

Stunning Bodies: Animal Slaughter, Judaism, and the Meaning of Humanity in Imperial Germany

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IN 1886, the National Association of Animal Protection Societies¹ petitioned the German Reichstag to protest “the deplorable state of affairs surrounding the method of slaughtering, the role of the butcher, and finally the demoralizing effect that the sight of this albeit necessary killing of livestock must have, particularly on the youth.”² Calling for a nationwide law to prohibit the killing of livestock without prior stunning, animal protectionists insisted that only nationwide state intervention could alleviate the widespread problems with slaughter, which, by extension, would guarantee the advancement of humanity. Yet, butchers and Jewish communities vehemently disagreed and in more than two thousand counterpetitions, they appealed to the Reichstag to refrain from proposing such a law. Why did a relatively minor issue like the slaughter of livestock spark so much controversy, and, more importantly, why did it become such a politicized agenda when it was deliberated in the Reichstag in 1887 and again in 1899?

The following article takes up this debate in order to analyze how the conjuncture of diverse and, for the most part opposing, special interest groups such as animal protection societies, the butchers’ corporation, and Jewish communities initiated a political controversy that commenced with animal slaughter, but soon, and especially once it entered the Reichstag, turned into a more fundamental debate about the meaning of humanity and progress in Imperial

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1. The German name was *Verband der Thierschutzvereine des Deutschen Reiches*. The rest of my article will refer to it as the *Verband*.

2. This petition of the *Verband* was reprinted in the “Erster Bericht der Kommission für die Petitionen” in the *Stenographische Berichte über die Verhandlungen des Reichstages*. VII. Legislaturperiode, II. Session 1887/88. Erster Anlageband, no. 97, 816–26.

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Germany.³ To be sure, none of the participants questioned the notion of progress itself. However, they hotly debated the meaning of this term as well as how it could be achieved in light of divergent interpretations about civil liberties and their protection. Whereas all sides agreed that raising humanitarian standards was desirable, they disagreed about what such improvement entailed and how it should be determined. That livestock suffered when being slaughtered appeared to be an accepted fact,⁴ but how should the suffering of animals be weighed against the obvious importance of the products derived from their bodies, i.e., meat, leather, and other by-products? This was a complicated issue, even more so because in addition to the material, there were also religious issues involved, mainly with regard to the Jewish practice of Shehitah. Exposing a variety of viewpoints and arguments, all of which were driven by a mixture of moral, religious, and political agendas (not the least by the rise of anti-semitism), this debate attested to the struggle surrounding the formulation of a national ethic.

Each group's particular agenda pointed to the broad spectrum of competing interests fighting for legitimacy in the contentious political, social, and cultural landscape of late nineteenth-century Germany. The subsequent debates illustrated how special interest politics increasingly permeated the public sphere, but also how grass-roots political mobilization could spur Reichstag deliberations about seminal issues like the meaning of humanity, religious freedom, and animal protection. This aim to spread bourgeois values also became apparent in the repeated focus on the allegedly backward countryside.

All of these tropes were embedded in a discourse about the character and legal dimensions of the nation. This debate also exposed the peculiar and highly contested roles of technology as a means to alleviate suffering, science as a method to determine the degree of animal suffering, and the state as a vehicle to regulate, not only the killing of animals, but also the ethics of modern society. Ultimately, one might argue that this was a debate about the institutionalization of mass killing of animals, its organization and justification. This debate

3. Such debates certainly also occurred in other countries, most notably in Switzerland. Canton Aargau made stunning obligatory in 1854. Following the protest of Jewish communities, special provisions for Shehitah were made in two communities, Endingen and Lengnau. However, the prohibition of Shehitah remained in effect until 1890 when it was finally declared unconstitutional. See Robert von Hippel, *Die Thierquälerei in der Strafgesetzgebung des In- und Auslandes* (Berlin, 1891), 85–87. Much more research into the Western context of this debate is necessary. The present article simply hopes to open the discussion in order to encourage further investigations into different national contexts.

4. Interestingly, none of the participants invoked Cartesian arguments to dismiss the relevance of compassion for nonhuman creatures, which is all the more surprising because this line of argument was quite central in the vivisection debates. See, for instance, Nicholas Rupke, ed. *Vivisection in Historical Perspective* (London, 1987), and James Turner, *Reckoning with the Beast: Animals, Pain, and Humanity in the Victorian Mind* (Baltimore, 1980). On the significance of Cartesian arguments, see especially Leonora C. Rosenfield, *From Beast-Machine to Man-Machine* (New York, 1940).

provides one of the rare instances where the ethic of mass killing was publicly discussed by a broad range of people, including animal protectionists, butchers, rabbis, veterinarians, physiologists, and politicians. It can therefore offer valuable insights into the historical problematic of negotiating a social ethos that justifies mass production and destruction, while simultaneously making ambitious claims about the improvement of humanity and civilization.

I

Animal protection societies had begun to lobby on behalf of livestock just as slaughter was disappearing from public view. Butchering, one of the oldest occupations, had changed little over the centuries; however, modernization, whose dynamic rested on the penetration and transformation of all sectors of economic and social life, was also affecting the practice of slaughter.⁵ Nineteenth-century urban growth spurred drastic changes, particularly with regard to meat production. Traditionally, animals had been slaughtered on farms or on the premises of individual butcher shops, exposing neighbors to all the noxious smells, the cries of the animals, and bloody sights that accompanied slaughtering. However, with evolving notions of the quality of city life and urban planning, the public presence of slaughter was increasingly criticized and considered to be demoralizing, unhygienic, and inefficient. Neighbors to the butcher shops, urban reformers, and public hygienists demanded the reform of animal slaughter to clean up the environment, to raise public morale, and to meet the growing needs of a no longer self-sufficient consuming urban population. To give just one example, in Berlin between 1870–1900, the number of slaughtered animals more than doubled, rising from 731,326 in 1871 to 1,614,791 by 1900. This was proportionate to the city's population growth (from 824,484 to 1,864,779 in the same period).⁶ To accommodate the changing notions of civilized life and to facilitate mass production, reformers throughout Europe called for the establishment of public slaughterhouses located in the industrial outskirts of the city, and hidden from public view.⁷ Open only to licensed butchers and authorized personnel, these centralized facilities were administered by the municipality and regulated by the state. Building public abattoirs, however, was just the beginning of slaughter reform. Meat production continued to evolve throughout the nineteenth and twentieth centuries

5. On the history of the German butchers' tradition see, for example, Ossip D. Potthoff, *Illustrierte Geschichte des deutschen Fleischerhandwerks vom 12. Jahrhundert bis zur Gegenwart* (Berlin, 1927).

6. See Richard Böckh, ed. *Statistisches Jahrbuch der Stadt Berlin* (Berlin, 1871 and 1900).

7. Many European cities established such public facilities during the nineteenth century, e.g., Paris 1818, Vienna 1851, Brussels 1865, and Berlin 1881. For a historical overview of Prussian slaughterhouses, see Stefan Tholl, *Preussens blutige Mauern: Der Schlachthof als öffentliche Bauaufgabe im 19. Jahrhundert* (Walsheim, 1995), and for Berlin, see Susanne Schindler-Reinisch, ed. *Berlin Central-Viehhof: Eine Stadt in der Stadt* (Berlin, 1996).

in response to economic necessities, changing conceptions of public hygiene, veterinary medicine, and moral values. Particularly with regard to the latter, animal protection societies increasingly exerted their influence through demands for reform.

Coinciding with the overall "passion for association" that swept Germany from the 1840s onward, the first societies for the protection of animals had been founded already in the 1840s as local organizations.⁸ Membership was open to anyone committed to the cause of animal protection, and the increasing number of members attested to the movement's growing appeal. According to the statistics of the *Verband*, animal protection societies counted 50,659 members in 1881. By 1900, this figure had risen to 84,643.⁹ As David Blackbourn has argued, animal protection societies belonged to the type of association bent on improvement.¹⁰ Resembling associations for the protection of children, mothers, and workers, they sought to advance social welfare through charitable activity, education, and political activism, and to heighten the public awareness of the social problems that manifested themselves in an increasingly differentiated society, and especially in urban centers.¹¹

The primarily middle-class urban animal protection societies also underscored the changing relations of city dwellers to their social and natural environments. They revealed how modern attitudes were defined by a peculiar mixture of distance and affinity that became especially apparent in the people's relations to nature and animals.¹² To a large extent, animal protectionists had little or no direct contact with the animals they vouched to protect. Unlike that of peasants who still lived in much closer contact with animals and natural environments, the understanding of city dwellers was increasingly based on theoretical considerations rather than experience, and observation instead of

8. The first societies were founded in Stuttgart (1837), Nuremberg and Dresden (1839), Berlin and Munich (1842), Trier (1852), and Cologne (1868). To date, if existent at all, histories of German animal protection societies are mostly published by specific associations themselves and they focus mainly on anecdotal commemorations of their work. For a notable exception, see Miriam Zerbel, *Tierschutz im Kaiserreich: Ein Beitrag zur Geschichte des Vereinswesens* (Frankfurt, 1993).

