

## **Culture and Freedom of Religion: Interrogating Animal Rights**

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### **ABSTRACT**

*When religious freedom and animal interests do clash many people believes that humans have a strong interest being free to practise their religion. Hence, this work interrogates the problem of animals rights within culture and freedom of religious expression. This work evaluated whether the human interest in freedom of religion trumps animals' interests in avoiding pain and in being killed. This acknowledges that only some few religions actually require their followers to harm animals. Thus, the animal rights advocacy of this work only has the potential to impinge upon religious freedom on a very rare number of occasions. However, for those religious practices that encourages harming of animals, this work argues that the interest in religion cannot be regarded as 'special', meriting priority over any other competing interest. Nor can the goal of equalising individuals' opportunity to pursue their conception of the good take priority over all other claims. Just as we would not let humans suffer intolerably in the name of religion or equal opportunity, nor should we let animals. And just as we would not let human infants be killed in the name of religion or equal opportunity, nor should we let animals.*

**Keywords:** Religion; Animal Rights; Culture; Freedom of Religion.

### **INTRODUCTION**

Some cultural groups have claimed that they should be allowed to continue with their traditional practices, even when it appears that such practices cause harm to animals, and even when such practices violate the country's animal welfare legislation. Several of such claims have been made in recent years. For instance, fox-hunters in the UK have claimed that a ban on fox-hunting is an attack on the rural way of life (Prato 2005). Native peoples in North America, Greenland and Russia have argued that bans on hunting whales threaten their very existence (Curchin 2018). Jewish and Muslim groups in several states claim that legislation requiring the stunning of farm animals prior to slaughter violates their religious freedom. Representatives of the Santeria religion have gone to the Supreme Court in the USA arguing that state legislation banning animal sacrifice prevents them from following the traditions of their faith. Advocates of bullfighting in Spain have claimed that attempts to reform the practice to make it more humane involve importing, "Anglo-Saxon prejudices" (Casal 2020). All such calls have been controversial and have been opposed by animal welfare groups. Moreover, and interestingly, these cultural claims have achieved markedly different levels of success. For example, on the one hand, Jewish and Muslim communities are exempted from UK law which requires animals to be stunned in order that they are rendered unconscious before they are slaughtered. This is because:

*The Government is committed to respect for the rights of religious groups and accepts that an insistence on a pre-cut or immediate post-cut stun would not becompatible with the requirements of religious slaughter by Jewish and Muslim groups (Cochrane 2012, p. 182).*

On the other hand, the UK government has not seen fit to overturn or allow exemptions to recent legislation on banning hunting with dogs, despite hunters' claims that it is a traditional cultural practice. In fact, in direct response to such claims DEFRA publicly

states that, “There is no right to be cruel” (Pannick 1982, p. 162). Perhaps the UK government’s differing reactions to these two issues is based on there being a relevant difference between the two types of claim. After all, cultural groups usually assert one of three quite different types of argument when making their case. The first type of argument is the one often made by fox-hunters: quite simply, the human interest in culture trumps the interests of animals. For it might be argued that what is at stake here is something more than the therapeutic benefits garnered by animal experimentation, the pleasures of the palate offered by animal agriculture, or the amusement we gain from using animals in entertainment. Rather, the very integrity and survival of a cultural group is in question. Given this, it might be claimed that animal rights not to be killed and not to be made to suffer are not grounded in the context of culture, because the rival human interests are so strong and pressing.

The second type of claim made by cultural groups invokes religion, and this is clearly the type of argument made by Jewish and Islamic groups regarding animal slaughter. In these claims, groups argue that treating animals in certain ways and using them for certain purposes is integral to their religion. Thus to prevent such treatment or to restrict such uses is effectively to undermine the ability of religious believers to practise their faith. As in the case of culture above, it might well be argued that the human interest in freedom of religion trumps the interests of animals, thus negating the ascription of animal rights in this context. A final type of claim made by some cultural groups is that it is illegitimate to judge one culture’s practices by a different culture’s ethical standard. In short, some groups claim that so-called Western standards of animal welfare and rights simply do not apply to them.

In this work, we will not discuss this latter type of claim, for it assumes that ethical standards are relative to the culture in which they are formed. We regard such cultural relativism to be mistaken, and believe that some ethical standards can be applied universally. Unfortunately, given the limits of this paper, this rejection of relativism will have to remain as an assumption. So we are left then with the possibility that the human interests in culture and freedom of religion should take precedence over the interests of animals. In this work, we will argue that while the human interests in culture and religious freedom are strong, they do not automatically trump the pressing interests of animals: animal rights are still grounded in the context of cultural practices. Moreover, throughout this work we argue that it is a mistake to overestimate the conflict between animals’ rights and the human interests in culture and religion. For abiding by the rights theory outlined in this thesis will not lead to the destruction of vast numbers of cultures, nor will it prevent significant numbers of people from practising their faith.

