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## **EU Court of Justice ruling on ritual slaughter is systemically dangerous**



*By Dr. Mark Goldfeder*

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New Europe (22.12.2020) - The European Court of Justice ruled that authorities in European countries may ban the practice of ritual slaughter to promote animal welfare.

The ruling was factually wrong, legally problematic, discriminatorily hypocritical and systemically dangerous.

The case arose in Belgium, where it is now illegal to slaughter livestock that have not first been stunned into unconsciousness, despite the fact that both Muslim Halal and Jewish kosher rituals require the animal to be conscious when it is slaughtered.

To be clear, the word 'stun' is something of a euphemism in this context. The most common pre-slaughter stunning methods include the use of captive bolt guns, which shoot a steel bolt into the animal's brain, electrical stunning, which involves sending a high voltage electric current through the animal's brain and/or heart, and CO2 stunning, in which the animals are gassed and eventually either fall unconscious or die through hypoxia or asphyxia- but not instantaneously. On the flipside, kosher ritual slaughter (*shechita*) requires the use of a special razor-sharp elongated blade that severs the trachea and esophagus of the animal in one fluid motion, causing instantaneous loss of blood pressure, so that the animal feels nothing.

Article 10 of the Charter of Fundamental Rights of the European Union guarantees religious liberty and freedom. Article 52, entitled 'Scope and interpretation of rights and principles' requires that "Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others."

No one is arguing that animal welfare is not an important topic. Jewish law, for example, forbids unnecessary cruelty to animals and sees this as a Biblical mandate. As such, there are incredibly strict requirements that kosher slaughter be humane, and the same is true for Halal.

That is why the ruling was factually wrong. The Court's starting premise was that "a scientific consensus has emerged that prior stunning is the optimal means of reducing the animal's suffering at the time of killing." There is no such scientific consensus. Research done by Dr. Temple Grandin, perhaps the world's leading expert on the humane treatment of animals for slaughter, found that when *shechita* is done properly the animals show little or no stress reaction to the ritual cut before losing consciousness. In her words, "It appears that the animal is not aware that its throat has been cut." There is no evidence that kosher slaughter is in any way 'crueler' than stunning.

The ruling was also deeply problematic from a legal perspective. As to whether such a ban would be "necessary" the Court decided to treat that word so broadly as to render it meaningless. Having acknowledged that "where there is a choice between several appropriate measures, recourse must be had to the least onerous, and the disadvantages caused must not be disproportionate to the aims pursued," and that "other measures, less drastic than a ban on slaughtering without prior stunning, could somewhat limit the negative impact of that method of slaughter on animal welfare," the Court then did what no secular Justice should ever attempt to do. In a truly incredible act of uninformed hubris, the Court told the learned members of the Jewish and Islamic faiths that under the Court's *own reading* of the religious rites, they should all be fine with a stunning requirement, and that the ban depriving Belgium's 500,000 Muslims and 30,000 Jews the right to engage in their religious requirements does not, therefore, constitute a disproportionate interference with their freedom of religion.

The ruling was also deeply hypocritical in the way it disposed of the applicants' discrimination challenge. The Court acknowledged that there is no similar provision requiring prior-stunning before killing animals in the context of hunting and recreational fishing activities or during cultural or sporting events, but dismissed that disparity because those are not food production activities, a distinction with no practical difference. The Court reasoned that "if the concepts of 'hunting' and 'recreational fishing' are not to be rendered meaningless, it cannot be argued that those activities are capable of being carried out in respect of animals which have been stunned beforehand." Incredibly, mere paragraphs after self-assuredly redefining religious slaughter to the faithful, the Court could not conceive of saying the same thing to recreational fishermen about their favorite pastime.

That is why the ruling sets such a dangerous precedent for religious groups in European countries. It demonstrates an utter lack of respect for religious tradition and a willingness to dispose of religious rights in the name of fealty to dubious scientific claims and shifting cultural whims. The message such a ruling sends is that religious minorities are not welcome in the EU. One can only hope that the European Court of Human Rights, where the applicants now turn, issues its own corrective, and the European Court of Justice reconsiders its overreach.