9. Membership rosters attested to the somewhat egalitarian nature of these societies that drew their members from the upper, middle, and lower classes even though their general spirit was certainly bourgeois. Statistics reprinted in *Der Deutsche Tierfreund* 1 (1900): 53.

10. David Blackbourn, *The Long Nineteenth-Century: A History of Germany, 1780–1918*. (New York, 1998), 279.

11. There is an extensive literature on the history of particular associations. For a more general treatment of associations within German history see Thomas Nipperdey, "Verein als soziale Struktur in Deutschland im späten 18. und frühen 19. Jahrhundert" in his *Gesellschaft, Kultur, Theorie*. (Göttingen, 1976), 174–205; and the edited volume by Otto Dann, *Vereinswesen und bürgerliche Gesellschaft in Deutschland, Historische Zeitschrift*, supplement 9 (Munich, 1984).

12. See Orvar Löfgren, "Our Friends in Nature: Class and Animal Symbolism" *Ethnos* 50 (1985): 184–213; Harriet Ritvo, *Animal Estate: The English and Other Creatures in the Victorian Age* (Cambridge, 1987); and Keith Thomas, *Man and the Natural World: A History of Modern Sensibility* (New York, 1983).

practice. They exemplified how altered sensibilities and especially evolving notions of compassion infiltrated the politics surrounding everyday life practices, particularly when it came to "civilizing" the countryside.

For the members of animal protection societies the main feature of the notion of "civilized" in relation to the treatment of animals was "compassion." They considered empathy to be the basis of moral conduct, and in doing so they pursued a dual purpose, namely to protect animals from unnecessary suffering and to educate society, and especially its young, about the importance of compassion for all living things. For instance, the Munich society underscored this aim by proclaiming that "our main principle is and remains the deep-seated conviction that (1) compassion is a crucial source of all virtues; (2) empathy must be taught especially to children; and (3) without consideration for animals, a truly compassionate spirit cannot exist."¹³ Statements like these added a very practical dimension to long-standing philosophical discourses about the role of compassion in human existence, not only because it affected the treatment of animals, but also because it reflected a people's concern for their fellow humans.¹⁴ To underscore this argument, they often referred to the common and still widespread belief that many violent criminals had started their unlawful careers by torturing animals.

The principle mission of animal protection societies was to raise the awareness of the plight of animals in general, but especially of those who served the needs of society. To be sure, the protectionists neither questioned the superiority of humans over animals, nor did they strongly adhere to the twentieth-century notion of animal rights.¹⁵ They did, however, believe that a society's treatment of defenseless animals reflected its level of civilization, and by advocating a more humane treatment of one's fellow creatures, national progress and social welfare would be furthered and general morality improved.

13. Mission statement of the Munich society reprinted in *Jahresbericht des Münchner Thierschutz Vereins* (Munich, 1845), 3.

14. An interesting collection of the philosophical writings on this topic is Walter Kronauer, ed. *Vom Nutzen und Nachteil des Mitleids* (Frankfurt, 1990). This collection of excerpts from philosophical writings ranging from Aristotle to Singer depicts two specific lines of argument, one rejecting compassion in favor of reason (e.g., Seneca, Kant, Hegel), the other supporting a more romantic notion of empathy, insisting that compassion was necessary to balance human tendencies of self-centered egotism (e.g., Mandeville, Voltaire, Rousseau, Schopenhauer). The only philosopher to address livestock killing directly was Schopenhauer, who already in the 1850s, had demanded that livestock be chloroformed prior to slaughter. See his "Parerga und Paralipomena" in *Sämtliche Werke* (Frankfurt, 1986), 5:444.

15. On the history of animal rights see Ted Benton, *Natural Relations: Ecology, Animal Rights, and Social Justice* (London, 1993); David DeGrazia, *Taking Animals Seriously: Mental Life and Moral Status* (Cambridge, 1996); Robert Garner, ed. *Animal Rights and the Changing Debate* (New York, 1996); Harold Guither, *Animal Rights: History and Scope of a Radical Movement* (Carbondale, 1998); Mary Midgley, *Animals and Why They Matter* (Athens, 1983); Tom Regan, *The Case of Animal Rights* (Berkeley, 1983); Peter Singer, *Animal Liberation* (New York, 1990); and Keith Tester, *Animals and Society: The Humanity of Animal Rights* (New York, 1991).

Animal protection societies also sought to empower themselves politically. Attesting to how voluntary associations increasingly obscured “the poles of a liberal state-free sphere of private initiatives and a demand for participation in the state,” animal protection societies focused not only on the local but soon extended their activities to national and international arenas.¹⁶ To aid in this pursuit, a national umbrella organization, the *Thierschutz Verband des Deutschen Reiches*, was established in 1881.¹⁷ Understanding itself as the representative of the “public consciousness regarding all acts involving cruelty against animals,”¹⁸ the *Verband* supported local activities but also pursued nationwide interests, particularly with regard to the legal protection of nonhuman creatures.¹⁹

The vehicle for the political interventions of the *Verband* was the animal protection law of 1871.²⁰ The *Verband* considered it seriously flawed, because it focused mainly on public visibility of the treatment of animals, but it provided a foundation upon which the *Verband* could expand its agitation and further its ultimate goal, i.e., that “the animal itself be protected and not only out of regard for the public.”²¹ Because most of the cruelty inflicted on animals occurred in the laboratories of experimental physiologists and in slaughterhouses, this proviso was crucially important. Animal activists lamented that practices like vivisection and slaughter affected thousands of creatures out of public view. Insisting that improving the humane treatment of animals was the responsibility of society as a whole, not just those immediately involved in slaughtering or experimentation, the *Verband* declared itself the great champion of laboratory animals and livestock. Its 1887 petition was an expression of this activism.

To be sure, the petition aimed at reform, not at the prohibition of slaughter per se. Far from advocating vegetarianism, the *Verband* argued that “all killing of livestock, no matter how it is done, bears the mark of cruelty; however the preservation of human life makes it necessary and hence justifies the killing of animals.” Nevertheless, reform was necessary because “the intensity and frequency of torturous acts committed against livestock surpasses all other acts

16. Nipperdey, “Verein als soziale Struktur,” 196.

17. Even though many local societies had objected to this national unification fearing that it would eclipse local projects, such an umbrella organization was thought to be necessary in order to coordinate local efforts into a nationwide movement that could actively influence German politics. See Zerbel, *Tierschutz im Kaiserreich*, 83–94.

18. Bericht über die Vierte Versammlung des Verbandes der Thierschutz-Vereine des Deutschen Reiches (Meissen, 1889), 55.

19. Their statutes stated in §1 that, “the purpose of the association is to forge a great community and uniformity of our endeavors.” Bericht über die Vierzehnte Versammlung des Verbandes (Cologne, 1914), 224–28.

20. This law, which had local forerunners in Saxony (1838), Prussia (1851), and Bavaria (1861), was introduced in the first nationwide penal code as §360 no. 13 of the Reich penal code. It stated that, “any person who publicly tortures or callously maltreats an animal can be punished by a fine of up to 150 Marks or incarceration.”

21. Bericht über die Neunte Versammlung des Verbandes (Cologne, 1904), 22.

of cruelty known in Germany today.” Declaring that “drastic changes and improvements in this situation are a matter of public morality,” the *Verband* insisted that “our solemn moral and humanitarian duty commands that such killing be done as quickly and painlessly as possible.”²² All slaughter should only be carried out after the animal had been sufficiently stunned because killing would become less cruel and objectionable if the animal were not conscious during the moment of slaughter.

Several methods to stun large cattle were used in the late 1880s. The oldest and most widely employed method involved a massive hammer blow to the forehead that would knock the animal unconscious and make it fall to the ground. Butchers could also employ the “masque Bruneau,” named after its French inventor (Fig. 1). Strapped to an animal’s head, the masque’s center featured a metal bolt, which, if hit correctly, would penetrate the animal’s brain rendering it unconscious. A third, seemingly more accurate, method was a shooting tool called *Schussmaske* (Fig. 2). A bullet shot through the animal’s skull would destroy its brain and cause it to collapse.²³ According to the petition, the best methods of stunning involved the concussion or better yet destruction of the brain.²⁴

Stunning was a powerful concept because it suggested a gradual less violent death. However, because animal protectionists were so wedded to the idea that stunning equaled humane treatment they overlooked the often blatant discrepancy between their theoretical notions and actual practice, since many of them relied on their sense perceptions and sentiments to determine the alleged cruelty of slaughter. Equating appearance with suffering, they considered any movement of the animal’s eyes or convulsions of its body a sure indicator of pain. Moreover, the advantages of the killing tools used were by no means clear. As many of their opponents who had tested new stunning tools pointed out, none of the existing methods guaranteed the painlessness they promised. In the course of the controversy it became apparent that the animal protectionists’ stubborn insistence on the concept of stunning and their disregard for its actual feasibility not only weakened their credibility, it also made them vulnerable to political exploitation and propaganda, especially with regard to the rising climate of antisemitism. At the same time there can be no doubt that in the long

22. *Stenographische Berichte über die Verhandlungen des Reichstages*, 815

23. Yet another practice was the *Genickstich* where the butcher would stab an animal between the second and third cervical vertebrae to sever the spinal cord. Most animal protectionists highly criticized the *Genickstich* because it merely paralyzed the animal, rendering it motionless but leaving its consciousness completely intact.

