

# PLURALIST DEMOCRACY OR SCIENTISTIC MONOCRACY? DEBATING RITUAL SLAUGHTER

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*All animals are equal, but some animals are more equal than others.*

Aldous Huxley, *Animal Farm*

## Abstract

Many participants in the recent fierce debate on ritual slaughter in the Netherlands have understood this to be a conflict between religious and secular values, pitting religious freedom against animal welfare. The great variety in viewpoints among all groups involved, however – political parties, religious communities, scientists, the meat industry and engaged citizens – makes it impossible to describe any one standpoint as either religious or secular per se. Rather, the politicisation of this issue emerges out of politicisation of diversity in Dutch society more generally. Yet, another development is equally relevant: the growing, though still largely implicit, distinction being made between ‘involuntary’ minority identities based on biology (race, sex and sexuality) and ‘voluntary’ ones based on personal choice (religion and culture). This distinction is crucial for understanding the pressure being put today on the accommodation of religious difference when it is increasingly perceived as a form of voluntary difference from the norm. When this distinction between ‘congenital’ and ‘chosen’ minority difference is considered more closely, however, from the perspective of contemporary scientific research tracking religion in human neurology and evolution, it turns out to be largely untenable. Correspondingly, scientific expertise offers few, if any, solutions to the question of the place of religious truths in secular democracy, but only changes the terms under which they are politicised.

**Keywords:** Religion; politics; ritual slaughter; animal rights; secularism; Islam; minority rights

## 1 A Night in Parliament

On the night of 22 June 2011, the Dutch House of Representatives debated until 3:23 a.m. on the question of whether or not to ban the ritual slaughter of animals without stunning, as currently carried out by Jews and Muslims across much of the world. In the early morning hours, the bill to ban slaughter without prior anaesthetisation passed with 80% of the House of Representatives behind it. It included a subclause allowing religious communities to request an exception, if they could prove scientifically that ritually slaughtered animals killed without first being stunned would not suffer more than those slaughtered according to the regular procedure. The question of how this might be proven remained unclear. If the motion would now also pass the upper chamber of Parliament, it would become law, the first time that ritual slaughter would be banned in the Netherlands since the country’s occupation by German National Socialists during the Second World War.

Some months later, however, when the issue was debated in the Senate in December, the Labour Party (PvdA), the Liberals (VVD) and D66 (Democrats of ’66) – who had all supported the ban in the lower chamber – now rejected it, saying they found the proposed ban on ritual slaughter too ad hoc, symbolic, unfeasible and a disproportional infringement on religious freedom. In addition, a number of Senators found that in tackling ritual slaughter, the bill focused on a small problem at the expense of addressing the much bigger problem of how to improve animal welfare in regular slaughter practices. In other words, for many Senators, the problem of ritual slaughter was ‘the

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wrong problem' when it came to the issue of safeguarding animal welfare.<sup>1</sup> In response to this, the Minister of Agriculture, Henk Bleker (a Christian Democrat), sent a letter first to the Senate in December and subsequently to the House of Representatives in January 2012 proposing that instead of a legal ban on ritual slaughter, there instead should be a covenant – along well-established Dutch consociational lines – in which the different parties involved (the state, religious communities and slaughterhouses) would come to a formal agreement about ways to minimise the suffering of animals slaughtered without stunning.<sup>2</sup> The debate in the Senate could not be concluded, however, because the politician who had proposed the ban – Marianne Thieme, the leader of the Party for the Animals – unexpectedly needed to retire on early pregnancy leave. As it stands, a proposal to consider Minister Bleker's proposal in the House has also been rejected until the debate in the Senate is concluded after Representative Thieme returns to work in May 2012.

This initial vote in the Dutch House of Representatives was remarkable for three reasons: firstly, it marked a drastic shift in the position of the Labour and Liberal political parties who since the Second World War had always staunchly *supported* ritual slaughter against attempts by small conservative Christian and Far Right parties to prohibit it. At the same time, all the Christian-identified political parties, some of which in the past had supported bans on ritual slaughter, now *opposed* banning it.<sup>3</sup> Secondly, it marked the rise of a self-consciously secular majority in Dutch parliamentary politics, following the drastic reduction by half of the Christian Democratic Party during the last elections in 2010. Unlike the last time this happened, in 1994, however, the secular political parties today are extremely polarised between Right and Left. It was all the more striking, then, to see secular arch-enemies standing arm-in-arm as it were: the progressive Labour, Socialists and Green-Left (GroenLinks) parties uniting with the anti-Islamic Party for Freedom (PVV), the Liberals and D66, all against the religious parties (including orthodox, centrist and progressive). Bringing to mind for a moment the heyday of 'Purple' politics – from 1994 to 2002, when for the first time in nearly 80 years no religious party was included in the reigning coalition – this new alliance now sought to continue the trend of secularist legislation that had legalised abortion, euthanasia and gay marriage.<sup>4</sup> Unlike this earlier legislation, however, the ban on ritual slaughter would come at the expense of historical minorities (Jews and Muslims),<sup>5</sup> while

<sup>1</sup> This argument was first made by Senator Backer (D66) and then cited by other senators in the course of the debate. *Handelingen I 2011/12*, meeting 12, item 2, at 5-6. See also *Handelingen I 2011/12*, meeting 12, item 9.

<sup>2</sup> *Kamerstukken I 2011/12*, 31 571, nr. 1 and *Kamerstukken II 2011/12*, 31 571, nr. 21.

<sup>3</sup> For a concise overview of political parties' shifting position on ritual slaughter since the Second World War, see B. Wallet, 'Hoe voor- en tegenstanders van de rituele slacht van rol wisselden', *Trouw* (14 May 2011) <<http://www.trouw.nl/tr/nl/4328/Opinie/article/detail/2428624/2011/05/14/Hoe-voor-en-tegenstanders-van-de-rituele-slacht-van-rol-wisselden.dhtml>>. There is very little public information at this moment regarding why precisely the parties in the House of Representatives changed their stances. As will be discussed below, the discussion occurred just at the moment that the government was launching a new integration policy seeking to privilege Dutch culture as the country's leading culture, even as Geert Wilders was tremendously effective in shifting the terms of the public debates towards an emphasis on assimilation (or expulsion) of Muslim immigrants. Crucially, however, this vote split the ruling coalition, with the Christian Democrats voting against the ban, even as members of the opposition voted for it. At the same time, the parties voting for the ban on ritual slaughter ignored the explicit negative advice of crucial elements of their constituencies, leaving the parties themselves highly divided (see n. 6). Correspondingly, this shift in the voting pattern of parties seems to have been the result not only of the changing place of religion in Dutch society and politics, but also due to a highly contingent combination of circumstances and personalities, along with internal party politics, at that very particular moment.

<sup>4</sup> Quite strikingly, this parliamentary alliance between parties across the full spectrum from 'Left' to 'Right' – ranged against all the religious parties – enacts a strange return to the historical division of the Dutch parliament (until 1945) between secular 'Left', encompassing Liberals *and* Socialists, and religious 'Right'. In this sense, rather than marking an 'advance', the divide between religious and secular parties in the debate about ritual slaughter is a return to the Dutch 'past'. Crucially, the relative position of each is now inverted: where once Protestants and Catholics were dominant, now parties without a religious identity are in the majority. This divide is not absolute, however: the politicians within the 'secular' parties themselves have a range of beliefs and identities, including Christian, Jewish, and Muslim.

