

## **British Humanist Association**

# **RESPONSE TO CONSULTATION ON THE FARM ANIMAL WELFARE COUNCIL REPORT ON THE WELFARE OF FARMED ANIMALS AT SLAUGHTER OR KILLING**

### **The British Humanist Association**

- 1 The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to promote Humanism and support and represent people who seek to live good lives without religious or superstitious beliefs. The census in 2001 showed that those with no religion were (at 14.8%) the second largest 'belief group', being two-and-a-half times as numerous as all the non-Christian religions put together. Other surveys consistently report much higher proportions of people without belief in God - especially among the young<sup>1</sup>. By no means all these people are humanists and even fewer so label themselves, but our long experience is that the majority of people without religious beliefs, when they hear Humanism explained, say that they have unknowingly long been humanists themselves.
- 2 The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns. These include a Humanist Philosophers' Group, a body composed of academic philosophers whose purpose is to promote a critical, rational and humanist approach to public and ethical issues.
- 3 The BHA is deeply committed to human rights and democracy. We advocate an open and inclusive society: one "based on the recognition that people have divergent views and interests and that nobody is in possession of the ultimate truth"<sup>2</sup>. In such a society, the government, other public authorities and social institutions would seek to maximise individual freedom (not least of belief and speech) while building on common interests and working to reduce conflict so that people may live together constructively.
- 4 Thus while we seek to promote the humanist life-stance as an alternative to (among others) religious beliefs, we do not seek any privilege in doing so but rely on the persuasiveness of our arguments and the attractiveness of our position. Correspondingly, while we recognise and respect the deep commitment of other people to religious and other non-humanist views, we reject any claims they may make to privileged positions by virtue of their beliefs.

### **Ritual Slaughter of Animals for Food**

- 5 The regulation of methods of slaughter is predicated on a public policy of minimising suffering by animals. Stunning is generally agreed to go some way towards this objective and is mandated by law. At present legal exemption is given for slaughter for religious reasons to provide the demand for kosher and halal meat. The Government

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<sup>1</sup> In a survey of 13,000 13-15 year olds, 61% declared themselves atheist or agnostic (Revd Professor Leslie Francis and Revd Dr William Kay, Trinity College Carmarthen, Teenage Religion and Values, Gracewing, 1995)

<sup>2</sup> George Soros: appendix to The Bubble of American Supremacy (Weidenfeld & Nicolson, 2004)

accepts that this method causes "very significant pain and distress" (DeFRA response to recommendation 61) but proposes to continue the exemption on two grounds:

- (a) that in the event of a ban in the UK ritually slaughtered meat would be imported from elsewhere with no net reduction in animal suffering
- (b) that a ban would be contrary to the Human Rights Act, since that Act requires freedom "to manifest his religion or belief, in worship, teaching, practice".

We reject both these reasons, the first as carrying no weight, the second as not bearing on the issue.

- 6 The first argument – that there is no value in raising one's standards or acting morally because others will take one's place and the situation will be unchanged – is an excuse, not an argument of moral weight. It has been used by those resisting every reform from the abolition of slavery to banning the sale of weapons to oppressive dictatorships.
- 7 The second argument, relating to freedom of religion, is equally of no weight, for two reasons. The first is that it is not a requirement of either the Jewish or the Muslim religion that believers eat kosher or halal meat – only that they do not eat other meat. Religious belief no less than adherence to any other principle is likely to carry a cost: common morality means that one should not cheat, commitment to the rule of law that one should not take advantage of inside intelligence on the stock market. Many who enjoy eating meat give up the pleasure and become vegetarians on principle. Sabbatharians willingly adopt a restricted code of behaviour on the sabbath. There is nothing to prevent any Jew or Muslim deeply committed to the ancient commandments of their religion from abstaining entirely from meat if the meat of animals slaughtered in "very significant pain and distress" is not available.
- 8 We note in passing that the Jewish religious authorities in Norway, Sweden and Switzerland, where ritual slaughter has been banned, have declared that the traditional precepts do not have to be followed.<sup>3</sup> The history of religion is littered with similar rules that have over time been neglected and abandoned.
- 9 The second reason why the Human Rights Act does not bear on the case is that the right to practice one's religion is not absolute but is "subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of [among other things] the protection of public . . . morals". The ban on cruel methods of slaughter is a moral issue and the Human Rights Act permits a limitation of the right to practise one's religion (if it were in fact such – which in para 6 above we argue it is not) on such grounds.
- 10 The recommendation from the Farm Animal Welfare Council – a repeat of one made as long ago as 1990 by the European Union Scientific Veterinary Committee – certainly commands much public support, and we see the Government's premature rejection of it, without any public consultation, as fitting a pattern of government obsequiousness towards religious groups, unmatched by comparable sensitivity towards the interests of those with non-religious beliefs which itself runs contrary to the Human Rights Act.