24. Oddly, in the 1880s, the destruction of the brain was considered stunning rather than killing. However, by 1900 this understanding had apparently changed because most of these stunning apparatuses had been re-re-labeled as killing instruments.

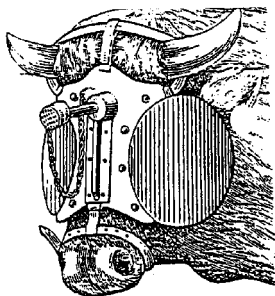


fig. 1

Neu ! D. R. P. No. 137418. Neu !

Schussbolzenapparate

Nach Patenten und System Dr. Liebe.

Für sämtliches Schlachtvieh. Für Massenschlachtungen.
Vollständig gefahrlos. — Einfachste Handhabung.

Ohne
Knall und
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Patentiert
in
Deutschland
Österreich
Bulgarien
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andern Ländern.

Aufsteckmodell.

Töten
blitzschnell
sicher und
schmerzlos.

fig. 2

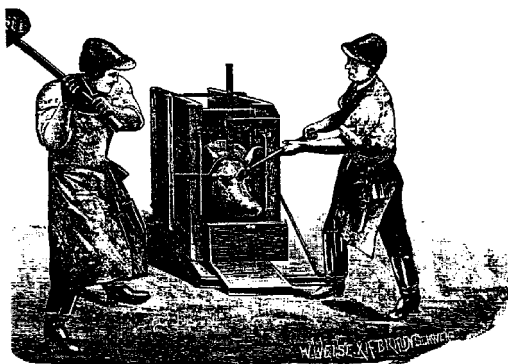
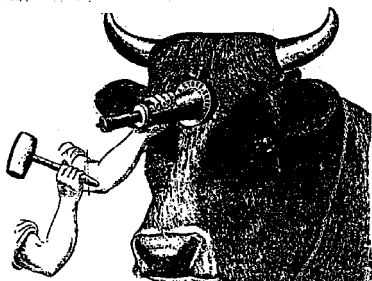


fig. 3



fig. 4



From a brochure of the company Maschinen-Fabrik Höhnemann & Küchler, Erfurt, titled "Direktor Kleinschmidts Schlacht-Instrumente für Gross- und Kleinvieh," 1890. Landesarchiv Berlin, Akten des Magistrats zu Berlin betreffend das Schlachtverfahren, no. 1488.

run they contributed greatly to the more humane killing of animals and to the present-day legal regulations.²⁵

In addition to concern for large cattle, the *Verband* directed its attention to the slaughter of smaller animals like pigs, sheep, and calves.²⁶ The petitioners lamented that unlike large cattle, which, for the most part, were struck down by a blow to the head prior to slaughtering, small animals were killed without any prior stunning. Usually they were thrown onto a slaughter bench and tied up before their throats were slit. Some calves and sheep even were hung up on hooks by their hind legs before being killed. Pigs often were subjected to additional pain because of the superstitious belief that only a squealing pig would bleed well.²⁷ The *Verband* also charged that butchers frequently did not wait until the animals had completely expired before they proceeded to tear off their hides or, in the case of pigs, before they threw them into a boiler to remove their bristles. Animal protectionists insisted that all of these tortures could easily be avoided if all animals were stunned prior to slaughter. A blow to the head or a bolt in the brain would render any livestock insensible, thus eliminating any pain or fear related to the impending slaughter.

Apart from attacking the numerous methods of slaughter, the petition also argued that too many butchers and apprentices were poorly trained and physically weak. Allegedly unable to perform the killing procedures properly and conscientiously, they only increased the pain and suffering of livestock. The *Verband* demanded that only specially trained personnel should be allowed to slaughter animals. Moreover, its members insisted that all slaughter be moved away from public view, because the visibility of such a bloody spectacle was abhorrent and contributed to the brutalization of the youth, allegedly a particular problem in the countryside.

Besides criticizing butchers, the petition also attacked the Jewish practice of Shehitah. Acknowledging that this method was grounded in humanitarian considerations, the practice of Shehitah was addressed in the petition. To what degree antisemitic sentiments influenced this decision is difficult to ascertain, but according to the *Verband*, "even religious views are not unchangeable but must conform to the progressing standards of humanity and education."²⁸ The petition primarily condemned the preparations for Shehitah, including the muzzling of the animal, throwing down and upward tilting of the head and throat as inherently cruel. Moreover, since the butcher often was not present when the animal was tied down, the animal's suffering was further increased because it had to remain in this uncomfortable position until the butcher

25. See for instance the E.G. Richtlinie 1993 (RL 93/119/EWG) of December 22nd, 1993 (ABI 93/L 340/21).

26. Chicken, fish, and game were not mentioned in this context.

27. For this purpose, pigs were often stabbed in the eye first.

28. *Stenographische Berichte über die Verhandlungen des Reichstages*, 816.

arrived. The most controversial claim, however, was that Shehitah unduly prolonged the animal's death throes (*Todeskampf*), (the *Verband* claimed that it took ten minutes for the animal to die). In addition to these charges of cruelty, economic and hygienic reasons were given to outlaw kosher slaughter. Meat derived from this method allegedly was more perishable, and valuable by-products like blood were lost.

To alleviate all of these problems, the *Verband* called for a specific nationwide law that would make stunning mandatory and that would punish any related cruelty not just as a civil but as a criminal offense. Clearly rejecting religious and artisan traditions as necessarily binding norms, their proposed solution was the legal enforcement of stunning practices and the development of new killing technologies. The *Verband* also had more fundamental ambitions concerning the discourse about humanitarianism in modern society. Far from advocating the return to a premodern ideology of pastoralism, animal protection was understood as an explicit move toward the material and moral advancement of society. To enforce their notion of humanity and to ensure its everyday regulation, especially in the allegedly backward countryside, the *Verband* called for state intervention and legal sanctions.

The *Verband's* appeal to the state not only attested to the growing awareness of the negative consequences of mass production for the cultivation of society, it also exemplified how voluntary associations, through their particular kind of activism, attempted to transfer their moral principles into the sphere of politics and government. Local police ordinances that already existed in many states and towns could supplement a national law, but were often too vague and therefore difficult to enforce. Moreover, the *Verband* suspected that in many rural communities the police were not capable of recognizing nor willing to judge acts of cruelty, and it insisted that only the state could alleviate the problems inherent in slaughtering animals. Thus it supported the idea of the nation as guarantor of humanitarian standards and social progress. Petitioning the Reichstag to implement a law prohibiting slaughter without stunning, the *Verband* explicitly endorsed state intervention at a critical moment when concerns for public welfare were shifting from a municipal to an increasingly national level.²⁹ Following an 1868 law, the state had already taken control over the building of abattoirs, but now it was expected to assume additional authority over the practice of slaughter. Hence, the *Verband*, perhaps unintentionally,

29. As a matter of fact, the *Verband* might have been more successful if it had addressed the issue more strongly on the municipal level first. Its decision to make nationwide claims at a time when the Reichstag was just beginning to get involved in welfare issues might have contributed to the failure of its campaign. On the shift of welfare policy see Dieter Langewiesche, "'Staat' und 'Kommune': Zum Wandel der Staatsaufgaben in Deutschland im Neunzehnten Jahrhundert" *Historische Zeitschrift* 248, no. 3 (1989): 621–36, and more recently George Steinmetz, *Regulating the Social: The Welfare State and Local Politics in Imperial Germany* (Princeton, 1993).

aided the state's legitimacy and power to manipulate commercial and social life and to consolidate its monopoly on violence. Even if only marginally, petitions like those of the *Verband* contributed to the legitimization of the interventionist state that was growing up in Imperial Germany, and they signified that such discourses about intervention were not only imposed from above, but that they were also initiated from below. Their petition manifested animal protectionists' trust in the benevolent power of the state and its willingness to enforce humane methods of killing. In contrast, Jewish communities and the butchers' corporation expressed a much more ambivalent view of the state and its right to intervene in the everyday practices of its citizens. Fully aware that they had much more to lose than animal protectionists, they demanded that the state refrain from interfering on their ritual and business practices.

II

Immediately after the animal protectionists' 1886 petition, butchers and Jewish communities had unleashed a storm of counterpetitions to the Reichstag. Both objected to the animal protectionists' proposal, but they had different agendas. The butchers' corporation, known to fight any kind of outside and especially state intervention, took particular offense at the accusations of the *Verband*. Always fearing the loss of their commercial freedom, the butchers stated that the *Verband* petition represented a critique of their age-old and socially useful profession. Maintaining that a key aspect of their trade, namely the killing of animals, was under attack, Butchers countered with their own appeals to human dignity and tradition.