<sup>5</sup> While the Netherlands has incorporated Jews and Muslims for several centuries, their places in the Dutch republic, kingdom and historical empire have been very different. In the centuries that the Dutch

affirming a secular, techno-scientific norm. Where previous cutting-edge secularist legislation had nudged the post-Christian majority to become more inclusive, it now would demand of ethno-religious minorities that they submit to majority convictions and sensibilities.<sup>6</sup>

Last, but not least, this was the first significant success of the new Party for the Animals (Partij voor de Dieren), whose entry into the Dutch parliament is itself a first in world history. While animal welfare and animal rights are today highly mobilised and politicised issues across the world, nowhere else in the world is there a political Party for the Animals in parliament itself. Crucially, the leader of the party, Marianne Thieme, had been trying for years to generate enough support in Parliament for the prohibition of ritual slaughter, until now without success. So the critical shift here was generated not so much by the entry of the Party for the Animals into Parliament, but rather by Representative Thieme having a bit of good fortune: rather suddenly the major political parties found it in their interest to support her proposal, when previously they had ignored it. At the same time, there was highly emotional public interest, more extensive and more intense than for almost any other political issue that year. The attention this generated for the Party for the Animals not only brought extensive media visibility but legitimised the party's position of being the democratic representative of animals.<sup>7</sup> This party was strengthened measurably – many new members joined – and immeasurably in its political prestige.

## 2 De-Accommodating Religious Minorities

For many, if not most, commentators – academic, public and political – the conflict in this case has seemed to be one between religious and secular values and, more specifically, the question of on what basis and to what extent divergent religious communities are to be accommodated in secular Dutch society and legislation. This would explain the clear religious/secular divide within the House of Representatives. Yet, there are a

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laid claim to and controlled the Dutch East Indies, they governed the largest Muslim population in the world, making the Netherlands the world's largest Muslim empire. The current Muslim population in the Netherlands, however, arrived subsequent to decolonisation and consists primarily (though not exclusively) of immigrants from countries that were not colonised by the Dutch, especially Turkey and Morocco. Jews, by contrast, after immigrating from both eastern and southern Europe in different waves, lived for centuries 'within' the Netherlands, as currently defined, as well as travelling to the Dutch colonies as traders and settlers. While the Netherlands is deeply committed to remembering the Holocaust, when 90% of Dutch Jews were annihilated, Dutch colonialism and the encounter with the Muslim world are largely forgotten and in the popular imagination considered to be something located elsewhere, in the past, with little relevance for the present. In most cases, this has meant that Jews and Muslims have rarely had shared interests in the Netherlands during recent debates – a divergence reinforced by the influence of the Israel–Palestine conflict – so the attempt to abolish ritual slaughter marks one further significant moment when assertions of the backwardness of religious tradition have been rather suddenly applied with equal force to (orthodox) Jews as much as to Muslims.

<sup>6</sup> Although, in fact, it is not clear whether indeed it was the desire of the majority of the Dutch population that ritual slaughter be banned. The extensive public and political debate indicates that there is little if any consensus. At a number of party member meetings, the constituencies of the Labour Party and of D66 explicitly indicated they wanted their party leadership to reject the bill – suggestions that the party leadership ignored – and even among the Liberals (a secularist party of old), there was significant disagreement.

<sup>7</sup> By and large, the Party for the Animals does not present itself specifically as 'representing animals' but rather as a party that seeks to raise the issue of the need for better animal welfare and environmental policy. At the same time, the issues foregrounded by the party tend to focus on specific animals – e.g. artificially fattened chickens, circus animals, horse mackerel, seals, a captive stork named 'Freedom' – the cruel conditions of their lives and health and the necessity for ending such cruelty. Voters are encouraged to identify with the suffering animals that the party spotlights and/or to take these animals' interests as their own, as a means to getting voters to press for changes in policy. Similarly, during parliamentary debates, members of the party have explicitly argued that every animal life counts, a rhetoric that foregrounds the individualisation and personification of animals, while pushing the language of policy making to the background. Last but not least, the name 'Party for the Animals' contains within itself its own ambivalent double meaning, in which the distinction between a party representing animal interests and a party seeking policies better safeguarding the welfare of animals (while representing the interests of human voters) is elided.

number of important problems with framing the question in this way. The first, and most important, is that the issue in this case was not how to accommodate religious minorities – religious slaughter, after all, has been recognised by the Dutch government since it began to legislate slaughter more generally (except during the Second World War) – but rather about whether or not to *de-accommodate* religious minorities. That is, the question was whether or not to curtail state recognition of religious minorities and in this way *break* with Dutch pluralist tradition. Rather than the current form of governance that strives to incorporate all religions equally into the public domain while maintaining a separation of church and state, a new form of governance was implicated – most explicitly by the Party for the Animals, but supported by all the parties voting for the bill – in which religion is removed from the public domain, to make way for a techno-scientific framework for establishing one collective, national ‘truth regime’ and legislating social morality.<sup>8</sup> In the first instance, the abolition of ritual slaughter would only require invalidating orthodox Jewish and Muslim ‘truth’: that their forms of slaughter are equally or more conducive to animal welfare than are regular methods, based on science and modern industrial technology. This was effectively accomplished by passage of the bill in the House and then turned back by the Senate’s preliminary rejection of the bill. At the same time, however, the bill would have helped establish a more fundamental distinction between the truth of science and the falsity of religion in the public domain. As I will argue in the second half of this article, however, this opposition can be maintained only by deploying a dated and unscientific conception of religion. Once the most contemporary scientific understanding of religion is considered, then any simple opposition between science and religion is drastically compromised. Once this happens, negotiating the place of religion in society becomes once again a political problem rather than a matter of removing it from the public domain to make way for scientific governance.

### 3 Accommodating a New Minority

At the same time, the issue of abolishing ritual slaughter was also about how to accommodate a new minority: animals. First described as having ‘intrinsic value’ of their own in a Dutch government memorandum in 1981 – a conception subsequently taken over at the European level – the entry of the Party for the Animals into Parliament in 2006 took this idea to a new level by formally constituting animals as beings whose interests can be politically represented. In this sense, ‘animals’, already a legal category, are becoming a new sociopolitical category. The question is, what kind? Unlike existing legislation, the Party for the Animals does not distinguish between the different groups of animals it represents – farm animals, laboratory animals, companion animals, wildlife, protected and endangered species and so on – all of whom have quite different and distinct interests, but (implicitly) claims to speak for all animals. This is only possible, one could warrant, because animals cannot speak for themselves and so do not get into struggles, as do other minorities, about who can best represent their interests in the political domain. Yet, this leads to the strange situation that animals are represented by the very group that exploits them: humans. It is as if there were a women’s party

