Animals Liberation Philosophy and Policy Journal

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Edited By: Steven Best, Chief Editor

TABLE OF CONTENTS

Introduction

I am delighted to introduce the fifth issue of the *Animal Liberation Philosophy and Policy Journal*. As true of the Center on Animal Liberation Affairs as a whole, our peer-reviewed, online journal continues to grow as word of a dynamic new forum for critical animal theory and studies spreads among academics, activists, and others. As always, our featured essays are published for the first time in this journal, and thus are new and original contributions to the animal literature field.

This issue begins with a hard-hitting, gut-wrenching essay by Corey Lee Lewis that subverts the boundaries between theory and literature, fact and fiction, and reality and imagination. "Prairie Wolf" depicts how a young boy's connectedness to animals and the wild leads him later in life – in imagination or deed? – to undertake acts of sabotage in defense of animals and the earth against corporate exploiters. Along the way, Lewis paints a frightening picture of Homo sapiens as an exterminator species run amuck. He describes the casualties in the war waged against wildlife and nature (a war, of course, that humans ultimately wage against themselves), and emphasizes the devastating consequences of how animal agriculture has displaced species and colonized arable land wherever possible. Deep ecology meets radical ecotage in this compelling narrative.

With the first anniversary of Hurricane Katrina now behind us, and the nation hardly better equipped to respond to similar disasters, Leslie Irvine's essay is timely and important. In "Animals in Disasters: Issues for Animal Liberation Activism and Policy," Irvine exposes the speciesist biases that underpin disaster rescue policies. These are revealed, for instance, in the forced separation of humans from their companion animals during rescue efforts in New Orleans and elsewhere, as well as media focus on human suffering that ignores the plight of animals. In the 1999 Hurricane Floyd, for instance, Irvine informs us that over 3 million companion and livestock animals died, and yet there was little reporting of this and other tragedies. Irvine also raises important questions regarding whether people in disaster-prone areas ought to have animals at all, given that many assume a natural right of animal "ownership" whatever the conditions or risks. Drawing from four case studies of emergency response and disaster relief policies, and using a number of methodological techniques and perspectives including personal experience, Irvine brings to light numerous problems that stem from federal government approaches (e.g., the "command and control" model), the policies of nonprofit organizations, and the use of untrained citizen volunteers in animal rescue efforts. She injects a critique of speciesism and rights perspective in a framework that, at best, is welfare-oriented. Importantly, Irvine also offers suggestions for improving disaster and rescue policies, and her recommendations deserve serious consideration from government agencies and animal welfare and rescue groups at national and local levels.

We continue with "Transparency and Animal Research Regulation: An Australian Case Study." In this searching analysis, Siobhan O'Sullivan examines the scientific community's attempt to grapple with increasing demands for more open review of animal research within an institution notorious for secrecy and that operates literally behind closed doors (indeed, many research centers are veritable armed compounds to defend against attacks from animal rights activists). While O'Sullivan's analysis focuses on Australia, similar debates are unfolding in the US and elsewhere. The demand for "transparent" research obviously stems from a welfare perspective that fails to question the legitimacy of *any* research under *any*

conditions. Yet, it signals an important start in the process of holding "scientists" accountable for what they do to animals, in an environment devoid of self-criticism, accountability, and meaningful oversight and enforcement of "animal welfare" regulations. O'Sullivan explores complexities in the debate over transparency, such that some researchers adamantly resist it while others welcome the opportunity – in their view – to debunk animal rights "disinformation" and educate the public about the importance of animal experimentation. Using original survey data, O'Sullivan shows that public understanding of animal research is poor, and that the vivisection community has so far failed to "open the laboratory door" in a meaningful way. One has to ask if vivisectors are sincere about transparency or merely paying lip service to the ideal to diffuse scrutiny of their work. What, truly, is this community hiding from government and public alike? If they are so secure about their adherence to welfare regulations (where these exist at all) and the integrity of their work, why are the vast majority to intent to hide behind concrete walls of secrecy? While the transparency question is debated both ways, there are certainly good grounds to conclude that if research laboratories had glass walls, outrage over animal abuse, absurd and heinous experiments, and flawed methodologies might reach a critical groundswell. However the public might decide the issue, they certainly cannot make an informed judgment without truth and transparency, and O'Sullivan rightly questions the compatibility of clandestine science with the demands of democracy and "open" societies.

Our last contribution features David Sztybel's provocative and ambitious essay, "The Rights of Animal Persons." This analysis is part of a larger project to develop a "new" theory of ethics adequate for grounding animal (and human) rights, one that overcomes the flaws in welfarism, various rights approaches, and feminist ethics of care (which emphasize cultivating concrete caring emotions and relations to animals rather than asserting abstract concepts such as rights and justice). Sztybel details various types of "harmful discrimination" against animals such as promoted and defended by speciesist reasoning. He forcefully exposes the arbitrary biases and double standards in the "special reasons" speciesists use in their attempt to justify treating animals differently from humans. The category of "mentally disabled humans" becomes relevant here, as speciesists argue that their justification of vivisection and other forms of exploitation – rooted in the claim that animals have inferior cognitive capacities to "normal adult humans" – does not also legitimate the same treatment of classes of "rationally impaired" humans. Sztybel argues that this rationale fails, and that speciesist approaches to moral theory jeopardize the rights of humans as well as animals. Appealing to the emotional, intellectual, and social complexity of animal lives, Sztybel argues that animals are "persons" and should be accorded appropriate legal rights of protection. He demonstrates that "animal welfare" – an oxymoronic, self-contradictory euphemism that legitimates extreme harm and discrimination – is more accurately viewed as "animal *illfare*." After exposing the flaws in utilitarianism that allow exploitative treatment of animals when it benefits the "greater good," Sztybel claims that major alternative ethical theories – including Immanuel Kant's deontological ethics, John Rawls' social contract theory, Tom Regan's animal rights theory, and feminist ethics of care – are also inadequate for the task of formulating an adequate "animal liberation ethic." Incorporating key advantages of existing theories, while dispensing with their main disadvantages, Sztybel constructs a "new" theory he calls "best caring ethics." Thus, with reference to Kant, utilitarianism, and feminist ethics of care, in addition to his own emphases, Sztybel's approach offers "a revised theory of ends in themselves, a distinctive theory of what is best, a theory of emotional cognition, and a set of arguments for animal personhood."

Finally, we are pleased to introduce a new Book Review feature of the *Animal Liberation Philosophy and Policy Journal*, and we conclude with two commentaries on recent works in animal ethics and studies. First, Lisa Kemmerer reviews Marc Bekoff's book, *Animal Passions and Beastly Virtues*. Kemmerer discusses Bekoff's passion for animals which led him to become one of the leading cognitive ethologists, and credits him for writing about potentially dry topics in a lively and stimulating way. As she describes, Bekoff argues not only that animals have sophisticated thoughts and emotions, but also a sense of fairness and morality. Kemmerer focuses on a key moral tension, however, whereby well-intentioned scientific curiosity often interferes with the lives of animals and may cause them harm. Next, Richard Kahn offers a critical reading of a new collaboration between Peter Singer and Jim Mason, *The Way We Eat: Why Our Food Choices Matter*. Whereas the book advantageously focuses on the positive impact consumers can have on animal welfare, the environment, and their own health, Kahn finds that Singer and Mason fail to adequately confront the social and economic forces driving agribusiness, as well as the race and class dynamics that help to shape whether one is likely to eat at McDonald's or Whole Foods. According to Kahn, their baseline appeal to citizens to at least become "conscientious omnivores" who support humane and sustainable agriculture swings too far from the normative demands for animal liberation towards a "mass marketable animal welfarism" that fails to transcend the limits set by global capitalism.

In addition to original essays, we invite our readers to submit review of new works in animal ethics and studies. Those interested in reviewing a book for publication for a future issue are encouraged to contact our Book Review Editor, Richard Kahn (rvkahn@ucla.edu), who can provide further details and arrange to send an examination copy of the text. On behalf of the *Animal Liberation Philosophy and Policy Journal*, and the Center on Animal Liberation Affairs, I hope you find this new issue stimulating, challenging, and useful.

Steven Best
Chief Editor

Prairie Wolf
By Corey Lee Lewis†[*]

Screams drifted in through the open windows of my folk's farmhouse, sounding high pitched and hysterical, filled with pain and fear. Loosely formed thoughts flashed through my twelve-year-old mind as I sprang from bed and raced, barefoot, out into the darkness. "What's that? It's a woman. She's hurt. Raped. Being hurt. I'm afraid. She needs help. I'm small."

I walked tentatively away from the quiet house towards the direction of the screams, wondering if I should run ahead to help or run back to get a gun. By the time I had crossed the moist grass of the front yard though, the screams had begun to take the shape of howls and wails, and the fog of sleep began to lift from my mind.

"You listening to those coyotes?" My father's deep voice was calm and reassuring as he poked his head out the front door.

Suddenly, I recognized the high-pitched wails and yips for what they were—a pack of coyotes—and the fear and panic evaporated instantly from my mind. Although in time I would come to love their haunting and melodic voices, they would carry an eerie note of fear and crisis for years afterward for me. Although I could not have known it then, in the years to come my fears of rape and the urge to defend would come back to me, carried by the coyotes themselves. By then, however, they would have taught me not to be afraid. By then, I would have discovered that I am not small.

Later that same year, I spent a long night serenaded by the same pack of coyotes, and our relationship began to deepen. Like many boys of that age, I spent much of my time exploring the forests and fields surrounding my home, often heading out onto the prairie for a few days camping with only a knife, some matches, and a bow and arrows for supplies. On this particular trip, I had built a lean-to earlier in the day, and a bed of thatched grass to sleep in for the night. I can still recall watching the flickering firelight dance with the deepening darkness, when a long, drawn out wail erupted in the shadows of the night. In a few more minutes, several other canine voices had joined the chorus, and the concert began.

Many people are familiar with the call of a coyote, or have heard the howl of a wolf, but few have ever listened to an entire pack sing and celebrate in the night. It begins with a series of high-pitched yips and barks that punctuate the stillness of the night and then melt into a long tremulous howl that is soon followed by others. Their voices rise and fall, tumbling over each other like playful cubs wrestling outside their mother's den. When listening to such a symphony, you feel it in the bones of your genes. The wild voices tug at something buried deep inside you, resonating with half forgotten genetic memories, awakening evolutionary origins, reminding you of your kinship with all life.

As my fire died down, the wild voices pulled me up off my grassy bower, and out into the night. I crept quietly away from the small stand of cottonwood where my camp was set, crouching in clumps of tall grass and running coyote-like across the open meadows. As I listened to their song, my chest and throat felt like they were swelling with emotion,

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exploding with an energy that required some form of release. The first howl slipped from my throat almost of its own accord: a few tentative yips, then a long lonely wail. It was answered from the side of a nearby hill, and then again by another voice coming off the ridge to my right. I tried mimicking their voices, emulating the high-pitched yips, and the trembling rising and falling rhythm of the longer howls. They answered, speaking to each other and, it seemed, calling back to me. Sitting upright with the prairie-earth under my knees and the stalks of big bluestem rising over my head, I imagined myself a coyote, embraced by wild, earthen arms.

In the tales of the Lakota and Ogalala, as well as the Osage and the Patowatamie who all still live here, the coyote is a hero, and a trickster. They call him "Old Man Coyote" and he maintains a powerful presence in the lives of all who live on the prairie. According to some indigenous legends, it was Old Man Coyote who first brought fire to the two-legged-people, pitying them because of their furless, clawless, and helpless condition. Other stories tell of the Old Man's cunning and treachery, his love for disguises and mischief, and still others praise his ability to keep the balance between the species that share the plains. The Native cultures that evolved here, that grew out of this landscape, say the Old Man is wise and should be treated with respect. When angered, they say Old Man Coyote takes revenge in curious ways.

Recently biologists have begun to learn this lore as they track the same truths with radio-collars, blood samples, and computerized models. They discovered, for example, that coyotes "fill in population holes," that when put under environmental stress – such as aerial gunning, trapping, and poisoning – they have larger litters than normal. I imagine Old Man Coyote laughing, birthing two pups for every one killed and I can't help but smile.

In fact, the coyote is so cunning that it has actually expanded its range while being targeted by the largest extermination program in human history. Bounties have been paid for killing coyotes and other native predators since the early 1600's, and in 1915 the U.S. government created the Animal Damage Control branch of the United States Department of Agriculture (USDA) to carry out strychnine poisoning campaigns against a wide variety of native species. Between 1915 and 1975, over 3,973,558 coyotes were killed by the U.S. government. In 2004 alone, 75,674 individual coyotes were killed, costing taxpayers almost $50,000,000.00.

The methods used to exterminate these animals are as horrific as the numbers of deaths themselves. Government trappers have regularly laced animal carcasses with strychnine, or broadcast compound 1080 (sodium monoflouroacetate) from airplanes, over private and public lands alike, to exterminate their prey. Other techniques have included the M-44, a device spring loaded with sodium cyanide, as well as denning (burning pups alive in their mother's den), and aerial gunning (chasing adults to the point of exhaustion and shooting them from helicopters and planes). In 1972, after much public protest 1080 and a variety of other poisons were outlawed, but many of the un-retrieved devices still lay out on the prairie, waiting for a child or dog to pick them up, and in 1985 their use was legalized once again. Like a battlefield cleared of corpses but still hiding land mines and unexploded ordinance, much of the Midwest is peppered with poison. The analogy is particularly apt in the case of compound 1080, which was developed by Nazi Germany for use in WWII; it is colorless, odorless, and tasteless, has no known antidote, and requires less than $1/500^{th}$ of an ounce to kill a full-grown adult. Once ingested by the unwary coyote, family pet, or child, compound 1080 begins working slowly, causing the victim to suffer hours of prolonged convulsions, increasing failure of the nervous system, and finally cardiac arrest.[2]

Unfortunately coyotes aren't the only victims of this all-out war against the American land. Almost every native predator of the Americas has become a target and a victim from bears, wolves, and foxes, to cougars, bobcats, and lynx. In addition, such poisoning campaigns kill indiscriminately, taking the lives of millions of other animals, from weasels, badgers and skunks, to hawks, eagles and owls. In all, human industrial activity has caused the extinction of over 36 mammalian species on this continent. Along the way we have also driven over 31 species of fish and 47 different types of birds into the darkness of oblivion. It is a total war, a physical and a spiritual war that we are waging on our own land, in our own homes, and against ourselves.[3]

As the coyotes and I grew closer, I came to identify more with them and less with my fellow farmers, ranchers and property owners. I invented what I called "coyote camping," a practice primarily made up of hopping fences and hiding. Like the coyotes I paid little attention to property lines as a youngster, exploring, camping, and living off the land wherever it seemed to guide me. I would often pretend that I was a fugitive being chased from the law, or a soldier deep behind enemy lines, my adolescent imagination adding a hint of danger to my play. Local land-owners became the enemy then, the nameless, faceless force against which I must strive and hide.

Sometimes it takes an act of imagination to see the real world though. The idyllic agrarian landscape of my childhood was really a landscape of war, a battlefield brought back from Europe, a pocket of WWII still raging on into the 21st century. In fact, the same compounds and chemicals used in the trenches and on the front lines, had been brought back here, to the American heartland, and used ever since.