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<sup>3</sup> Brian Barry, *Culture and Equality*, Polity Press, 2001, p.35, quoting Peter Singer.

## Labelling

- 11 It has been suggested that, since the ritual butchering of kosher and halal meat after slaughter is so time-consuming and expensive – forbidden tissues, such as veins, lymph nodes, and the sciatic nerve and its branches have to be removed<sup>4</sup> – only the easiest cuts of meat are so prepared and the remainder, as much as two-thirds of the meat, is sold on the general market. The number of animals slaughtered in pain and distress is therefore up to three times the number needed to provide the market for kosher and halal meat, but to minimise the cost of their religious observance the religious communities pass the additional cost to the extra animals, who pay in their pain and distress, and to the general public, who contrary to their wishes (but in the main unknown to them) support a practice most of them deplore by buying the excess ritually slaughtered meat that the Jewish and Muslim devout choose not to eat.
- 12 This is a dishonest system that should be ended immediately. If meat were labelled as ritually slaughtered, sales of it would assuredly go into steep decline. The cost of adhering to their religious scruples would be passed back where it belongs: to the believers, who would be forced either to process and consume or else to discard the excess of ritually slaughtered meat.
- 13 The Government has proposed consideration of a voluntary scheme for labelling. This is a pusillanimous approach. It is difficult to see how a voluntary scheme could be introduced. Who will press for it? Not the meat trade, nor the retailers, both of whom would see disruption of their market as the inevitable outcome. Nor the public, whose ignorance is a guarantee of inaction. Yet many people are outraged to learn that much of the meat they eat is ritually slaughtered at the cost of pain and distress for the animals. If ritual slaughter is not banned, a mandatory labelling scheme should be introduced without delay.

Note: We attach an extract from Brian Barry's book 'Culture and Equality', referred to above, which in this passage and elsewhere is directly relevant to the question of ritual slaughter.

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<sup>4</sup> Ibid, p. 42.

## ATTACHMENT

Extract (pages 40sq.) from BRIAN BARRY: CULTURE AND EQUALITY  
Polity Press, 2001.

### The Rule-and-Exemption Approach

Because it tastes better and is less likely to contain antibiotics or growth hormones, but also out of feelings of guilt (since I can see no answer to the moral case for vegetarianism), I try to buy only meat from animals that have been reared under conditions appropriate to them, fed only food that forms part of their natural diet, and have been slaughtered humanely. This is, literally, an expensive taste. A metaphorically expensive taste (since it might actually end up saving money) would be that of somebody who is a vegetarian out of moral conviction but misses the taste of meat and would still be buying it if they had not come across Peter Singer. A variant on this would be a vegetarian on religious grounds (a Brahmin, for example) or somebody whose religion forbade them to eat pork, such as an observant Jew or Muslim, if they hankered for what was not permitted. Provided we are prepared to extend the conception of 'expensive taste' to include costs that arise from moral convictions or religious beliefs, these are all cases of expensive tastes. They are also, I shall take it, all cases in which nobody would suggest that those with the expensive taste should be compensated out of public funds or granted some waiver from generally applicable laws.

I mentioned earlier that humane slaughter regulations will have the effect of ruling out the consumption of meat for Orthodox Jews and observant Muslims, unless their religious authorities declare that the traditional precepts do not have to be followed, as has occurred among Jews in Norway, Sweden and Switzerland. These religious precepts may also be said to create an expensive taste, in conjunction with humane slaughter legislation, at any rate among those who would eat meat as long as it was kosher or halal. Unlike the previous cases, however, this is one in which the expensive taste is widely held to justify the demand that Jews and Muslims should be given special treatment in the form of an exemption from humane slaughter legislation so that they can go on eating meat consistently with their beliefs. Moreover, campaigns to secure such an exemption have been successful in almost all western countries, the exceptions being the three already listed. In Britain, for example, 'under the Slaughter of Poultry Act (1967) and the Slaughterhouses Act (1979) Jews and Muslims may slaughter poultry and animals in abattoirs according to their traditional methods'.<sup>5</sup>

'Traditional methods' is a euphemism for bleeding animals to death while conscious, rather than stunning them prior to killing them, as is otherwise required.