<sup>8</sup> The phrase ‘truth regime’ derives from an interview given by Michel Foucault in 1976. The phrase captures usefully the extent to which there is a politics to truth: that which counts as truth is not given but emerges out of contests between different subjects/groups/interests proposing different formulae for establishing, representing, and acting on that which becomes established as ‘true’. The process of separating what is true from what is false is deeply entangled with both particular ways of sanctioning what is true and false and of giving status to those speaking what is recognised as truth. In this sense, knowledge is never neutral, but social and political. Needless to say, this is a significantly different conception of knowledge than that embodied by the ‘scientific expert’ whose authority when advising the government, *e.g.* depends on his ability to satisfactorily establish his neutrality. From the perspective of truth regimes, this neutrality is always only apparent. M. Foucault, ‘Entretien avec Michel Foucault’, in *Dits et écrits, 1954–1988, vol. 3* (1977/1994), at 140-160; and ‘Truth and Power’, in J.B. Faubion (ed.), *Power* in Paul Rabinow (series ed.), *Essential Works of Foucault 1954–1984, vol. 3* (2000), at 111-133. See also, L. Weir, ‘The Concept of Truth Regime’, 33 *Canadian Journal of Sociology* 2, at 367-389 (2008).

represented by men or a gay party represented by heterosexuals.<sup>9</sup> This raises the question whether the Party for the Animals does not so much represent the interests of animals – who after all remain utterly incapable of understanding or ever participating in something called ‘politics’ – as much as the interests of humans who stake political claims, publicly identify and position *themselves* through their concern for animals.<sup>10</sup>

The point here is neither purely philosophical nor facetious: instead it emphasises the inherent complexity and challenge of democratic representation when those being represented are deeply affected by but unalterably outside the political system. The Party for the Animals is an attempt to bring animals into the system. This is particularly important because the religious minorities affected in this case – Jews and Muslims – do *not* have political representation as such: there are no Jewish or Muslim political parties in the Dutch parliament. Nor is there more generally a Party for Religious Minorities, much less a Party for the Religious (akin to the Party for the Animals). The question then is, lacking such a party, can the interests of Jews and Muslims today be represented adequately and, if so, by whom? Furthermore, how can a secular democratic system ensure that legislation affecting these unrepresented groups be just and equitable? And this brings us back to the question of religious minorities as historical minorities. For, in fact, while Jews have been long accommodated to various degrees by Dutch society and law, Muslims are a ‘new’ minority within the European (as opposed to imperial Asian, African and American) geopolitical boundaries of the Netherlands. To the extent that the debate about ritual slaughter has focused on halal slaughter, this is a crucial point. Can Muslims, specifically, be accommodated justly by the Dutch system while lacking both historical recognition and contemporary political representation as such?

#### 4 Pluralism or Monism?

Crucially, this is a different challenge and question than the one of how to legislate pluralism in secular democracy more generally. So while there exist highly subtle, thoughtful and productive analyses of how to organise pluralist democracies and how to accommodate religious minorities,<sup>11</sup> it is not clear that this is in fact the pre-eminent challenge at hand when it comes to the issue of ritual slaughter. More central is the fact that Dutch society and politics today is undecided about whether or not they even want to be pluralist, as this entails accommodating and adapting to Islam and to immigrants from the Third World. Few, if any, politicians today dare to speak positively about multiculturalism, which has officially been declared a ‘failure’. In its place, the official vision of the state is that Dutch culture is and must be the ‘leading culture’ of the Netherlands.<sup>12</sup> A structural contradiction here, however, is made explicit in the Memorandum on Integration (*Integratie, binding, burgerschap*) written by Minister

<sup>9</sup> The most radical in the animal rights movement advocate ending all forms of human possession and use of animals. Should this succeed, the result would be to ultimately end the need to represent animals. The position of the Party for the Animals is not this absolute, however, blending animal welfare and animal rights arguments.

<sup>10</sup> This is an important distinction, given how often throughout history the regulation of animal welfare has been entangled in quite other political projects, most often attempts to claim control of the public domain, to enhance a particular group’s social status and/or to improve the Netherlands’ image internationally. See in this regard especially the work of Karel Davids, including *Dieren en Nederlanders. Zeven eeuwen lief en leed* (1989); ‘De zondeval van de dierenbeul. Toelaatbaar en ontoelaatbaar gedrag tegenover dieren in Nederland vanaf de late middeleeuwen tot de twintigste eeuw’, in Marijke Gijswijt-Hofstra (ed.), *Een schijn van verdraagzaamheid. Afwijking en tolerantie in Nederland van de zestiende eeuw tot heden* (1989), at 237-262; and ‘Dierenbescherming in Nederland vanaf 1864’, 27 *Justitiële verkenningen* 9, at 10-22 (2001).

<sup>11</sup> See, e.g. the extensive work of Veit Bader, including his *Secularism or Democracy? Associational Governance of Religious Diversity* (2007); W. Connolly, *Why I Am Not a Secularist* (1999); and G.B. Levey and T. Modood (eds.), *Secularism, Religion and Multicultural Citizenship* (2009).

<sup>12</sup> Unfortunately, Dutch politicians have not been able to reach any consensus about what the key components of this culture are, even as government memoranda and policies continue to distinguish between ‘native Dutch’ and ‘non-Western’ citizens, based on the birthplace of their parents: one non-Western parent is technically enough to make any native-born child himself ‘non-Western’. A particularly good introduction to the unresolved contradictions of this new vision on Dutch cultural leadership is the debate

Donner in June 2011, 6 days before the final debate on ritual slaughter in the House.<sup>13</sup> While Dutch culture is privileged relative to immigrant cultures – immigrants are now officially called on to adapt themselves to this ‘leading culture’ – one of the pre-eminent characteristics of Dutch culture, in that same memorandum, is said to be its pluriformity. A crucial component of that pluriformity has been precisely its dynamic blend of religious and secular diversity. This is a blend that today is under pressure by, among other things, the yearning that it be distilled and solidified into one coherent, secular public culture to which all might pledge their allegiance.

Needless to say, to have the hope and expectation that one’s national culture may simultaneously (1) set the parameters for what we all have in common, while also (2) encompassing us in all our historical variety, while yet still (3) maintaining a distinction between such historical variety and the new variety that has come about through immigration, is a hope and expectation that goes far beyond the capacity of any given culture. Indeed, it is very much to be questioned whether something like ‘culture,’ which is fluid, mobile, contradictory, syncretic, adaptable, conservative and creative, can be put to work for the sake of social cohesion and continuity. To legislate culture, without transforming it into a state ideology, is impossible. Yet, for the moment there are many who have pinned their hopes on Dutch culture as the great equaliser and unifier and quite furious has been public anger when that conceit has been questioned, as it was with the WRR Report *Identificatie met Nederland*, brought out in 2007. It seems not unlikely, then, that much of the energetic public investment in the debate about ritual slaughter – highly disproportional relative to such slaughter’s insignificant role in the Dutch meat industry – derives out of the tensions produced by this irreconcilable set of overblown desires for ‘Dutch culture’ to solve for us the social and political challenges inherent in the multiethnic, multireligious and multinational society that the Netherlands has become today.

At the same time, highly relevant for the debate on ritual slaughter is the fact that the nature of (historical) Dutch pluriformity has been changing significantly in recent decades, through de-institutionalisation, individualisation and secularisation. In the domain of religion, specifically, we see on the one hand a landscape of increasingly empty churches and shrinking affiliations with historical religious institutions and life-worlds. Simultaneously, however, when we look close to the ground at the nature of Dutch religious beliefs, identities, spiritualities and ‘life principles’ [*levensovertuiging*], these remain highly fluid, complex and subtle.<sup>14</sup> Nonetheless, we see in public debates that the strict protection of religious freedom as a constitutional and fundamental human right is increasingly being questioned. There is today a significant difference in opinion regarding the nature of religion itself: is it a fundamental component of (some) human lives and social relations, embedded in and affecting people in their very being? Or is it something more comparable to a hobby, a club, an opinion, a style of dress that can be slipped on or off at will? Or is religion best conceived as rigid ideology and repressive social formation based on irrational, premodern values that are inherently incompatible with modern life? While these questions play out most fiercely with regard to Islam, they are, at the same time, strongly influencing the Dutch discussion on religion and its accommodation more generally.

