

# Sweden: Slaughter of Domestic Animals

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# Sweden: Slaughter of Domestic Animals

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**SUMMARY** In Sweden the slaughter of domestic animals must be done following sedation of the animal. This requirement was first adopted in 1937 by the Act on the Slaughter of Domestic Animals and entered into force in 1938. The suffering of the animal was referenced as the main concern and remains so today. Critics of the current law argue that it infringes on the religious freedoms of Swedish citizens, most notably Jews and Muslims.

## I. Act on the Slaughter of Domestic Animals

Sweden prohibited the slaughter of animals without anesthesia in 1937 through the enactment of the Act on the Slaughter of Domestic Animals,<sup>1</sup> in effect abolishing Jewish religious slaughter and the indigenous Sami's traditional method of slaughtering reindeer.<sup>2</sup> The Act, which took effect in 1938, provides as follows:

1§ Upon slaughter of domestic animals the animal shall be sedated immediately before the blood is drained. Birds and rabbits may be put to death without previous anesthesia by quickly separating the head from the body.

2§ During slaughter no one under the age of 18 may administer the sedation, or drain the blood, or otherwise kill the animal unless someone older supervises. [The supervisor] is responsible for ensuring that the applicable regulations are followed.

3§ If as the result of sickness or injury an animal needs to be slaughtered immediately, such slaughter may take place without fulfilling the requirements of 1 and 2§.

4§ If slaughter is carried out on behalf of a third party, it is the responsibility of the party for whom the slaughter is done, or if he is not present, the one who represents him, to ensure that the applicable regulations for slaughter are followed. When there is a reasonable reason to believe that such supervision is not necessary the previous [requirement] does not apply.

5§ Violation of this law is punishable by “day-fines” [*dagsbot*], where the violation is not also a violation of criminal law.

6§ The public prosecutor shall prosecute violations of this law.

7 § Fines that are issued under this Act are rewarded to the State. If the fine cannot be paid it shall be transformed into a sentence in accordance with the general provisions of criminal law.

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<sup>1</sup> LAG OM SLAKT AV HUSDJUR (Svensk författningsamling [SFS] 1937:313).

<sup>2</sup> See, e.g., Proposition [Prop.] 1937:188 Förslag till Lag om slakt av husdjur [Proposal for Act on Slaughter of Domestic Animals] (Government Bill) at 15 and 41.

This law enters into force on July 1, 1938; however, with regards to the slaughter of reindeer it enters into force on the day which the King decides.<sup>3</sup>

## II. Legislative History

The legislative history of the 1937 Act on the Slaughter of Domestic animals consists of the following documents:

- Proposition [Prop.] 1937:188 [Government Bill] Förslag till Lag angående slakt av husdjur [Proposal of Act on the Slaughter of Domestic Animals] (see discussion of contents below).
- Första Lagutskottets betänkande 1937:54 [First Committee on Civil Law's Report no. 54 of 1937], *summarized in* NYTT JURIDISKT ARKIV AVD. II, TIDSSKRIFT FOR LAGSTIFTNING, ÅRGANG 1937 vol. 2, at 758–76, bibliographic record at <http://lccn.loc.gov/2001234813>.
- Riksdagsskrivelse [rskr.] 1937:352 (Parliamentary Communication to the King), in which the proposed legislation was approved by Parliament on May 29, 1937.

Of the three, the Government Bill is the one with the greatest weight for interpreting the proper application of the Act. The discussion below summarizes the Bill.

### A. History of the Slaughter Controversy

The issue of the slaughter of domestic animals was first discussed in the Parliament in 1887.<sup>4</sup> In 1925 it was again addressed by the then two-chamber Parliament, which passed two different versions of a slaughter bill, in effect halting the legislation.<sup>5</sup> The issue was once again proposed by four different motions in 1928 and investigated by a Commission; legislation eventually passed in 1937.<sup>6</sup>

The most controversial provision in the failed 1925 bill was a proposed section 4, which granted an exemption to the anesthesia requirement for the Jewish community.<sup>7</sup> The then Commissioner of the 1925 bill spoke against a full requirement of anesthesia, as it would have created an obstacle to the export of meat.<sup>8</sup> The Commissioner did, however, recognize that a ban on slaughter without anesthesia would likely not be impossible forever, particularly if public opinion (opposition against the anesthesia requirement) and international preferences (especially those of England, which was considered an important and highly selective import nation) changed.<sup>9</sup> By 1931 it had become clear that neighboring Norway's anesthesia requirement,

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<sup>3</sup> LAG OM SLAKT AV HUSDJUR 1–7 §§ (translation by author).