On behalf of their members, the butchers' guild protested against the animal protectionists' charge that butchers did not have enough expertise to carry out their trade. Calling the charges of the *Verband* groundless as well as insulting, butchers maintained that for centuries the guilds had seen to it that an apprentice could not become a full-fledged butcher until he demonstrated the requisite skills to slay and appropriately flay a bull, and that the ability to strike dead a large animal was considered a pivotal part of a butcher's special skill and pride. Moreover, the guild objected to the accusation that many butchers were violent men who willingly inflicted unnecessary harm. They argued that torturing livestock was in direct violation of their own business ethic. Insisting that acts of cruelty were rare, they attributed such occurrences to the sheer number of animals slaughtered in Germany, estimated at 130,000 pigs, calves, and goats plus an additional 6,000 cattle per day.³⁰ Overall they asserted that the humane treatment of livestock was in their own and the public's interest because it was the only way to preserve the quality and value of slaughtered animals and meat. The

30. *Stenographische Berichte über die Verhandlungen des Reichstages*, 820.

butchers' guild petitioned that the request of the *Verband* be denied because if the butchers' right to kill would be taken away, they would be degraded to the status of mere meat sellers.

Fighting for their freedom of trade, the corporation pleaded for the right to self-determination. They agreed with animal protectionists that more control was necessary, but instead of endorsing state interference, they proposed that every butcher should be forced to join the guild, which would oversee his training and certification. In diametric opposition to animal protectionists, butchers strongly objected to state interference because it would be an unjust infringement on their right to practice their trade.

The butchers' objections were strong, yet even more forceful were the more than two thousand separate petitions from Jewish communities. Arriving from every corner of the Reich, these counterpetitions charged that the animal protectionists' demand to make stunning mandatory entailed a direct offense against the Jewish tradition of *Shehitah*, which prohibited the slaughter of any previously stunned or otherwise injured animal. If stunning were enforced by law, meat would no longer be available to the thousands of Jews who depended on kosher foods for their daily nutrition, a great hardship especially for orthodox Jews who made up a small but important minority of the German Jewish population.³¹

Meat was a vital component of a kosher diet, and the observance of dietary laws was a central feature of orthodox Jewish religious practice. *Shehitah* had been implemented in ancient times to guarantee the bloodlessness of meat on the one hand and to protect animals from unnecessary suffering on the other.³² *Shehitah* involved the slaughtering of the animal in the swiftest and most humane way possible by cutting horizontally across the throat, severing the trachea, the esophagus, the jugular veins, and the carotid arteries. The most important aspect of this procedure was the complete drainage of blood. To ensure that an animal would bleed well, all its vital organs including heart, lungs, and muscle functions had to be intact.³³ Closely regulated by scripture, meat production required special preparations, tools, procedures, and expert butchers.³⁴ Only

31. It is impossible to ascertain the actual significance of *Shehitah* in Jewish daily life because of the lack of exact figures about how many Jews actually adhered to the prescribed dietary laws.

32. On the relationship between Jewish tradition and animal protection, see Elijah J. Schochet, *Animal Life in Jewish Tradition: Attitudes and Relationships* (New York, 1984).

33. After the animal had expired and its carcass had been flayed, the inner organs especially the lungs and breast cavity were inspected to determine if the animal had been healthy while alive. Only then was the carcass stamped 'kosher.' Moreover, Jews usually only ate the front part of the animal. The hind section because of its coarser muscle and vein structure not bleeding as well, was sold off to gentiles.

34. First, the animal had to be put to the ground and positioned so that its throat pointed upward. Usually this was followed by a benediction. A special knife, the *halat*, which had no point and was at least twice as long as the width of the animal's throat, was used to cut the animal's throat in one swift motion.

a specially trained butcher, the Shohet, was allowed to perform the killing. Hired by the community, the Shohet played a crucial role in holding the community together, especially in small places where he often was the only religious functionary.³⁵ Thus, for Jewish communities, much more than the mere practice of slaughtering was at stake. In addition to rendering meat kosher, “the Jewish slaughtering prescriptions, though purely ritualistic in intent, most profoundly affect the social and ethical life of Jews” who adhered to this practice.³⁶ They served as means to preserve the greater social fabric of a more orthodox Jewish religious tradition and identity.³⁷ Attesting to the dual Jewish struggle for emancipation but not total assimilation, the debate over Shehitah underscored the need to protect a sense of community and to ward off external Christian or secular interventions as well as internal disintegration.³⁸ Shehitah was a symbol and a means to preserve orthodox traditions in light of increasing pressures to assimilate and also vis-à-vis a reform Judaism that paid less and less attention to religious prescriptions. With their petition, the animal protectionists had hit a raw nerve because their accusations against Shehitah went straight to the heart of Jewish identity, tradition, and to the adherence to the laws of the Talmud and Shulcan Aruch.

As early as the 1860s, Jewish communities had begun to publish pamphlets in defense of Shehitah.³⁹ The Swiss rabbi Meyer Kayserling was one of the most active and prolific voices. His 1867 *Die rituale Schlachtfrage oder ist das Schächten Thierquälerei?* remained an influential and often cited text for several decades.⁴⁰ In the introduction to the book's collection of scientific expert reports about Shehitah, Meyer Kayserling laid out his notion of humanity and social acceptance by arguing that “a sure measure of the culture of a country has always been the position that Jews had within it.” Maintaining that, at least in theory, “our age strives for political equality and general respect no matter to which religion one belongs,” he proceeded to lament the fact that “no matter which party holds the reins of the government, be it liberalism, which more or less negates all religious confessions, or the strongly church-centered uncompro-

35. He had to obtain a special license, known as the *kabbalah*, certifying that he was versed in the law of Shehitah and the more general dietary laws and that he knew how correctly to perform ritual slaughter. The Shohet was hired and paid by the community to remove any financial incentive and to prevent that unkosher meat would be sold as kosher.

36. Jeremiah Berman, *Shehitah: A Study in the Cultural and Social Life of the Jewish People* (New York, 1941), 1.

37. Shulamit Volkov, “The *Verbürgerlichung* of the Jews as a Paradigm” in *Bourgeois Society in Nineteenth-Century Europe*, eds. Jürgen Kocka and Allan Mitchell (Oxford, 1993), 367–92.

38. Mordechai Breuer, *Jüdische Orthodoxie im Deutschen Reich, 1871–1918: Sozialgeschichte einer Minderheit* (Frankfurt, 1986), 305–7.

39. In addition to Meyer Kayserling, whose writings I will discuss below, see, for example, Wilhelm Landsberg, *Das rituelle Schächten der Israeliten im Lichte der Wahrheit* (Kaiserslautern, 1882), and H. Ehrmann, *Das Schächten* (Frankfurt, 1885).

40. Meyer Kayserling, *Die rituale Schlachtfrage oder ist das Schächten Thierquälerei?* (Aarau, 1867).

mising ultramontanism, the Jew is banished in either case.”⁴¹ One of the main points of contention revolved around the eating practices and dietary laws of Jews. Paraphrasing their positions, Kayserling wrote that the ultramontane proclaimed that “because the Jew won’t eat with us, he cannot become our fellow citizen”; while those liberals who fought for the equality of Jews argued that “because the Jew is our fellow citizen, he now must eat with us . . . in all of their outer appearances they must become like us.”⁴² Rejecting both of these views, Kayserling insisted that eating practices should not be an issue when it came to the question of citizenship. As long as Jews willingly partook in the military service, customs and morals of their chosen fatherland, their appearances and ritual practices should not matter.

The 1886 petitions in many respects mirrored Kayserling’s arguments. They, too, invoked the notion of citizenship in order to defend Jews’ individual rights to freely practice their religion. As one petition concluded “granting the demands of the *Verband* would be a tremendous and fatal intervention into the laws of our religion, which for us would create the same distress for our conscience as any other legal prohibition of a religious statute.”⁴³ The Jewish petitioners called for religious freedom, which they considered the true measure of humanity. They argued that the prohibition of Shehitah would be a direct offense against the German state’s humanitarian duty to uphold the freedom and rights of its citizens.

The debate about Shehitah revolved around rights but also around the question of cruelty. To counteract the charges of cruelty brought against Shehitah and to address the question of whether Shehitah was any more cruel than other methods, Jewish communities turned to the opinions of scientific experts. Indeed, Shehitah was one of the few issues where scientific modes of reasoning were used to justify religion. Starting in the mid-nineteenth century, Jewish officials had begun to collect expert testimonies. In 1886, they provided the Reichstag with fifty-four testimonies collected from leading physiologists, veterinarians, and slaughterhouse officials. Among them were prominent professors of physiology and pathology like Emil Du Bois-Raymond, Rudolf Virchow, Max Pettenkofer, the Englishmen Joseph Lister and Michael Foster, the Swiss Moritz Schiff, as well as widely known directors of veterinary schools like Henry Bouley of Paris and R. Gerlach of Berlin, who had been asked to evaluate Shehitah in comparison with other methods of slaughter.⁴⁴ Interestingly, and quite in contrast to the vivisection debates, none of the experts

41. *Ibid.*, 2.

42. *Ibid.*, 92.

43. Representing all of the Jewish petitions, the commission report reprinted one, which, according to them expressed the general tenor of the very similarly phrased petitions. Commission report, 819.