## 5 Voluntary vs. Biological Minorities

Indeed, what we see is that with increasing frequency, religion is conceptualised as a choice, in distinction from other types of minorities whose condition is conceived as congenital and involuntary. A distinction is made between what we might call ‘natural’ or ‘biological’ minorities – those who are ‘born that way’ and cannot change their race, sex, sexuality or animality (condition of being born an animal) – and those we might call

in the Parliamentary Committee for Internal Affairs on 29 June 2011 regarding the *Annual Memorandum on Integration Policy 2007-2011: Be a Part of Society!*, see *Handelingen II* 2010/2011, 31 268, nr. 52.

<sup>13</sup> Nota ‘Integratie, binding en burgerschap’ van 16 juni 2011, Kamerstukken II 2010/11, 32 824, nr. 1.

<sup>14</sup> W.B.H.J. van de Donk, A.P. Jonkers, G.J. Kronjee and R.J.J. Plum (eds.), *Geloven in het publieke domein. Verkenningen van een dubbele transformatie* (2006).

‘cognitive’ or ‘voluntary’ minorities – those who ‘choose’ to think and act differently, to have a different religion or culture. In the case of involuntary minorities, their difference is inscribed in their bodies, skin, hair, breasts, genitals, physiology, neurons and DNA. In the case of voluntary minorities, by contrast, difference is intangible, fluid and changeable. They are not minorities despite themselves but out of belief, conviction, feeling, loyalty and decision. These apparently ‘voluntary’ minorities, it is often argued, should not have the same rights to recognition and protection as ‘involuntary’ minorities: if religious and cultural minorities *choose* to be different, why should they be mollicoddled, given exemptions from general laws, allowed to inconvenience society and to put pressure on social norms, political relations and existing legislation? Moreover, once there is a conflict between the rights of voluntary and involuntary minorities – as, for example, between orthodox religious communities and animals – the latter should invariably weigh more heavily. In contrast to the involuntary (biological) minorities, religious and cultural minorities (it is said) can adapt to the majority, if only they want to.

This distinction between biological/involuntary and cognitive/voluntary minorities is rarely, if ever, spelled out explicitly. It is rather a distillation of the assumptions sustaining a number of the debates, arguments and controversies of recent years with regard to the rights of religious minorities and the changing place of religion in the public domain. Precisely because it has not been named explicitly, the role it plays can be at once intangible and subtle, yet potent. When it is combined with an aversion to or ignorance about any particular religion or culture, then it begins to edge – and at moments falls fully – into discriminatory, undemocratic sensibilities and practices. In the rest of this article, it will be argued that this is precisely what happened in the course of the campaign by the Party for the Animals to ban ritual slaughter. While since the inception of modern democracy, one of the central concerns has been the question of how to prevent a ‘tyranny of the majority’, in recent years there has been in the Netherlands, among some segments of society and politics, a yearning for just that. The legislation proposed by the Party for the Animals – in its non-negotiable absoluteness and its moralistic scientism – both strives for and would enable this. This raises the question whether a secular majority is any different from any other democratic majority (*e.g.* a religious one). If increasing secularisation in the Netherlands means that increasing numbers of people have trouble conceiving of religion as little more than an opinion or an ideology – while also increasingly lacking direct, personal experience of religion – can such a secular society and its politics truly be tolerant and accommodating of religion? Will it not instead almost invariably seek to marginalise, suppress or eliminate it, unless itself disciplined by an explicitly pluralist framework?

## 6 The Anti-Halal Campaign

Beginning with its campaign in 2006 to eliminate the sale of halal meat in Albert Heijn grocery stores, the Party for the Animals has been extremely effective in generating media attention, intense public emotion and widespread involvement in the issue of ritual slaughter. From the moment that it ‘exposed’ the sale of halal meat at more than 40 Albert Heijn stores, thousands of people responded by writing to Albert Heijn itself; expressing their views on Internet forums, in blogs and in columns and entering into vigorous, passionate debates.<sup>15</sup> This was just at the moment that Geert Wilders was

<sup>15</sup> Albert Heijn itself has felt obliged to open a website dedicated to the topic of halal, explaining its basis in the Koran to its customers and outlining the policy and practices of Albert Heijn, <<https://www.ah.nl/klantenservice/veelgestelde vragen/albertheijn/article.jsp?trg=klantenservice/veelgestelde vragen/albertheijn/article.ah.halal>> (last visited 24 February 2012). The irony is that through the Party for the Animals’ campaign against ritual slaughter, hundreds of thousands of Dutch consumers have become aware of Islamic dietary practices, Islamic traditions and so forth. That is, in its attempt to eradicate ritual slaughter, the Party for the Animals has played a significant role in encouraging widespread interest in Dutch society in familiarising themselves with core aspects of Islamic tradition and practice. This is all the more striking, since roughly 80% of halal slaughter in the Netherlands makes use of (reversible) stunning (a figure given by the foundation Halal Correct and accepted within the parliamentary debate).

rising in the political landscape. Having left the Liberals to become an independent Representative, he was now translating this position into a much larger movement that was also highly successful at drawing media attention, notably through a fierce and insulting anti-Islam rhetoric. A few months later, during the national elections held that fall, Geert Wilders' new Freedom Party would enter Parliament for the first time, simultaneous with the Party for the Animals.

The Party for the Animals regularly mentioned in passing that it wanted to have nothing to do with xenophobia and cultural conflict. Yet, when we look at the ways in which it publicised its anti-halal campaign, striking overlaps become apparent with the language, concepts and logic of Geert Wilders. In late October 2006, the week after Albert Heijn announced that it was selling halal meat in 48 stores across the country with a significant Muslim customer base, the Party for the Animals went into action, launching a campaign to not only have Albert Heijn reverse its decision, but also claiming that significant amounts of meat sold by Albert Heijn as unlabelled ('regular') meat were surplus from halal butchers. According to a public letter by Marianne Thieme published at the time, a 'halal revolution' was taking place in Dutch slaughterhouses 'without consumers being aware of it'.<sup>16</sup> With the decision by Albert Heijn to sell halal meat, 'slaughter without anaesthetic has come one step closer to becoming the standard procedure'. More generally, recent changes in the law mean that now those with a business interest in ritual slaughter 'can ritually slaughter as much as their heart desires'. As a result, we have reached a point where

... as many as 10 imams simultaneously stand beside mechanical slaughter belts dedicating the meat to Allah, while the chickens are slaughtered by the thousands without anaesthetic.

Halal has become the new norm at many chicken and cattle farms, who want to feed the growing market of 1.5 million Muslims, develop an enormous export of halal meat to the whole world and sell the leftovers without distinguishing them from regular meat.