## **THE INTEREST IN CULTURE**

This work holds the view that animals have strong interests of not being killed and not being made to suffer, and these ground moral rights when those interests are sufficient to impose duties on others. As we have noted above, it might be claimed that in the context of culture, these animal interests are insufficient to ground rights. In other words, it could be claimed that the human interest in culture trumps the interests of animals. In this section we assess just such a claim. Virtually every philosopher who has addressed the topic of culture acknowledges that living within a cultural context is of great importance to the well-being of individuals. Clearly, humans are social animals and culture provides a context within which they can flourish: humans can pursue projects, plans and ideals that would never be available to them in isolation (Udoudom 2021; Ravikanth 2021). For

example, this very project of outlining our moral obligations to nonhumans depends very much on a culture in which intellectual endeavour and ethical debate is valued and supported. In this way, my culture increases my well-being by helping me pursue and realise a project of mine.

However, it is not just the support that culture offers to one's personal plans that contributes to well-being; individuals also often take great satisfaction from living by the communal norms of their culture. Thus, religious believers benefit from being able to worship with individuals who share their faith, ethnic communities benefit from performing customs that celebrate their shared heritage, individuals within nation-states benefit from the taking part in the joint support of a national sporting team, and so on. Clearly then, these communal cultural practices make an important contribution to the well-being of human individuals. And this is no doubt true for those cultural practices that involve the use of animals. But are such practices permissible?

Animals have no fundamental interest in liberty and thus have no interest in not being used for certain purposes. Thus, if a cultural practice involves the use of an animal, and that use does not cause that animal pain or death, then that practice is permissible. So, if a cultural group claims that racing pigeons, riding horses, using dogs to pull sleighs, and so on are traditional practices of theirs, such uses of animals are permissible so long as they do not cause the animals to suffer, and do not result in their death. However, what about those cultural practices that do cause harm to animals? In the first instance, we wish to claim that the interest that an individual has in performing a cultural practice does not serve as an absolute trump that always takes priority over any competing interest. For example, imagine a cultural group claiming that a practice of theirs is 'honour killing', where women are murdered for supposedly bringing shame on their family. No sensible person would suggest that the group's interest in performing honour killings should take priority over the interests of the potential victims in continued life. That is to say, surely we can all agree that in this instance the potential victim's interest in continued life trumps the perpetrators' interest in performing the cultural practice. However, perhaps this conclusion is more controversial than we are making out. Chandran Kukathas, for example, has argued that freedom of association is of such value to humans that groups who have freely associated should be left to run their affairs and conduct their practices with the minimum restriction (Dursun & Mankolli 2021). Indeed, in one paper, he argues that these restrictions should be so minimal that:

*...there would in such a society be (the possibility of) communities which bring up children unschooled and illiterate; which enforce arranged marriages; which deny conventional medical care to their members (including children); and which inflict cruel and 'unusual' punishment (Cochrane 2012, p. 186).*

Maybe then, Kukathas's framework provides means to argue that the human interest in culture is so great that it can justify practices involving 'cruel punishments' such as honour killings. However, upon closer examination of Kukathas's writing we see that despite the value he places on free association, it cannot permit all cultural practices. For example, he writes that group members are bound and restrained by the norms of the wider communities to which they belong. Thus, honour killings would not be permissible if conducted by a cultural group residing in the UK, because wider UK values forbid such practices.

Unfortunately, with this type of reasoning, Kukathas seems to be taking us into strange and dangerous territory. In effect, he is arguing that honour killing is only impermissible when a community (like the UK) says it is. This would mean that honour

killing is perfectly permissible in a culture that values its version of moral propriety over the lives of women. But such an argument is bizarre. Honour killing is wrong everywhere and should not be permitted anywhere. Quite simply, this is because a woman has an interest in continuing to live that trumps her family's interest in avoiding shame or ridicule. Usually, individuals get over feelings of shame or being ostracised, and if they cannot, can still lead lives of extremely high quality. However, there is no hope of overcoming death, and thus no opportunity to have a decent quality of life.

We want to put forward the reasonable claim that sometimes the human interest in performing a cultural practice can be defeated by a competing interest. What remains then, is to examine which interests win out in the case of cultural practices that involve animals.

