to be designed for minimising animal suffering.

*Israel's Ministry of Agriculture* went one step further by banning the import of meat in cases where the animals were considered to be slaughtered inhumanely,<sup>66</sup> from June 1st, 2018. This relates primarily to produce that comes from South American slaughterhouses.

After investigations were aired on television, two slaughterhouses were shut down amid increasing scandals over meat production, factory-farming and ritual slaughter in *Israel*<sup>67</sup>, in conjunction with concern for animal conditions during live shipment.

One report showed workers at the *Deir al-Assad* kosher meat factory in northern *Israel* – the largest in the country - beating the animals in an effort to hurry them toward slaughter. The men were seen to be kicking and hitting the cattle with sticks, dragging them across the floor by their legs, and repeatedly hitting them with a metal gate to push them forward; the workers were fired, however instead of condemning the system itself, the reason given was that they acted against the policies of the company. It is for this reason that amendments that target those with most responsibility in companies is essential; it is very easy to fire the workers every time a scandal goes viral, however it would be of far more benefit to improve the practices and punish those who are aware of the abuse and who overlook it in favour of profit.

One month later, another television report showed workers at *Soglowek* facility in *Shlomi*, bashing and kicking chickens, dunking the birds into trash cans while still alive and, using them as makeshift weapons in fights; the slaughterhouse was then shut down<sup>68</sup>.

*Is meat even kosher?*<sup>69</sup> some ask, considering current animal suffering to conflict with the principles of animal compassion in Judaism. *David Rosen*, former *Senior Rabbi* of the largest Orthodox Jewish congregation in South Africa and *Chief Rabbi of Ireland*, currently *American Jewish Committees International Director of*

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<sup>65</sup> Pulling the animal, while conscious, in the air with a chain before cutting its throat.

<sup>66</sup> « As Israel bans « schackle and hoist » slaughter, activists ask: What about the US? », by Yaakov Schwartz, May 23rd, 2017, *The Times of Israel*, accessible at: <http://www.timesofisrael.com/as-israel-bans-shackle-and-hoist-slaughter-activists-ask-what-about-the-us/>

<sup>67</sup> « Slaughterhouse ordered offline amid TV cattle abuse scandal », June 10th, 2015, *The Times of Israel*, accessible at: <http://www.timesofisrael.com/slaughterhouse-ordered-offline-amid-tv-cattle-abuse-scandal/>

<sup>68</sup> « Second slaughterhouse shuttered over animal cruelty », July 7th, 2015, *The Times of Israel*, accessible at: <http://www.timesofisrael.com/second-slaughterhouse-shuttered-over-animal-cruelty/>

<sup>69</sup> « Is any meat today kosher? », by Rabbi David Rosen on his blog, March 16th, 2017, *The Times of Israel*, accessible at: <http://blogs.timesofisrael.com/is-any-meat-today-kosher/>

*Interreligious Affairs in Jerusalem*, makes the powerful argument that *kashrut* involves more than the way an animal's throat is cut and the checking of vital organs: it involves the whole relationship between humans and the animal world. Indeed « *the mitzvot were only given in order to refine people* »<sup>70</sup>. Thus Rosen asks: « *If at point Z the animal's throat was cut the right way and its internal organs checked, but from A to Y all injunctions and prohibitions have been ignored and desecrated, how can that product really be called kosher?* »

### iii. Live Shipments

Another negative point of animal welfare in *Israel* is the transport, including specifically the import of a large number of animals - live shipments - from *European countries* and *Australia*, which often entails horrible and long journeys in terrible conditions for the animals. Hence, a lot of protests are going on in the streets of *Tel-Aviv* and *Jerusalem* to denounce their suffering<sup>71</sup>, led by organizations such as *Israel Against Live Shipments*<sup>72</sup>. A petition was launched 3 years ago to end the live shipments to the city of *Eilat*<sup>73</sup>.