It's ironic, but not surprising, that when the same technology used to fight WWII, the most destructive war in human history, was applied to agriculture, it created the most destructive form of food production in human history. Almost all of the petroleum-based, carcinogenic chemicals used on today's industrial farms can trace their development back to chemical warfare experiments conducted during WWII. To corporations and consumers they carry names like "Arsenal, Assault, Bicep, Conquest, Rambo, and Squadron," while toxicologists call them organochlorides, DDT, triazines, dioxins, and perchlorate, and oncologists and ordinary citizens know them as non-Hodgkin's lymphoma, leukemia, and breast cancer. Of the 75,000 chemicals now in commercial use, about 10%, or 7,500, are known or thought to be carcinogenic. To date, only 200 fall under any form of health and safety regulation, while less than 10% of all pesticides currently in use have been adequately tested for their ability to cause cancer. In industrial countries, farming is one of sixty occupations that carry an elevated risk of cancer, which should be no surprise since 66 known carcinogens are routinely sprayed on food crops as pesticides. In 1988, for example, researchers found significant links between high pesticide use and abnormally high cancer rates in 1,497 rural American counties.

Industrial agriculture does more than poison farmers, however; it spreads throughout every level of our ecological and social systems. Triazines, for example, are found in 98% of all Midwestern surface waters, infecting both our natural river systems and our municipal water supplies. The application of these deadly poisons is so widespread, in fact, that every spring there is a dead zone the size of New Jersey in the Gulf of Mexico caused by pesticides from Midwestern farms, and over 40 potential carcinogens exist in most Midwestern water supplies. This is a war that strikes close to home, and close to the heart, because it involves the most intimate and necessary of acts: eating, drinking, and breathing. We all carry body burdens of these toxins. Each of us has been physically invaded by these chemicals. For those of us born after 1950, this onslaught began before birth, as many of these carcinogens

have been shown to cross the placenta barrier, infecting children even in the womb. In fact, 99% of all breast milk analyzed in the U.S. contains PCB's, and 25% exceeds the legal limit allowed for human consumption. Today, over 177 different organochlorides can be found in the average middle aged American.

This process of industrializing agriculture has not only been a major contributing factor to the highest rate of extinction in 65 million years, but it has also decimated the American family farm along with countless rural communities. Meanwhile, it has left us with the most militant and dangerous form of food production ever devised by man, one that continues to poison those it professes to feed. In 2005, there were over 1,370,000 new incidents of cancer, and more than 570,000 deaths caused by the disease in the U.S. alone. And despite the myths promoted by the mainstream media about the causes of cancer, toxicologists estimate that anywhere from 90-95% of all cancers are caused by the chemicals we are putting into our air and water, and onto our food. It has taken over fifty years, but the war that we have been waging against our land has become a war against ourselves.

Now that the battle lines have shifted and the war is turning back upon us, native species aren't the only ones being driven from their homes. Moving hand in hand with the militarization of agriculture has been its corporatization. The days of the American family farm, the original backbone of our democracy, are long gone. In 1910, over 30% of the U.S. population was involved in farming or ranching; by 1969 that number had plummeted to about 5%, and today less than 1.8% of Americans are involved in the agricultural industry. Industry it is, and a nightmarish industry it has become. With ever-expanding corporate farms getting more subsidies and capturing larger shares of the market, the family owned farm is disappearing as rapidly as native predators once did. Over 70% of the nation's farms make up less than 7% of the agricultural market, while 7% of U.S. farms receive over 70% of the agricultural Gross Domestic Product. This has caused millions of families to lose their homes, farms, and livelihood, such that over 650,000 people per year emigrate from rural areas in search of work and sustenance. If these rural refugees were all to settle in the same place, they would create a city larger than Denver or Kansas City, larger than Memphis or Milwaukee, each year. This is far more than the entire population of New Orleans, which was so tragically displaced by Hurricane Katrina in 2005, except these refugees can never return home, and the displacement continues year after year. For those who stay, tenant farming, the south's original form of raceless slavery, has become the only option, so that over one-half of all American farmland is worked by people who don't own it. For the American consumer it means that we get over 50% of our food items from 10 multinational corporations, and we live in a world where out of the largest 100 economies, 76 are corporations not nations.[4]

This corporate machine continues to roll across the American prairie, a leviathan devouring everything in its wake: land, water, and wildlife, as well as people, health, and hope. In time, survey stakes and bulldozers began punching their way into the wilderness where the coyotes and I once howled, hunted and ran. The city kept pushing westward, growing like a cancer on the land, sprouting subdivisions on foreclosed farms and abandoned ranches along the way. By then, however, I had been running with the pack for too long to rejoice in the city's growth. I had spent too many nights on the open prairie, and remembered too clearly the original form of the flint hills to welcome the developers with open arms.

Thus, on one day, I belly-crawled over the bruised ground and torn-up topsoil towards the shadow of the big, yellow CAT, with a pound of sugar, a funnel, and a variety of wrenches and wire cutters in the small pack on my back. Not twenty feet behind me lay a

vast expanse of virgin prairie and my pack's favorite hunting grounds, watering holes, and birthing dens. Before me, stood the enemy.

There were no howls or screams of rape on this night, but the evidence of it was all around me: smoke still rose from a massive pile of trees that had been bulldozed together and burnt while still alive. Many of these I had known. Young willows that once lined creek-sides and old, gray-barked cottonwoods that cradled squirrel nests and beehives in their hollow limbs, all lay now burnt to ashes on sterilized ground. The dry ridges that were once covered with the medicinal Purple Coneflowers, or *Echinacea*, had been scraped to the bone, while remnants of rich topsoil fled like refugees on the wind. The moist river bottoms that had once been brimming with big bluestem were torn up and tracked out by the heavy, grinding tracks of the massive CATs. The stream where we used to drink, on hands and knees our pink tongues lapping up the cold, clear water was now no more than a coffee-colored trickle, choked with sediment and stained by soil.

This time, however, I was not afraid. Instead a reckless and burning rage erupted inside me, a desire to defend, an urge to attack. Once I reached the first dozer, I crept quietly under its shadow, and moved up to the gas tank. The smell of burnt oil and hydraulic fluid hit me hard in the face, as I twisted off the gas cap and began pouring the sugar. As the fine white grains of machine-inducing death rained down, I couldn't help but smile, a white toothy snarl full of violence and joy. After finding a large bucket, I went for the backhoe using the same quick, crouching run I had seen the coyotes use when hunting on the short grass sections of the prairie. Once upon my prey, I wriggled underneath to get at its soft belly. Pulling a large monkey wrench and a cheater bar from my pack, I clamped hold of the oil pan's drain plug and dug my teeth in. After a few minutes of scraping my knuckles and blinking sand out of my eyes, the plug dropped and the machine's life-blood poured out and on top of me. I slammed the bucket in place, but not before the warm liquid sprayed across my mouth and throat, soaking my shirt and the soil beside me. I emerged from under the machine, spitting oil out of my mouth and licking it from my lips, like a blood-thirsty canine rejoicing in the kill. Then, with a full-throated howl, I loped off into the night.

The campaign continued for years. Over time I began building a pack, and we refined our hunting techniques. We learned to work in pairs and groups, calling to each other in soft howls, short barks, and memorized bits of birdsong. We hiked for hours across the open plains, leaving our vehicles miles away from the ambush sites, and always approaching our prey from behind, under the cover of night. We followed old game trails through densely wooded river-bottoms and hidden sinuous canyons, and let our wild allies teach us the terrain.

Wolves, as well as many other large carnivores, used to call this prairie home. Although it is hard for many Americans to imagine, the Great Plains were as wild as the Serengeti. During his explorations of the West, for example, Zebulon Pike once stopped here in the flint hills to record every animal he could see from the top of a small bluff. From this single vantage point, he saw thousands of bison, hundreds of elk and white tailed deer, dozens of pronghorn, a few black bear, a mountain lion, several wolves, a smattering of coyotes and foxes, and innumerable species of songbirds, waterfowl and raptors. Most Midwesterners think of their land as a place for cars, corn and cattle; few perceive it as home to bison, bear and wolf. But it belonged to them before, and it will again.

Before the slaughter began, there were 31 to 75 million bison, and over 400,000 wolves, in the lower 48. Between 1868 and 1881, however, over 31 million bison were killed on the Great Plains, and by 1889, the vast herd of the heartland was nearly extinct with only 1,100 individuals left. Similarly, before European settlement, wolves ranged from central

Mexico all the way to Greenland, inhabiting almost every region of the United States. By 1970, however, all the red wolves had been killed or driven out, and only 1,000 gray wolves remained in northern Minnesota. The Great Plains Wolf, or the Buffalo Runner, is one of eight sub-species of wolf that Americans have driven to extinction. Like the coyote, the lethal combination of government extermination pogroms and public ignorance took a heavy toll on the wolf. It is impossible to say how many wolves were killed in the U.S., but estimates range from 1 to 2 million. The fervor with which wolves were targeted, and the hatred with which they were killed, surpassed that of even the coyote. Wolves weren't merely killed; they were tortured. People burned them alive, tore their jaws off, ripped them in two with ropes tied to trucks, and set packs of dogs on them. Bison were similarly shot for sport and spite, or killed just for their tongues and hides, and left to rot on the prairie by the millions. Every autumn the big bluestem burns bright red, stained with the memory of blood.[5]

Some say the wolf and cougar have already returned to the Great Plains, and that the bear and bison will soon follow, while others believe their ghosts still haunt the flint hills. Local legends tell stories of people being taken over from the inside, of animal spirits rising up and into them on the earth's hot breath. There is more here in the American heartland than just PCB's and organochlorides to seep into the bloodstream. A wild spirit still endures here, beleaguered and beaten, but wild just the same. Local Native nations tell stories of boys becoming bears and women turning into wolves, tales of connection and kinship, stories we would do well to remember.

Bear had been running with me for quite some time. A hulking man with a strong back and even stronger legs, he could cover miles of open prairie with an incessant lumbering gate that never faltered, slowed, or tired. When on the hunt, we never used our real names just in case we were overheard or caught. Instead, we knew each other as Bear and Wolf, names that seemed to come from our own characters. Bear was already broad-shouldered and barrel-chested, but when he bent low and moved through the shadows with a pack on his back, he became bearish and wild.

One night while running with Bear, I was stopped short, as if I had just hit an invisible wall, by a line drawn in the prairie earth. A series of scrapers had come through, cutting off the black topsoil and thick turf of the native prairie, scalping her to make way for golfing greens and subdivisions. The land spread out before us, like a cadaver on an operating table, cold and lifeless with her skin peeled back in a grotesque and demeaning way. Behind us, lay a remnant patch of native prairie, 99.9% of which has already been irreversibly destroyed. Before us unfolded a vast expanse of tire-tracked clay, alternately baking in the noonday sun and blowing away in the nighttime breeze. Over 400 species of grass, sedges, and wildflowers still existed behind the heels of our boots, and in front where our toes touched the clay, we had only the promise of a single species of grass, pesticides,and pavement.

Bear and I crouched in the cover of a nearby stand of sumac saplings, blanketed by the red leaves and berries and looked out silently over the edge. "This is our line, man," I whispered. The familiar fury was building inside me, getting close to boiling over, getting ready to attack. "We didn't draw it, but you can be damn sure we're gonna defend it." Over 1,000 different species of concern lay huddled behind us, their numbers dropping so fast that ecologists fear many will soon be added to the 85 Great Plains species currently listed under the endangered species act.[6]

"That's right." Bear grunted. "No more. Not another inch. Let's go."

We hit the outlying machinery first, always working our way from the perimeter toward the middle, like a pack of wolves seeking out the easiest targets on the periphery of the herd. The most expensive and well-guarded equipment was always kept near the center of the site, in the same way that a doe corrals her fawns in the middle of the herd. By working from the outside in, however, we could safely take down the easiest prey while assessing the defenses we were up against. In this way, if discovered while on the hunt, we could retreat into the open arms of the prairie with at least a few kills to satisfy our hunger, to slake our thirst.

We always saved the loudest and most visible work for last. This time it was a massive billboard, towering over fifty feet high and sitting solidly on a series of at least six telephone-pole-sized timbers. The fleet of scrapers, dozers, and backhoes had already been taken care of, and all that remained was for us to fell the sign that proudly boasted of the prairie's destruction. The work progressed slowly, as we had to drop to our bellies and hide in the shadows every time a car zoomed past on the nearby highway. Bear, a seasoned sawyer, began making pie-shaped face cuts on the downwind side of each massive pole. In a short while, we were making our back cuts, starting on the opposite side of our face cuts and sawing toward the center. When we had finally reached the two outer poles, we both began to cut together, each working his own pole. I pushed and pulled the bow-saw, feeling the muscles in my shoulders and back stretching and tightening with the rhythm of the work. My head moved with a similar rhythm, glancing from the smile on Bear's face to the billboard that towered and rocked above us. Soon we could feel the kansa, or south-wind, beginning to pick up, and the timbers started to pop and crack. The massive billboard swayed back and forth, constantly emitting a series of snapping and popping noises, until with a splintering crash it came thundering down to the ground. Completely caught up in the joy of the kill, we both howled as the sign came crashing down, and then jumped on top of its lifeless form to laugh and dance in the moonlight.

Our celebration was cut short, however, by the repetitive "thwack, thwack, thwack" of a helicopter in the distance. It rose over the dark horizon of a distant ridge and suddenly we could see it silhouetted against the sky. The bright silvery beam of a spotlight shot out in front of it, creating a large circle of white light that raced across the plains toward us. Without a word, we ran for the cover of the thickly wooded river-bottom, splitting up to make it harder to follow us, and never looking back. The blinding white circle of light flashed over me a time or two as I ran, just another predator hunted from the air. But before it could pin me down, I was melting into the shadows of the forest and disappearing from sight. I followed a creek bed back toward where we had left our truck, slipping on wet rocks and splashing through the shallows, but all the time remaining invisible from the sky.

When I got back to the truck, Bear was already in the cab waiting for me. We drove back toward town, on gravel roads without names, keeping our headlights off and using only the faint glow of light pollution on the horizon to guide us.

"Someday, we'll even put those lights out."

"Yeah," Bear grunted and stared out the passenger window at the prairie as it went spinning by enshrouded in a mantle of darkness. "Someday, we'll take it all back."

When Wavoka came to the Great Plains to teach his Ghost Dance vision for bringing back the bison, he said stories have a way of getting inside a person, and like a seed, they grow. Songs and stories, he said, work through people to become real in the world. Modern readers might liken this to a virus that infects your computer. The change they bring about lays dormant for quite sometime and then slowly begins devouring files and rewriting programs, until it takes your entire system over. Or, we might compare it to the silent,

invisible growth of cancer in us all. A little Atrazine here, a few PCB's and organochlorides there, a hundred parts per million in our water and on our veggies, a thousand parts per million in our meat and cheese, and over time, it grows, metastasizing and taking over. Until we have been changed, and irrevocably altered. Until we are not who we once were.

But Old Man Coyote has always been a trickster, and his stories work in devious ways. The spirit of the wild still endures here in the heartland. Here in our stories. When one of the Old Man's stories gets inside you, it always drops a few seeds. They may lay dormant for a while, or they may sprout immediately, depending on the fertility of the soil, the temperament of your soul. Nevertheless, the spirit of the story grows, like wildness inside you. It rises up from your bowels and swells your chest, like a wolf's howl, waiting to fill your throat and escape into the night. It is rising now, a tremulous war cry, begging you to join battle, in defense of your life and land, in defense of your food and family. This is the story of Prairie Wolf, growing inside you now. Waiting for you to growl. Waiting for you to howl.