44. The most elaborate collection consisted of 264 reports drawn up by the Komitee zur

questioned the notion of animal consciousness and pain.⁴⁵ Instead, they tried to determine the duration of consciousness and the intensity of sensations. Most respondents focused on a discussion of how long animals remained conscious after the fatal cut had been administered. The majority of the experts concurred that after about thirty seconds the brain had lost so much blood that the animal was no longer conscious even if visible signs of a death struggle continued for several minutes.⁴⁶ This was in stark contrast to the animal protectionists' claims that livestock remained conscious for up to ten minutes. Refuting the argument that continued eye movements or spasms were an indication of pain or suffering, several of the experts openly rejected the animal protectionists' charges as false and unscientific.⁴⁷ Drawing a clear distinction between appearance and physiology, the experts emphasized that only the latter could offer definitive and reliable answers about the physical state of the body and related sensations of pain.⁴⁸

Apart from pointing to the discrepancy between appearance and physiology, many experts and especially slaughterhouse officials cautioned against equating existing stunning practices with humane treatment. Maintaining that stunning tools like the hammer or masque Bruneau promised more in theory than they delivered in practice, abattoir officials offered graphic descriptions of how harmful these instruments could be if handled incorrectly. For instance, if the hammer was aimed poorly or handled by a weak person, animals might suffer tremendously because they would have to be hit again and again, sometimes up to fifteen times, until they fell to the ground. Similarly with the masque Bruneau, if attached incorrectly, the metal bolt, rather than afflicting the center of the brain, might penetrate the animal's eye or the wrong parts of the brain, in which case the bolt would have to be removed and inserted again causing

Abwehr Antisemitischer Angriffe, published as *Gutachten über das jüdisch-rituelle Schlachtverfahren* (Berlin, 1894).

45. This is especially peculiar since some of these men like Du Bois and Virchow were avid and outspoken defenders of vivisection. For example, see Rudolf Virchow, "Über den Werth des Pathologischen Experiments" in *Transactions of the International Medical Congress*, vol. 1 (London, 1881), 22–37.

46. For example, the chief veterinarian of the Berlin slaughterhouse Hertwig estimated that given the fact that for a bull a blood loss of 16 to 20 pounds led to unconsciousness and given that severed jugular veins discharged 15 to 18 pounds of blood in approximately 30 seconds, an animal would be unconscious in less than a minute. *Gutachten über das jüdisch-rituelle Schlachtverfahren*, 17.

47. Interestingly enough, many physiologists made comparisons to human conditions such as epilepsy and fainting to support this argument. Since in both instances it had been proven that the afflicted persons suffered no pain, physiologists concluded that it was improbable that animals experienced any pain either.

48. In fact, some of the experts argued that animal protectionists themselves had pointed to the deceptive nature of appearance when they had charged that the *Genickstich* only paralyzed but did not desensitize animals.

the animal excruciating pain.⁴⁹ Clearly, slaughterhouse officials were not as convinced about the humanity of the so-called stunning apparatuses as the animal protectionists seemed to be.

Rather than discussing the alleged humanity of stunning, medical or veterinary experts were interested in the precision and efficiency with which an animal was killed. Shehitah was a swift procedure that did not require the time-consuming and complicated fitting of apparatuses and aiming of tools. Overall, the experts insisted that physiology and temporal factors provided the decisive measures to determine cruelty and suffering rather than elusive references to appearance and compassion. Redirecting the debate about animal pain and death toward the rationality of scientific knowledge, the experts approached the ethics of killing as a matter of physiology rather than sentiment. They concluded that kosher slaughter should not be considered more cruel than other existing methods.⁵⁰ In fact, many argued that Shehitah was the safest and least painful method available. These testimonies provided Jewish communities with powerful ammunition to ward off any attacks on their ritual practice. In the conclusion to his collection of testimonies, Kayserling had even announced that "Jewish religious law has triumphed through science. The holy lawgiver is justified, and we can be sure of our victory."⁵¹ Jewish petitioners cited the experts' evidence as proof that Shehitah should not be prohibited. They argued that the humanity of slaughter should be determined through scientific reason and not by ambiguous references to observation and sentiments.

Much like animal protectionists, Jewish communities insisted on progress, but for Jews, social progress entailed greater tolerance, freedom and the right to practice religious traditions without outside and especially state intervention. As citizens, Jews had a constitutional right to live according to their religion, and traditions that included the ability to perform ritual acts. Invoking the concept of the *Rechtsstaat*, Jewish communities appealed to the Reichstag to protect rather than infringe upon their rights as German citizens, of Jewish faith.⁵² One of the petitions ended by reiterating that "we trust that the state will refuse to intrude on religious statutes and hope that the representatives of the German Reich will reject the demands of the animal protection societies, who for the

49. See, for example, the letters to the Kuratorium of the Berlin slaughterhouse located in the file "Das Schlachtverfahren" LAB/STA 13-02/2 Magistrat Berlin Finanzbüro, no. 1488, vol. 1, 3.

50. Even though most experts agreed that the Jewish method of killing was not cruel, numerous respondents did voice concerns about the preparatory procedures. Some wrote that the felling and positioning of the animal caused suffering, especially if the Shohet was not present at that time. In this area improvements were necessary, and new techniques were needed to ease the preparations.

51. Kayserling, *Die rituale Schlachtfrage*, 91.

52. For a compelling comparison between the situation of Jews in Germany and Britain, see Michael Brenner, Rainer Lidtke, and David Rechter, eds. *Two Nations: British and German Jews in Comparative Perspective* (London, 1999).

supposed protection of animals against physical torture do not refrain from inflicting an actual severe distress on the conscience of humans.”⁵³

Jewish communities, animal protectionists, and butchers agreed that livestock killing was an indicator of the standard of humaneness, but they disagreed about how the humanity of diverse killing methods should be determined, and moreover they disagreed about the need for reform and particularly about the state's role in it. Whereas for animal protectionists reform meant state intervention to guarantee the better protection of animals, for Jews it meant interference in practicing their religion and for butchers to ply their traditional trade. Exemplifying how discourses about state intervention were initiated not only from the top down but also from the bottom up, all three had turned to the state to voice their interests and to influence the political negotiations about this question.

III

Faced with all of these different viewpoints and arguments about cruelty, freedom, and compassion, twenty-seven members of a specially appointed commission met in April 1887 to discuss the petitions before sending them to the plenum of the Reichstag.⁵⁴ The meeting began with a report from government council Wermuth of the Ministry of the Interior, who explained what actions the government had already taken with regard to this matter. Mentioning particularly the establishment of ninety-seven public slaughterhouses,⁵⁵ he explained that they were tightly controlled by local police ordinances, which, among other things, regulated the necessary preparations, training of personnel, killing procedures, and the prevention of unnecessary cruelty.⁵⁶ Regarding Shehitah, Wermuth stated that none of the ninety-seven abattoirs prohibited Jewish slaughter and that twenty-eight explicitly allowed this practice. Wermuth also reported that the ministry had answered a similar 1881 animal protection petition by promising that possible changes would be considered for the next revision of the penal code. However, no action had been taken since then.

This time, the commission decided that action had to be taken well before the penal code would be revised because “in comparison to the smaller everyday

53. *Stenographische Berichte über die Verhandlungen des Reichstages*, 819.

54. The 1886 *Verband* petition, which had been discussed in a commission, never reached the floor of the Reichstag due to the storm of responses from butchers and Jewish communities and due to the end of the legislative period.

55. More specifically there were 44 public abattoirs in Prussia, 36 in Bavaria, 3 in Saxony, and 5 in Baden.

56. However, such regulations were not very specific. For instance the Berlin slaughterhouse rules, which were probably among the most extensive in the Reich, simply stated in §15 that, “The killing of animals must be carried out in a professional manner, quickly, and without the infliction of unnecessary cruelty.” *Ordnung für den Schlachthof auf dem Central-Viehhofe betreffend*, vom 23. Februar, 1881, printed in *Polizeiverordnungen und Anordnungen des Magistrats für den städtischen Central-Viehhof* (Berlin, 1881), 67.

instances of cruelty against animals, the common methods of killing our live-stock appear like a mass-cruelty of tremendous proportion." They further asserted that "an acceptable degree of humanity was exercised only with a small number of all the animals killed by human hands."⁵⁷ The reasons for this, according to the commission, were traditional habits, poor methods, inadequate facilities, and the widespread incompetence and physical weakness of many butchers. The commission agreed that better training and a particular licensing process to ensure the competence of butchers, especially in the countryside, was necessary. Regarding methods of killing, they concluded that "at present no absolutely certain and best method exists."⁵⁸ Consequently they would be unable to make any special recommendation as to which method should be endorsed. Of particular concern, of course, was the question of kosher slaughter. The committee acknowledged that the state's infringement on religious practices was a delicate issue. After considering the expert testimonies and the Jewish petitioners' pleas, the commission discussed the inclusion of a special paragraph that guaranteed "the greatest possible protection of religious customs."⁵⁹ However, this paragraph was omitted from the final report because the commission did not want to give preference to any method of slaughter. When the committee delivered its ten-page report on 6 May 1887, it recommended, somewhat ambiguously, that "the Reichstag ought to decide that these petitions should be sent to the chancellor for consideration if and how the existing grievances voiced in these petitions could be counteracted, particularly through a revision of the Reich's penal code."⁶⁰ Two weeks later, this report along with the 2,027 petitions appeared on the agenda of the Reichstag, where the debate gained yet another dimension.