To this regard, *Member of Knesset Zandberg* submitted a bill to stop such shipments<sup>74</sup>. Efforts are also being sought at international level through international treaties. Additionally, judges recently discussed a petition presented to the court by animal rights groups *Anonymous for the Animals* and *Let the Animals Live*, asking that the shipments of live animals to *Israel* for slaughter be stopped. Judges concluded that not the market, consumer demand nor costs allowed for banning the import of live animals altogether in their interim opinion, pending an update from the government on the implementation of policies to reduce the suffering of animals during transport<sup>75</sup>.

To minimize the suffering of animals imported for slaughter, *MK Eitan Broshi* from the *Zionist Union* will soon submit a bill to restrict live cattle shipments to *Israel*, with the goal of enabling journeys of six days or less only, while ensuring that air transport can not exceed 6 hours<sup>76</sup>, however animal defence organizations argue

<sup>70</sup>*Genesis Rabbah, 34; Leviticus Rabbah, 13.*

<sup>71</sup> « Stop shipments of live animals to Israel for slaughter, protesters urge court » in *The Times of Israel*, January 31st, 2017, accessible at: <http://www.timesofisrael.com/stop-shipments-of-live-animals-to-israel-for-slaughter-protesters-urge-court/>

<sup>72</sup><https://m.facebook.com/IsraelAgainstLiveShipments>

<sup>73</sup><https://www.change.org/p/uzi-landau-end-all-live-shipments-to-eilat-our-tourist-city-in-israel-stop-the-unbearable-stench-from-maggots-feces-and-rotting-animal-bodies>

<sup>74</sup> [https://www.knesset.gov.il/spokesman/eng/PR\\_eng.asp?PRID=12185](https://www.knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=12185)

<sup>75</sup> « Court orders reduced suffering in animal shipment », by Sue Surkes, February 3rd, 2017, *The Times of Israel*, accessible at: <http://www.timesofisrael.com/court-orders-government-to-reduce-suffering-on-animal-shipments/>

<sup>76</sup> « Legislation to Restrict Live Cattle Imports Underway », June 8th, 2017, *The Cattle Site*, accessible at: <http://www.thecattlesite.com/news/51543/legislation-to-restrict-live-cattle-imports-underway/>

it would be both inefficient and ineffective, and instead call for a total ban on live shipments.

More than 30% of the animals arrive from *Australia*, a large supplier of the cattle on the Israeli market and world's biggest live animal exporter. The rest of the imports come mainly from *Eastern Europe* and *Portugal*. *Australia* demands fair and humane treatment of the animals even after they have left its territory. After becoming aware of the footage of abused animals, Australian officials demanded an investigation by the *Israeli Agriculture Ministry*.

Australian veterinarian *Lynn Simpson*, who served as the official on-board vet for 57 live export journeys, including to *Israel*, published a report describing animals in cramped conditions, passing the journey covered in their own excrement, calves « cooking from the inside » in the boiling temperatures of the *Red Sea*, and animal corpses being tossed into the ocean<sup>77</sup>.

## VI. The future of religious and legal consideration of animals: veganism?

From the vegetarian diet at the time of the *Creation*, to medieval scholars such as *Joseph Albo* or *Isaac Arama* regarding vegetarianism as a moral ideal, a school of thought has emerged in Judaism, incarnated in the modern era by such figures as *Richard H. Schwartz*, author of *Judaism and Vegetarianism*<sup>78</sup>, stating that God's original plan was for mankind to be vegetarian, as stated in *Genesis 1:29*. Some also assert that the prophet *Isaiah* was vegetarian, while *Daniel*, *Shadrach*, *Meshach* and *Abednego* were vegan according to the *Bible*<sup>79</sup>, which also states that they were in better health than those eating a non-vegan diet. Several prominent rabbis such as *Abraham Isaac Kook* or his disciple *Rabbi David Cohen* – author of *A Vision of Vegetarianism and Peace*<sup>80</sup> - also advocated a vegetarian lifestyle.