Notes

* Note to readers: This piece belongs to the emerging genre of creative nonfiction writing, a blend of narrative and scholarship, fiction and fact. For stylistic reasons, researched information has not been documented in the text, but has been reported precisely. The following endnotes should help interested readers pursue this research further. Additionally, as is conventional with this genre, narrative events have been fictionalized to some degree for stylistic purposes, and especially to protect the innocent.

2. For history, annual reports on predator eradication programs, and efforts to stop them, visit the Predator Conservation Alliance at www.predatorconservation.org and the Animal Protection Institute at www.bancrueltraps.com. Official government records of Animal Damage Control (now euphemistically called Wildlife Services) can be found under the Animal and Plant Health Inspection Service of the U.S.D.A. at www.aphis.usda.gov.
3. For the most reliable data on species extinction rates (and many other global phenomena) visit World Watch at www.worldwatch.org. World Watch papers 165, 141, 116, 108, and 78 in particular document biodiversity loss.
4. For an excellent exploration of environmental toxicology, cancer and industrial agriculture, read Sandra Steingraber's *Living Downstream.* World Watch papers 171, 163, 153, 131, 103 in particular, also document the social, environmental and personal health costs of industrial agriculture. Also, Wendell Berry's *The Unsettling of America* explores well the loss of family farms and rural communities in the US.
5. For an excellent history of the American slaughter, predator eradication programs, and human perceptions of predators read Barry Lopez's *Of Wolves and Men.*
6. For statistics on threatened and endangered species, and recovery programs, visit the U.S. Fish and Wildlife Service at www.fws.gov/Endangered/wildlife.html.

Animals in Disasters: Issues for Animal Liberation Activism and Policy

Leslie Irvine, Ph.D.† *

Abstract: *Non-human animals face significant risks in meteorological, geological, technological, and terrorist disasters. A large network of rescue organizations and policies has developed in response to the needs of animals. This paper examines the animal response system through four case studies, revealing issues and conflicts that can inform animal rights policy and activism. The first case examines the response to Hurricane Katrina, pointing out that emergency response plans reflect speciesist assumptions that give human lives priority, in all circumstances. The media highlighted accusations of racism during the Katrina response, but activists need to educate the public about the connections between these forms of discrimination. Second, a train derailment in which residents evacuated without their animals resulted in a bomb threat on the animals' behalf. Faced with negative publicity, responders conducted a rescue operation, proving that the government responds selectively to direct action. Third, Hurricane Charley revealed a myth about the behavior of dogs that has parallels to myths about direct action on behalf of animals. Understanding how myths function can help activists undermine them. Finally, an evacuation exercise at an animal shelter emphasized the importance of training volunteers in the handling of animals. This lesson translates well to animal liberation actions and other situations in which animal safety is paramount.*

Introduction

The Federal Emergency Management Agency (FEMA) estimates that natural or technological disasters affect two to three million Americans every year. Any incident that affects humans is likely to affect animals, as well. For example, animal welfare organizations cared for an estimated 10,000 companion animals affected by Hurricane Katrina, which was only the first of the three American hurricanes of 2005. Over three million animals (companion animals and livestock) died in Hurricane Floyd in 1999. After the Asian tsunami, the media offered stories of how some animals fled to higher ground and some performed acts of heroism. However, the reality for the majority of animals seldom made the news. One month after the tsunami, the Humane Society International estimated the stray dog population on Phuket at 17,000. Six months after the disaster, rescue workers were still trying to provide care for thousands of starving dogs, cats, livestock, marine mammals, and other animals. Other examples abound. Thirty thousand cattle died in the Colorado blizzard of 1997. In the aftermath of Hurricane Andrew in 1992, anecdotal reports indicate that over 1000 healthy dogs and cats were euthanized merely for lack of space in which to house them.

This paper uses four case studies to highlight issues in disaster response that have relevance for animal rights activists. The first case draws on my experience in the response to Hurricane Katrina. Although the response brought numerous issues to public attention, I focus on the speciesist assumptions inherent in disaster response policy as well as in the irresponsible keeping of companion animals. The next case uses secondary data from survey research on the evacuation of companion animals following a train derailment and chemical spill in Weyauwega, Wisconsin. The accident brought attention to the need to evacuate

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companion animals along with residents and exposed conflicts between citizens and the quasi-military authority structure of the responders. The incident raises issues pertinent for animal liberators, especially concerning government justifications for keeping people out of particular areas. The third case study employs research I conducted following Hurricane Charley in 2004. The incident presented Florida's animal welfare organizations and companion animal guardians with the first major evacuation challenge since Hurricane Andrew. Although much had improved for animals in the intervening years, a new problem emerged. A "disaster myth" about dog behavior resulted in the shooting of a "dangerous" dog by police officers. The incident serves as a reminder of the justifications governments will offer for the use of violence and of the power that myths have over behavior. The fourth, and final, case study reports on a disaster exercise at an urban animal shelter. The exercise revealed problems with the use of untrained volunteers, who inadvertently pose additional risks for the welfare of the animals they intend to protect. This case offers a valuable lesson about the need for training and experience among those involved in actions on behalf of animals.

Providing for Animal Welfare within Disaster Response

During the last decade, emergency response agencies have gradually begun to include animals in their disaster response plans. Following Hurricane Floyd, for example, the major public and private animal stakeholders in North Carolina developed a cooperative response plan. Other states, such as Colorado, have developed their own animal response plans based on North Carolina's model. Through memoranda and statements of understanding with FEMA and the Red Cross, various animal welfare agencies serve as the designated animal responders following disasters. National and international organizations such as the Humane Society of the United States, Humane Society International, the American Humane Association, Code 3 Associates, Noah's Wish, and Emergency Animal Rescue Services deploy their disaster programs to stricken areas at the request of an affected state. National veterinary organizations, such as the American Veterinary Medical Association, can deploy the Veterinary Medical Assistance Team (VMAT) to help restore disrupted veterinary infrastructures.[1] Large numbers of trained and untrained volunteers typically assist these organizations in their disaster response work.

In May 2006, the U.S. House of Representatives approved the Pets Evacuation Transportation and Standards (PETS) Act (H.R. 3858), which will require states to include companion and service animals in disaster planning. The Senate version of the Act (S. 2548; vote pending) would authorize FEMA to aid in developing such plans. However, considering the incompetence of government during Hurricane Katrina, the PETS Act is little more than a public relations strategy. Local and national activists and animal welfare agencies, as well as other animal stakeholders, will continue to carry out the work, using donations and volunteer labor. Federal legislation regarding animal welfare in disasters goes nowhere without volunteers and activists. Indeed, legislation makes the government appear responsible, but it is little more than a mandate for welfare organizations to do more of what they have long done in disasters. The advantage of the PETS Act comes through requiring that responders recognize the importance of the bond between humans and companion animals. The National Guard and other rescuers will no longer be allowed to insist that people leave their animals behind, as in Hurricane Katrina. This is indeed a positive step, but only for companion animals. Although a discussion of farmed animals lies beyond the scope

of this paper, I must mention that this legislation does nothing for the millions of animals who die when disasters strike confinement feeding operations and research labs.

Beyond mandates that acknowledge the human-animal bond, the involvement of government in the animal response following disasters raises serious concerns about effectiveness. FEMA's ineptitude following Katrina is widely recognized. Although many contributing factors are to blame, one source of the problem is the structure used in disaster response. When a disaster occurs, the response is organized through an administrative structure known as an incident command system, or ICS. The ICS, also known as the "command and control" model, has its roots in military organizations that were the model for civil defense systems, which constituted the first comprehensive emergency planning in the U.S. (see Wenger 1990; Dynes, 1994; Drabek & McEntire, 2003). The ICS model has numerous advantages that make it efficient and economical; most notably, it uses standard operating procedures and a consistent division of labor. The Incident Commander establishes a command post from which to manage the ICS hierarchy. The Incident Commander has a command staff consisting of a Liaison Officer, who coordinates the activities of the responding groups, such as police, fire, animal control, and Red Cross; a Public Information Officer, who authorizes the release of information to the public and the media; and a Safety Officer, who is responsible for the safety of responders and the public. On the next level of the ICS are the four parts of the general staff, who oversee Operations, Planning, Logistics, and Finance.

The formal structure of the disaster response system includes agencies at the local, state, and federal levels. The precise composition of these agencies can vary. Some, such as FEMA, have a core group of full-time professionals who are assisted in operations by on-call volunteers. State and local agencies usually have smaller staffs, which serve in other capacities, such as fire fighters. In addition, trained private citizens are often activated to assist local jurisdictions. During a disaster, the response begins at the bottom, with local governments mobilizing first. Local responders communicate with state governments, which then communicate with the federal government if needed. Federal agencies, such as FEMA, provide financial and technical support to state and local agencies, which remain in charge of the response (see Schneider 1992).

The command and control model operates under several assumptions about the nature of disasters, the existence of a human-animal hierarchy, and the place of experts in the response. At the policy level, animal rights activists need to understand the assumptions underlying the command and control model. Activists involved in disaster response can use their knowledge of these assumptions to inform their participation and challenge the existing system. At the grassroots, on-the-ground level, activists involved in raids, sabotage, and large-scale direct actions should understand the assumptions guiding law enforcement and emergency responses to their actions.[2]

The first of these assumptions concerns the failure of existing social norms and structures in disasters. The very notion of command and control "assumes that emergencies create a severe disruption in social life which lowers the effectiveness of individual behavior and reduces the capacities of social systems" (Dynes 1983, 657-8). The ICS steps in to play the role of a strong authority that can prevail over the putative chaos wrought by the disaster. In this way, the command and control model's assumption of chaos represents an example of how institutional "thinking," to use Mary Douglas's (1986) metaphor, shapes the ameliorative services that disaster response organizations deliver (see also Holstein and Miller 1993; Miller and Holstein 1989). The metaphor of institutional thinking describes how organizational activities and discourse reproduce particular definitions of and solutions to

social problems. From an organization's perspective, a solution "is only seen to be the *right* one if it sustains the institutional thinking that is already in the minds of individuals as they try to decide" (Douglas 1986:4; emphasis added).

Because institutional thinking can only frame problems selectively, the proffered solutions often fall short of addressing the problems *as experienced* by those outside the institution's purview. In other words, institutional thinking overlooks relevant aspects of the situation or circumstances that are salient for those experiencing the problem. As Loseke (2001) argues, institutional formulations may not capture the complexities of lived experience. This failure leads to "discursive disjunctions" between incompatible systems of meaning (Chase 1995, 123). An example appeared in Hurricane Katrina, when rescuers forced people to leave their companion animals. Residents faced the choice between leaving animals they considered family members and risking their own lives. Because of institutional thinking, new problems may emerge later, through the cracks of the "organizationally embedded" solutions (Gubrium 1992; see also 1987). As I explain later, disaster myths about dogs in the aftermath of Hurricane Charley offer a good illustration of this.

In addition to the pitfalls of institutional thinking, the disaster response system, at least as currently practiced through the command and control model, reveals thoroughgoing speciesism and a paternalistic attitude about the right to use force and violence. To be sure, the command and control model should not be singled out for accusations of speciesism; our entire anthropocentric culture is to blame. The point I focus on here concerns the speciesist assumptions that direct emergency responders to save human lives first, and often at the expense of animal lives. Coupled with this, the use of state-sanctioned force and the threat and reality of violence poses an intriguing paradox for animal rights activists. For example, following Hurricane Katrina, the lack of government response required subsequent animal rescuers to engage in tactics such as breaking and entering, which are denounced when engaged in by the Animal Liberation Front (ALF). For a deeper exploration of these and other issues, I turn now to the case studies.

Case Studies

Case #1: Hurricane Katrina, New Orleans, Louisiana

The unprecedented catastrophe of Hurricane Katrina highlights numerous issues related to animal liberation and welfare. Although many stages in the response could provide critical and analytical points of departure, I limit the discussion to an aspect with which I have first-hand experience: the housing of companion dogs rescued from New Orleans (see Irvine forthcoming). Along with three staff members from a local humane society at which I volunteer, I assisted for a week in the overwhelming task of caring for the more than 2000 dogs housed at the Lamar-Dixon Expo Center in Gonzales, Louisiana (about 60 miles northwest of New Orleans).[3] The Humane Society of the United States (HSUS) leased Lamar-Dixon as the primary staging area for the New Orleans animal response.[4] At that time, Lamar-Dixon was the largest functioning animal shelter in the United States. Conditions in the field were extremely taxing, and I succumbed to heat exhaustion during my stay. Among the many insights that the experience afforded me, two stand out as particularly relevant for this paper. The priority placed on human lives, a basic tenet of disaster response, essentially created a second disaster, in the form of the overwhelming numbers of homeless animals needing rescue, housing, and veterinary care. The more basic issue however, and the one that has not entered the conversation about legislating animals

into disaster response plans, is the speciesism implicit in the belief that companion animals are a basic entitlement. Having one or more dogs, cats, or both is practically a birthright, regardless of the hazards to which people might expose the animals.

The Event

Katrina made landfall on August 29, 2005. It is widely known that in the flooding that followed, many of the residents who evacuated New Orleans left their companion animals behind. Many people did so because they were going to motels that would not accept animals. Others, rescued in boats, helicopters, and emergency vehicles, report that responders insisted that they would only take people. Some residents were forced, under threat of arrest, to abandon their dogs and cats. Evacuees who went to emergency shelters had to find alternative arrangements for their animals, as most shelters do not accept non-human animals.[5] In many emergencies, some animal shelters will house companion animals temporarily. As I explain below, this practice worked well during Hurricane Charley in 2004. However, Katrina's floodwaters destroyed the Louisiana Society for the Prevention of Cruelty to Animals in New Orleans.[6] Residents who managed to bring their dogs and cats to the Convention Center were forced to leave them behind when they evacuated that facility, simply because animals are not permitted on public transportation. Numerous media accounts depict National Guardsmen simply letting dogs and cats run free as their guardians watched helplessly.[7] One of the most famous—and heartbreaking—images from the disaster depicts the little white dog named "Snowball" being torn from a boy's arms by a police officer as the boy boarded a bus to leave the Superdome. Video showed the boy so upset that he vomited. The officer separated the dog and boy to uphold the policy that prohibits animals on public transportation. Evacuees reported being told that their animals would be rescued later, and some thought they could soon return for their animals themselves. As is now widely known, some residents have never returned.

As Katrina approached, animal response teams from all over the country were staging near Baton Rouge. However, police and military blockades prohibited animal rescuers from entering New Orleans for six days following the flood. Once rescue teams could enter the city, rescuers caught and transported animals to Lamar-Dixon, where they received veterinary examinations and treatment, decontamination baths (if needed), and 24-hour care, albeit at the most basic level. The vast majority of the animals housed at Lamar-Dixon were dogs. They received food, water, and a clean kennel every day, but walks were a luxury available only if we had additional volunteers. The minimal paperwork taped to the kennels told the location of rescue. The record of one especially sad dog described her rescue from a house where the other two dogs had died, most likely of heat, thirst, and starvation. Most of the dogs were mixed breeds, and most had nice dispositions, especially considering what they had endured. All were thin. Many were sick. Many had mange and diarrhea. Most male dogs were intact, and numerous females were in heat. For security reasons, the Lamar-Dixon management insisted that the lights remain on in the facility overnight. Consequently, the animals had no natural day and night. The relentless heat and humidity took a toll on the dogs as well as the volunteers.[8]

Volunteers worked around the clock, as vehicles continually arrived with rescued animals. The greatest number of animals arrived after dark, once the curfew in New Orleans forced rescue teams to leave the city. When I first arrived, the facility was terribly

overcrowded because the state veterinarian would not allow dogs to be transferred to shelters outside Louisiana. Within the week, however, dogs who had been unclaimed since the flood could be transferred out of state, while newly rescued animals had to remain within Louisiana for a designated time to allow guardians a chance to locate them. After a transfer of dogs, the newly empty kennels gave volunteers momentary false hope. Just moments after a truckload of dogs departed for other shelters, new ones arrived by the dozens from the streets and rooftops of New Orleans.