During the deliberations of 18 May 1887, politicians from all factions took a stand, and as the debate unfolded, it became clear that politically much more was at stake than the mere protection of animals.⁶¹ To be sure, all speakers endorsed animal protection as an important measure. None of the politicians openly spoke out against animal protection. All speakers lauded the efforts of the animal protectionists and they agreed that something needed to be done, not only to ease the plight of animals but also to improve Germany's reputation as a civilized nation. The debate about slaughter reform illustrated how even animal protection could be drawn into political rhetoric and be adapted to party platforms and to discourses about the German nation. The idea of "nation" was invoked in numerous ways, most openly in the context of Germany's status as a civilized nation. As some speakers such as the head of the

57. *Stenographische Berichte über die Verhandlungen des Reichstages*, 821.

58. *Ibid.*

59. *Ibid.*, 823.

60. *Ibid.*, 824.

61. The deliberations are printed in *Stenographische Berichte über die Verhandlungen des Reichstages*, VII. Legislaturperiode, 1. Session 1887 (Berlin, 1887), 631–39.

commission for petitions, Sivijs Goldfus, argued, Germany obviously lagged behind other cultured nations in terms of animal protection. Especially compared to countries like Great Britain, Switzerland, and the U.S., all of which had much stricter anticruelty laws, German regulations, due to their emphasis on public displays of cruelty, appeared weak in formulation and narrow in applicability. Goldfus maintained that if Germany wanted to compete in the theater of nations, its humanitarian standards including animal protection had to be improved.

Slaughter reform also provided a powerful agenda to forge the internal unity of the nation. Not surprisingly, the National Liberal faction used this line of argument to underscore the importance of unifying and centralizing the governing of Germany. Emphasizing the role of the state in animal protection, Johannes von Miquel, one of the most influential National Liberal politicians, argued that improvements in livestock killing could only be brought about on the national level, not least because local police agencies often lacked the necessary knowledge and even humanitarian convictions to act upon these matters. Miquel asserted that the state not only had a right but the duty to intervene in questions of violence by setting nationwide legal standards to guide local and especially rural authorities and to provide them with the necessary knowledge. Throughout the deliberations, speakers berated the countryside as backward and in need of civilization, a civilization that could best be achieved through centralized state supervision and legal intervention. Indeed most politicians did not seem to have a problem with the state's interference in rural practices or in the butcher's trade.⁶² Such interference, however, was deemed highly problematic when it came to the question of religion.

In contrast to their pro-interventionist position regarding butchers and the rural population, most politicians considered the state's infringement on questions of religion a misuse of authority. The anti-Catholic *Kulturkampf* was still a vivid memory in the political imagination of the late 1880s, most of all for the Center Party. Shehitah, albeit affecting a different group, once again brought up the contentious issue of the state's right to interfere with religion in general and the nation's official attitude toward Judaism in particular. And with the exception of one, all speakers voted for religious freedom and against state interference. Especially the Center Party's leader, Ludwig Windthorst, spoke out in defense of religious freedom, maintaining that religious tolerance was a key measure of humanitarianism and that its protection was one of the ultimate goals of any civilized nation.⁶³ Windthorst stated that "the state has no right to

62. This became especially apparent since none of the speakers took up the interests of the butchers corporation, whose petition and concerns were basically ignored.

63. There has been much debate about the role of antisemitism in Center Party politics. See for instance, David Blackburn, "Catholics, the Center Party and Anti-Semitism" in his *Populists and Patricians: Essays in Modern German History* (London, 1987); Olaf Blaschke, *Katholizismus und*

intervene in such customs; instead it must protect the conscience of its subordinates." He was applauded by his fellow Center Party members, and when he declared that, "we have to refrain from interfering with the traditional customs of our fellow citizens of Jewish religion."⁶⁴ Even though Windthorst wholeheartedly endorsed the quick acceptance of the commission's recommendation, he insisted that special provisions were necessary to ensure the protection of Jewish religious rights.⁶⁵

According to some members, for example, the left-liberal Max Broemel, government interference in religion did not even warrant discussion because scientific authorities had declared that Shehitah was not a cruel practice.⁶⁶ The National Liberal Wilhelm Kulemann agreed that "following the testimonies of scientific authorities, it has been proven that the Jewish method of slaughter is not a violation of the principles of humanity."⁶⁷ Indeed most speakers accepted the expert's testimonies as a basis on which to determine and judge cruelty. Thus, whereas the vivisection debates had challenged the legitimacy of science, the kosher slaughter debate underscored how much of it was now accepted.

Only one speaker, the independent Otto Böckel, objected to the scientists' testimonies labeling them biased and one-sided. But Böckel's charges were not just directed against the reliability of science. They were primarily aimed at Jews. Given that he was the first anti-Semite elected to the Reichstag, his agenda was all too obvious. Commencing his speech by categorizing Jews as an "Oriental race," Böckel doubted the motives of the Jewish counterpetitions, and he refuted that Shehitah was prescribed by religious scriptures. Cloaked in a rhetoric of civilization, Böckel too invoked the concept of nation. Proclaiming a nation of Germans, he declared that if Jews wanted to be Germans, they had to accept German customs. According to him this meant accepting the animal protectionists' proscriptions; however, Böckel failed to explain why and how their demands constituted a particular and decisive embodiment of "Germanness." Most of the other speakers and especially the Social Democrat Liebknecht vehemently objected to Böckel's antisemitic slurs.

Böckel's speech, even though it was constantly interrupted by shouting and boisterous laughter, had struck a sensitive chord with his audience. Despite Broemel's claim that "the Jews, who have survived other attacks and assaults, have nothing to fear from the attacks of the representative Böckel," the potential

Antisemitismus im Deutschen Kaiserreich (Göttingen, 1997); Uwe Mazura, *Zentrumspartei und Judenfrage 1870/71–1933: Verfassungsgestalt und Minderheitenschutz* (Mainz, 1994); as well as the special symposium "Christian Religion and Anti-Semitism in Modern German History" *Central European History* 27, no. 3 (1994): 261–355.

64. *Stenographische Berichte über die Verhandlungen des Reichstages*. 633.

65. He proposed that the paragraph "the greatest possible protection of religious customs" be included again. In the vote, the majority of his fellow Reichstag members agreed.

66. *Stenographische Berichte über die Verhandlungen des Reichstages*. 633.

67. *Ibid.*, 635.

of such antisemitic rhetoric to do harm could not be dismissed.⁶⁸ Böckel's speech foreshadowed how the reform of slaughter was susceptible to antisemitic agitation. After his inflammatory speech, the Reichstag session deteriorated into verbal turmoil. Soon, the final vote was taken. The majority had decided that the commission's recommendation should be passed on to the Bundesrat, but that Shehitah should be omitted from the proposal. Thus in 1887, the Reichstag endorsed animal protection, but it also took a clear stand against antisemitism. It had reached a compromise. Livestock should receive greater legal protection, but religious freedom also had to be maintained. Stunning ought to be mandatory, but Jewish butchers should be exempt from this rule. However, in the end no law was passed because the Bundesrat decided that individual states would have to set a legal precedent first before any nationwide legislation could be passed.⁶⁹

As a result, and in some instances even prior to this ruling, local authorities took action. In Berlin, for example, a special police ordinance that regulated the swift and painless killing of animals was passed in August 1887.⁷⁰ Moreover, a special school to instruct apprentices in the appropriate methods of killing was established at Berlin's Central-Viehhof. The Prussian Ministry of the Interior even passed an ordinance concerning the specific preparations for Shehitah.⁷¹ Yet, the most drastic action was taken in Saxony, where in March 1892 a law that prohibited the slaughter of any livestock without prior stunning was implemented, and even though Shehitah was not explicitly mentioned, it, too, was practically outlawed by the ruling.⁷² Similar measures were also discussed in

68. *Ibid.*, 636.

69. *Protokolle über die Verhandlungen des Bundesraths des Deutschen Reichs*, Jahrgang 1887, Berlin, 1988, 333.

70. The ordinance ruled that, "§1 All cattle must be securely tied before a hammer blow is administered. §2 Animals can only be put to the ground once the butcher is actually present. §3 Calves and sheep may not be hung up before being killed. §4 Pigs can only be killed after a prior blow to the head. §5 All killing has to occur immediately after all preparations are completed. §6 Any procedures contrary to this ordinance are punishable by a fine of 30M." This ordinance regulated numerous aspects of slaughter, some like §2 specifically addressing Shehitah. It also enforced that all pigs had to be stunned, but the ordinance carefully refrained from expanding this demand to all types of livestock. Since Jewish dietary laws prohibited the consumption of pork, this did not affect Jewish religious practice. See "Gutachten," LAB/STA 13-02/2 Magistrat Berlin Finanzbüro, no. 1488, vol. 1, "Das Schlachtverfahren," 40.