It is important to note that animal interest in continued life is ordinarily weaker than that of humans. Perhaps then we might argue that the interest of individuals in performing cultural practices that kill animals trumps the animals' interest in continued life. One problem with this line of argument comes from the fact that those cultural practices that involve killing animals also invariably include the infliction of pain. For example, hunting foxes with hounds ends with the fox being ripped apart by the hounds. Even though this means of death is now banned in the UK, meaning that the fox must be killed 'humanely' (Soulsbury et al., 2007), it would be absurd to claim that the fox does not suffer from being chased for miles by dozens of humans, horses and dogs. Whaling is another practice where the primary purpose is death, but where the infliction of pain is inevitable. Indeed, in a recent study by Steve Kestin it was found that some whales live for up to an hour after being harpooned, and Kestin claims that he cannot, "currently visualise an acceptably humane way of killing whales" (Cochrane 2012, p. 188). Moreover, it goes without saying that while most bullfights culminate in death (including those in Portugal, where the killing is not conducted in the ring), the majority of the spectacle itself involves tormenting and injuring the bull. In a Spanish-style bullfight, for example, lances are first speared into the bull, sticks with harpoon points are then driven into the bull, the bull is then made to chase and circle his agitators until exhaustion, before the matador finally kills him with a sword.

Cultural practices that involve killing animals also involve the infliction of extreme pain on animals, and are impermissible as such. However, let us consider the possibility of a cultural practice that kills animals but which does not involve the infliction of pain. For example, imagine a group that wants to kill a pig as part of some kind of public celebration, which ultimately culminates in a hog-roast. Imagine further that this practice involves the infliction of no pain on the pig: the pig is not tormented, harassed or injured before his death, and he is killed in a manner that causes no pain, say by a shot through his head while he is sleeping. If this group has a strong interest in this cultural practice, might it trump the pig's interest in continued life? We believe that it would not. While it is true that an animal's interest in continued life is ordinarily weaker than that of most humans, it is still strong and must be considered fairly. We believe that some humans like young infants have an interest in continued life equivalent to that of animals. Given this, consider the not implausible notion of a cultural group claiming that infanticide is a traditional custom of theirs. They might argue that as part of the ceremony a child must be taken to special spot and sacrificed painlessly. Without doubt, this child's interest in continued life is weaker than that of most adult humans. Furthermore, the group has a strong interest in performing this practice; imagine for example that the child's parents have willingly consented to it, or will even perform the sacrifice themselves. Do these considerations mean that the child has no right not to be killed in such a ritual? We claim that they do not. The interest of infants in continued life is weaker than that of adult humans. However,

‘weaker’ does not mean ‘non-existent’. Moreover, the interest of infants in continuing to live is sufficient to ground a moral right to life even when there are very strong competing interests. For example, the therapeutic benefits offered by conducting deadly experimentation on infants might be huge, and certainly more beneficial than relying on results obtained from rats and mice. However, we think that these potential benefits do not destroy human infants’ rights to life. Accordingly, it seems not unreasonable to propose that an infant’s right to life is also grounded even when a group has a strong desire to sacrifice that infant as part of a cultural practice. Furthermore and to be consistent, if an infant’s interest in continued life is sufficient to ground a right not to be killed by a cultural practice, so too must an animal’s interest in continued life. On this basis, the pig execution and hog-roast are impermissible.

### **THE DESTRUCTION OF CULTURES?**

Animals have moral rights not to be killed and not to be made to suffer by cultural practices, what impact does this conclusion have for the future of particular cultural groups? Some communities have claimed that prohibiting such practices is tantamount to destroying their cultures. In light of this, and since we have argued that the existence of culture is important to the well-being of humans, we might still have a reason to deny these animal rights in the context of the cultural use of animals. One way of refuting such an argument would be to claim that while the existence of culture is important to the well-being of individuals, the existence of any particular culture is not so important. Thus, if one culture dies out, this is not problematic as long as there is another culture to take its place. So, for example, it might be claimed that we need not be concerned if the ‘traditional rural way of life’ in Britain dies out, since individuals living in the country can adopt more modern British values. This argument essentially claims that it is the general context of culture that matters for individuals’ well-being, rather than the particular details of the culture. However, this type of rebuttal is unconvincing for two reasons. First, it can plausibly be argued that the details of culture do matter, that the existence of different cultures is a good thing in itself, and that such diversity is valuable. Secondly, and more importantly for the purpose of delineating interests, individuals usually have close bonds with and interests in their own culture. Having to switch cultures then, often incurs considerable costs to one’s well-being.<sup>255</sup> Thus, if ending certain cultural practices leads to the destruction of some cultures, this is a serious cause for concern. However, we can question whether prohibiting certain uses of animals really will result in cultural destruction. In actual fact, in the vast majority of cases, claiming that an entire culture will be destroyed by the prevention of certain practices relating to animals is something of an overstatement. As Brian Barry writes:...we can at least reject the idea that the elements in a way of life are so rigidly locked together that no part can change without causing the whole to disintegrate (Soares & Stark 2009).

For example, it would be bizarre to suggest that the Spanish culture is so bound up with the practice of bullfighting that it would simply disintegrate if bullfighting ended. Having said all of this, however, several native peoples in Greenland, Canada, the United States and Russia do claim that whaling is so central to their culture that to prevent it would mean destruction. I believe that we should treat such claims with great caution. After all, when the Makah tribe in the United States asserted their ‘cultural right’ to kill whales in 1999 they had survived as a people despite having not killed a whale for over seventy years (Coté 2014). Nevertheless, it is not too far-fetched to imagine that there might be a community or communities whose group identity is so bound up with whaling



that to prevent it would threaten their very existence. In such a case, should such groups be permitted to harm animals through whaling?