Otherwise, it may be open hunting (which apparently can't be limited,) on European religious rights.

### **Further reading**

[Jews, Muslims decry court decision backing Belgian ban on kosher, halal slaughter](#) (*Catholic News Agency*)

[Secular ideals vs. religious freedom: non-medical child circumcision and ritual slaughter of animals](#) (Jonathan Fox, *Religious Freedom Institute*)

[Religious slaughter, pre-stunning and the CJEU: Centraal Israëlitisch Consistorie van België](#) (Frank Cranmer, *Law & Religion UK*)

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## **EU states can ban kosher and halal ritual slaughter, court rules**

**[The Court of Justice of the EU](#) said that member countries could impose non-lethal stunning before the killing of animals.**



The European Court of Justice in Luxembourg | Julien Warnand/EFE via EPA

BY [ARTHUR NESLEN](#)

POLITICO (17.12.2020) - <https://politi.co/37zj3uY> - The EU's highest court [has ruled](#) Thursday that member countries may ban the practice of ritual slaughter in order to promote animal welfare, without infringing the rights of religious groups.

The [decision](#) from the Court of Justice of the EU followed a legal challenge by Jewish and Muslim associations to a Flemish government [prohibition](#) on the killing of animals without prior non-lethal (also called reversible) stunning in 2017.

Earlier this year, an advocate general in the EU court [said](#) that the ban should be overturned because it did not comply with EU law, which allows an exemption to animal welfare [obligations](#) for religious reasons.

However, the EU court said Thursday that the EU's animal slaughter regulation "does not preclude member states from imposing an obligation to stun animals prior to killing which also applies in the case of slaughter prescribed by religious rites," providing that this does not contravene the EU's [charter of fundamental human rights](#).

The charter includes a right to "manifest" religious practice and observance but the judgement said this had to be balanced against the capacity of reversible stunning to meet an EU "objective of general interest," namely animal welfare. The proposed ban in Flanders would also not affect the circulation of kosher and halal meat produced elsewhere, the court added.

Religious groups immediately condemned the ruling, with European Jewish Congress President Moshe Kantor labelling it "a heavy blow to Jewish life in Europe" [in a statement](#).

"The right to practice our faith and customs ... has been severely undermined by this decision," Kantor said.

"We plan to pursue every legal recourse to right this wrong," added Yohan Benizri, the President of the Belgian Federation of Jewish Organisations.

### Further reading

[ECJ ruling to uphold ban on kosher, halal slaughter a disastrous decision](#) (Christoph Strack, *Deutsche Welle Opinion*)

[European Court upholds Flemish restrictions on halal and kosher slaughter](#) (Howard Friedman, *Religion Clause*)

[EU states can ban kosher and halal ritual slaughter, court rules](#) (Arthur Neslen, *Politico*)

[Ban on ritual animal slaughter upheld by EU high court](#) (Molly Quell, *Courthouse News Service*)

[In order to promote animal welfare in the context of ritual slaughter, Member States may, without infringing the fundamental rights enshrined in the Charter, require a reversible stunning procedure which cannot result in the animal's death \(PDF\)](#) (*Court of Justice of the European Union*)

[EU states can require stunning before ritual slaughter](#) (*Associated Press*)

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## Belgian court reverses ban on houses of worship following Jewish petition

By Cnaan Lipshiz

JTA (11.12.2020) - <https://bit.ly/3mN35Sv> - A petition by several Orthodox Jews from Antwerp has prompted Belgium's highest court to end the government's ban on gatherings at houses of worship to curb the spread of the coronavirus.

Belgium, a nation of 11 million, has the world's highest death rate per million inhabitants of the coronavirus, with more than 17,500 dead.

The ruling Tuesday by the Council of State, a federal constitutional court, was on a petition filed by David Braun, a Jewish lawyer from Antwerp, and several other members of synagogues in that city for an injunction against an emergency measure that said up to five people may gather at a house of worship for wedding and funerals.