Discussion

The overwhelming numbers of homeless animals after Katrina highlighted the speciesist assumptions in the disaster response. Emergency responders make human lives their first priority. Fire fighters, police officers, and other first responders will not rescue a dog or cat instead of a human being.[9] This policy draws a line between different kinds of life, and assumes that the lives on the human side of the line are more valuable. The debate about the relative value of lives is, I believe, misguided. The speciesism inherent in the construction of a human-animal boundary assumes that rescue cannot be reinvented in such a way that can spare the lives of animals *and* humans. The policy of putting humans first inhibits thinking about disaster response "outside the box," as it were. If disaster response policy were examined with an eye to eliminating speciesist assumptions, small changes could improve the situation for people and animals. For example, in a conversation I had with a veterinarian volunteer about six months after Katrina, I learned that Red Cross responders are not permitted to carry dog and cat food in their vehicles. This particular veterinarian had traveled through New Orleans in Red Cross vehicles several times as part of his service, during a time early in the response when travel in the city was restricted to emergency vehicles. He pointed out the need for dog and cat food at his site, and requested that the Red Cross bring some on their next trip. The responders told him that they were prohibited from carrying animal feed or animals. The veterinarian explained that the food was human-grade, securely packaged, and unlikely to cause any contamination of any sort. The rule prevailed. Hundreds, perhaps thousands, of dogs and cats starved because emergency vehicles were reserved for *human* needs. Only once animal response teams were allowed in the city could food be made available to stranded and stray animals.

In the rescue efforts, animal response teams broke into evacuated homes, smashing doors and windows and using the same tactics that the ALF uses to rescue farmed and lab animals. In both cases, the rescuers offered the same justification for their actions, claiming that the animals were suffering and that saving them trumped any rights to property. However, in the Katrina response, the state had in effect granted permission for rescuers to engage in breaking and entering. Companion animals have a different status than those confined in labs and on farms (as demonstrated by their inclusion in the PETS Acts). Moreover, the public, once aware of the plight of the abandoned dogs and cats, supported the rescue effort. The violence was state sanctioned to compensate for the government's incompetence in the response. In contrast, ALF actions are on behalf of animals who are generally invisible to and forgotten by the public. To protect corporate interests, the government portrays ALF activists as terrorists rather than rescuers. The significant point is that the cases are similar in the most important respects, highlighting the arbitrariness of the laws that demonize liberation as terrorism. The Katrina response can potentially inform people about what liberation is and why it is necessary.

During the response to Katrina, charges of racism surfaced regularly in the media, but the Katrina response also demonstrated rampant speciesism, and the links between the two forms of discrimination became real as dogs from poor, predominantly African American parishes crowded into Lamar-Dixon. Although steps such as challenging the human-animal boundary on the response end could improve the situation for animals, there are additional speciesist assumptions at work on a more basic level in the practice of keeping dogs and cats as companions. In the interest of full disclosure, I will admit that my cat and dog companions surround me as I write this. Nevertheless, I believe that, in a morally just world, we would not reproduce other species to keep for our companionship.[10] Before we humans reach that stage of moral maturity, we must ask serious questions about the risks to which we expose companion animals when we keep them in our homes.

Most of the animals at Lamar-Dixon came from parishes in which heavy flooding was anticipated early on in the incident. These parishes were also mostly lower-income areas, where residents had few resources to evacuate on their own. Because the practice of keeping animals as companions is taken for granted, regardless of the hazards to which people might expose the animals, thousands of dogs and cats were abandoned when their human guardians were rescued. This raises a political minefield of a question: should people who have few resources to insure their own safety also put animals at risk? The question smacks of middle-class privilege, and I want to be clear that I am not saying the poor are incapable of caring for animals. Rather, I want to raise the issue that incorporating animals into disaster response is a positive step, but more basic steps in educating people about responsible guardianship might go further to reduce the hazards that animals face in future disasters. "Responsible" guardianship must go beyond simply providing food, water, and shelter. It must involve acknowledging a lifelong commitment, and fighting against threats to that commitment. The experience of losing a companion animal in Hurricane Katrina should have compelled New Orleans residents, particularly African-Americans, to activism on behalf of animals. However, most people seem content to believe that the government has allegedly solved the problem of animals in disasters. Time will most likely reveal that exclusively human interests once again prevail.

Case #2: Chemical Spill, Weyauwega, Wisconsin

Self-reliance on the part of the public is an essential capacity in effective disaster preparation. Emergency managers recommend that people take the initiative to have supplies on hand to provide for *all* members of the household for at least 72 hours. For small animals such as cats and dogs, this means having sufficient food, water, collars, leashes, and identification, litter, bedding, medications, and other necessities. For cats and small dogs, it also means having carriers for transportation and housing. Moreover, because Red Cross shelters that provide emergency housing for people do not allow animals, it means prearranging accommodations with friends, family, or in motels away from the disaster area. In short, considerable individual and household initiative is expected during the response to a disaster. Yet, in the event of an actual evacuation order, individuals must yield to the authority and expertise of emergency managers. In a train derailment in Wisconsin, these conflicting expectations compromised public and animal safety in ways that, if engaged in by animal liberation groups, would have been denounced and prosecuted.

The Event

At 5:30 a.m. on March 4, 1996, 35 cars of a train derailed while passing through Weyauwega, Wisconsin. Fifteen of the train's cars carried propane, and five of these caught fire. At 7:30 a.m., residents of Weyauwega's 1022 households were ordered to evacuate because of concern for an explosion, and electricity and gas were cut off to reduce further hazards. Emergency managers anticipated that the response would take several hours. The effort instead took over two weeks, reflecting the unpredictability of disaster response. Among the 241 households that included companion animals, fifty percent of the residents left their animals behind.[11] Residents who were not at home at the time of the order to evacuate had little choice. Shortly after the evacuation, forty–percent of companion animal guardians reentered the evacuation zone illegally to rescue their companion animals, at considerable risk to their own safety. Following protocol, emergency managers prevented residents from attempting to enter their own homes. A group of citizens made a bomb threat on behalf of the animals. As anyone familiar with animal rights actions knows, this attracted considerable media attention. Four days after the evacuation, the Emergency Operations Center organized an official companion animal rescue, supervised by the National Guard and using armored vehicles.

Discussion

The Weyauwega disaster shows how institutional thinking shapes the ameliorative services that emergency responders deliver. As one disaster researcher puts it, "success and failure in disaster recovery is almost entirely a matter of public perception rather than objective reality. Private citizens cannot be expected to comprehend fully the difficulties and complexities involved in any recovery effort. At the same time, people are naturally absorbed with their own personal problems caused by the disaster" (Schneider 1992, 143). From within the paternalistic purview of emergency response, the ICS is the new social structure, put in place because existing structures will purportedly disintegrate. According to the new rules, citizens must obey orders to evacuate. The lives of residents and responders have priority over property, which includes companion animals, at least at the present. However, from the public's perspective, it is a resident's prerogative to evacuate or not, or even to decide when to reenter after leaving.

The self-reliance and initiative that facilitates successful response was put to work in the bomb threat, rather than in preparation. Only 2.5% of the companion animal-owning households indicated that they had a disaster plan prior to the train derailment, but 41% had made such a plan following the incident. More importantly, the use of the National Guard challenged resources that could have gone to other uses. The Weyauwega incident reveals that residents who do not evacuate with their companion animals could adversely affect the health and safety of many other people and animals during disasters. Hurricane Katrina provided further evidence of this, adding to the existing documentation of the importance of evacuating companion animals along with residents (Heath *et al*. 1998, 2001a, 2001b, 2001c).

The actions of the companion animal guardians who illegally rescued their animals points out the risks of discursive disjunctions between incompatible systems of meaning. One animal response director put the disjunction this way: "The public may think the question surrounding companion animals in disasters is, 'will you risk *your life* for your companion animals?' However, the question really is 'will you risk *someone else's life* for your companion animals?" (Kevin Dennison, personal communication). This is further illustration of the speciesist assumptions of disaster response: human lives come first. Framing disaster response in terms of whose life is more valuable makes it unlikely that

response policy will move beyond the human-animal dichotomy to create ways to meet the needs of all life.

Case #3: Hurricane Charley, Southwest Florida

"Disaster mythology" (Wenger *et al.* 1975) refers to the numerous misapprehensions people hold about behavior during and after a disaster (see Fischer 1988a, 1988b, 1998). One researcher explains the myths about disaster behavior in this way:

> [Victims] are expected to flee in panic, suffer from psychological dependency and disaster shock. It is often believed that evacuation of these people must not be called too soon for fear of causing massive flight behavior. It is believed that shelters overflow beyond capacity with organizers unable to deal with the mob mentality. Both survivors and those converging to the scene are believed to be driven by base, depraved instincts. These individuals are commonly perceived as likely to loot property, price gouge on another, and generally behave in other selfish ways—most of which are imagined to spread from individual to individual in a contagious fashion (Fisher 1998, 13).

Disaster researchers have established that the public believes in disaster myths and the mass media facilitates their beliefs (see Fisher 1998 for a review). Although looting and price gouging do occur following disasters, instances are relatively few, and media coverage is usually based on third-party reports.[12] Simply put, "the perceived tendency for the depravity of mankind to emerge during disasters is not supported by the evidence" (Fischer 1998, 18).

In contrast, research reveals "very little panic or anti-social behavior during the immediate response period. Instead, there is an outpouring of concern on behalf of victims and the affected community (Drabek and McEntire 2003, 107). However, emergency responders are aware of disaster myths and must take steps to convince the public that they are safe. The National Guard is deployed to protect against looting and Incident Commanders often establish curfews. Myths affect the behavioral response to disaster. Researchers have found, for example, that significant numbers of people refuse to evacuate their homes for fear of looting (Dynes and Quarantelli 1975; Perry, Lindell, and Greene 1981). After Hurricane Charley, I saw many homes in Port Charlotte and Punta Gorda spray-painted with messages of "Don't loot or I'll shoot." Alongside the myths about looting and price gouging, Hurricane Charley revealed what I call the myth of "the dangerous dog pack." This myth has implications for the treatment of animals displaced by disasters and for direct action on behalf of animals.

The Event

Hurricane Charley hit southwest Florida early in the afternoon of August 13, 2004. The storm was rated category four, having winds up to 145 miles per hour. Charley made landfall in the city of Punta Gorda, in Charlotte County. Over two million people were evacuated and the damage was extensive, estimated at over three billion dollars. I conducted ethnographic research and interviews in Charlotte County, Florida, immediately following Hurricane Charley in August 2004 (Irvine 2004a). I visited the Suncoast Humane Society, which served as the primary staging area for animal response during the hurricane, and the Animal Welfare League, which sustained heavy damage during the storm. I interviewed key

members of the response team and conducted field conversations with staff members and volunteers. The objectives of the study were to describe the organizational response concerning animals and to compare the post-Charley situation for animals with that of Hurricane Andrew in 1992.

The destructive force of Hurricane Charley resulted in numerous problems for companion animals and animal stakeholders. The storm damaged or destroyed several local veterinary hospitals. Charlotte County requested assistance from the VMAT to restore the veterinary infrastructure. The storm tore the roof off the Animal Rescue League of Charlotte County. Prior to the storm, Charlotte County Animal Control (assisted by Charlotte County Volunteer Animal Rescue Committee) had evacuated all the dogs (about one hundred) from the shelter to a fire training tower east of Punta Gorda, where they were housed in kennels with three days worth of food and water. All cats had been placed in foster care, many with staff and volunteers. On August 14, the HSUS Disaster Animal Rescue Team arrived with about two dozen volunteers and immediately set up a temporary center in Punta Gorda. The HSUS facility cared for lost and injured animals and arranged transport to Suncoast Humane Society in Englewood, about fifteen miles away. On August 14, Suncoast transferred its adoptable animals (about 100 cats and 50 dogs) to other Florida shelters to make room for animals displaced by the hurricane. Suncoast also housed the dogs who had weathered the storm in the fire tower. Some residents who suffered significant losses found that they could no longer provide a home for their companion animals and had to surrender them to the Humane Society. Suncoast transferred all animals surrendered by their guardians to shelters in other areas of the state. The shelter kept animals who were lost and found during the hurricane for longer than the usual period before becoming adoptable, to facilitate reunions with guardians. Suncoast took reports of lost animals, and all facilities tried to match reports with found animals in order to reunite animals with their human families.

Alongside the myths about looting and price gouging, Hurricane Charley revealed the myth of "the dangerous dog pack." This refers to the belief that stray dogs will band together and attack people. In Charlotte County, one woman reported being bitten by a stray dog. Coincidentally, several dogs were seen traveling together in the vicinity. The police assumed the dogs were guilty. They shot and injured one dog, who then ran off. Animal control officers later caught the dog and took him to Suncoast Humane for treatment. He awaited adoption at the time of this research (appropriately named "Bullet"). However, local officials and the public clearly believe in the power of "pack mentality."

Discussion

Like all myths, the "dangerous dog pack" contains some wisdom. Dogs and other animals can carry rabies and other zoonotic diseases. It makes good sense to avoid handling an unfamiliar dog or cat, especially one that appears frightened. But in a short-term disaster such as a hurricane, animals who were companions only two or three days earlier are not likely to have so quickly reverted to a savage state of nature. In an uncertain situation, one bite implicated all dogs, and fortunately, only one animal suffered. The fate of animals in larger scale disasters such as the tsunami is less positive. The Sri Lankan military was prepared to kill thousands of homeless dogs if even a single case of rabies occurred. Six months after the disaster, the Humane Society International team was still engaged in efforts to educate officials about the benefits of spaying, neutering, and vaccinating over eradication. In addition to being morally reprehensible, killing campaigns are also ineffective. The killers never catch all the dogs, who flee at the hint of danger. Dogs then populate other

areas, where they continue to breed. The two organizations face a discursive disjunction as they negotiate the meaning and value of homeless animals. The myth of the dangerous dog pack empowers the government to engage in public relations efforts to show members of the public that they are safe.

Disaster myths have a parallel in animal rights activism, particularly direct action. For example, similar myths shape the way the government, corporations, and the public understand direct action on behalf of animals.[13] Equating direct action with terrorism creates the impression that it always involves violence and intends at intimidation. The equation of the two in the media shapes public perceptions. Members of the public begin to believe that they are vulnerable to violence committed by animal rights activists. Consequently, any direct action will elicit state-sanctioned force and violence, not because the action itself was violent, but because the public, as well as the police and other responders, believe the myth. Even if the responders understand the action correctly, they will be required to take drastic action as a public relations move, to demonstrate that citizens are protected from "terrorism."