First of all, we must ascertain just how this group is under threat, and separate the different possible means of destruction: destruction of groups via starvation, destruction from destitution, and destruction of a cultural way of life. Often these three types of threat are conflated when whaling peoples make their claims. Given this then, if a group needs to kill whales for subsistence, then the rights theory defended here permits such killing. Animals' rights to continued life are not grounded when human survival is at stake. We need not sacrifice ourselves for the sake of animals' interests. However, if a community kills whales because whale meat is their only source of income, then such killing is impermissible. Once again, we argued that economic benefit does not trump animals' interest in continued life (Mbum et al., 2020). Both meat-farmers and whalers need to change their activity and find new sources of income; while this will undoubtedly be costly and sometimes painful, and assistance from other communities in easing these burdens should be provided, that does not make any such change less required.

But what if a community kills whales, not primarily for subsistence or money, but because they define themselves entirely as whaling people, and because whaling is their entire way of life?. In other words, to prevent this group from whaling would mean that a discrete cultural community is lost, and that the individuals comprising that community might suffer a crisis of identity and a subsequent severe diminishment of well-being. First of all, we should point out that although cultural diversity is valuable, it is not valuable at any cost. If some cultures are defined fundamentally in terms of causing serious harm to others - and whaling is a serious infliction of harm - then the loss of such cultures cannot sensibly be considered regrettable in itself. Secondly, while I concede that preventing the individuals of such a group from hunting whales would impose considerable costs on them, we deny that it would lead to a complete loss of identity and the disintegration of their well-being. People change cultural communities all the time, and not only do not suffer irreversible breakdowns, but often flourish and have increased well-being (Tschakert et al., 2019). A particular culture may be a source of well-being for individuals, but it is by no means the only source. Because of this, even if preventing a cultural practice that causes harm to animals results in the loss of that culture, animal rights not to be killed and not to be made to suffer are still grounded.

## **THE INTEREST IN FREEDOM OF RELIGION**

If the human interest in culture does not trump animals' interests, what about the interest humans have in religion? Freedom of religion is widely recognised to be a human right (Ogar et al., 2021). It is rightly argued that individuals should not be persecuted or discriminated against because of their religion. Moreover, the right to religious freedom also means that individuals should ordinarily be free to practise their religion and live by the customs and values of their faith (Andrew 2014). However, it is clear that some religious practices violate the standard of animal rights that I have outlined in this thesis. In light of this, we must examine whether the interest that humans have in religious freedom trumps the interest of animals. Of course, at this stage one might claim that given the close connection between religion and culture, this interest does not merit separate attention. That is to say, we might simply argue that because the human interest in culture does not trump the interests of animals, nor can the interest in religious freedom. However, because some people have argued that the human interest in religion is of the highest order, and something stronger and more pressing than mere culture, a specific examination of the

interest in religious freedom seems warranted. In undertaking this examination, this section of the work is divided into four.

First of all, we briefly spell out the basis for the human interest in religious freedom and evaluate which religions actually require harm to be inflicted on animals. We then look at some possible justifications for the idea that the interest in religion is special and merits priority, including: religion makes claims on the whole lives of believers; religion transmits ethical values; religious practice permits individual integrity; and religious belief has throughout history been especially persecuted. Thirdly, we assess whether the interest in religious freedom should be considered stronger and worthy of priority on the basis of equal opportunity. Finally, we evaluate the claim that it is simply hypocritical and unfair to prevent religious groups from conducting their practices that harm animals when other harmful practices are ignored. We argue that none of these arguments justify giving the human interest in religious freedom a special status and priority over other interests. Thus, pending further evidence to the contrary, we argue that animals have rights not to be killed and made to suffer by religious practices.

### **FREEDOM OF RELIGION AND THE REQUIREMENT TO HARM ANIMALS**

Most adult humans have an interest in liberty. As autonomous beings they have an interest in not being interfered with and in framing and pursuing their own conception of the good. Given that religion is very much a conception of the good, we might claim that freedom of religion is fundamental to human well-being (Fisher 2011). In other words, preventing someone from exercising their chosen religion and living by the terms of their faith is ordinarily a serious harm. Unfortunately, religious freedom sometimes leads to harm being caused to animals (Osuala & Nyok 2018).