In Orthodox Judaism, a minyan, a quorum of at least 10 Jewish men, is required for some key prayers.

The court ruled that "there is a disproportionate limitation of the freedom of worship because the government has not provided solutions for the collective exercising of worship." Providing such solutions "at minimum level would involve exceptions and other stipulations, possibly upon demand in an agreed upon place and time."

The voiding of the measure applies to all houses of worship.

The Forum of Jewish Organizations in the Flemish Region welcomed the ruling.

"The fact that non-essential shops, museums and swimming pools were opened whereas houses of worship needed to remain closed was unacceptable," the umbrella group said in a statement.

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## Belgium allows 15 people at Mass in 'slight easing' of public worship ban

By Hannah Brockhaus

CNA (11.12.2020) - <https://bit.ly/3qVkbkj> - The government of Belgium has agreed to ease restrictions on Mass celebrated with the public beginning Dec. 13, permitting a maximum of 15 people to participate in the liturgy.

The bishops' conference of Belgium released a statement Dec. 10 noting the "slight easing" on attendance at public Masses.

The new regulation for Masses allows a total of 15 participants at liturgies, while previous measures only allowed for four. Children under the age of 12 do not count toward the total attendance.

"This slight easing offers new opportunities, including that of going to church as a family or in a group," the bishops said.

"On ordinary Sundays and even more on Christmas Eve and Christmas Day, many worshippers will unfortunately be refused entry."

The bishops said that Mass would continue to be broadcast by radio and television, encouraging Catholics to remember that the new public worship measures "should in no way give the impression of a decrease in the severity of the pandemic."

Belgium, a country of 11.5 million people bordering France, Germany, Luxembourg and the Netherlands, is widely reported to have the world's highest COVID-19 death rate. More than 600,300 people have tested positive for coronavirus and 17,692 have died in Belgium as of Dec. 11, according to the Johns Hopkins Coronavirus Resource Center.

Pastors will have to determine whether their parishes can accommodate 15 people while maintaining the requirement of 10 square meters (32.8 square feet) of space for individuals or family groups.

Christmas Eve Masses will not be able to be held at midnight due to curfews which begin at either 10 p.m. or 12 a.m. depending on the city.

Bishops have encouraged priests to keep churches open for private prayer as much as possible.

The Church in Belgium initially suspended public Masses in March as the country entered its first national lockdown. Churches remained open for individual prayer, as well as baptisms, marriages, and funerals with strictly limited numbers.

Public worship resumed in June, but was suspended once again on Nov. 2 amid a second national lockdown following a new spike in coronavirus cases. The suspension was originally intended last until at least Jan. 15, 2021.

The government issued a new ministerial decree Nov. 29, allowing certain non-essential businesses to reopen before Christmas, but a change in the suspension of public Masses was not mentioned.

Lay Catholics announced shortly after the decree their intention to organize individual civil suits challenging the suspension, citing what they said was subjective prejudice against them since the Belgian Constitution protects freedom of worship.

On Dec. 8, Belgium's Council of State ordered the government to review the ban on public Masses for being disproportionate, when considered in context with other activities which were allowed.

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## **Belgium seeks to ease virus rules on religious services**

By Raf Casert

AP News (09.12.2020) - <https://bit.ly/2WfXiOq> - Belgium's government is under pressure to change its restrictive rules on religious services during the coronavirus crisis after the country's highest court said the measures impede constitutional conditions on freedom of religion.

The Council of State ruled that, at least temporarily, the government needs to change its measures so that a possible restriction on the collective nature of religious services "is not disproportionate."

Currently, collective religious services are limited to five people for marriages and 15 for funerals, with no collective Masses allowed.

Justice Minister Vincent Van Quickenborne said he would be discussing possible relaxation measures with religious leaders later on Wednesday.

"We are looking for the right balance between freedom of religion and public health," he said in a statement.