Case #4: Disaster Exercise, Aurora, Colorado

Another common occurrence contradicts the myth that disasters bring out the worst in people. During a disaster, well-meaning but untrained volunteers, unaffiliated with any response agency, will gravitate to the site. Some people will want to help with rescue and recovery, while others will bring sandwiches or snacks. Due to insurance regulations, disease control and safety measures, response protocols, and most tellingly, due to the ICS's inability to integrate them, untrained volunteers pose a tremendous liability in any incident. They also represent an extraordinary untapped resource. The handling of what responders refer to as "SUVs," or "Spontaneous Untrained/Unsolicited Volunteers," is one of the most challenging public relations issues in a disaster. It also represents an area in which the gap between institutional thinking and lived experience is wide. As one emergency manager puts it:

> When disaster—natural or man-made—strikes a community, specific emergency management and nonprofit organizations automatically respond according to a pre-established plan. Each of these designated organizations has a specific role to play to ensure an effective response to and recovery from the disaster's devastation. Yet one element within the present system continues to pose a challenge: spontaneous, untrained volunteers . . . the paradox is clear: people's willingness to volunteer versus the system's capacity to utilize them effectively (Gliniecki 1004).

The Event

In a dual role of volunteer on the State Animal Response Team (a non-governmental agency) and researcher, I observed an emergency training exercise at an animal shelter in Aurora, Colorado, the state's third largest city. The exercise illustrates a potential problem with SUVs in the animal shelter context and in any situation involving the handling of animals. The facility had to relocate temporarily during construction. Thirty-eight dogs and eleven cats were housed there at the time of the exercise. The temporary facility, about five miles away, had been set up during the preceding week. The relocation provided an opportunity for a disaster training exercise. The exercise had three goals. The first was to establish a model operational structure for use in the evacuation of shelters, boarding kennels, veterinary hospitals, and similar facilities. The second was to establish the logistical

needs in such incidents. The third goal was to identify concepts and issues for incorporation into statewide protocols used by animal control officers and emergency responders. I took extensive notes about what went well or poorly and participated in the debriefing following the exercise (see Irvine, unpublished paper).

The scenario for the exercise was that an explosion had occurred at a natural gas facility within a few blocks of the shelter. The building sustained minor damage during the explosion and lost utilities, but remained structurally sound. However, the fire department and engineers ordered the evacuation of all animals during repairs. The aim was to relocate all dogs and cats while maintaining kennel records and any medications. Because the building was sound, there was no immediate time pressure to evacuate the animals. Nevertheless, the intention of the exercise was to evacuate them as quickly and safely as possible. Animal control officers and a representative from the State Animal Response Team were in command of the incident. A few of those involved in evacuating the animals were affiliated with the shelter or with the State Animal Response Team. However, some volunteers came from a local training program for veterinary technicians.

At the start of the exercise, Incident Commanders provided detailed instructions about how to handle, house, and transport animals so that correct identification remained with each animal. Volunteers evacuated all animals from the building and situated them in temporary housing in two hours and fifteen minutes. Considering that none of the volunteers had previously experienced a true emergency evacuation, and had received only a short briefing beforehand, the evacuation was notably smooth. During the debriefing after the exercise, the team discussed some minor problems that had easy solutions. However, a fight between two dogs points out a risk with SUVs.

Discussion

The volunteers from the veterinary technician program had ample experience handling *companion animals*, but had no experience with *shelter animals*, for whom the handling protocols differ significantly. For instance, most shelters know little about the history, health, and temperaments of the animals in their care. Consequently, to control disease and prevent bites, fights, and injuries, shelter workers avoid having dogs encounter one another nose-to-nose. During the exercise, a bottleneck occurred at an exit station. Dogs and volunteers crowded into a narrow hallway, and two dogs began to fight. This particular fight ended quickly, but it could have resulted in serious injury to volunteers and dogs. A second incident occurred when a semi-feral cat escaped from her kennel at the temporary facility. Unaccustomed to handling unsocialized cats, the volunteer had turned away to check some paperwork and left the cage open. This, too, could have resulted in human and animal injury. Because of bite quarantine policies and the attendant re-evaluation of adoption status, a bite inflicted during the recovery of an escaped animal could even result in the animal's death. Both incidents point out the need for situation-specific training for all volunteers. This issue translates well to animal rights activism. Although screening and training are often time-consuming, the trust and confidence that come from having everyone "on the same page" can be invaluable.

Conclusion

The recent attention paid to the needs of animals in disasters points out what I have elsewhere referred to as the *paradox of progression* (Irvine 2003). The phrase captures how one

social problem develops into new problems or "piggybacks" new versions onto existing ones. For example, an ongoing problem for companion animals in disasters is displacement. In Hurricanes Andrew and Katrina, abandoned and stray animals caused additional disasters. However, when animal evacuation plans succeed, as they did in Hurricane Charley, the problem is no longer displaced animals but fears about "dangerous dog packs." The current solution to *that* problem—shooting suspicious strays—is clearly unacceptable. Thus, the new problem becomes one of disabusing law enforcement and the public of the notion that dog packs pose a serious threat. Similarly, emergency responders face the "problem" of SUVs. The solution has been to create a position within the ICS to convey information to the public about how they can help. The problem then becomes one of *what kind of information* to convey, as the potential for negative public relations is high. The SUV problem might some day be resolved, raising new concerns. At present, though, it remains a pitfall for all situations involving animal handling.

By some standards, the future for animals in disasters is improving. Hurricane Katrina brought public awareness to the need to include animals in response plans, and it is unlikely that the public will ever again be ordered to evacuate without companion animals. However, by other standards, the fate of animals has changed little, and may even have taken a step backward. Including animals in response plans means they will likely suffer from the same bungling and corruption that characterized the Gulf Coast response. The animal response will remain in the hands of welfare organizations, while these organizations and their largely volunteer staff will remain at the mercy of a quasi-military authority structure. In short, current efforts to include animals only incorporate them into a flawed system.

One solution would be to consider alternatives to the ICS. However, because the Homeland Security Act of 2002 mandated ICS as part of the national emergency response system, change is unlikely. In any case, alternatives would almost certainly incorporate the "humans first" speciesism endemic in our culture at-large. If ICS is here to stay, emergency planners must ensure that rescuers, companion animal guardians, and other animal stakeholders understand its structure and, most importantly, are included in it. One positive step would involve recognizing animal rights and welfare organizations as first responders, akin to police and fire fighters, and granting them the same access to restricted areas. Another step would involve an extensive public awareness campaign, designed to educate citizens about the emergency response system before the next disaster occurs. The most important step is for activists, educators, and others to continue to call attention to the speciesism that commodifies animals, thereby allowing us to put them at risk in disasters. At the very least, we must encourage responsible guardianship, which would include assessing the risks animals may face by living with us.

Finally, this paper has not addressed the plight of the millions of farmed animals, who are at even greater risk than are companion animals in disasters. Confinement feeding operations offer no chance for escape from flood, fire, or structural damage. The farmers who feed the animals do so by contract with large corporations who manage dozens of production facilities. Because the farmers do not own the animals, they cannot legally authorize or conduct rescue operations. In addition, the sheer numbers of birds and animals in a typical facility pose numerous logistical problems, such as transportation and re-housing. Saving the lives of farmed animals often costs more than the monetary value of the animals' lives. The risks to farmed animals in disasters present one more reason for eliminating intensive agricultural practices.

Some researchers point out that all disasters are human-caused, because we choose to live, work, and play in disaster-prone areas. As we incorporated animals into human

society, we also exposed them to hazards. Because companion animals share our homes, they face the same risks from fire, weather, and other hazards that might cause injury, threaten lives, or require evacuation. We are therefore responsible for their welfare. However, in disaster responses, human lives have priority. Although an evaluation of the justifications for this moral decision lies beyond the scope of this paper, the decision itself implies that we cannot save animals as well as humans. The kinds of policies that would value all lives would challenge the dualistic thinking behind the simplistic categories of "humans" and "animals." Activists must continually challenge speciesism, wherever it appears. The anthropocentric assumptions that permeate our culture are a disaster waiting to happen.

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[1] VMAT is deployed to areas of federally declared disasters upon request. States can request VMAT assistance in other emergencies, but have to pay the full cost of deployment. Local veterinarians perform most veterinary services in emergencies/disasters with VMAT deployments being only in the extraordinary situations.

[2] For additional criticisms of this approach, see Dynes 1983; Mileti 1989; Schneider 1992.

[3] The Louisiana State University School of Veterinary Medicine's large animal program cared for the 350 horses also housed at Lamar-Dixon.

[4] The staging area for the Mississippi animal response was located in Hattiesburg.

[5] The exception to this was in Hattiesburg, MS, where the HSUS had established a "pet-friendly" shelter for evacuees and their companion animals.

[6] The LA-SPCA provides care and basic medical services for approximately 11,000 homeless and unwanted animals each year. Before the hurricane struck, the LA-SPCA shelter staff had transferred their animals to other shelters, in accordance with its disaster response plan. The animals housed in its counterpart in Mississippi, the Humane Society of South Mississippi, in Gulfport, were rescued on September 2.

[7] See, for example, <http://www.la-spca.org/tails/lily.htm> 3 July 2006
and
<http://www.hsus.org/hsus_field/hsus_disaster_center/recent_activities_and_information/2005_disaster_response/hurricane_katrina/refusing_to_leave_them_behind_evacuees_smuggled_their_pets_out_with_them.html> 3 July 2006

[8] For additional, and similar, reports from Lamar-Dixon, see
<http://animalliberationfront.com/News/2005_9/KatrinaHSUSprobs.htm> 4 July 2006

[9] In all fairness, many media accounts document that individual responders wanted to rescue animals, but the overall policy of disaster response is "people first."

[10] For my views on this, see Irvine 2004b.

[11] The evacuation zone included three dairies, and all livestock animals were also left behind.

[12] In the aftermath of Hurricane Katrina, news photos showed white residents "finding" bread and food and African Americans "looting" a grocery store. See <http://www.nowpublic.com/node/18075> 3 July 2006

[13] For a list of common myths about direct action, see <http://animalliberationfront.com/ALFront/DirectActionMyths.htm> 6 July 2006

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Transparency and Animal Research Regulation: An Australian Case Study

Siobhan O'Sullivan

Introduction

This paper focuses on transparency in Australian animal research policy. For the last three decades the rhetoric from those who engage in, and those who regulate, animal research, has asserted the need for the practice of animal experimentation to be more transparent and open to the public and objective scrutiny. From the perspective of both animal researchers and the government transparency is thought to be helpful in garnering public support for animal experimentation, particularly in the face of attacks from animal rights advocates. This position has been adopted by researchers and regulators despite animal rights advocates considering it morally unacceptable to use animals as a means to human ends, regardless of potential medical benefits. Underpinning the approach taken by researchers and the state is the notion that opposition to animal research is partly a result of public ignorance. It is thought that if more people understood the scientific process, their opposition to animal experimentation would dissipate. An enquiry by the Australian Senate Select Committee into animal experimentation found that it is important for research institutions to be "open and forthcoming" about their animal use.

This paper seeks to examine the extent to which the research sector has addressed transparency concerns. I argue that the animal research community has not adequately increased its level of public accountability, nor have policy makers imposed legislative changes upon the research community that achieve that end. At the same time, public concern over the use of animals in research is significant. Using original survey data, this paper contends that although the majority of those surveyed stated they are either "very concerned" or "somewhat concerned" about animal research, community understanding of animal-based research is poor. These findings suggest that the animal research community has failed to "open the laboratory door" in a meaningful way. However, it is also argued that it is not self-evident that enhanced transparency is in the best interest of any particular

stakeholder. The animal rights claim that animal research should be abolished, not made transparent aside, this paper addresses the debate on its own terms and as it unfolds within many sectors of the research, animal advocacy, and policy making communities.

The Argument in Favour of Transparency in Animal Research Policy

A great deal of ink has been spilt over the issue of transparency and the use of animals in research. The issue may be couched in different ways. Some speak of holding the research community accountable for their actions. Others refer to the issue in terms of providing the public with the information they are rightfully entitled to by virtue of tax-based funding of research. Some speak of educating the public about the benefits of animal-based research, and still others think of the issue in terms of protecting the interests of research animals through public debate and enhanced awareness, including bringing about an end to animal experimentation by exposing its reality to a largely ignorant public. However, regardless of the terminology employed, or the perspective from which the issue is approached, transparency has been at the centre of the animal research debate in Australia and elsewhere for the last thirty years.

The tussle over transparency in animal research has engaged all three stakeholder groups: those who oppose the use of animals in research, those who make their living from animal-based research, and public policy makers who mediate the two. Relations between animal advocates and animal researchers have been likened to a state of war (Pifer, Shimizu and Pifer 1994) and in many ways that is an apt description. However, survey work into attitudes held by both animal researchers and animal advocates, suggests that on some issues the views held by the two groups are not dissimilar (Paul 1995), and that when it comes to the question of increased transparency, according to the rhetoric employed by both camps, there appears to be a level of consensus. Both researchers and activists appear to believe that enhanced transparency is in their own best interest, and raising the level of transparency is a goal to which both parties claim to aspire. Policy makers have also encouraged animal research institutions to move in that direction. In the following section, I examine the conflicting attitudes towards enhanced transparency in the animal research sector, and consider the reasons why each group may consider transparency to be in their own best interest.

Animal Advocates

Although trends within each stakeholder group are observable, it is important to note that no one interest group is a homogenous entity and different views do prevail. For the purpose of this article the most diverse stakeholder group involves those who oppose the use of animals in research. In Rain Without Thunder: The Ideology of the Animal Rights Movement (1996), American legal theorist Gary L. Francione argues that the animal protection movement may be broken up into three component parts: old welfarism, new welfarism, and animal rights. According to that classification, old welfarists seek merely to minimise animal suffering within laboratories, factory farms, and elsewhere, without challenging the institutions of exploitation themselves. New welfarists, in contrast, advocate a rights view in theory, but in practice they work only to reduce animal suffering, not abolish it. True animal rights advocates, however, pursue abolitionist philosophy and tactics, as they seek the end of all forms of animal exploitation. The animal rights position includes an unwillingness to compromise the rights of individual animals in pursuit of a reformist agenda (Francione 1996). In Australia those who subscribe to either a new welfarism or to an animal rights position express the strongest opposition to animal research. Proponents of both the new welfarist and the animal rights views consider enhanced transparency important in progressing their agenda as many believe that enhanced transparency will result in greater opposition to animal research.. However, those who hold to an animal rights position are likely to pursue transparency as an aid to achieving the abolition of all animal-based research. Whereas other segments of the animal protection movement may consider it sufficient to use enhanced transparency as a tool to achieving better conditions within laboratories, or a reduction in the number of animals use.

The concept of enhanced transparency does not sit entirely comfortably with an animal rights (abolitionist) philosophy. However, at least some within the animal rights community support the notion of enhanced transparency. Claudette Vaughan, editor of the animal rights journal The Abolitionist-Online, stated that "I know calling for transparency is not abolitionist however exposing light into dark places is the first step and that feature alone scares the â€˜other side'" (personal communication, May 17, 2006). Animal activists who adhere to strict animal rights principles are unlikely to be willing to participate in the regulatory system, and enhanced transparency may be something they pursue via direct action, including infiltrating research laboratories.

By contrast, those animal advocates who may best be described as new welfarist, may support enhanced transparency both via direct action and also by working with the state to enhanced transparency as part of the regulatory system. The concepts discussed in this article which relate to the debate concerning enhanced transparency in the animal research regulatory system therefore deal most closely with new welfarist animal advocates.

Animal advocates -- that is, people who actively seek to influence the manner in which humans and nonhuman animals may lawfully interact -- appear to be strongly in favour of knowing as much detail about animal research as possible. In this case the word "detail" does not mean to suggest animal activists are content to learn about animal research practices through journal articles authored once a research protocol is complete. Rather, animal advocates are keenly interested in knowing what experiments are being approved, by which institutions, and for what reason. They do not wish to access the information after the fact, but rather in a timely manner, preferably prior to the protocol's commencement.