[...] Calf slaughterhouses in the 'Bible Belt' on the Veluwe, where neither owners nor employees normally want to have anything to do with Islamic influences, now take on imams without any problem whatsoever, in order to dedicate their veal to Allah.<sup>17</sup>

Thieme's campaign and language fit smoothly with Wilders' trope of the creeping, invisible Islamisation of the Netherlands. Like Wilders, she presents the accommodation of an Islamic practice as opening the door to its hegemonic imposition on all Dutch. When we consider the vast disparity between how many animals are actually slaughtered by halal methods and those subject to regular slaughter – less than 0.5% of 500 million<sup>18</sup> – it becomes clear that this is an utterly absurd argument. At the same time, Thieme here drastically exaggerates the numbers of Muslims living in the Netherlands by inflating the official statistic (just under 1 million) by 50%. Her strategic references to 'Allah' reinforce the sense of this being an alien and exotic practice that has no (normal) place in the Christian and post-Christian Dutch landscape: see, she says to prove her point, even the most orthodox Christians have capitulated!

Further on, Thieme enters into theological territory, calling halal slaughter an 'excessiveness of Muslim tradition' that 'creates a distorted image of what Islam as a

<sup>16</sup> M. Thieme, 'Halal dreigt nieuwe norm Nederlands vlees te worden', <<https://www.partijvoordedieren.nl/download/halalopinie.pdf>>. The website of the Party for the Animals does not have a date for this letter, but the earliest public appearance that I can trace is 28 October 2006 in the comments section of a blog on news related to the Dutch agrarian sector – see 'Ritueel slachten is niet zielig', <[http://landbouw.paginablog.nl/landbouw/2006/10/ritueel\\_slachten\\_niet\\_zielig.html](http://landbouw.paginablog.nl/landbouw/2006/10/ritueel_slachten_niet_zielig.html)> – 5 days after Thieme and her party launched the campaign against the sale of halal meat by Albert Heijn.

<sup>17</sup> Id.

<sup>18</sup> Foundation Halal Correct, 'De waarheid achter het ritueel slachten n.a.v. de misleidende beweringen van de PvdD' (14 April 2011), <[http://www.halalcorrect.com/publicatie/Reactie\\_Halal\\_Correct\\_PvdD.pdf](http://www.halalcorrect.com/publicatie/Reactie_Halal_Correct_PvdD.pdf)>. The statistics given by Halal Correct are based on findings by the PVE (the Dutch Product Boards for Livestock, Meat and Eggs Sectors), the foundation Wakker Dier and the VWA (the Netherlands Food and Consumer Product Safety Authority).



worldview has to say about the rights of animals'. She tells her readers that the rules of halal slaughter come primarily from tradition rather than the Koran and that Mohammed repeatedly prohibited cruelty to animals: 'shari'a speaks extensively about the rights of animals'. Thieme neglects to mention which authorities are her sources, as if shari'a were some simple text that anyone can leaf through and reference, rather than a highly complex, pluralistic tradition shaped by debate, deliberation and multiple schools of interpretation over many centuries. At the same time, the fact that Thieme does not mention some of the most important and more recent Islamic decisions on halal slaughter – notably by the Muslim World League,<sup>19</sup> the Egyptian Fatwa League<sup>20</sup> and the Malay (and New Zealand) governments – both important international exporters of halal meat<sup>21</sup> and both practising halal slaughter with the use of (reversible) stunning – suggests that she is deeply ignorant of actual developments in the Islamic world regarding ritual slaughter.<sup>22</sup>

Thieme concludes her letter by stating that it is 'sad to see how the differences between social groups are accentuated for economic reasons', even as some see the 'commotion around ritual slaughter as an opportunity to encourage xenophobic ideas'. She explicitly distances the Party for the Animals from such a view: 'precisely now, when commercial interests have gained control of [ritual slaughter] and religion plays a secondary role in its practice, there is every reason to intervene for ethical reasons'. Indeed, Thieme continues, 'Increasing numbers of Muslims are advocating a decreased consumption of animal products and the introduction of stunning during the slaughter process. This plea must be reinforced ...' Suddenly, from the beginning of the paragraph to its conclusion, Thieme's argument has undergone a striking reversal. If at the beginning, intervention was especially required because halal slaughter had been co-opted by a profit-hungry, immoral meat industry that has deprived it of most of its religious dimension, by the end

<sup>19</sup> The Muslim World League is a member of the United Nations, UNESCO and UNICEF. In January 1986, it held a joint meeting with the World Health Organization (WHO) and made the following official 'Recommendation' about pre-slaughter stunning (No. 3:1. WHO-EM/FOS/1-E, at 8): 'Pre-slaughter stunning by electric shock, if proven to lessen the animal's suffering, is lawful, provided that it is carried out with the weakest electric current that directly renders the animal unconscious, and that it neither leads to the animal's death nor renders its meat harmful to the consumer'. (Report of meeting of Joint Committee of the League of the Muslim World and the World Health Organisation at the Institute of Veterinary Medicine in West Berlin from 30 June to 3 July 1986, No. 3:1. WHO-EM/FOS/1-E, at 8).

<sup>20</sup> Egyptian Fatwa Committee, 18th December 1978: 'If the electro narcosis of the animal or any other anaesthetic procedure helps bleed the animal while weakening its resistance during the bleeding, and if this electro narcosis has no effect on its life (*i.e.* to say, if the animal comes back to normal life if the bleeding does not take place) it is allowed to resort to electro narcosis or any other similar type of anaesthetic procedure before the bleeding. The meat of the animal bled in that way is licit'. See *Al-fatawi al-islamiyyah min dar al-ifta al-masriyyah*, vol. 10, fatwa No. 1295, at 3548-3549. While this excerpt from the fatwa is widely cited across the English-language Internet, the only reference in a publication in a European language to the original Arab-language text that I could find is in an English translation of the originally French article by S.A. Aldeeb Abu-Sahlieh, 'Les minorités en Suisse: Cas des musulmans', *XVIIth Congress of the International Academy of Comparative Law*, Brisbane, Australia (July 2002), The Rights of Indigenous and Minority Peoples Section <<http://courseweb.edteched.uottawa.ca/IACLindigenousminorityrights/SwissReport.pdf>> (last visited 2 February 2012).

<sup>21</sup> Department of Islamic Development Malaysia, *Malaysian Protocol for the Halal Meat and Poultry Productions* (4 April 2011), Section 4.5.1 'Stunning', at 7-8. New Zealand has long been an exporter of halal meat to Malaysia (though disrupted by a recently settled 6-year disagreement between the two countries over aspects of halal slaughter), while in 2011 New Zealand's Agriculture and Forestry Ministry won the award for best service provider at the World Halal Forum. New Zealand's success, as in the case of all success within the global halal market, depends on effectively combining the most advanced methods of packaging, branding, advertising and networking with consistent supply chains and quality control. In other words, success within the global Islamic market requires a commitment not so much to Islam per se as to the most modern business methods capable of persuading customers across great distances to trust that products are what they say they are.