For example, consider the method of slaughtering animals for kosher and halal meat as advocated by Judaism and Islam respectively. There has been much controversy around these practices, because stunning animals before slaughter - a requirement under UK and EU law for animal welfare reasons - is forbidden under Jewish and Islamic methods. Currently these religious groups are exempted from the requirement to stun before slaughter in the UK on the basis of freedom of religion. However, even though Jewish and Islamic leaders invoke religious freedom to defend and justify their exemption, such arguments are extremely dubious. Quite simply this is because neither Judaism nor Islam demands that its followers slaughter animals to eat meat; vegetarianism is perfectly permissible under these religions (Fischer 2016). All these faiths do require is that if an animal is slaughtered to be eaten it must be killed in a particular way. Thus, preventing Jews and Muslims from killing animals in the first place - as a *prima facie* application of my animal rights theory mandates - does not prevent free religious practice. Clearly this application would be burdensome to those Jews and Muslims who enjoy eating meat, as it would be burdensome to other individuals who enjoy eating meat, but it would not interfere with religious freedom.

Of course, that still leaves us with those religious practices that cause harm to animals, and which are required by the mandates of the faith. Interestingly, and I would argue fortunately, these are few and far between. However, perhaps the clearest example is the animal sacrifice conducted by the Santeria religion. Paula Casal provides a useful summation of the religion's history and beliefs:

*Santeria, or the Way of the Saints, is a syncretic religion from the nineteenth century. It originated when hundreds of thousands of the Yoruba people were brought as slaves from West Africa to Cuba, and conjoined Catholic iconography*

*and sacraments to their traditional religion in order to escape persecution. Santeria now counts on 50-60,000 practitioners in Dade County, Southern Florida, and has many more in other states and countries. Santeros worship orishas, living spirits of African origin which, they suppose, can help people fulfil their destinies. Orishas are powerful but not immortal, and their survival depends on animal sacrifices (Cochrane 2012, p. 194).*

The exact numbers of animals slaughtered each year by the religion are unknown. However, one of its churches in Florida has estimated that it alone kills over 10,000 animals each year as part of its services, including goats, sheep, guinea pigs, ducks and turtles. Without doubt, preventing these sacrifices would interfere with the religious freedom of Santeros, which we claim to be key human interest. On what grounds, if any, could this interest of free religious practice trump the interests of the animals who are killed?

### **FREEDOM OF RELIGION AS A SPECIAL INTEREST**

It might be claimed that the interest human beings have in freedom of religion merits priority because it is somehow ‘special’. Indeed, it is certainly undeniable that for many people in the world their religion is one of their most pressing concerns. To justify the idea that our interest in religion is special and thus merits being given priority, we need to point to something about it that differentiates it from other interests. Several candidates have been put forward in the literature which might make the interest in religion ‘special’. They run as follows: religion makes claims on the whole lives of believers; religion is based on immanent beliefs; religious-based desires are intense; religion provides a context for self-understanding; religion transmits ethical values; religious practice permits individual integrity; and finally, religion has been the focus of particularly acute acts of persecution and oppression (Cochrane 2012, p. 195). We will consider each of these candidates in turn. First of all, it is pointed out that religious believers cannot turn their values on and off, like others can, but must abide by them for life. This, one might claim, makes the interest in living by those beliefs special and worthy of priority. However, this argument is not very persuasive. In the first place, religious beliefs can be changed: individuals can abandon religion, and even swap religion, thus altering their beliefs. Furthermore, those without ties to religion can also have beliefs which last all of their lives. Foreexample, a white supremacist might have the sincere belief lasting his entire life that black people are criminally-minded and that lynching is permissible as such. However, we would not want to assign any force to this man’s desire to perform lynchings, let alone grant it primary importance.

Secondly, it could be argued that religion is based on beliefs about the divine and the spiritual realm, thus giving the interest in acting upon such beliefs much more importance than our ‘Earthly’ interests. However, this claim really just begs the question: for why are our spiritual interests more important? Perhaps it might be responded that our very salvation depends on religious freedom and practice, thus making it the highest interest of all. Unfortunately, there seems to be no way of proving that there is such a thing as salvation, let alone that certain practices necessarily lead to it. It thus seems difficult to maintain that free religious practice is our highest interest because it leads to salvation.

However, this argument might be recast in terms of the intensity of religious belief: it is not the fact that a particular practice does lead to salvation that gives it priority, it is the fact that individuals believe it to lead to salvation. And because they believe it to lead to salvation, individuals’ desires to perform the practice are incredibly intense and thus



deserve priority. There are two obvious responses to this. First of all, it is extremely dangerous to grant priority to an interest just because it rests on an intense belief. For example, religiously-motivated suicide bombers no doubt have an intense belief that their actions will lead to salvation. However, it would be perverse to grant the bombers' interest in carrying out such actions priority over their victims' interest in continued life. Secondly, one can question the idea that religious beliefs are always more intense than non-religious beliefs. After all, religiously-motivated suicide bombers are not the only individuals prepared to bear high costs for their beliefs. Consider, for example, the many cases of individuals who go on hunger strikes for certain political causes.