Animal advocates are also interested in learning who makes the decision to approve research, why scientists believe the research should be carried out, what species of animals will be used, and how the animals will be affected. Importantly, animal advocates also appear to want to know how the animals are treated while in the laboratory and what will happen to the animals once the protocol is complete. The detail of how a procedure is carried out is often of greater interest to the animal advocate than the aim of the protocol or the research findings. As one observer argued, animal advocates tend to be focused on the animals' suffering, whereas animal researchers tend to prioritise the benefits that may flow from their research project (Paul 1995).

In October 2002 New Zealand Greens MP, Sue Kedgley, speaking in her capacity as Green Party Animal Rights Spokesperson, delivered a paper at a seminar hosted by the New Zealand Animal Rights Legal Advocacy Network in which she effectively captured many of the sentiments commonly expressed by animal advocates who campaign in opposition to the use of animals in research. Advocating increased public transparency, she stated that:

[E]ach year scientists and researchers in New Zealand carry out all manner of experiments, including cloning and genetically engineering animals, on about 300,000 animals a year. Of those 300,000 over 17,000 of these animals are subjected to severe or very severe suffering.

But we, ordinary New Zealanders, or even someone like myself who is an MP [Member of Parliament] representing the public interest, have absolutely no idea what actual experiments are conducted on these 300,000 animals, or why. What happened to the 300 horses or 300 odd cats who were experimented upon last year? Did we really need to use 300 horses and 300 cats?

And was it really necessary to subject 17,265 animals to severe or very severe suffering?

We ordinary New Zealanders, have no idea because all the meetings of the Animal Ethics committees [AECs] which approve experiments are conducted in secretâ€¦ their meetings are not advertised, and members of the public cannot even obtain copies of the agendas or minutes of their meetings - much less the details of the experiments they approve, or the reasons for the research and experimentation.

The public cannot even find out who are members of Animal Ethics committees â€“ even members whoâ€¦ are supposed to be representing the public (Kedgley 2002).

However, the animal protection community's concerns over insufficient transparency do not begin and end with the application process. Animal advocates want to see what takes place in laboratories, and they want the public to understand the reality of animal cruelty brought about by scientific research on animals.

In 1996 independent filmmaker Zoe Broughton worked as a laboratory technician for Huntingdon Life Sciences (HLS) in the United Kingdom (UK). She took the position in order to secretly film conditions inside the laboratory. Her footage resulted in two technicians being charged with "cruelly terrifying dogs." Broughton's is a well-known

case because the resulting footage was widely distributed (Broughton 2001:31). However, animal groups regularly put time, energy, and expense into obtaining footage and information from inside laboratories. At the same time Broughton worked at HLS UK, HLS laboratories in the United States were also being infiltrated by People for the Ethical Treatment of Animals (PETA) (Broughton 2001:31). Recently PETA Europe also obtained footage from inside Germany's Covance Laboratory. However, in both PETA cases the results have not been as widely publicised because of legal action initiated once the infiltrations were uncovered (Broughton 2001:31 and Covancecruelty 2005).

Not all animal protection groups have the means or expertise to gain access to research facilities, but many feel such activity is necessary in order to bring about greater transparency in animal research. The British Union for the Abolition of Vivisection (BUAV), an influential anti-animal research organisation, states on their web site:

The animal research industry is responsible for the deliberate infliction of pain, suffering, distress and death on billions of animals every year around the world. By its very nature, it is an industry that remains closed to public scrutiny. It operates behind closed doors and in secrecy.

The BUAV, in its determination to break through this secrecy, not only pioneered the use of investigative work in the UK but also, at an international level, leads the field with its expertise to expose the plight of laboratory animals (BUAV nd).

Similarly, in Australia, the organisation Animal Liberation New South Wales (NSW) carries a message on its web site claiming:

Hundreds of thousands of animals are used in experiments each year in NSW - including pain experiments and poisons testing. But the details are hidden behind a veil of secrecy. And despite serious breaches of the Act, no researcher has ever been prosecuted under it! Why not???

Most teaching and research are funded by taxpayers' dollars. The taxpayers have a right to know how their money is being spent - and that legal requirements are being met (Animal Liberation NSW 1999).

The animal advocates cited above all agree that achieving enhanced transparency is important in advancing their agenda of protecting animals against the harms they suffer when used in research. To this group, the concept of transparency implies revealing to the world the conditions under which animals live and die in research laboratories.

Animal Researchers

Influential sections of the animal research community also argue that there is a need for enhanced transparency. Following Sue Kedgley's speech in 2002, the Australian and New Zealand Council for the Care of Animals in Research and Teaching (ANZCCART), whose mission statement is to "provide leadership in developing community consensus on ethical, social and scientific issues relating to the use of animals in research and teaching" (ANZCCART nd), convened its 2003 conference in Christchurch, New Zealand. The conference was titled Lifting the Veil, and following the meeting a press release was issued which stated that delegates had recommended that:

o increased transparency of animal research and testing procedures would be of value to the public, and that more information should be provided as long as such disclosure does not compromise personal safety of scientists. The preferred means for providing this information is by publication of a plain language summary of all research projects approved by animal ethics committees.

- annual statistics published by MAF [Ministry of Agriculture and Forestry] should provide more detail on different types of animal research, testing or teaching.

- balanced information on the value and need for animal research and testing must be made available to the public at all levels (ANZCCART 2003).

Since that time, ANZZCART, through its publication ANZCCART News, has continued to air debate concerning the pros and cons of enhanced transparency. In 2005 Graham Nerlich, Emeritus Professor of Philosophy at the University of Adelaide (Australia), argued that the research community must act in order to raise its level of

public accountability. If enhanced transparency does not come from within, he claimed, it will be imposed from without -- meaning researchers may not be in a position to define their own terms of reference (Nerlich 2004:11-12). In response, John Schofield, Director of Animal Welfare at the University of Otago (New Zealand), argued that enhanced transparency poses a threat to researchers and research (Schofield 2004:14-15). Such arguments are not unique. However, beyond such overt political manoeuvring, there is another sense in which the animal research community claims that enhanced transparency is necessary, and indeed in their best interest.

One of the most frequently recounted arguments in favour of enhanced transparency, put forward by the research community, is that because "animal rights extremists" have hijacked the debate over the use of animals in research, the only way to bring balance back to the debate is to furnish the public with information about animal research. Underpinning this idea is a belief that animal rights advocates use public ignorance to benefit their cause. Thus, the only way to counter the damage done to the animal research community's public image is to increase the lay community's understanding of research practices. For example, writing in BioScience, Miller and Strange argued that:

Because animal rights activists play off public ignorance, biologists should educate themselves about the movement and also educate the public about biological research. For example, people unfamiliar with science do not understand why repeating experiments is important, not redundant (Miller and Strange 1990: 431).

Writing in the Education Digest, Morrison blamed the success of the animal rights lobby on their ability to play upon "general scientific illiteracy" (Morrison 1992:57). In a series of influential articles published in the UK edition of New Scientist Magazine, written by researchers and based on interviews with 43 scientists who engage in animal-based research, Birke and Michael concluded that:

Animal experimentation is a legitimate topic of public debate, and that the public has the right to know what is done in its name. We call for greater openness on the part of scientists and civil servants as the only effective way to allay public concern (Birke and Michael 1992a:25).

More recently, the RDS (formerly the Research Defence Society), which is a UK-based peak body representing the interests of medical researchers, wrote on their web site, in relation to the British Freedom of Information Act (FOI) which came into full force on 1st January 2005:

RDS welcomes the greater openness that FOI will bring to discussions about animal research. With more good quality information about how and why animals are used, people should be in a better position to debate the issues (RDS 2005).

According to animal researchers, transparency is an important tactic that should be employed to protect their interests against the circulation of misinformation, and to counter general public ignorance. In the minds of researchers, opposition to animal research does not occur because people know what takes place in animal research laboratories, but rather opposition is a result of people not understanding the importance of the work the research community undertakes.

Policy Makers

Policy makers have also expressed the view that enhanced transparency should be the aim of all animal research institutions. In support of that stance policy makers often engage similar arguments to those employed by researchers. That is, it is argued that opposition to animal research is in large part due to public ignorance, and the only way to counter such opposition is to allow the public to engage with research through enhanced transparency.

In 1989, the Australian Senate Select Committee on Animal Welfare handed down a report on animal experimentation. The Senate is the upper house of the Australian Federal Parliament and the Select Committee on Animal Welfare was appointed on the 16th and 17th of November 1983. The Committee's terms of reference were broad and included investigation into interstate and overseas commerce in animals, wildlife protection and harvesting, animal experimentation, codes of practice for animal husbandry for all species, and the use of animals in sport (Senate Select Committee on Animal Welfare 1989:1). As part of the Committee's report into animal

experimentation evidence from 162 individuals was heard (Senate Select Committee on Animal Welfare 1989: 285-291). An additional 50 completed questionnaires on animal research practices were received from active animal research institutions and some research facilities were inspected (Senate Select Committee on Animal Welfare 1989:2). The Committee's report strongly and repeatedly called for information concerning the use of animals in research to be made widely available for public consideration. The Committee stated that:

The evidence taken then [1984] made it clear to the Committee that publicly available information on the extent and nature of the use of animals in experiments in Australia was extremely limited (Senate Select Committee on Animal Welfare 1989:2).

The Committee went on to argue that:

[I]t has been the secretive approach in the past and the reluctance to provide public information about their use of animals in experiments which has lead to the public misapprehension about the nature of animal experimentation in this country. Secrecy breeds suspicion and the media feed on suspicion. What might have been a misunderstanding becomes a crisis (Senate Select Committee on Animal Welfare 1989:6).

The Committee then concluded that:

All people and bodies involved in animal experimentation and in its administration and control need to be accountable for their action, otherwise the system may be brought into disrepute (Senate Select Committee on Animal Welfare 1989:245).

And:

The ethics committee is also a key element in the system for public accountability. By having animal welfare and community views on an ethics committee, the community has more confidence that the ethical attitudes of the community are being reflected in the judgements and decisions of the committee (Senate Select Committee on Animal Welfare 1989:262).

The Australian Senate Select Committee on Animal Welfare, however, did not have the authority to ensure the implementation of its recommendations. In the next section of this essay, I consider whether transparency has been effectively achieved in the Australian animal research sector.

Current Levels of Transparency in the Animal Research Sector

With such strong support from all quarters one would expect that on the issue of enhanced transparency substantial progress would have been achieved over the last twenty years. Furthermore, it would be imagined that public policy which comprehensively raises the level of public accountability would be in place. Yet it is not evident that this has been achieved. Calls for enhanced transparency in the practice of animal research continue to be made in Australia and are echoed around the world. In this section, I consider ways in which it may be argued that Australian research has become more transparent since the Senate Select Committee on Animal Welfare handed down its findings in the 1980s. I also present arguments which question whether that transparency is meaningful or adequate.

Changes in Australian Animal Research Practices Since the 1980s

In 1989, the Senate Select Committee on animal experimentation made 20 recommendations. The recommendations were wide in scope. However, the most relevant to the current discussion called for the publication of national statistics on animal use and the expansion and strengthening of Australia's Animal Ethics Committee (AEC) system (Senate Select Committee on Animal Welfare 1989).

Writing in 2003, the Australian Commonwealth Scientific and Research Organisation's (CSIRO) animal welfare officer, Michael D. Rickard, argued that all but a handful of the Committee's recommendations have been implemented (Rickard 2003:2). Rickard also argues that it was the highly polarised views held by the research community, versus those of the animal advocacy community, which lead governments and research institutions to move towards a more transparent and accountable model of animal research. That model, Rickard argued, began to develop in the late 1970s and early 1980s (Rickard 2003:1). His analysis suggests that policy makers and institutions imposed enhanced transparency upon themselves prior to the Senate Select Committee's findings being handed down. This analysis is

supported by the Committee's report which tracked the development of what it viewed as a more accountable research approvals system, a system which began to be implemented in earnest in the early 1980s (Senate Select Committee on Animal Welfare 1989). According to the Committee's report, the shift towards enhanced transparency is embodied in the practice of "enforced self regulation." In practice enforced self regulation means that all research facilities must work with an Animal Ethics Committee (AEC). The role of the AEC is to consider applications to undertake animal-based research and to approve, reject, or modify such applications.

The Animal Ethics Committee System and Animal Use Statistics in Australia

At the time the Senate Select Committee handed down its findings, there was a question mark over the reliability of the newly developed AEC system. The Senate Select Committee noted that:

The history of ethics committees in Australia, as evidenced by the Committee, is one of varying levels of success, with some acting merely as a façade to keep authorities and the community at bay (Senate Select Committee on Animal Welfare 1989:228).

The Committee went on to observe that:

There has been reluctance on the part of the institutions to appoint non-scientists to ethics committees. With few exceptions, ethics committee membership has included the minimum number of animal welfare or community representatives (Senate Select Committee on Animal Welfare 1989:235).

The AEC system has come a long way since that time and it is likely that in Australia research proposals are overwhelmingly approved by an AEC, which is properly constituted (see below), and which takes the task seriously. Where a proper AEC system is not in place, it would be widely construed as a serious breach of statutory requirements.

Although the AEC system has developed strongly, it is not self-evident that it facilitates transparency in significant ways. The AEC system has consistently been presented as one of the pillars of enhanced dialogue between the research community and the public. Yet the extent to which AECs facilitate the wider

community's timely and detailed understanding of animal research practices is questionable. Indeed, the link between AECs and enhanced transparency is difficult to interpret.

The structure and function of Australian AECs is outlined in the Australian Code of Practice for the Care and use of Animals for Scientific Purposes 7th Edition (the Code). The Code stipulates that properly constituted AECs must be made up of a veterinary scientist, an animal researcher, a person with a demonstrable commitment to animal welfare, and an independent person who does not have a research background or affiliation to the AEC's research institution. It is the inclusion of an independent, normally referred to as a "Category D" member, which is often seen by policy makers, and the animal research community, as the lynch pin which allows the public to engage in the animal research process. However, beyond the involvement of 100 or so individuals who sit on Australian AECs as Category D members, the ability for interested parties to learn about the detail of animal research remains highly restricted.

AEC meetings are not public forums and the detail of what is decided, and why a particular decision is reached, is not publicly available. Of even greater concern to the current discussion is the high level of secrecy imposed on participants. All AEC members are subject to institutional confidentiality (Australian Government and the National Health and Medical Research Council 2004:12) and in NSW, members of the Animal Research Review Panel (ARRP) and others involved in administering the Act "shall not disclose any information obtained in connection with the administration or execution of this Act" except under limited circumstances (NSW Government 1985). What this means is that if an issue of concern does arise, only a handful of people in Australia are privy to the detail of that problem.

Furthermore, the NSW Animal Research Act 1985, read in conjunction with the NSW Prevention of Cruelty to Animals Act 1979, does not make it clear whether instances of animal cruelty which take place within research facilities, but not within the context of an approved research protocol, may be reported to the Royal Society for the Prevention of Cruelty to Animals (RSPCA). In the period 2002 â€“ 2003, the NSW RSPCA undertook 112 prosecutions for animal cruelty (Moore 2005). In NSW no prosecution has even been brought against an individual engaged in animal research. This may be because no act of cruelty, negligence, or other illegal action has even been perpetrated by an animal researcher or an AEC member, or that such acts

have occurred but were not observed or reported. However, animal advocates and interested members of the public have no way of knowing what actually occurs inside secretive laboratories.

