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Introduction: The judicialisation and politicisation of sacrifice

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Introduction: The judicialisation and politicisation of sacrifice

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The introduction focuses on the issues that the debate on animal sacrifice has raised over the centuries, both in the West and in South Asia. This dual focus is necessary for two reasons. One is that the current Indian judicial system and traditions have evolved from the British colonial legacy. To understand how animal sacrifice came to be banned by an Indian court, one needs to grasp this Indian-British legal entanglement. The second reason is that many of the current legal arguments on the protection of animals in general, and animal sacrifice in particular, in both South Asia and western countries, call upon both Indian religious and philosophical developments and Western concepts and values. As a result, controversies surrounding particular animal sacrifice practices often involve broader issues and more general debates. The introduction discusses how the recent judicialisation of these debates and their international dimension has led to the emergence of new questions concerning the legal status of animals. We consider, for example, how the question has been debated in Europe with regard to the practice of ritual killing in Muslim or Jewish communities, and in a well-known case involving the US Supreme Court's ruling on Santeria sacrifice in Florida (cited above).

We then move from the general situation to the particular case of India and Nepal. The emphasis here is on previous and recent attempts to reform or even ban animal sacrifice in these countries. Although the practice of animal sacrifices had been criticized over the centuries by sectarian and devotional movements, such criticism gained a new impetus, with a different meaning, from the actions of Christian missionaries who became increasingly active in parts of South Asia from the late fifteenth century onwards. The ideas of 'idolatry', 'superstition' or 'false gods' that the first Christian writers had used in rejecting animal sacrifices in ancient Rome were now projected by Christian missionaries in India (and in other places in the world) onto the sacrificial practices they observed among the people they wished to convert. The missionaries' insistence on opposing 'religion' and 'superstition', along with the 'civilising discourse' of British officers, had a profound impact on nineteenth-century Hindu reformist leaders who also took a stand against animal sacrifice. We show how this eclectic reformist milieu, inspired by Christian religious discourse and by a Victorian vision of progress, oriented the religious debate towards the issue of animal sacrifice, opposing not only Hindu reformists to Hindu traditionalists, but also Hindus to Christians and Muslims. This particular aspect of the debate has been taken up by Indian judges, some of whom have a personal interest in a spiritualistic approach to religion and are pushing for Hindu religious reforms. Finally, the introduction seeks to draw out and link together the main themes emerging from the following chapters.