Indeed, arguments for a vegan diet can be found in both *tzaar ba'alei chayim* and *bal tashchit* principles as, on the one side, it spares animal suffering, and on the other side, it is the least wasteful compared to other diets. It is worth mentioning another fundamental principle is the one of maintaining oneself in good health, *venishmartem meod lenafshoteichem*, leading to the same promotion of a vegan diet,

<sup>77</sup> [https://www.rspca.org.au/uploads/ASEL-Submission-Dr-Lynn-Simpson\\_web.pdf](https://www.rspca.org.au/uploads/ASEL-Submission-Dr-Lynn-Simpson_web.pdf)

<sup>78</sup> Richard H. Schwartz, *Judasim and Vegetarianism*, Lantern Books, New York, 2001, accessible at: <https://www.jewishveg.org/JudaismAndVegetarianism/JudaismandVegetarianism2001.pdf>

<sup>79</sup> *Daniel 1:8-16*

<sup>80</sup> Rav Avraham Yitzhak Hacohen Kook, *A Vision of Vegetarianism and Peace*, available at <https://www.jewishveg.org/AVisionofVegetarianismandPeace.pdf>

as animal products are regarded to be, as science increasingly supports, detrimental to human health<sup>81</sup>. It has even been said that the complexity of the *kashrut* was meant to discourage the eating of meat.

As a matter of fact, it seems doubtful that the *Torah* would sanction factory-farming, as this method of raising animals treats them as machines as, underlined by *Rabbi Aryeh Carmell*, and not as living, sentient beings created by God. For this reason, *Conservative Judaism* among others advises people to not buy products from intensive factory-farms, as they do not respect animals' capacity to experience enjoyment or suffering, and thus deprive animals of their natural life. It follows that adopting a vegan way of life is a valid personal and religious choice as veganism is consistent with the teachings and ideals of Judaism, while mass production and consumption of animal products contradict many Jewish values. Indeed, religion plays a prominent role in Israeli life; Jewish dietary laws and how they relate to animals, and the way they are killed in factories does not align with the *Torah*.

Even the Israeli army now acknowledges this ethical lifestyle and provides for vegan meals and clothes<sup>82</sup> due to the growing number of vegans in the Israeli population. Indeed, surveys generally estimate that around 13% of Israelis are vegetarians or vegans as of the current data available from 2015<sup>83</sup>, with more than 400 food establishments certified « vegan friendly » in *Tel-Aviv*, including *Domino's Pizza*, the first in the global chain to sell vegan pizza topped with non-dairy cheese<sup>84</sup>. *Israel* is home to the largest percentage of vegans per capita in the world and renewed surveys would definitely witness an even higher percentage.

Last but not least, *Israel* is host to the on-going and indeed promising research on cultured meat - the future of humane meat - as means to replace the « necessity » - if any - of mistreating, exploiting and killing animals. Cultured meat entails the growing of animal cells separate from any living being, with the aim of getting rid of the need to raise and kill animals for food anymore, thus avoiding the causing of suffering. In addition to this, it has powerful and crucial environmental implications, and the potential for fighting world hunger. The *Modern Agriculture*

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<sup>81</sup> « Diets high in meat, eggs and dairy could be as harmful to health as smoking » in *The Guardian*, March 5th, 2014, accessible at:

<https://www.theguardian.com/science/2014/mar/04/animal-protein-diets-smoking-meat-eggs-dairy>

<sup>82</sup> « IDF adopts new, vegan-friendly menu », February 1st, 2015, *The Times of Israel*, accessible at:

<http://www.timesofisrael.com/idf-adopts-new-vegan-friendly-menu/>

« Cutting Edge Army: IDF issues Vegan combat rations, shoes, berets », May 31st, 2016, *The Jewish Press*, accessible at:

<http://www.jewishpress.com/news/breaking-news/cutting-edge-army-idf-issues-vegan-combat-rations-shoes-berets/2016/05/31/>

<sup>83</sup> [http://www.wow.com/wiki/Vegetarianism\\_by\\_country#Israel](http://www.wow.com/wiki/Vegetarianism_by_country#Israel)

<sup>84</sup> « In the Land of Milk and Honey, Israelis turn Vegan », by Tova Cohen, July 21st, 2015, *Reuters*, accessible at:

<http://www.reuters.com/article/us-israel-food-vegan-idUSKCN0PV1H020150721>

Foundation (MAF)<sup>85</sup> is first company in the world to research mass production of cultured chicken breast deriving from a single cell of a real bird. What if fairly priced cultured meat could satisfy the world's growing demand for meat while eliminating the ethical and environmental problems of raising animals for food? Would we have an ethical problem getting rid of this ethical problem? MAF cofounder, *Shir Friedman*, argues that everybody becoming vegan would be what the world needs, but this is not realistic; hence when they heard about cultured meat, they « *realized this is a way to reduce harm to animals and the environment while giving people the meat they want to eat* »<sup>86</sup>. Rabbinic authorities consulted by MAF moreover believe cultured chicken will be inherently kosher.