The second pillar of transparency in Australian animal research policy is the provision of statistical data by research institutions on the number of animals used, species type and the procedure's level of invasiveness. That information is conveyed to state government authorities. A consistent, reliable, single data source that records all animal research statistics throughout Australia is still being developed. However, even once a national database is in place, statistics alone reveal little about the research process. Most problematically, the Code and the AEC system both require that the cost to the animal be weighed against the research's anticipated benefit. Yet for the majority of people who are not part of the regulatory system there is no mechanism available to allow them to arrive at their own conclusion as to whether the cost/benefit analysis is being carried out appropriately. Publicly available data on animal research has to be considered in isolation, so it is impossible to form a clear picture as to whether decisions reached by AECs were reasonable or not. The public knows that new drugs come onto the market. They also know animals are used in research. But under the current system there is no way of putting the pieces of the puzzle together.

In the UK, where both the government and the research community also articulate a desire for enhanced transparency in animal research, the Home Office has developed a system whereby information on every approved research protocol will be published and publicly available. An anonymous and abridged version of all research licences will be available on the Home Office website from 2006. Furthermore, in 2005, the UK's Animals in Scientific Procedures (ASP) Inspectorate's annual report was made public for the first time. On the Home Office's web site it states that the "report provides previously unavailable information and highlights a commitment to transparency and openness in animal research â€“ for both medical research and animal welfare" (Home Office 2005). Interestingly, moves to remove the confidentiality clause from the UK's Animals (Scientific Procedures) Act 1986 were obstructed by animal researchers (Home Office 2004:6).

Knowledge Levels and Attitudes Toward the use of Animals in Research

Some survey work dealing with the issue of animal-based research has been undertaken around the world; however, very few surveys have included the views of the non-aligned public (Pifer, Shimizu and Pifer 1994) and very little survey work of any sort has been conducted on the issue in Australia (Rickard 2003:2). The remainder of this paper will present original survey data, collected in order to better understand what various stakeholder groups think about the use of animals in research, and how much they know about the practice. Only a small amount of the total survey data collected is presented in this article.

Survey Method

The survey involved seeking anonymous responses from five sample groups. One group was made up of animal researchers. They were surveyed on the second afternoon of a two-day compulsory induction program. The program was undertaken in order to allow them to use animals in research at a postgraduate level at an Australian university. The majority of respondents were early level researchers, with only 25 per cent having already completed a post-graduate degree. The total number surveyed from the animal research sample group was 89.

The second group consisted of individuals involved in providing support services to animal researchers. Support services include animal house technicians and managers, research assistants, breeders and animal welfare officers. 73.9 per cent of animal support service providers recorded having a postgraduate degree. This suggests they had previously been engaged in animal research themselves and had since moved into the field of support services. Surveys were distributed to this group of participants via their professional organisation's newsletter. Participants were required to meet the cost of postage to return the survey. The total number of surveys returned was 23. That represents 13.5 per cent of surveys distributed.

The third sample was derived by surveying members of a moderate animal welfare organisation. The organisation is classified as moderate because it does not seek to abolish all industrial animal use. Rather, the organisation states on its web site that

its aim is to significantly improve the welfare of all animals. The organisation campaigns on a wide range of issues. The survey was distributed to its members via the organisation's bi-annual magazine. As with other groups, participants were required to meet the cost of postage to return the survey. There was a 23.5 per cent return rate from this group. The total number of surveys returned was 261.

The fourth group was made up of members of a specialist anti-vivisection group. This group was selected because of its specialist focus on animal research issues. This group is classified as a strong animal protection organisation because it states its aim as the complete abolition of all animal research. This organisation does not participate in the Australian animal research regulatory system. The organisation only campaigns on animal research issues. The survey was distributed to the organisation's members via their regular newsletter. There was a 41.5 per cent return rate from this group. The total number of surveys returned was 209.

The fifth group was a control group made up of people without any affiliation to either animal research or animal advocacy. Survey work for this group was carried out by distributing the survey to students attending two first year political studies lectures at an Australian university. The total number of surveys returned using that method was 176. After the initial round of data collection, it was decided the sample needed to be expanded in order to attract more respondents and capture a more diverse range of participants. An online survey company was therefore contracted to distribute the survey. Five hundred people already registered with the company were invited to complete the survey. No one was blocked from participating. The number of participants generated from the online survey was 417. Surveys collected via the two first year political studies lecturers, and those generated by the online survey were then pooled. The total number of non-aligned people surveyed using the three methods was 593. This is the control group. It is the response from this group that will be of most interest to the discussion below.

The survey was two pages in length. It combined closed questions where participants were asked to rank their attitudes from "very strong" to "I know nothing about the issue" and open sections where participants were invited to expand on their thoughts. A series of multiple-choice questions designed to test respondent's knowledge level was also included. The survey data was analysed using SPSS analytical software. The SPSS data analysis was performed by a data analysis specialist contracted for the task.

Survey Findings

As anticipated, members of two animal protection groups expressed the highest level of concern about the use of animals in research, with 98.5 per cent from the moderate animal protection organisation and 97.6 per cent from the strong animal protection organisation indicating that they were "very concerned," or "somewhat concerned" about the use of animals in research. Of greater interest to the current research however is that 86.3 per cent of the control group responded that they were also "very concerned" or "somewhat concerned" about the use of animals in research.

Respondents were asked to identify which behaviours they had engaged in as a result of their concern about the use of animals in research. Respondents were asked to choose between eight actions. They were:

1. I tell my friends and family about animal research

2. I now try to choose "cruelty free" products

3. I have joined an animal welfare/rights organization

4. I have written to a politician about the issue

5. I have protested about the issue

6. I joined an Animal Ethics Committee (AEC)

7. I have stopped using animals in research and education

8. I have altered the way I use animals in research and education

Respondents were also invited to identify another actions not included in the list. The most popular response was to choose cruelty free products, which effectively constitutes a boycott of animal research. 90.6 per cent of the moderate animal protection organization, 92.8 per cent of the strong animal protection organization and 63.5 per cent of the general public selected that option. In response to the question asking whether their concern had resulted in the respondent joining an AEC, seven per cent of respondents from the moderate animal protection groups answered "yes," 2.9 per cent of those from the strong animal protection groups also answered "yes," and 1 per cent of the control group also indicated that they had joined an AEC. No one from the animal research group indicated they had joined an AEC. This is despite 92 per cent of the research group stating that are "very concerned" or "somewhat concerned" about the use of animals in research.

These findings suggest that among early level researchers, animal advocates, and the general public, participation in the animal research regulatory system is not viewed as a legitimate way of seeking to protect animals and indeed in all cases those sampled were more willing to boycott the products of animal research then become involved in the animal ethics system. Although there are limited Animal Ethics Committees in Australia, many institutions find it difficult to fill the animal welfare and lay AEC positions, meaning it is unlikely that the low response rate from those groups was a result of them not being able to find an AEC willing to accept them as a member.

When asked what it was about the use of animals in research that they objected to, the control group's strongest response was that "animals suffer as a result" (58.9 per cent). The second most strongly supported statement by the general public was "animal researchers are largely unaccountable for their treatment of animals" (34.4 per cent) followed by "there are better ways of undertaking research" (33.7 per cent), and then "such use is immoral" (30.9 per cent). However 50.5 per cent of the control group supported the statement "modern medicine would not be where it is today if it were not for such use [of animals in research]." That suggest that when assessing the appropriateness of animal research the public most readily engages a utility model. That is, they weight the harm to the animal against the benefit of the research. As already discussed, the ability of the public to carry out an appropriate calculation

of the utility of animal research would be aided by enhanced transparency in the animal research sector.

As anticipated, the animal researchers who had undertaken a day and a half training on the use of animals in research demonstrated the highest level of knowledge about the detail of animal research. Participants were asked to answer five true or false questions. The questions were:

a) Animal Research in NSW is regulated by Animal Ethics Committees

b) You can use a pound dog in research in NSW as long as you have proper approval

c) Australia has a Code of Practice for animal research but it doesn't apply in NSW

d) Analgesic is always used in research where animals may experience pain

e) Animal researchers are required to show a commitment to the principles of Reduction, Refinement and Replacement (3Rs)

The correct answers were: a) true; b) false; c) false; d) false and e) true.

All survey participants from the animal researcher's group attempted the quiz questions. The results from that group were: 15.9 per cent answered five questions correctly, 46.6 per cent answered four questions correctly, 30.7 per cent answered three questions correctly, 3.4 per cent answered two correctly, 2.3 per cent answered one correctly and 1.1 per cent scored zero. By contrast, 43.3 per cent of the control group did not make any attempt at the quiz questions. Of those who attempted them, 2.9 per cent answered five questions correctly, 6.2 per cent answered four questions correctly, 13.3 per cent answered three questions correctly, 14.7 per cent answered two questions correctly, 16.9 per cent answered one question correctly, and five per cent answered no questions correctly. The finding that close to half of all those surveyed from the general public were unable to answer a single factually based

question about the practice of animal research suggests that the public does not have a good understanding of the issue. This again suggests enhanced transparency has not been effectively achieved.

When asked where they received their information about the use of animals in research, the most frequent response from the control group was the popular media (78.1 per cent). As cited above, the Senate Select Committee's 1989 findings on animal experimentation suggested that the media played a role in strengthening public opposition to the use of animals in research. However, a media survey conducted in 2004 showed that over a period of a month The Sydney Morning Herald carried nine stories that mentioned research animals, The Daily Telegraph carried two, The Sun Herald carried one, and The Sunday Telegraph carried none. Of the twelve stories run on the issue all were sympathetic towards animal research and all were focused on a new research discovery. None were critical or made mention of animal suffering.

Conclusions

The research community, the animal advocacy community and policy makers all claim to be in support of enhanced transparency. Yet, the findings presented here suggest an adequately transparent system has yet to develop in Australia. Beyond questions concerning the form research transparency has taken and the effectiveness of that system, it would also seem that the logic underpinning the calls for transparency from both animal researchers and the animal advocates are essentially in conflict. If both groups claim to be in support of enhanced transparency, then it stands to reason that each considers transparency to be in their best interest. However, the best interest of the research community and the best interest of the animal protection community are likely to be diametrically opposed. To put it simply, animal researchers appear to believe enhanced transparency will result in greater public support for their activities. The animal advocacy community appears to believe that enhanced transparency will result in greater opposition to the use of animals in research. Both views cannot be correct. The research presented here does not provide a categorical answer to the question: In whose best interest is enhanced transparency? However, it does provide interesting food for thought.

Although the research community and the animal protection communities both claim to be in favour of enhanced transparency, the research community has not moved swiftly to "open the laboratory door." This suggests that if enhanced transparency is to occur it is most likely to come about as a result of changes to public policy. In turn, this suggests that those who inform that structure of animal research policy need to decide what they consider the value of transparency in animal research to be. The animal advocacy community believes that enhanced transparency will result in public opinion more strongly opposing the use of animals in research. The research community believe that enhanced transparency will result in stronger public support for research, yet appears unwilling to actually test that hypothesis.

If policy makers do not move to enforce enhanced transparency it is likely we will never know who is right â€“ animal rights advocates or the animal researchers. However, if policy makers do force enhanced transparency upon the research community, the public attitude that will flow from that change is likely to be a fair and reasoned response to the reality of animal research because, for the first time, the public will have the opportunity to arrive at their own conclusion. That would arguably be the best result for a democratic society, because one of the principles underpinning democratic political arrangements is the notion that citizens should influence political decisions. Citizens are only capable of influencing the policy process to the extent they are exposed to, and understand, a particular policy area. Currently, that exposure is seriously limited in the case of animal research.

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The term "stakeholder groups" is used in this context to denote human stakeholders only. Another potential stakeholder are patients' rights groups. However, their influence is limited and has not significantly informed debate in their area. Patients' rights groups are therefore also excluded from this paper's terms of reference.

Animal Research Review Panal is a statutory body empowered to oversee the NSW AEC system. I was a member of ARRP from 2003 to 2005.

Australia has a federal political system. Although it is not always clear what constitutes a federal or a state responsibility, animal research regulation has tended to be a state responsibility.

At the time of writing the system was yet to be implemented.

This survey work was approved by the University of Sydney Human Ethics Committee.

Regrettably, the survey size was limited because the research was self-funded and self administrated. However, I would like to thank the University of Sydney's Discipline of Government and International Relations for meeting the cost of photocopying the survey.

Returns from animal research support service personnel were disappointingly low. The low return rate could indicate staff do not read the publication the survey was distributed through. It may also suggest staff were too busy to prioritize participating in a survey. It may also suggest that staff were suspicious about the survey's purpose

and did not feel it was in their interest to participate. The low response rate suggested that analysis might have been aided by combining the data from the animal research group and the support services group. However, in order to gain permission to distribute the survey to animal research support staff, through their professional magazine, a commitment was made that the group would be identified as support services and not researchers. In order to honor that commitment the two stets of data could not be combined.

The identities of the groups sampled in this survey has been withheld purposefully. This has been done because of the challenging nature of the discussion.

Earlier versions of this paper did not include all surveys. For that reason the figures are slightly different here.

The media survey was conducted in June 2004.

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The Rights of Animal Persons
By David Sztybel, PhD†

Abstract: A new analysis in terms of levels of harmful discrimination seems to reveal that the traditional debate between "animal welfare" and animal liberation can more accurately be depicted as animal illfare versus animal liberation. Moreover, there are three main philosophies competing to envision "animal liberation" as an alternative to traditional animal illfare—rights, utilitarianism, and the ethics of care—and it is argued that only animal rights constitutes a reliable bid to secure animal liberation as a general matter. Not only human-centered ethics but also past attempts to articulate animal liberation are argued to have major flaws. A new ethical theory, best caring ethics, is tentatively proposed which features a distinctive alternative to the utilitarian's commitment to what is best, an emphasis on caring, and an upholding of rights. Finally a series of arguments are sketched in favor of the idea that animals should be deemed persons and it is urged that legal rights for animal persons be legislated.

I. Introduction

A movement to articulate and advocate "animal liberation" as an alternative to the traditional so-called "animal welfare" paradigm was effectively launched in 1975 with the publication of *Animal Liberation* by utilitarian philosopher Peter Singer.[1] Since that time, Tom Regan's *The Case for Animal Rights* in 1983 was probably the most widely recognized attempt, among many, to articulate a defense of animal interests as based on a strong concept of rights, rather than only considerations of welfare.[2] Starting in the late 1970s, traditional ethical theory, dominated by rights and utilitarianism, came to be criticized by feminists with the suggestion of an alternative: the ethics of care.[3] This latter ethic was sometimes extended to animals, calling for their emancipation.[4] Competing with all three attempts to formulate animal liberation ethics—rights, utilitarianism, and the ethics of care—is the traditional so-called "animal welfare" view that animals do not need to be liberated, but only treated kindly.[5] Singer was the most eloquent writer who argued that traditional welfarist ethics is speciesist, although I will argue that, ironically, his own view is speciesist.

Before trying to develop an animal liberation ethic, I find that a clearer analysis is needed to provide evidence for the existence of speciesism in animal ethics, and I will endeavor to clarify this issue in the next three sections. I will also show that those who typically claim that they are "animal welfarists" are actually using misleading language, and the same is true of utilitarians and some ethics of care advocates who use the term "animal liberation." What is needed, I argue, is a new "best caring ethics" which features animal rights at its core, even as it purports to reflect all of the strengths and none of the weaknesses of traditional rights theories, utilitarianism, the ethics of care, virtue ethics, as well as the two other major competitors in ethical theory: ethical egoism and skepticism. I explore my philosophy of best caring more fully and rigorously in my forthcoming book, *Animal Persons*, and indeed this essay is intended to account only for some of the main lines of argument in the book.