<sup>22</sup> The alternative interpretation – that Thieme is aware of these but neglects to mention them in order to strengthen her portrayal of halal slaughter as the product of age-old tradition impervious to modern, scientific thought and new technologies – the better to rally a Dutch constituency that knows even less than she does – would be a more Machiavellian reading. On the integration of halal slaughter with the newest technological apps in Malaysia, see S.N. Junaini and J. Abdullah, 'MyMobiHalal 2.0: Malaysian Mobile Halal Product Verification Using Camera Phone Barcode Scanning and MMS', *International Conference on Computer and Communication Engineering 2008* (Kuala Lumpur, 13-15 May 2008), at 528-532.

intervention entails lending support to Muslims who themselves are calling for the use of anaesthetic during slaughter. The halal slaughter, which just a few paragraphs earlier, was an excrescence of Islamic tradition, now instead needs to be reclaimed from the meat industry by ethical Muslims and their supporters.

Thieme here returns to an idea she launched earlier in the letter, namely that the cause of the growth of halal slaughter is that the meat industry is taking advantage of a change in law that has made it easier to choose this process. Similarly, she has argued that the only reason why orthodox Christian butchers might include such possibilities in their slaughterhouses is the lure of money:

What were once called ‘principles’ are sacrificed without problem at the altar of the economy. Not out of any increased appreciation for Islamic faith, but because it enables trade and an increase in profit because of the less strict rules of halal slaughter.<sup>23</sup>

As throughout much of the letter, Thieme’s argument here has the feel of convenience rather than fact. To suggest that Protestant butchers who incorporate halal slaughter into their business lack principles is a rather drastic accusation, not likely to persuade the butchers themselves to reconsider. Why or how halal slaughter might be cheaper is unclear. Halal slaughter, after all, has extensive rules regarding the restraining of animals during slaughter, the types and number of cuts used to kill an animal and so on. That is, though the rules themselves are different, it is as rule-bound – as ‘strict’ in Thieme’s framework – as regular slaughter. In a pattern that she repeats during the parliamentary debates, Thieme here imputes the worst to those who act differently from the way she would like: halal-friendly butchers are money-grubbing hypocrites.

Although certainly an attempt to distance itself from the xenophobic anti-Islamism of the Freedom Party, the rather illogical conclusion jars with the general Islam-critical tenor and title of the rest of the piece. The letter as a whole – a jittery mosaic of diverse arguments – shows Thieme searching for the right discursive and moral register. And it confirms that leading up to the parliamentary debates, she has been aware of the xenophobic elements of the anti-halal voices sweeping through the Netherlands.<sup>24</sup> This is not a sufficient incentive, however, to change her argument or her approach. Indeed by late 2011, when making her arguments in Parliament, all mention of commercial interests have fallen by the wayside. Most likely this is both because the meat industry failed to mobilise in any significant fashion on behalf of halal slaughter, even as cruel and illegal conditions in the meat industry fail to rally voters, politicians and the media with the same comprehensive intensity as the issue of religious slaughter does.<sup>25</sup> Ritual slaughter has become a national issue, while conditions in the meat industry more generally, despite their much greater scope, remain a special interest. So it is the religious nature of ritual slaughter, particularly in its Islamic variant, that enables

<sup>23</sup> Thieme, above n.16.

<sup>24</sup> For typical elaborations on Thieme’s argument following the launch of her party’s campaign against the sale of halal meat, which reinforce the anti-Islamic, anti-immigrant tone, see the column by Gerry van der List, ‘De halalisering van Holland’, on the website of the well-known magazine *Elsevier* (25 October 2006) <<http://www.elsevier.nl/web/Opinie/Commentaren/97324/De-halalisering-van-Holland.htm>> and the article – including an exchange of letters with Albert Heijn – placed by Joost Niemoller on a site hospitable to people who explicitly identify with the PVV, *De dagelijkse standaard*, ‘Bij Albert Heijn veel meer halal dan u denkt’, (16 December 2010) <<http://www.dagelijksestandaard.nl/2010/12/bij-albert-heijn-is-veel-meer-halal-dan-u-denkt/>>.

<sup>25</sup> See, e.g. the parliamentary discussion of the budget for the Ministry of Economic Affairs, Agriculture and Innovation held in November 2010. Here Representative Thieme quite firmly expresses her impatience with the fact that laws passed and agreements made regarding the welfare of animals in the meat industry continue to be violated for years on end without serious consequences. Farmers still chop off the tails of pigs and the beaks of chickens even though the former has now been illegal for 14 years, while more than 10 years earlier, agreements were made with chicken farmers to end the latter, but chicken farmers have yet to stop the practice. Given the size of the pig and poultry industries, the actual amount of suffering these practices cause pigs and chickens must be huge. Yet, any visible social or political unrest, much less mobilisation and heated public debate about them, remains completely absent. *Handelingen II* 2010/2011, nr. 26, at 66-128.

the issue of animal welfare to suddenly feel much more ‘immediate’ and of particular, personal concern to many Dutch, while the suffering of animals more generally does not.

## 7 Religion vs. Science?

The Party for the Animals remained responsive to this. In late 2010, the week before their proposed bill was to be debated for the first time in Parliament, they screened a film in the House combining undercover film clips of ritual slaughter with statements by scientists critical of ritual slaughter. The images of dying animals shown are graphic and visceral, sure to disturb, perhaps even overwhelm, the viewer. The rational commentary and criticism of the scientists stands in sharp contrast to these images of violence.<sup>26</sup> Throughout the ensuing debates in the House, Representative Thieme and other members of the Party for the Animals would continue to juxtapose and press this contrast between (harmful) religion and (rational) science. Sustained by the absolute conviction that ritual slaughter ‘is literally not of this time’<sup>27</sup> and that the scientific evidence is incontrovertible, the stance of the Party was absolute and non-negotiable. A proposal from the Representative Dijkgraaf (Orthodox Protestant Party (SGP)) that would have eliminated 99.5% of current ritual slaughter without stunning in the Netherlands was still unacceptable to the Party for the Animals: every single animal that suffers is one too many Thieme emphasised at different times: ‘everyone should be equal before the law ... for an animal in the Netherlands it should not make any difference what the religion of the butcher is, whether he’s Jewish, Islamic, Christian or secular’.<sup>28</sup> The imperative that no animal be harmed through ritual slaughter was absolute: the imperative that religious freedom is a human right was relative.

Time and again during the debate in the House, the representatives of the Party for the Animals were probed regarding their concern with taking the interests of religious minorities into account. In fact, the Party for the Animals showed little, if any, concern with engaging the difficult question of how best to safeguard freedom of religion as a human right. As far as the party’s arguments were concerned, freedom of religion was a non-issue relative to animal suffering. Thieme’s motto, repeated through the years, was repeated here too: the rights of religious freedom end when religion harms another. Thieme here speaks without making a distinction between human and animal subjects. At the same time, Representative Thieme argues that the prohibition on ritual slaughter would only marginally affect the freedom of religion.<sup>29</sup> In order to make this point, she presents the purpose of religious slaughter as being primarily hygienic and animal friendly: to drain the slaughtered animal quickly and efficiently of blood, while safeguarding its welfare as much as possible. What utterly disappears in this account is the theological significance of slaughter as an expression and enactment of the relation of the human to the divine, the divine imperative to respect life and so forth. Correspondingly, the

<sup>26</sup> For a number of commentators the film brings to mind Wilder’s earlier controversial film *Fitna* (which likewise consisted of a montage of violent images combined with highly rational, cool statistics, the better to reach and persuade its audience of the dangers of Islam and Muslim immigrants). According to the website of the foundation Halal Correct (whose main task is halal quality control and certification), the name of the anti-ritual slaughter film when it was shown in the House was ‘Fitna Animal’ at the time of its screening: see ‘De waarheid achter het ritueel slachten n.a.v. de misleidende beweringen van de PvdD’ (14 April 2011), <[http://www.halalcorrect.com/publicatie/Reactie\\_Halal\\_Correct\\_PvdD.pdf](http://www.halalcorrect.com/publicatie/Reactie_Halal_Correct_PvdD.pdf)>. If this is correct, the significance of this title in relation to the use of other aspects of Wilder’s style by the Party for the Animals is remarkable. There is, however, no further trace of this title to be found either on the Internet or in the Dutch newspaper archives. For others, the film recalled the images from Jewish slaughterhouses used in the Nazi film *Der ewige Jude* to persuade its audience of the barbarity of Jews. As was many times pointed out, there is a long history of a close relationship between anti-Semitism and the prohibition or repudiation of ritual slaughter. Central as this is to the issue as a whole, I cannot address it here, owing to constraints of space.