Religious groups had complained that people could go on nonessential shopping sprees but that services continued to face tough restrictions.

The ruling on containing the virus was further compounded Wednesday with new scientific information that the recent steep decline of the main COVID-19 indicators is leveling off.

Hospital admissions have fallen by only 6 percent over the past week, and there was even an uptick on Tuesday.

Steven Van Gucht of the government health group Sciensano said that the levels of hospital admissions and new infections "remain at about two to three times the thresholds" that the government was seeking.

Belgium has been hit particularly hard by the virus and has over 17,500 deaths attributed to COVID-19. The latest figures show that just over 100 people still die every day.

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## **Belgian Catholics organize legal challenge to public Mass ban**

By Hannah Brockhaus

CNA (07.12.2020) - <https://bit.ly/37gUp22> - Catholics in Belgium are seeking to take legal action against the government after it decreed that public Masses will remain suspended in the country through Jan. 15, 2021.

Following a ministerial decree Nov. 29, the country's approximately 6.5 million Catholics will be obliged to celebrate Christmas at home.

Lay Catholics are planning to organize civil suits to challenge this decree.

The method is to have pastors, legal parish entities, and parishioners sue the Belgian government for forbidding the organization of Mass, citing what they argue is subjective prejudice against them since the constitution protects freedom of worship.

Individual parishes (together with the pastor and one or more parishioners) will file the suits, with the expectation that as parishes win the right to celebrate public Mass, it will be easier for other parishes to win under the same argument.

According to the organizers of the challenge, appeals lodged the week of Dec. 7 may be decided before Christmas, but it is not certain. The organizers said after the initial suit, which will be the most expensive, they expect each additional appeal to cost around 1,000 euros (\$1,211). They are accepting donations to help pay for the legal process.

An open letter to the Belgian prime minister, written after the Nov. 29 decree and posted on the website "For the Mass," has been signed by 10,000 people as of Dec. 7.

The letter, written by two abbots and a layman, notes that certain "non-essential" businesses, museums, and swimming pools were permitted to re-open with the new decree, while a change in the suspension of public Masses was not mentioned.

"From this Tuesday, we can go to do our Christmas shopping or go to the swimming pool on Sunday morning, but we will not be able to attend Mass! Not even that of Christmas!" it states.

"Like all Belgians and with all our parishioners, we have been involved since March 18 in the fight against the Covid-19 pandemic. The commitment of Catholics has been full and complete in the fight against this epidemic, as has our desire to serve the common good," the letter continues. "Rigorous protocols have been implemented in each chapel, church or cathedral, adapting to the dimensions of the premises, so as to respect the instructions issued (wearing a mask, distancing, gel, etc.). We have been careful, faithful, and vigilant."

Being able to administer the sacraments as priests, and to live them as lay Catholics, "is essential," the letter says.

The bishops of Belgium have been informed, but are not involved in the project to legally challenge the Mass ban, the organizers said.

In a Dec. 1 press statement, the bishops acknowledged the need for measures to counter the coronavirus pandemic, to save lives and relieve pressure on the nation's healthcare system.

"However, the bishops, like many believers, feel this lockdown of public religious celebrations in churches as a limitation to the experience of their faith," they said.

“The bishops want to resume dialogue with the competent governmental services to consult on the resumption of public religious celebrations, a resumption framed by protocols that guarantee maximum security.”

Belgium, a country of 11.5 million people bordering France, Germany, Luxembourg and the Netherlands, is widely reported to have the world’s highest COVID-19 death rate. More than 591,700 people have tested positive for the coronavirus and 17,320 have died in Belgium as of Dec. 7, according to the Johns Hopkins Coronavirus Resource Center.

The Church initially suspended public Masses in March as the country entered its first national lockdown. Churches remained open for individual prayers, as well as baptisms, marriages, and funerals with strictly limited numbers.

Public worship resumed in June, but was suspended once again on Nov. 2 amid a second national lockdown following a new spike in coronavirus cases.

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