## VII. Conclusion on the current protection of animals in Israel

Animals are (still) considered to be property in Israel, as everywhere in the world. The law is well implemented when it comes to individuals abusing animals, yet industries at the root of cruelty that make profit from the abusive exploitation of animals still remain unpunished and out of reach, for there are currently no means for animal protection organizations to introduce actions on behalf of animals exploited by industries. Indeed, the food industry seems to be the major obstacle blocking the improvement of *animal welfare* and *animal rights* in *Israel* - a case where it is still largely agreed and accepted that human economic and social interests in animal products - mainly food - are legitimate, despite being challenged on a more regular basis as more and more people become vegan. In consideration of these shortcomings, a commission was created to ensure welfare requirements at all stages of animals raised for food's lives according to Jewish ethical values, beyond the time of their slaughter deemed to be the humanest possible. The *Heksher Tzedek Commission* hence created the *Magen Tzedek Seal*, visible on kosher products that meet the Commission's standards, the world's first certification of the kind, to ensure the avoidance of gratuitous animal suffering before and during slaughter.

The strongest basis for *animal welfare* is found in *Jewish law*, with the Jewish principle of *tzaar ba'alei chayim* which means « the suffering of living creatures » forbidding unjustified cruelty, or causing unnecessary pain to animals as a biblical mandate commonly accepted by the *Talmud*<sup>87</sup>. *Kashrut*, at the very least, requires the humane slaughter of the animal. A further step ahead has been taken in this

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<sup>85</sup><http://www.futuremeat.org>

<sup>86</sup> « Coming soon: chicken meat without slaughter », by Abigail Klein Leichman, November 19th, 2015, Israel 21c, accessible at:

<https://www.israel21c.org/coming-soon-chicken-meat-without-slaughter/>

<sup>87</sup> The *Talmud* is the central text of Judaism.

regard with the *Ministry of Agriculture* ordering the equipment and monitoring of slaughterhouses with 24/7 video cameras amid scandals<sup>88</sup>, a year before *France* just decided to do so and only as an experimental provisory measure<sup>89</sup>. Could the gap between *animal welfare* (implementation of animal welfare basic Jewish principles) and *animal rights* (putting an end to the slaughtering at all) be closed by to a cautious, selective and animal-friendly interpretation of *Jewish Laws* that, historically, have put human interests first, by trumping the speciesism that has been inherent to most religious interpretations? A bridge could be under construction under the lead of vegan *Orthodox, Conservative* and *Reform* rabbis, hand in hand with secular views and democratic activism, for non-human animals interests to override human greed, as nothing ever seems impossible even in *the land of milk and honey*.

By drawing a comparison with Man's dignity himself in infringement of non-human animals' dignity, the *Supreme Court of Israel* might have found the way to animals' fundamental right: the dignity of a living creature of God. A nation that made human dignity the *Basic Law* on which the *State* is founded provides hope for favorable interpretations of the law on the ground of a potential extension of the concept of dignity to all sentient beings. Last but not least, it is believed that with the arrival of the *Messiah*, humanity will go back to being vegetarian<sup>90</sup>.

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<sup>88</sup><http://www.peta.org/blog/israel-orders-slaughterhouses-to-install-cameras/>

<sup>89</sup> « France passes historic bill requiring all slaughterhouses to be equipped with cameras », January 16th, 2017, Collective Evolution, accessible at:

<http://www.collective-evolution.com/2017/01/16/france-passes-historic-bill-requiring-all-slaughterhouses-to-be-equipped-with-cameras/>

<sup>90</sup> *Isaiah 11:9*

## VIII. References

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