There are two possible approaches to ritual slaughter that would not lead to the making of an exemption to a general rule. The first would be a libertarian one. It can be argued that, just as the decision to eat meat at all is currently left to the individual conscience, decisions about the way in which animals are killed should be left to the conscience of the consumer. In effect, the job of weighing animal welfare against human carnivorous tastes would be left for each person to perform. This argument is parallel to one used to oppose the prohibition of bloodsports to the effect that their moral acceptability should be left to the individual conscience. Alternatively, the case of ritual slaughter might be assimilated to the ban on cockfighting and dogfighting, customs in their time just as deep-rooted as hunting or hare-coursing but prohibited nonetheless on animal welfare grounds. Taking this line, the implication would be that there is a certain point beyond which cruelty to animals is a

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<sup>5</sup> Parekh, 'The Rushdie Affair', p.704

legitimate matter for collective decision-making, and that kosher/halal butchery is over that line.

The current situation in Britain is indefensible on libertarian grounds because it is fundamental to the libertarian position that consumers should have clear information on the basis of which to make choices. This condition is not met. There is no requirement that meat from animals killed while still conscious should be labelled to indicate this. Moreover, there is a conspiracy of silence maintained by government and retailers to conceal from consumers the fact that meat displayed on supermarket shelves may come from animals killed in this way. I have never seen this information provided at point of sale and my own informal survey indicates that it is a well-kept secret, in practice, 'a substantial proportion of meat produced by means of religious slaughter is marketed to the general public without any indication of its origins'.<sup>6</sup> The reason for selling most of this meat (as much as two thirds, according to Singer) on the general market is the cost of preparing meat that is to be sold as 'kosher'.

For meat to be passed as 'kosher' by the Orthodox rabbis, it must, in addition to being from an animal killed while conscious, have had the forbidden tissues, such as veins, lymph nodes, and the sciatic nerve and its branches removed. Cutting these parts out of the hindquarters of an animal is a laborious business and so only the forequarters are sold as kosher meat.<sup>7</sup>

Does this matter? I think it does. Already 'by 1983 a National Opinion Poll revealed that 77 per cent of respondents were altogether opposed to religious slaughter'.<sup>8</sup> Since then, there is much evidence that public opinion has moved ahead of the politicians in concern about the welfare of farm animals. There has, for example, been a big swing away from purchase of eggs from hens in battery cages, and survey evidence suggests that more explicit labelling would have created a bigger swing still. It is therefore reasonable to assume that a very large proportion of the population would shun meat from animals killed by ritual slaughter if they were aware of its provenance.

At the opposite pole from the libertarian position is the proposal to require all animals to be stunned before death. This was advocated by the British government's own Farm Animal Welfare Council in its 1985 Report on the Welfare of Livestock Slaughtered by Religious Methods. 'The Report's principal conclusion was that, although there was a dearth of scientific evidence to indicate at precisely what stage in the process of losing consciousness animals cease to feel pain, loss of consciousness following severance of the major blood vessels in the neck is not immediate.'<sup>9</sup> In their own words: 'The up-to-date scientific evidence available and our own observations leave no doubt in our minds that religious methods of slaughter, even when carried out under ideal conditions, must result in a degree of pain, suffering and distress which does not occur in the properly stunned animal'.<sup>10</sup> On similar grounds, 'the Commission of the European Communities Scientific Veterinary Committee recommended to the European Parliament in 1990 that the legal exemptions from stunning should be abolished in all the Community's member states'.<sup>11</sup>

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<sup>6</sup> Poulter, *Ethnicity, Law and Human Rights*, pp.366-9

<sup>7</sup> Singer, *Animal Liberation*, p.155

<sup>8</sup> Poulter, *Ethnicity, Law and Human Rights*, p.134

<sup>9</sup> *Ibid.*, p.135

<sup>10</sup> *Ibid.*, p.136

<sup>11</sup> *Ibid.*, p.139

In the face of this, it seems to me virtually impossible to provide an intellectually coherent rationale for the rule-plus-exemption strategy, even though it is easy enough to understand its political success. The libertarian line is that there should be no collective view about the demands of animal welfare. Individual consumers should be put in a position to make informed choices, according to their own religious beliefs, ideas about the importance of animal suffering, taste preferences, and anything else that comes into the equation. The alternative line is that there is a legitimate collective concern with the welfare of animals which underwrites the requirement that all animals be stunned prior to being killed.