71. It pronounced that, "to prevent unnecessary cruelty in the Jewish method of slaughter, the following rules have been laid down: §1 The throwing down of large animals should be done through winches or comparable apparatuses. §2 During this procedure, the head of the animal must be protected and held so that their hitting the ground and the breaking of horns etc. is prevented. §3 The Shohet must already be present when the animal is put down, and killing must follow immediately thereafter. §4 The head of the animal must be tightly secured. §5 Only practiced Shohets are allowed to perform this act." Berlin, 14 January 1889, LAB/STA 13-02/2 Magistrat Berlin Finanzbüro, no. 1488, vol. 1, "Das Schlachtverfahren," 52.

72. The ruling in Saxony was an exceptional case. It was cited extensively in the reform literature for several decades. The law itself remained in effect until December 1910. *Ibid.*, 52.

Baden and Bavaria; however, both Landtage immediately rejected the proposals. Besides these official and legal actions, slaughter reform and the question of Shehitah remained a recurring topic in pamphlets, speeches, and newspaper columns.⁷³ Separately, there was a feverish development of new stunning apparatuses and techniques, among them the *Kleinschmidtsche Hammer* for pigs (Fig. 3), the *Stoffsche Schussapparat* (Fig. 4) as well as experiments with electricity and even dynamite.⁷⁴ New tools and winches to turn animals on their side and lower them to the ground in preparation for Shehitah were also invented. As a result of this proliferation of technologies, a growing number of experts began to endorse stunning practices as a more humane method of slaughter.⁷⁵ However, the potentially most fateful political development occurred when antisemitic politicians took over the issue of slaughter reform.

Political antisemitism made a forceful, if short-lived appearance in the Reichstag in the 1890s.⁷⁶ Following the 1893 elections, anti-Semites had gained sixteen seats in the Reichstag, and not surprisingly, shortly thereafter, the issue of livestock killing reemerged on the political stage. Slaughter reform was a perfect agenda that allowed for an attack on Jews cloaked under a veil of alleged concern for humaneness. Presenting an already drafted law, which was basically copied from the 1892 legislation in Saxony, the anti-Semites' proposal employed a rhetoric of humanitarianism and anticruelty.⁷⁷ Yet given that this proposal had been introduced alongside other obvious antisemitic attempts to disenfranchise Jews in Germany, their underlying motives were nevertheless all

73. The most widely acclaimed work on this subject during the 1890s was I. A. Dembo's extensive study of numerous methods of slaughter. Dembo had traveled across Europe to interview different experts, and he had conducted his own research in the St. Petersburg abattoir. His ninety-four page research report offered the most detailed descriptions and tables depicting the specifics of each method to date. Shehitah was not any more cruel than other existing methods. His conclusions were widely publicized, and Dembo himself was invited by many organizations and agencies, including societies for public health and academic institutions, to report on his findings. Isaak Aleksandrovich Dembo, *Das Schächten im Vergleich mit anderen Schlachtmethoden, vom Standpunkte der Humanität und Hygiene* (Leipzig, 1894). See also, Friedrich Weichmann, *Das Schächten* (Leipzig, 1899).

74. For more descriptions and illustrations of these tools, see Oskar Schwarz, *Bau und Einrichtung öffentlicher Vieh- und Schlachthöfe* (Berlin, 1903), and also the essay by the slaughterhouse director of Stolp in Prussia, Dr. Schwartz, "Tierschutz und öffentliche Schlacht- und Viehhöfe" *Der Deutsche Tierfreund* 3 (May, 1899): 137–42.

75. Especially in the first decade of the twentieth century, a number of collections about the pros and cons of diverse methods of slaughter appeared so that soon testimony stood against testimony. The most influential among them were the 1902 collections of 578 testimonies by the Heidelberger animal protection society published by R. Mittermaier, *Das Schlachten geschildert und erläutert auf Grund zahlreicher neuerer Gutachten* (Heidelberg, 1902); Dr. von Schwartz, *Das betäubungslose Schächten der Israeliten* (Constance, 1905); and Dr. Tereg, *Gutachten betreffend das jüdisch-rituelle Schlachtverfahren*, 2 vols. (Berlin, 1911).

76. On the division and ultimate failure of antisemitic parties, see Richard Levy, *The Downfall of the Anti-Semitic Political Parties in Imperial Germany* (New Haven, 1975).

77. Printed in *Stenographischer Bericht*, vol. 167, 1893/94, Document no. 81, 523.

too clear.⁷⁸ Due to its clearly antisemitic connotations, the proposal was immediately rejected and never even reached the plenum of the Reichstag. Despite this obvious defeat, the anti-Semites frequently reintroduced the issue, in 1894, 1895, and 1898 only to meet rejection, but in 1899, the agenda actually proceeded to the Reichstag floor, where it was discussed on April 25th and again on May 9th.⁷⁹

At least rhetorically, the anti-Semites' proposal still focused on the question of cruelty, but the debate soon illustrated how the tenor surrounding slaughter reform had shifted away from animal protection to focus primarily on the question of Shehitah. Justifying his party's proposed law, the right-of-center German social reformer Georg Vielhaben opened the April 25th deliberation by calling for cultural progress, education, and a greater degree of compassion toward the weaker elements in society, namely the poor, the sick, and animals. Referring to the *Verband* as an embodiment of such growing compassion, Vielhaben maintained that significant advances had already been made with regard to training apprentices and developing new tools to ease the killing of livestock.⁸⁰ Nevertheless, the existing state of affairs was still far from acceptable, primarily because of the continued practice of Shehitah. Citing disjointed excerpts from the Bible and rabbinical texts, he argued that Shehitah was not a religious command, and he insisted that this practice be outlawed.

Other speakers from the anti-Shehitah lobby like Friedrich Bindewald, Max Hugo von Sonnenberg-Liebermann, and once again Otto Böckel, also rejected the reliability of testimonies of the scientific experts.⁸¹ Criticizing not only their alleged one-sidedness but also the general theoretical approach of scientists, the anti-Semites accused the experts of lacking practical knowledge and actual experience. In the heated discussion that ensued, many speakers of the other parties, most notably the Center Party politician Ernst Lieber, charged that the anti-Semites' rejection of the experts' testimonies was a mere indication of their malicious agitation against science which, according to Lieber, was totally unjustified given that a large percentage of these testimonies had been provided by slaughterhouse officials and practitioners of the trade.⁸² Lieber, alongside most of the other speakers, maintained that Shehitah was no more cruel than other existing methods.⁸³ The Social Democrat Wilhelm Liebknecht remarked,

78. For instance, directly preceding the anti-Shehitah law was a proposal to prohibit the immigration of Jews to Germany and to expel any who were not already German citizens, see *ibid.*, no. 80.

79. The deliberations are printed in *Stenographische Berichte über die Verhandlungen des Reichstages*, X. Legislaturperiode, 1. Session 1898/1900, vol. 118 (Berlin, 1900), 1911–36 and 2105–23.

80. To underscore this point, Vielhaben had put some of these apparatuses on display in front of the podium.

81. These debates offer a rare glimpse into how antisemitic rhetoric increasingly linked the project of science to Jewish interests.

82. *Stenographische Berichte über die Verhandlungen des Reichstages*. 2108B.

83. Supporting Lieber's exposition, the National Liberal Ernst Kruse stated that unless livestock

somewhat cynically, that if animal killing through Shehitah was considered cruel, how could human decapitations be accepted as a humane method for executions.⁸⁴

However, the debate hardly revolved around the question of pain and suffering. As Karl Schrader of the Freethinking Union stated, “anti-Semitism was the motivating force behind this proposal and whoever listened to today’s speeches will not doubt for a moment that it’s not only the interest in animal protection but also the fight against our fellow citizens of Jewish faith that has led to this proposal.”⁸⁵ According to many speakers, the anti-Semites had conjured up their proposal and their discussion about anti-Shehitah testimonies simply in order to veil their actual attack against Jews. They charged that the proposed law was hardly motivated by a genuine interest in animals, but rather by the mere desire to prohibit Shehitah and to infringe upon the rights of Jews. Several speakers, like Liebknecht, Lieber, and Eichhoff, asked why the anti-Semites did not rally against other forms of cruelty like hunting and vivisection, if they were really concerned about the treatment of animals. Naturally, the antisemitic speakers took offense at such accusations. Insisting that their motivations were based on the idea of humanity rather than antisemitic sentiments, Liebermann and Bindewald, in an all too well known line of argument, charged that any anti-semitic arguments were an invention of the press and left wing politicians like Liebknecht.⁸⁶ Liebermann and others continued to demand that Shehitah be outlawed in the name of civilization and societal progress because it was no longer a timely practice.

After two days of deliberation, the Conservative representative Eichhoff concluded that since the petitioners had not delivered sufficient proof, the state had no justification or reason to intervene in this practice. And even if the anti-Semites’ intentions to protect animals had been genuine, their focus on Shehitah had been totally misguided, not the least because high-ranking scientific authorities like Rudolf Virchow and Emil DuBois-Raymond had declared that Shehitah was not cruel.⁸⁷ Generally, most representatives from the Center, National Liberals, and Social Democrats seemed to agree that, “The emancipation of Jews is a historical and constitutional fact, we draw the consequences from this reality and we do not touch their religious practices.”⁸⁸ Already on the

was chloroformed or cocained, it was to be expected that they would experience pain during the moment of slaughter (2115A).