<sup>27</sup> Representative Thieme, *Handelingen II* 2011/12, 31 571, item 16, at 137.

<sup>28</sup> Id., item 2, at 7.

<sup>29</sup> Id., item 2, at 12, 15.

only way in which Representative Thieme could essentially understand the continued resistance of religious communities to her bill was by imagining that it was a matter not so much of religious freedom as of their ego being hurt:

At the same time – I find it very important to make this clear – I really do understand that it affects people deeply. If for more than 3,000 years you have been of the opinion that you are doing the very best that can be done for animals, your surroundings, your fellow man and yourself, and you are [then] confronted with scientific reports that make clear that you’ve actually acted wrongly, then that’s terrible to find out.<sup>30</sup>

In other words, Representative Thieme can only conceive of the resistance and distress of the religious community as being the result of their coming to terms with how right she is. This trope – the shock of the religious believer in the face of scientific truth – is, however, strikingly clichéd, dated and utterly tone deaf to the sensibilities, concerns and convictions of those disagreeing with her from a religious standpoint, whether Jewish, Muslim or Christian. Some of these interlocutors repeatedly emphasised their sense that there need be little conflict between religion and science, a point she consistently ignored.<sup>31</sup>

## 8 The Science of Religion

Correspondingly, to many commentators the issue of ritual slaughter has seemed like an extension or variation on the conflict between religion and secularism, in which religious truth based on divine revelation and social tradition is in conflict with scientific truth based on empirical research. The notion that this is what was at stake in the debate on ritual slaughter is deeply misleading, however. While scientific and religious traditions for establishing what is ‘true’ vary significantly on certain points (notably the relevance or irrelevance of divine revelation), this has not prevented extensive scientific research on religion. Originally this research was primarily historical, sociological and anthropological, but the technological innovations of the last decades have also enabled research on the biology and physiology of religion: the ways in which religion is (possibly) a product of human evolution,<sup>32</sup> religion’s measurable physiology in the human body and its transformation of the human brain.<sup>33</sup> That is to say, the same

<sup>30</sup> Id., item 16, at 141.

<sup>31</sup> See, in particular, the exchanges between Representative Thieme and Representative Wiegman-van Meppelen Scheppink (Christen Unie), *Handelingen II* 2011/12, 31 571, item 16, at 140. Representatives from other religious parties also at various moments qualify or express their scepticism towards Representative Thieme’s conception of religion in relation to science. This point is all the more striking, given the recent controversy that erupted when it was made public that Marianne Thieme had recently become a Seventh Day Adventist. Some of her most prominent public backers felt deeply misled when they discovered her religious convictions. This adds a further layer of complexity to the whole issue that unfortunately cannot be addressed here for lack of space. My thanks to Peter Geschiere for pointing this out. See, among others, M. ‘t Hart, ‘De zondeval van Marianne Thieme’, <[www.nrc.nl/opinie/article1786905.ece/De\\_zondeval\\_van\\_Thieme](http://www.nrc.nl/opinie/article1786905.ece/De_zondeval_van_Thieme)> (last visited 10 February 2012).

<sup>32</sup> For a variety of approaches to this topic, see N. Wade, *The Faith Instinct: How Religion Evolves and Why It Endures* (2009); R.N. Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (2011), especially Ch. 2 ‘Religion and Evolution’, at 44-116; R. Wright, *The Evolution of God* (2009); D.S. Wilson, *Darwin’s Cathedral: Evolution, Religion and the Nature of Society* (2003); T. Deacon and T. Cashman, ‘The Role of Symbolic Capacity in the Origin of Religion’, 3 *Journal for the Study of Religion, Nature and Culture*, at 490-517 (2009); P. Boyer, *Religion Explained: The Evolutionary Origins of Religious Thought* (2001); S. Atran, *In Gods We Trust: The Evolutionary Landscape of Religion* (2002); and D.H. Hamer, *The God Gene: How Faith Is Hardwired into Our Genes* (2004). See also M. Midgley, *Evolution as a Religion* (1985/2006) for a subtle discussion of the overlap between religious and evolutionary thought.

<sup>33</sup> For an accessible discussion, see the Pew Forum ‘How Our Brains Are Wired for Belief’ (5 May 2008) in which Andrew Newberg, a radiologist at the University of Pennsylvania, shows brain scans correlated with different forms of religious activity, <<http://www.pewforum.org/Science-and-Bioethics/How-Our-Brains-are-Wired-for-Belief.aspx>>. For a more wide-ranging discussion, see the extended Pew Forum ‘Religion and Science: Conflict or Harmony?’ held 1 year later (4 May 2009) <<http://www.pewforum.org/Science-and-Bioethics/Religion-and-Science-Conflict-or-Harmony.aspx#7>>.

technology that allows scientists today to measure animal suffering with ever greater precision is also allowing scientists to measure the biology and physiology of human religion with ever greater precision.

While the research results of the former were extensively drawn upon and discussed during the parliamentary debate, the research results of the latter were completely absent. This is quite understandable in terms of how historically and by convention today politicians and Dutch society more generally are used to understanding religion as a matter of belief that is translated into particular practices and rules for living. From within the framework of a scientific worldview, however, which by necessity must take recent neurological, radiological and evolutionary science seriously, this conception of religion can only be considered fundamentally dated. Correspondingly, the recurring juxtaposition of religion as first and foremost a tradition, an opinion, or a deep moral sensibility in contrast to animal slaughter as a physical process is by definition not only unscientific but also highly ideological. From within the framework of science itself religion is as deeply biological and empirically measurable as is animal physiology: religion is as 'true' (*i.e.* empirically measurable) as is the body of an animal.<sup>34</sup>

## 9 Are Religious Minorities 'Biological' Minorities After All?

It may seem that this issue is relatively far removed from the question of how to accommodate religious minorities in secular democracies. In fact, it is central – or at least, this issue is made central – the moment that the ultimate measure for establishing truth and framing our deliberations on just law becomes empirical science. If science becomes the empirical base for establishing moral truth – as it did in this case – then it is bad reasoning and bad politics to take into account the biology of animal suffering without taking seriously the biology of human religion. Certainly, from a religious point of view, this argument goes against deeply ingrained religious conventions for considering religion as divine revelation, embodied in canonical texts, traditions, practices and relations. At the same time, it goes against just as deeply ingrained secularist conventions for considering religion as a product of purely social relations, a human invention, even a figment of the human imagination. In both cases, much of this view of religion is in fact one inherited from the 19th century and, as such, deeply behind the (scientific) times. The consequence, however, of taking this research into account is quite significant. Most importantly, one could imagine that it would make it possible to argue that religious believers are as much 'congenital' or 'biological' or 'involuntary' minorities as are racial, gendered and sexual minorities. At the same time, it raises the possibility that infringement on existing religious freedoms and religious practices, as these are tied to religious sensibilities deeply embedded in human brains, bodies and even DNA, can be not just emotionally unsettling but disruptive of religious lives in fundamental biological ways. As far as I know, this has not yet been researched. Yet, given the significant truth value assigned to the embodiment of difference and to physical suffering in cases that require weighing conflicting rights and given the argument that scientific evidence is a crucial measure of both difference and suffering (as it was here), then under such conditions the legislative and political process would seem to require that the physicality of religion must also be taken into account.