What do we have to think in order to finish up with neither of these but rather with the notion that the general rule should be that stunning must take place yet at the same time that there should be a special exemption for religious slaughter? Clearly, we have to accept two things: first, that it is legitimate to take collective decisions in pursuit of animal welfare, and, second, that animal welfare is better served by stunning. (If we did not believe the second, there would be no point in having a restrictive policy that makes stunning the rule.) We then have to hold that an inferior method is nevertheless to be tolerated, so long as its practice is restricted to those for whom it has religious significance. A rough analogy would be to allow hunting but restrict it to those who could show that it was part of their culture. However, it is implausible that a fox would feel better about hunting if it knew that it was to be chased by the Duke of Beaufort than if it knew it was to be chased by Roger Scruton, whom it might regard as a parvenu unable to claim hunting as part of his ancestral way of life.<sup>12</sup> Similarly, it is hard to see why some cows and sheep should have to suffer in ways that are unacceptable generally in order to enable people with certain religious beliefs to eat their carcasses. To withstand that objection, it is necessary to postulate that, although ritual slaughter is far from being best practice, it is nevertheless above some threshold of cruelty below which prohibition would be justified. This then has to be taken to legitimate some sort of collective decision about the relative weight of the interests involved in which those of the animals lose out. I would not be so bold as to say that nobody could in good faith maintain such a position. I do, however, wish to claim that it requires a capacity for mental gymnastics of an advanced order.

It is worth adding this: the rule-plus-exemption regime is predicated on the assumption that the total amount of suffering due to ritual slaughter is to be minimized – consistently with not prohibiting it, of course. But then it is inconsistent with that logic to permit the sale of any part of the carcass of an animal killed by ritual slaughter as anything except kosher meat. A requirement that all the meat must be marketed as kosher would cut in three the number of beasts killed without prior stunning if the demand for kosher meat remained the same.

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<sup>12</sup> 'Six years ago I gave up the academic life and went to live near Malmesbury [in Wiltshire] . . . . I was ignorant of country ways and ashamed of it. But within months I had come to see how far removed is the countryside from the culture of cities.' 'We're the Law Out Here, Stranger: Faced with a Crime Invasion, Rural Communities Have Every Right to Protect Themselves, Says the Philosopher Roger Scruton.' Sunday Times, 23 April 2000, News Review, p. 6. As an earnest of his intention to go thoroughly native, Scruton maintains in this article that farmers should, as the title suggests, be a law unto themselves, in that they should be able to kill intruders without incurring any legal penalties. Thus, a farmer, Tony Martin, who did just that, and was convicted of murder, is described as 'a martyr', apparently because where Scruton lives 'farmers... would almost certainly behave as Martin did, were they faced with a nocturnal intruder'. Ibid. The claim that people should be able to break the law without suffering punishment if it conflicts with their culture can be seen as a radical extension of the claim for an exemption from the law. This so-called 'cultural defence' has been put forward in a number of court cases in Britain and the United States and has found favour with some theorists of multiculturalism. I do not discuss it in this book because, if I am right in claiming that justice does not require exemptions to accommodate cultural norms, it must follow that it does not require the acquittal of those who break the law, on condition that there are sound reasons for having the law in the first place (a condition that I take to be met by the law prohibiting murder).

Since, however, the expense of removing the forbidden parts would have to be reflected in the price of kosher meat, there would presumably be some reduction in demand for it, so the total number of beasts killed under the exemption would decline even further. This kind of provision, which as far as I am aware has never been proposed, cannot reasonably be resisted by anyone who seriously accepts the premises that are required for the derivation of the rule-plus-exemption system.

Some will no doubt think that I have overlooked the most compelling argument in favour of an exemption, the argument from freedom of religion. Thus, Sebastian Poulter cites in support of the right to kill animals while conscious Article 9 (1) of the European Convention on Human Rights, which 'provides that everyone has a right to freedom of religion, including the right to manifest this religion in practice and observance', and Article 27 of the International Covenant on Civil and Political Rights, which says that members of minority groups 'shall not be denied the right. . . to profess and practise their own religion'.<sup>13</sup> However, an appeal to religious liberty provides only spurious support for this and other similar exemptions, because the law does not restrict religious liberty, only the ability to eat meat.

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<sup>13</sup> Poulter, *Ethnicity, Law and Human Rights*, p.142