The fourth and fifth candidates for granting the interest in religious freedom special status and thus priority are as follows: that religion provides a context for self-understanding; and that religion transmits ethical values. We put these two candidates together because we think they both suffer from the same problem: they do not prove that religion is special, because humans can achieve self-understanding and learn ethical values in the absence of religion. While religion is often an important source of identity, so too are nationality, culture, gender, race, family, ambitions, talents and so on. Moreover, although many individuals learn their ethical values from religion, many also learn them from family, friends, society, school, books and so on. Clearly then, religion is not special in either of these regards. Moreover, if we were to grant priority to our interests in all of these different goods, we would have no means of resolving inevitable clashes between them.

Sixth is the idea that our interest in religious practice merits priority because it allows us to live a life of integrity, where integrity is defined as living in accordance with one's perceived duties. Chandran Kukathas certainly seems to regard this notion of integrity as of the highest importance, although he frames it in terms of adherence to one's conscience:

*If there are any basic human interests, that interest is at a minimum, an interest in living accordance with the demands of conscience. For among the worst fates that a person might have to endure is that he is unable avoid acting against conscience - that he be unable to do what he thinks is right (Swaine 2005, p. 57).*

So, to prevent religious believers such as the Santeros from practising their religious customs denies them the opportunity to do what they think is required of them, which has the most serious impact on their well-being. In response, it must be pointed out that leading a life in line with one's perceived duties or conscience is not unique to religious believers. If it is integrity that makes religion special, it also makes other ways of living special. However, granting special status and priority to all religious and non-religious practices because they encompass integrity is problematic. For example, consider someone - and there are surely many such people - who truly believes in the mandate, 'an eye for an eye, and a tooth for a tooth'. If the interest in leading a life of integrity is special and merits priority, then this man should have the moral right to enact his own form of justice whenever he is transgressed. However, granting such a right would plainly be wrong. This is because the interest of individuals in having a fair and impartial trial trumps the interests of individuals whose conscience demands immediate justice. It seems very unlikely then that our interest in integrity always merits priority.

The final claim that the interest in religious freedom is special and should take priority is based on the fact that religious groups have been persecuted in the past. However, while we can acknowledge that serious crimes and harms have been inflicted upon religious groups in the past, it seems odd to atone for that by awarding absolute priority to the interest in religion. For one thing, if persecution in the past means priority now then priority must also be granted to individuals' interests in culture, nationality,

gender and so on. Moreover, given that animals have been persecuted and seriously harmed in the past, then on the basis of this argument, their interests too must merit special status and priority. Once again, it appears that the argument for special status proves too much. In sum, we can find no justification for the view that humans' interest in religion is special and thus merits priority. This, of course, is not to deny that freedom of religion is an important interest of humans. Rather, it is merely to point out that religion cannot be invoked as some kind of absolute trump to defeat any competing interest. Given this, if Santeros wish to argue that their interest in religious freedom trumps the interests of animals in not being killed and not being subject to pain, they will have to find another way.

### **FREEDOM OF RELIGION AND EQUAL OPPORTUNITY**

One course that the Santeros could take is to argue that their interest in religious freedom should be given extra weight on the basis of fairness and equality. This is because without such extra weighting Santeros will have a diminished opportunity to pursue their conception of the good, something that we accept is so crucial for human well-being (Eisgruber & Sager 1994). So, to focus on the example of the Santeria religion in Florida specifically, the argument might run as follows. Established groups and religions in Florida have ample opportunity to pursue their conceptions of the good and live by its mandates: Catholics can take the sacrament at mass; Baptists can gather to sing in worship; Muslims can congregate for prayers; and so on. The animal rights theories does not restrict any of these practices, thus allowing members of such groups to lead what they consider to be a good life. However, what we are proposing has the clear potential to outlaw a core Santeria practice, thereby denying its adherents the opportunity to pursue their conception of the good. Thus the burden of abiding by this animal rights standard falls much more heavily on members of the Santeros than it does on other groups. This, so the argument might go, is unfair, unequal, and must be rectified by giving greater weight to the interest in religious freedom of the Santeros. One easy way of rebutting this suggestion would be to suggest that religion is a matter of choice. If religion is chosen, we cannot claim that adherents of Santeria have a diminished opportunity to pursue their conception of the good. Rather, they possess an opportunity equal to that of every other individual; but because they choose to follow the Santeria religion, they cannot avail themselves of that opportunity. However, this rebuttal is far from convincing. For one thing, given that many individuals are born into a particular religion and brought up and educated in terms of its norms, it is far from clear that all followers of a religion have straightforwardly chosen it. If this is the case with followers of Santeria, as it surely is, we might still justifiably say that an application of my animal rights standard will lead to many Santeros possessing a diminished opportunity to pursue their conception of the good.