Crucially, such a 'scientific' approach recognising that religion is as much a physiological process as are animal pain and fear, does not *resolve* the issue of how to balance religious freedom and animal welfare. What it does do is even the playing field. Rather than religion being seen as first and foremost a belief, an opinion, a cultural inheritance or an ideology – a kind of mental accessory – in contrast to the fundamental, actual and true suffering of animals, religion *as physical experience* is framed as equally fundamental and true from the perspective of science. Once that is the case, no one party

<sup>34</sup> At the same time, of course, certain assertions of the inherent value of animal life and welfare can become deeply 'religious' in their formulations of the intimate continuity between human and animal life, even as quite often these perceptions are informed by the sensibilities and values of diverse religious and spiritual traditions.

would have either moral or biological truth solely on their side and it would become necessary once again for all sides to negotiate in order for an equitable solution to be realised. Notably, none of the political parties have attempted this: the notion that religion is first and foremost a matter of belief and tradition is too strong, even as for the religious parties the possibility that religion may originate in biology rather than divine revelation could be highly problematic, at least initially.<sup>35</sup>

## 10 In Conclusion: a Quick Look across the Border

Even as new technology, liberalisation and immigration are visibly transforming Dutch society before our very eyes, the institutions, categories and political processes that we have derived from other times and other challenges. What are church-state relations when ‘church’ no longer has the social, emotional and political centrality it once did or does not exist for religious communities such as Muslims, Hindus and Buddhists? How can we rethink the place of religion in society and politics if religion turns out to be less a matter of faith and more a matter of genes and evolution? And how do the politics of secularism change once secularism becomes hegemonic? This article has only been able to touch on these issues in the interest of reframing the debate on ritual slaughter. Rather than – or more than – a conflict between religious and secular values, or between religious and animal rights, it foregrounds the tension in the Netherlands between responding to contemporary challenges through a pluralist or a monist framework. Certainly the monism proposed until now – with Dutch culture as ‘leading culture’ and science as pre-eminent framework for truth – would appear to offer the possibility of coherence and unity. Yet, as they stand, both are too superficial to clear the tasks given them: Dutch culture is too variegated and indistinct to serve as an unifying centre, and science raises as many problems as it solves *once it is applied consistently*. As a particular method of truth finding, science itself has no social and political values and can be made to serve all interests, positions and projects.<sup>36</sup> So, in closing, I would like to briefly mention instead an alternative from our neighbours next door: the German Greens.<sup>37</sup>

The German Greens emerged simultaneously with the very visible politicisation of the issue of religious slaughter in Germany in the 1980s.<sup>38</sup> Beginning from a position opposed to religious slaughter, but highly conscious of the anti-Semitic, racist overtones and xenophobic rhetoric in which it was implicated, they took their time coming to a formal position. Both from animal welfare groups outside the party and from individuals and working groups inside, there was pressure to take a stand against religious slaughter. As in the Netherlands today, there were those in Germany then who argued that it was necessary to achieve cultural homogeneity and that those immigrants who hoped to integrate needed to renounce foreign traditions at odds with modern German ethical norms. Others argued from the position of animal rights themselves.

<sup>35</sup> The notion of religious minorities using biological arguments to gain credence, social recognition and political capital is not as far-fetched as it might seem: this would only be to follow in the footsteps of gay rights movements which have often argued that homosexuality is a matter of biology rather than choice or morality, precisely in order to both naturalise homosexuality and make successful claims to accommodation.

<sup>36</sup> This is the fundamental issue Zygmunt Bauman asks us to grapple with in his *Modernity and the Holocaust* (1989): that the Holocaust was not a failure of modernity, but a product of modern science, technology and bureaucracy.

<sup>37</sup> A second alternative, which would take us too far afield to consider here, concerns a proposal by the well-known American jurists Cass Sunstein and Jeff Leslie. They argue that the most pressing problem today are not the differences between moral communities but rather the vast gap between the values people hold – virtually all of whom would like to limit animal suffering – and their possibility for acting on these values, because existing markets do not disclose the relevant treatment of animals. Correspondingly, they propose a ‘regime of disclosure’ – clearly labelling all food according to how the animals used to produce it were treated – that would enable consumers to choose what kind of animal treatment they do and do not support. No consensus would be reached, but people as a whole would be able much more effectively to act on their moral beliefs than they can today. ‘Animal Rights without Controversy’, 70 *Law and Contemporary Problems*, at 117-138 (2007).

<sup>38</sup> This account is based on the excellent article by D. Smith, ‘“Cruelty of the Worst Kind”: Religious Slaughter, Xenophobia, and the German Greens’, 40 *Central European History*, at 89-115 (2007).

And as in the Netherlands, the issue of animal suffering was an issue with tremendous public resonance. Significantly, however, the German Greens were concerned not only with environmental issues, but also with issues of immigration and democracy. In fact, they have been the only political party to consistently push for direct and easy extension of citizenship to foreigners. This was ultimately decisive in shaping their decision in 1990 not to support attempts to ban ritual slaughter: 'we do not wish to force anyone to live like us'. In 2002, when ritual slaughter was once again permitted in Germany, they reaffirmed their commitment to this position.

More important than the particular position that the German Greens took are three points: firstly, they took the necessary time – nearly a decade – to think and work through the issue before coming to a definitive standpoint. Correspondingly, their position was based on extensive knowledge, reflection, internal and external debate rather than on the reactive and opportunistic imperatives of parliamentary politics. Secondly, from the beginning they took seriously the long history and current entanglement of popular opposition to ritual slaughter with ideologies of xenophobia, anti-Islamism and anti-Semitism. Rather than simply repudiating any association with these – while at moments taking on some of their rhetorical style and discourse – the German Greens seriously addressed the consequences of this entanglement. Thirdly, this led them to take up an anti-hegemonic, pluralist position that rejected the possibility and ideal of imposing their way of life on others, even after the German *Leitkultur* debate exploded in the late 1990s. As such, the German Greens offer a critical contrast to the Party for the Animals, which in privileging the interests of animals (as they conceive them) above all else have been willing to flirt with an Islamophobic politics that here follows in the footsteps of modern anti-Semitism while seeking to impose their way of life on others unconvinced of its merits but lacking the democratic representation to challenge the Party for the Animals effectively.