<sup>4</sup> Prop. 1937:118 Förslag till Lag angående slakt av husdjur, *supra* note 2, at 6.

<sup>5</sup> *Id.* at 12–13.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 13.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

which effectively made kosher slaughter impossible in Norway, had meant an increase in the export of Swedish meat from livestock slaughtered as kosher.<sup>10</sup>

## **B. Position of Swedish Farmers**

The Swedish farmers were opposed to the anesthesia requirement, which in effect would have ended the Jewish ritual slaughter, for economic reasons,<sup>11</sup> but nonetheless demanded an import ban on meat from livestock that had not been anaesthetized during slaughter (i.e., kosher), should a bill pass, to prevent increased competition from abroad.<sup>12</sup> The final proposal did not include a ban on such imports but rather dismissed these objections as merely involving petty economic losses.

## **C. Scope of 1937 Government Bill**

The Government Bill of 1937 specifically dealt with the three issues: the “Danish-America pig slaughter,” the Jewish religious (“Kosher”) slaughter, and Reindeer slaughter.<sup>13</sup> By 1934 the practice had changed at the swine slaughter houses, as they more frequently used electronic anesthesia.<sup>14</sup>

### *1. Proposition’s Treatment of Kosher Slaughter*

With regard to the Jewish slaughter laws of kosher, pre-legislative discussions not only focused on the timing of unconsciousness but also on the perception of the method by bystanders.<sup>15</sup>

### *2. Expert Opinion*

A veterinarian professor named Sahlstedt provided the main expert opinion for the study. In his presentation of the Jewish practice he explained that the assumption that unconsciousness must occur rapidly after the three incisions was incorrect but that by observation of the practice one would find that the blood would often coagulate and slow up the process.<sup>16</sup> He further based his assessment on German accounts of how the animal had behaved following the incisions; according to Sahlstedt one had to “assume” the accuracy of the German report.<sup>17</sup> The German report indicated prolonged suffering by the animal.<sup>18</sup>

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<sup>10</sup> *Id.* at 14.

<sup>11</sup> *Id.* at 15.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 21–25, 25–40, and 40–49, respectively.

<sup>14</sup> *Id.* at 22.

<sup>15</sup> *Id.* at 28–29.

<sup>16</sup> *Id.* at 28.

<sup>17</sup> *Id.* This blind acceptance of the German findings, especially considering the time period, has been criticized. See Victoria Enkvist, *Religionfrihetens rättsliga ramar*, in 124 SKRIFTER FRÅN JURIDISKA FAKULTETEN I UPPSALA 123 (Iustus förlag 2013).

<sup>18</sup> Prop. 1937:118 Förslag till Lag angående slakt av husdjur, *supra* note 2, at 28.

Sahlstedt stated,

. . . I have come to the conclusion that Kosher[slaughter] does not need to signify any animal cruelty in general and neither ought an execution *lege artis* [performed in the right way] do so. However, this does not necessarily mean that I believe that Kosher should, without further ado, be prescribed as a permitted form of slaughter in a possible slaughter act. As part of the analysis of such a question, there are a number of circumstances, other than the purely physiological, that are affected and need to be taken into consideration. It cannot be denied that [the Kosher method] leaves a more gruesome and raw impression on the observer than sedation slaughter, and at least in Sweden, very strong and broad opinion demands its prohibition. Neither can it be denied that the circumstances that are present during [the Kosher incision], which means the animal's consciousness and pain perception, sometimes, although likely seldom, should be considered to remain longer than what is consistent with the demands of [what we today call a] good slaughter method. In my presentation in the Veterinary Institute Communication in the slaughter issue of 1925 these reasons made me take the middle ground, and I proposed that, if it, for religious reasons, was desirable that the Jewish slaughter method be exempted from the [requirement of] sedation before the draining of blood, it should [instead] be required that immediately after the incision a sedation operation (shot or blow to the head of the animal) should be carried out. To me it appears that through such a measure one would achieve a sufficient guarantee against anguish for the animal and even extreme animal protection interests should feel satisfied, and also the ritual conservative Jews should be able to accept the provision, as the religious part of the slaughter is completed with the placement of the incision.<sup>19</sup>

The impression of the practice to a bystander was particularly relied upon by the teachers from the Veterinary Institute, who stated,

. . . it must be admitted that the phenomena which were observed during the first minutes following the incision were such that every observer who was not convinced that the incision had led to an immediate unconsciousness must have gotten the perception that the method of slaughter meant obvious cruelty.<sup>20</sup>

The Veterinary Institute representatives go on to address the Jewish objections by indirectly questioning whether the method truly is a religious act:

From the Jewish Community [they] had argued that the Kosher incision was a religious act, based on tradition of biblical regulation. [However], in the Mosaic [Hebrew] rules there are no direct regulations about this particular method of slaughter.<sup>21</sup>

In the 1925 investigation a decade earlier there was an explicitly stated will to respect minority religions and a view that Kosher slaughter was not cruelty against animals,<sup>22</sup> although anesthesia directly after the incision was believed to be required to make the practice lawful.<sup>23</sup> Veterinarian

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<sup>19</sup> *Id.* at 28–29 (translation by author).