However, at this stage we must ask how far we are prepared go for equal opportunity. Looking back at some of the examples given in this work, it is extremely doubtful that we would allow any type of religious practice in the name of equal opportunity. For example, if a religion claimed that human honour killing or infant sacrifice were all practices of theirs, we cannot think of anyone who would seriously suggest that religious groups should be permitted to conduct such practices in the name of equal opportunity. Rather, we would say that opportunity to pursue one's conception of the good is justifiably diminished for groups who want to carry out these and practices like them. For example, Jonathan Quong advocates exemptions for minority groups on the basis of equal opportunity, but quite rightly mandates that for a practice to even be

considered for exemption, “...(it) must not violate any basic rights...”(van der Walt & Swanepoel 1995, p. 282). This of course, raises the question as to what these basic rights are, and when they are grounded, but the point is clear enough. Similarly, Paul Bou-Habib who makes a case for religious exemptions on the grounds of integrity, argues that such exemptions, “...cannot come at the expense of other people’s equal opportunity for well-being”, and that, “...religious practices that harm others severely...may not be accommodated” (van der Walt & Swanepoel 1995, p. 283). We can agree then that the goal of permitting individuals to have equal opportunity to pursue their conception of the good has its limits. One obvious limit is infanticide, for example. And if we accept this limit, we must also accept the limit of animal sacrifice. For as you will recall, animals’ and infants’ interests in continued life are equivalent.

Thus, we might concede that imposing this standard of animal rights impacts upon the interests of Santeros: it constrains their religious freedom, and diminishes their opportunity to pursue their conception of the good. However, this fact does not count against recognising that animals possess a moral right not to be killed. As we have argued throughout this work, there are often costs to be paid for upholding rights.

### **HARMING ANIMALS AND HYPOCRISY**

Having said all of this, we can think of one final response that followers of Santeria might make to support their claim that they should be allowed to continue with the animal sacrifices. They might argue that to disallow their religious practice on the basis of animal rights is hypocritical given all the violations of animal rights going on around them (Donaldson & Kymlicka 2011). That is to say, they could point to the factory-farms, slaughter-houses, animal laboratories, and so on in and around Florida, and argue that if these practices are permitted, so too should theirs. In other words, they might claim that to outlaw their practices alone is discriminatory and unequalitarian. One response to such arguments has come from Paula Casal, who argues in effect that two wrongs do not make a right:

*Under present circumstances, insisting that nothing be prohibited unless everything comparable is prohibited is tantamount to lifting all existing prohibitions on comparable forms of cruelty. Such reasoning would oppose most gradual reforms and incapacitate incremental political change (Cochrane 2012, p. 200).*

Here Casal makes the perfectly sensible point that in the real world, legislation conforming to a certain ethical standard will often have to be piecemeal. Accordingly, some groups will have to suffer the burdens of this legislation sooner than others. Since Santeria animal sacrifice is straightforwardly in violation of the animal welfare standard set out, Santeros have no legitimate complaint when they are targeted sooner than others.

While we agree with Casal on this point, I believe that the validity of such an argument depends on one crucial premise that she fails to mention: there must be good reason to believe that the standard will eventually be applied to all groups. For if we do not have good reason to think that all groups will eventually come under legislation enforcing this standard, Santeros can quite justifiably ask why they are being targeted specifically. In such circumstances, singling out Santeria would not be part of overall ‘incremental change’, but would simply be change for them and them alone. Now if we return to the present situation in Florida, we can see that there is no significant political will to outlaw other practices that cause significant harms to animals, such as factory farms. Politicians are not drawing up plans to close down factory-farms, nor are they under huge pressure

from the public to do so. To target the Santeros specifically then, does not appear to be part of a general and piecemeal application of animal welfare standards; rather, it seems inconsistent and in egalitarian. In other words, the claim that it is hypocritical to prevent the Santeros from conducting their religious practices is well-founded. Importantly, however, none of this means that the interest of Santeros in religious freedom should be granted extra weight and take priority over the interests of animals. Just because it would be unfair to target Santeria specifically, does not give its followers a moral right to conduct animal sacrifices. On the contrary, as we have argued above, there is no reason to believe that their interest in religious freedom should trump the interests of animals. Animals still have a moral right not to be killed by Santeria animal sacrifice. What it does mean, however, is that the animal rights theory that we have outlined should be applied to all groups and individuals. It should not be used as a stick with which to beat cultural and religious minorities, who quite justifiably often feel persecuted as it is. So while, piecemeal application of the rights theory will inevitably land on some individuals and groups before others, we must be sure that such application is piecemeal, rather than discriminatory.