84. Kayserling had made a similar argument about the use of the guillotine in 1867.

85. *Stenographische Berichte über die Verhandlungen des Reichstages*. 2114A.

86. Indeed, Liebknecht had been the first explicitly to mention the term antisemitism in the debates (1925D).

87. Both of their testimonies were mentioned over and over even though their reports were actually the shortest and least revealing.

88. *Stenographische Berichte über die Verhandlungen des Reichstages*. 2106A.

first day of the deliberations, Christoph von Tiedemann of the German Reform Party had underscored that “everyone in the German Reich should be able to eat according to their preference.”⁸⁹ In contrast, the anti-Semites and especially Böckel and Bindewald, reiterated that Jews should not be entitled to special laws because such legal exemptions would enable them to form a state within the state. Testifying to the increasing entrenchment of the debate, the deliberations quickly unraveled, ending in accusations and verbal attacks. Clearly the issue had become a rhetorical battleground for political conflicts that had little to do with the protection of animals but much with the spread of antisemitism.

IV

The 1899 Reichstag debates, due to their antisemitic slant, had accomplished nothing but to discredit the cause of slaughter reform. In the 1880s, animal protection societies had initiated the debates about livestock killing, and they themselves had raised the issue of Shehitah. Inadvertently they had opened the arena for antisemitic voices, which is not to say that the *Verband* did not have its own antisemitic undercurrents, but it would be false to assume that antisemitism was their primary motive. For animal protectionists Shehitah was only one aspect among a number of concerns surrounding the slaughter of livestock. However by the 1890s, due to the inclusion of Shehitah in the anti-Semites’ political platform, the discourse about livestock stunning had turned into a single-minded debate about Shehitah, a fact that animal protectionists lamented.⁹⁰

The controversy over Shehitah had linked the debate about livestock stunning to the radicalization of antisemitic sentiments. This radicalization also took hold of the *Verband*, finding particular expression in the 1907 establishment of a special association for the promotion of humane slaughter. Its founder and president, the notorious Dr. Ramdohr of Leipzig, had published his aggravating pamphlets against Shehitah and Jews for years. Under his leadership this association quickly gained a militant antisemitic undertone.⁹¹ Membership was denied to anyone who was considered a “friend of Shehitah.”⁹² In itself this association had little influence, but the existence of such a suborganization did contribute to the growing identification of slaughter reform with antisemitism.

89. Ibid., 1921C.

90. One of them wrote, “there is a stream of writing for and against the method of Shehitah and one seems to be so caught up in this endless dispute that the rest of the slaughter question is practically forgotten.” *Anwalt der Tiere* 3 (November, 1908): 167.

91. By 1910, he had published thirty such pamphlets, a copy of which he always mailed to the Ministry of Interior.

92. This was a clear departure from the *Verband* mission statement that anyone independent of class, gender, or religious affiliation could join the association as long as they were devoted to the

At least politically, the question of stunning was irrevocably discredited. In the following years it did not appear on the Reichstag agenda except for a brief moment during the 1911 Reichstag deliberation about the revision of the animal protection law. During the Weimar Republic, it was discussed in a number of Landtage, but it did not reenter the national arena until 1933 when it returned with a vengeance.⁹³ Less than three months after Hitler's rise to power, a law stating that "all warm-blooded animals have to be stunned before being bled and slaughtered" was passed.⁹⁴ Even though Shehitah was not specifically mentioned, the law was aimed against this practice in particular. Arguably, this April 1933 measure marked the beginning of the legal persecution of German Jews. It remains to be investigated to what degree such legislation was a mere expression of Nazi ideology or if it mirrored a larger trend in animal protection. During the 1930s, several countries passed laws that required stunning and prohibited Shehitah. Norway had passed such a law in June 1929, Sweden in June 1937, Hungary in 1938, and Italy in October of the same year. In Poland, Shehitah had been somewhat restricted since February 1936, but was entirely outlawed after the German invasion in 1939. France followed in July, and the Netherlands in August of 1940.⁹⁵

The late nineteenth-century debates were not an endorsement of anti-semitism. To the contrary, they attested to the rejection of antisemitic sentiments in the Reichstag. None of the politicians sided with the anti-Semites, and one could even argue that the Shehitah debate contributed to the failure of political antisemitism because it exposed the single-minded ideology of the anti-Semites, who proved interested only in political agitation and anti-Jewish propaganda. The 1887 and even more so the 1899 deliberations testified to the, at least verbal, commitment of the Reichstag to religious freedom and Jewish emancipation. Of course this debate illuminated only the official perspective, telling us little about popular sentiments; hence it can certainly not be viewed as an apt representation of German society as a whole. As many historians have

cause of animal protection. In fact, the *Verband* distanced itself from this increasingly militant antisemitic suborganization as it had done with the radical antivivisection movement. See Andreas-Holger Maehle, "Anti-Vivisection in Nineteenth-Century Germany and Switzerland: Motives and Methods" in Rupke, *Vivisection in Historical Perspective*, 173.

93. When the Reichstag considered changes to the Reich penal code, cruelty against animals, alongside the mistreatment of children, was one of the crucial issues, and again Shehitah was the key point of contention.

94. The law also regulated which tools were to be used for this purpose. It explicitly endorsed the use of the *Schussmaske*, *Bolzenschussapparat*, and *Schlagholzmaske*, as well as electricity. The hammer, due to its limited reliability with large cattle, was only to be used for smaller animals. See "Gesetz über das Schlachten von Tieren vom 21. April 1933" reprinted in Cl. Griesse, *Das deutsche Tierschutzrecht* (Berlin, 1949), 156–61.

95. See Berman, *Shehitah*, 234–50.

pointed out, political and popular antisemitism operated as parallel rather than identical ideologies. The slaughter debates underscored that German antisemitism was not straightforward and simplistic, but rather a multivalent and complex phenomenon, not the least because it was constantly entangled in numerous layers of discourse. The slaughter debates opened a venue for antisemitism to infiltrate discourses about humanitarian values, compassion, science, tradition, and self-determination, but at the time, the antisemites failed miserably.

These debates offer us a glimpse at how ethics became part of and were exploited by a broad spectrum of political agendas ranging from the Center Party to the Social Democrats, the National Liberals, and the anti-Semites. It exposed an ethical quandary about a specific set of moral principles that shaped the character of the new German nation and modern society. In this case the main focus was freedom of religion, the independence of guilds, and the question of humanitarianism. The simple demand that all livestock should be stunned prior to slaughter had unwittingly instigated a controversy that laid open fundamental questions about the meaning of compassion and the *Kultur-nation*, the relationship between civil society and the state, as well as the role of science and technology in the facilitation of mass killing of animals. This debate attested to the growing recognition of the destructive side effects of mass production, and it illuminated how the meaning of cruelty, suffering, and the general course of modernization were contemplated by an increasingly politicized civil society that sought actively to shape state policy. The debate manifested how specific segments of civil society, in this case animal protection societies, Jewish communities, and butchers' organizations, mobilized politically in order to partake in the definition of morality and, in turn, how the state negotiated its responsibility and authority to regulate ethical concerns, especially those involving the killing of sentient creatures. Offering a rare and compelling perspective on a public discourse at whose heart stood questions of violence, killing, and death, livestock slaughter illustrated how claims about the advance of civilization needed to be justified in relation to the inevitable suffering and destruction that modern society generated and propelled to industrial proportions. This debate underscored how organized mass killing developed alongside a growing unease about the perpetration of violence and about the human capacity to inflict cruelty and pain.⁹⁶ This controversy offers another example

96. In his study of the everyday phenomenology of death, Meinhard Adler maintains that animal slaughter is one of the most telling examples to talk about violent killing. Butchering serves as his model to describe the modern strategies of objectifying and avoiding death. See his "Tod als Notwendigkeit, Töten als Alltäglichkeit" in *Tod und Sterben*, eds. Rolf Winau and Hans Peter Rosemeier (Berlin, 1984), 274. See also, Armin Massehi and Georg Weber. *Tod, Modernität und Gesellschaft: Entwurf einer Theorie der Todesverdrängung* (Opladen, 1989).

for how the practice of mass killing of animals became entrenched in the ambivalence of the modern project and how it has become an irrefutable component in everyday practice and its continuous (re)production.⁹⁷

UNIVERSITY OF CHICAGO

97. For a conceptual elaboration, see for example, Zygmunt Bauman, *Modernity and Ambivalence* (Cambridge, 1991); Anthony Giddens, *The Nation-State and Violence* (Berkeley, 1987); Daniel Pick, who actually includes slaughterhouses in his account *War Machine: The Rationalization of Slaughter* (New Haven, 1993); and Barry Smart, *Facing Modernity: Ambivalence, Reflexivity, and Morality* (London, 1999).