<sup>20</sup> *Id.* at 29.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 30–31.

<sup>23</sup> *Id.* at 31.

Wall explained that “[t]he Jewish slaughter method looked more brutal than it [actually] was from a physiological perspective.”<sup>24</sup>

Professor Sahlstedt in 1937 argued in favor of a delayed requirement for the Jewish slaughter to use anesthesia, as electric anesthesia (which, according to opinions from representatives from the Jewish Community, could possibly be acceptable to the Jewish community) had not been sufficiently tested on larger animals, but also stated that because the practice could fall under “public offense” the delay should be “as short as possible.”<sup>25</sup>

### 3. *Recommendation from the Commissioner*

Despite Sahlstedt’s opinion, the Commissioner/Reporting clerk found that in “every instance the ‘anesthesia slaughter’ was perceived as a more humane method.”<sup>26</sup> The commissioner also emphasized that most butchers would not carry out the practice as prescribed by religious laws and that public opinion was against this practice being permitted in Sweden.<sup>27</sup> She also dismissed the economic reasons (trade related) for permitting the practice.<sup>28</sup>

However, the commissioner stated that religious relevance should play a factor in allowing the practice but quickly found that other factors outweighed this interest:

In my opinion one should—regardless of how foreign it may be to the common perception in our country to give religious meaning to the methods of slaughter—as far as possible show consideration that the Mosaic believers [Jews] in the country, the number of which is estimated to be 8,000–9,000, to a considerable part actually hold the previously mentioned view. On the other hand, it is in my opinion obvious that the interest of avoiding a disruption in a numerically few citizens’ religious practices of similar content cannot outweigh the ethical interest which is born by a heavy majority of the population and which demands that animals are protected against unnecessary suffering, as well as the interest of eliminating a method of slaughter that in wide circles is perceived as offensive and shocking.<sup>29</sup>

The Commissioner found that it was enough to delay the implementation until July 1, 1938, to let the Jewish congregations investigate the possibility of using electrical anesthesia.<sup>30</sup>

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<sup>24</sup> *Id.* at 33.

<sup>25</sup> *Id.* at 35.

<sup>26</sup> *Id.* at 59.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 59–60 (translation by author).

<sup>30</sup> *Id.* at 60.

### III. Current Legislation

In 1988 the 1937 law was replaced with the Animal Protection Act, which is in force today with amendments.<sup>31</sup> Under the Animal Protection Act the slaughter of animals in Sweden still requires anesthesia.<sup>32</sup> The Animal Protection Act goes beyond EU regulations and health requirements by requiring anesthesia before the first slaughter incision to the animal.

The Swedish prohibition on religious slaughter has been the subject of criticism and a recent motion in Parliament<sup>33</sup> but is generally widely supported. The Act still presents an issue for the Swedish Jewish community whereas the Muslim community has adopted the view that the use of anesthesia is compatible with their halal practice.<sup>34</sup>

One commentator, who has provided a comprehensive analysis of current and past legislation surrounding religious slaughter in Sweden, suggests that the current slaughter regulation is a violation of the religious freedom provisions of the Swedish Constitution.<sup>35</sup>

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<sup>31</sup> DJURSKYDDSLAG [ANIMAL PROTECTION ACT] (SFS 1988:534).

<sup>32</sup> *Id.* 14 §.

<sup>33</sup> Martin Andreasson, *Motion 2005/2006: MJ387 Religiös Slakt*, RIKSDAGEN, Oct. 3, 2005, [http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Motioner/Religios-slakt\\_GT02MJ387/?text=true](http://www.riksdagen.se/sv/Dokument-Lagar/Forslag/Motioner/Religios-slakt_GT02MJ387/?text=true).

<sup>34</sup> Freja Salö, *Bedövning används vid svensk halal-slakt*, SVT (Feb. 14, 2014), <http://www.svt.se/nyheter/sverige/bedovning-anvands-vid-svensk-halal-slakt>.

<sup>35</sup> Enkvist, *supra* note 17, at 169, 123–70.