## CONCLUSION

In conclusion, we reiterate that the human interests in culture and in freedom of religion are strong and pressing. Indeed, as far as possible these interests should be accommodated. Unfortunately, however, both of these interests sometimes clash with the interests of animals. Cultural and religious practices sometimes involve inflicting serious harms on animals. We have argued that the human interests in culture and religion cannot simply take priority in these circumstances. While these interests are pressing, they are by no means absolute. Having cultural support and living by a communal way of life are important to individuals, but not all that are important. And while the diversity of cultures in the world is to be celebrated, we should not rigidly preserve this diversity at any cost. In any case, the animal rights theory defended in this thesis is not much of a threat to such diversity. Similarly, the rights theory defended here is not much of a threat to religious freedom: few religions demand harming animals. However, when they do, religion cannot act as a simple trump. There are no grounds for regarding the interest in religious freedom as ‘special’, and, like our interest in culture, it must be weighed fairly against other competing interests. When we undertake such weighing we see that there are limits to religious and cultural practices. If we believe that torture and infanticide are such justified limits, then we must also accept that the interests of animals in avoiding pain and death are justified limits. In other words, animals have a moral right not to be killed or made to suffer by cultural and religious practices.

## REFERENCES

- Casal, P. (2020). Whaling, Bullfighting, and the Conditional Value of Tradition. *Res Publica*, 1-24.
- Cochrane, A. (2012). *Animal rights without liberation: Applied ethics and human obligations*. Columbia University Press.
- Coté, C. (2014). Food Sovereignty, Food Hegemony, and the Revitalization of Indigenous Whaling Practices. *The World of Indigenous North America*, 239-62
- Curchin, K. (2018). Testing the limits of the politics of recognition: Fox hunters in the United Kingdom. *International Political Science Review*, 39(4), 503-514.
- Donaldson, S., & Kymlicka, W. (2011). *Zoopolis: A political theory of animal rights*. Oxford University Press.

- Dursun, S., & Mankolli, H. (2021). The Value of Nature: Virtue Ethics Perspective. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 4(1 (May)), 1-15.
- Eisgruber, C. L., & Sager, L. G. (1994). The Vulnerability of Conscience: The Constitutional Basis for Protecting Religious Conduct. *The University of Chicago Law Review*, 61(4), 1245-1315.
- Fischer, J. (2016). Markets, religion, regulation: Kosher, halal and Hindu vegetarianism in global perspective. *Geoforum*, 69, 67-70.
- Fisher, J. (2011). The four domains model: Connecting spirituality, health and well-being. *Religions*, 2(1), 17-28.
- Mbum, P. A., Oben, B., & Ighotegunor, E. G. (2014). Empirical study on global marketing flows and Nigerian economic growth perspective. *Journal of International Business and Economics*, 2(4), 125-162.
- Ogar, J. N., Asira, A. E., & Bassey, E. I. (2021). Land Ethic According to the Biblical Book of Genesis and Isaiah. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 4(1 (May)), 16-30.
- Osuala, A. N., & Nyok, E. I. E. (2018). New Twist to Political Corruption in 4th Republic Nigeria given Non-Human Animals Stealing millions: A Case for the Defense of Animal Rights. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 1(2), 15-37.
- Pannick, D. (1982). *Judicial review of the death penalty*. Duckworth.
- Prato, G. B. (2005). The fox-hunting debate in the United Kingdom: a puritan legacy?. *Human Ecology Review*, 143-155.
- Ravikanth, G. (2021). Indian Philosophy and Environmental Ethics. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 4(1(May)), 47-63.
- Soares, N., & Stark, A. W. (2009). The accruals anomaly—can implementable portfolio strategies be developed that are profitable net of transactions costs in the UK?. *Accounting and Business Research*, 39(4), 321-345.
- Soulsbury, C. D., Iossa, G., Baker, P. J., Cole, N. C., Funk, S. M., & Harris, S. (2007). The impact of sarcoptic mange *Sarcoptes scabiei* on the British fox *Vulpes vulpes* population. *Mammal Review*, 37(4), 278-296.
- Swaine, L. (2005). *The liberal conscience*. Columbia University Press.
- Tschakert, P., Ellis, N. R., Anderson, C., Kelly, A., & Obeng, J. (2019). One thousand ways to experience loss: A systematic analysis of climate-related intangible harm from around the world. *Global Environmental Change*, 55, 58-72.
- Udoudom, M. (2021). The Value of Nature: Utilitarian Perspective. *GNOSI: An Interdisciplinary Journal of Human Theory and Praxis*, 4(1 (May)), 31-46.
- Umukoro, G. M., Odey, V. E., & Ndifon, M. M. (2020). Immigration, Otherness, Economic mobility and social inclusion in the homeland. *International Journal of Social Sciences and Education*, 1(1).
- Umukoro, G. M., Odey, V. E., & Yta, E. M. (2020). Tourism Site Infrastructure, Visitor Patronage and Calabar Metropolis. *Jurnal Office*, 6(2), 97-102.
- van der Walt, B., & Swanepoel, R. (1995). Confessing Christ in Doing Politics: Essays on Christian Political Thought and Action (special issue of Orientation 75-78 (1995)). *Potchefstroom: Institut for Reformational Studies*.