II. Does Speciesism Exist?

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"Speciesism" is a term that was coined in 1970 by psychologist and philosopher Richard D. Ryder[6] and is now commonly used by philosophers who seek to articulate some form of animal liberation. Speciesism is intended to be analogous to forms of discriminatory oppression such as racism, sexism, homophobia, ableism, ageism, and discrimination on the basis of religion, creed, or nationality. The core idea is that all of these forms of discrimination involve harming others (or refusing to benefit them) on the basis of an arbitrary and irrelevant characteristic (e.g., skin color, sex, or species).

Interestingly enough, most philosophers who have written anti-animal liberationist essays and books acknowledge that speciesism is wrong and so they deny that they are speciesists.[7] These philosophers think of themselves rather as humanists or enlightened anthropocentrists, and they claim that they do not oppressively discriminate on the basis of species, but rather other characteristics, especially rationality, as stated in many classical works on ethics.[8] Criteria of moral standing,[9] however, are diverse: Richard Watson stresses both intelligence and reason,[10] Bonnie Steinbock cites intelligence and moral agency,[11] A. I. Melden also requires moral agency,[12] Carl Cohen posits moral agency and membership in a moral community,[13] Alan Holland favors autonomy, rationality, and self-consciousness,[14] L. B. Cebik focuses on the ability to claim rights, carry out obligations, and to have a self-concept,[15] and Ruth Cigman also points to self-awareness,[16] while Meredith Williams demands rationality and awareness of past, present and future as well as having a cultural life.[17] Some authors state that humans have richer lives than animals especially in psychological terms.[18] Interestingly, Michael Allen Fox, before he changed from a supporter of vivisection to a champion of animal liberation, had the second most extensive list of criteria of moral standing that supposedly excludes animals: critical self-awareness, the ability to utilize concepts in complex ways and to use sophisticated languages, and the powers to manipulate, reflect, plan, deliberate, choose, accept responsibility for acting, form a life plan, and self-actualize.[19]

Here we have a bewildering array of criteria of moral standing that animals allegedly fail, and I myself constructed a devil's advocate version of anthropocentrism with fully 20 criteria that animals are commonly thought to exemplify less than humans who have average or greater mental capacities.[20] With such a wide spectrum of characteristics that animals supposedly do not have (to the same degree) in contrast to humans with average or greater mental capacities, we have an important move in response to the charge of speciesism in the history of the animal ethics debate. It is the most common sort of stratagem that is meant to parry the accusation of speciesism (since there is ostensibly discrimination on the basis of *other* criteria than species). Also, this move is by far the most widespread way of seeking to justify ordinary animal treatment in the animal ethics literature. This effort to avoid being charged with speciesism is brought on, I presume, by the recognition, at some level, that merely being different in species from humans does not logically give humanity a license to harm nonhumans.[21]

So far the critical response to this anti-animal liberationist move has been somewhat effective, but could be more so. For example, James Rachels calls it "unqualified speciesism" to discriminate solely on the basis of species, but deems it "qualified speciesism" to discriminate on the basis of qualities associated with the human species such as rationality.[22] However, rationality is *not* always associated with the human species. Some humans lack it. Furthermore, discrimination on the basis of rationality is again not sorting on the basis of species: so where is the speciesism? Singer states that those who discriminate on the basis of rationality use as "arbitrary" a characteristic as skin color.[23] However, humanists can reply that to lack rationality is to lack a potential good (although it is true that

rationality can be and often is misused or disused), and furthermore they can assert that nonrational beings are able to do less good for others, and therefore are less worthy of respect. I elaborate this perspective elsewhere,[24] and respond more fully to it in *Animal Persons*. However, I will show that surprisingly, humanists are not really discriminating on the basis of rationality or other characteristics at all.

Many thinkers have employed the argument from mental disability.[25] Essentially, this argument observes that we tend to give equal moral status to mentally disabled humans (e.g., those who suffer from congenital mental disabilities, brain damage, stroke, senile dementia, severe insanity, or coma) but deny equal moral respect to animals who may have psychological capacities that are comparable to these humans. This is an influential argument that can be useful, although it does not help us decide between competing moral theories, and does not rule out harsh treatment of *both* mentally disabled humans and animals. I will amplify this argument by seeking to demonstrate that mentally disabled humans and animals are indeed treated differently. I will clarify that discrepancy at a general level, and then debunk humanist ruses that are supposed to justify why mentally disabled humans should be treated so much better than animals.[26] Now all of the varied criteria cited by "humanists" above are lacking in many mentally disabled humans, so there is an opportunity to address all of these criteria of moral standing at once.

III. Levels of Harmful Discrimination

Instead of vaguely referring to humans (mentally disabled or otherwise) being treated differently or better than animals, with a few examples here and there, I try here to be more systematic by introducing levels of harmful discrimination. Ideally there is the standard of:

No Harmful Discrimination

This is what opponents of sexism and racism have strived for, although only relatively recently in historical terms. Beyond this there are different levels of harmful discrimination:

Level 1: Minor Harmful Discrimination. Although provided with the necessities of life, targeted individuals may be regarded with contempt and perhaps insults. Many people will experience this as "major" but still the following category is worse.

Level 2: Major Harmful Discrimination. More than just verbal or "intangible," this form results in materially inferior treatment (e.g., poor quality of food, clothing, or shelter).[27]

Level 3: *Very Major Harmful Discrimination*. One treated this way may be eaten, skinned, have body parts used in soaps or other products, be hunted down, be forced to perform to amuse others, or forcibly be subjected to experiments (some of which may be medical). However at this level one stipulated requirement is that the being used in these ways must be treated "kindly," "humanely," or with no "unnecessary suffering."

Level 4: Extreme Harmful Discrimination. At this level, animals may be treated the same ways as on Level 3, but with no significant regard for well-being, humaneness or kindness. Animals on factory farms,[28] my relatives who perished in the Holocaust,[29] and runaway slaves who were whipped to death[30] all fell to Level 4 treatment. Now while more gradations of harmful

treatment could be added, there could not be fewer without losing a sense of the dramatically different degrees of harm involved.

My presumption is that since similar benefits and harms are at stake for mentally disabled humans and animals, these concerns should be considered equitably or on a par. So why is it that mentally disabled humans are treated at the level of No Harmful Discrimination (or at least that is the cultural ideal; mentally disabled humans are often short-changed in practice), whereas animals, especially in industry,[31] are generally treated at Levels 3 and 4? That is, animals are often subject to "very major" or "extreme" forms of harmful discrimination whereas mentally disabled humans are supposed to experience none. This usually hidden disparity proves, contrary to the frequent claims of anthropocentrist philosophers, that there is no impartial discrimination on the basis of rationality, moral agency, linguistic capacity, and so on, or both groups would be treated much the same. Clearly, the only difference here is rooted in species. That would mean speciesism is indeed at work unless some special reason(s) can be given to account for why mentally disabled humans and animals "should" be treated differently.

IV. "Special Reasons"

The following rationales have been proposed for why we treat animals and mentally disabled humans so differently. These rationalizations form a quiet, foggy background to the loudly proclaimed—and I hope in the last section debunked—ideas that we treat animals worse just because they are less "rational," etc. In the following I will use rationality as an example:

(1) Humans, including the mentally disabled, are normally rational, whereas nonhuman animals are not. Actually some humans might not be rational at all, so it does not sincerely use the criterion of rationality to count these humans as rational. Humans on average are born with rational capacities. But by the form of reasoning used in this rationale, any student should get a "pass" in driving courses in which pupils "normally" succeed.[32]

(2) It is a tragedy when mentally disabled humans lack rationality, but not so for animals.[33] Anyone sensitive to tragedy would also presumably care about violence, which is always thought to be tragic when it happens to humans, and is preventable unlike, perhaps, most mental disabilities. We would consider killing a mentally disabled human to eat him or her violent—so it should be thought, without prejudice, to be both violent and tragic in the case of animals.

(3) Mentally disabled humans look like other humans. This is as unacceptably superficial as discrimination on the basis of skin color, or against those disfigured by accidents.

(4) Many people care about mentally disabled humans. Many care about animals too, and besides however people happen to care is not the basis of ethics, or slavery would have been right when people mostly "cared" to have it as a practice.

(5) It is "natural" to prefer one's own species just as it is to prefer one's own family. Granted that there is special consideration for family, one still does not deny rights to those who are not of one's family, let alone treat them violently.[34]

(6) If we discriminate against mentally disabled humans then other humans are next. Evelyn Pluhar argues that humans can be "highly discriminatory" even when beings do not differ in significant ways,[35] and this seems to be true of the former Apartheid regime in South Africa. Also, female infanticide is practiced in China without endangering the general population.[36] However, if such fine distinctions can be put into practice, then we can even more "safely" discriminate (at least in a way that protects so-called "normal" humans) in cases in which the humans are very different from "us," as mentally disabled humans are.

In short, there seems to be no "special reason" why all humans should be immune to harmful discrimination but animals should be treated at Levels 3 or 4.[37] There are however whole philosophies on which the rights of animals *and* mentally disabled humans may be in jeopardy. We will see that some utilitarians are willing to vivisect human and nonhuman animals from both of these groups. Also, ethical egoism and skepticism in ethics do not protect rights for these acutely vulnerable beings.[38] Yet I would venture that most people care at least somewhat about both mentally disabled humans and nonhuman animals, so issues of speciesist discrimination in treating the two groups differently are relevant to the majority of society.

V. Animal Welfare or Animal Illfare?

"Animal welfare" can have a great many senses.[39] However, I would suggest that my foregoing analysis in terms of levels of harmful discrimination implies that it is speciesist even to allow the term "animal welfarist" for those who would treat animals at Level 3. An overriding concern with animal welfare or "wellness" suggests a concern with animals' good above all. However Level 3 means not just minor but very major forms of harmful discrimination, where bad and not good things happen to animals in the end. All harms such as killing for food are falsely characterized by "welfarists" as "necessary." Certainly such harmful treatments are not "necessary" for promoting animal welfare—quite the contrary. It seems inaccurate or misleading then to characterize Level 3 as overridingly being concerned with how "well off" animals are or with being "kind" to animals. We would *never* consider it kind to mentally disabled humans to eat them, hunt them down, wear their skins, etc., even though these humans may not know they are to be slaughtered and so on. Level 3 treatment considers it right to inflict very considerable harms in the name of trivial benefits such as enjoying the taste of flesh. So the old animal welfare versus animal liberation debate perhaps never existed except in the minds of those who adopt the speciesist label for Level 3. After all, someone who advocated the subjugation and enslavement of blacks could not be called a "black welfarist" or someone overridingly concerned with the good of blacks without being put to one side as a hypocrite or double-talker.

Consider more generally a thought experiment. Suppose a group of humans were hiking in the countryside and suddenly got abducted by Morlocks who live underground.[40] Some are enslaved to work or amuse, others are killed for their "meat" or "ingredients" or skins, or else are "sacrificed" in scientific experiments.[41] We would not say that these victims are faring well, but that they are faring badly. Anyone who suggested these unfortunates were doing well would be thought to be joking, deluded, or not paying attention. Overall, this is illfare we are talking about rather than welfare. We would not say that these humans are lucky just to have shelter, or that they are blessed that efforts are made to secure their comfort before slaughter, or that, say, a mentally disabled human in the party is fine because she has no idea about what is going to happen next.

Therefore the debate we are talking about is more animal liberation versus animal illfare rather than animal liberation versus animal welfare if we eliminate speciesist thinking. Denouncing the "animal welfare" label for how animals are commonly treated because it is misleading has barely been hinted at or discussed in previous animal ethics writing.[42] I do not deny that farmed animals, especially on "family farms," are at times content, but merely insist that, in the big picture, they are part of a process called "meat-eating" which bodes an ill fate for these animals as an essential part of the practice.[43]

Speciesism is something that we have seen even anti-animal liberation philosophers generally reject, and I in turn reject these philosophers' substitute forms of discrimination (on the basis of rationality or whatever), which we have seen do not hold true given what I have shown through the levels of harmful discrimination. I also reject as specious and logically irrelevant any proposed "special reasons" for harmful discrimination when it comes to mentally disabled humans and animals. It follows, if we are altruists[44] who go beyond speciesism in ethics then our moral philosophy needs to be animal liberationist. Let us then think about the three main types of philosophy used to articulate "animal liberation." I will try to show that past forms of these three options have major flaws, and that therefore we need a new philosophy. The ethic I propose is called the "best caring ethics theory of rights." But first, let us try to fairly assess older philosophies that purport at least to aim for animal liberation.

VI. Utilitarianism

Most animal protectionists do not realize that Peter Singer, the author of *Animal Liberation*, is not a supporter of animal *rights*. Animal rights philosopher and attorney Gary Francione is upset that People for the Ethical Treatment of Animals (the largest animal "rights" group in the world) describes *Animal Liberation* as an animal rights book, exhorting: "If you only read one animal rights book, it has to be this one."[45] Singer himself even regrets ever using the language of rights, observing that "it would have avoided misunderstanding if I had not made this concession to popular moral rhetoric."[46]

More specifically, Singer is not an abolitionist, for it is the abolition of all animal exploitation that is the hallmark of animal rights philosophy. Although he seeks to end using animals for fur, hunting, cosmetics testing, and other "trivial" uses, he supports, for instance, certain forms of animal experimentation. He writes:

> The knowledge gained from some experiments on animals does save lives and reduce suffering…[and if there are] strict conditions relating to the significance of the knowledge to be gained, the unavailability of alternative techniques not involving animals, and the care taken to avoid pain…the death of an animal in an experiment can be defended.[47]

It is also noteworthy that Singer explicitly adds that if animals are used for experiments, so humans should be used who have mental capacities that are comparable to those of animals used in laboratories.[48] Animal rightists use the argument from mental disability to protect both animals and mentally disabled humans alike from vivisection, but Singer's use of the argument makes both parties more vulnerable to exploitation.[49]

In order to understand Singer's position, we need to analyze his type of moral philosophy: utilitarianism. Utilitarianism consists of (a) a theory of value, and (b) a claim that any action is morally right that maximizes good and minimizes bad overall. The theory

of value is typically either hedonistic (in which case "good" means pleasure, and "bad" means pain) or what I call "preferentialist" (according to which "good" means what satisfies preferences, and "bad" means what frustrates preferences). The most famous hedonists were Jeremy Bentham and John Stuart Mill,[50] and Singer himself is probably the best known preferentialist in ethics.[51]

Utilitarianism, it should be noted, offers a number of advantages as a moral theory: (1) utilitarians can profess to fairness because they count everyone's units of utility equitably; (2) the theory calls attention to the importance of results or consequences; (3) going purely by rules in ethics may lead to problems when we arrive at conflicts between rules, such as breaking a promise to meet someone for business in order to save a drowning child, and utility-maximizing provides a possible grounding both for rules and their exceptions; (4) utilitarianism is flexible and sensitive to different situations or contexts; (5) the theory gives a plausible reason for acting by promoting what is "best"; and (6) utilitarians are not afraid to "get their hands dirty" to do what "needs" to be done, even if it sometimes means breaking certain conventional moral rules.

However, utilitarianism is not self-evidently correct. "Most wicked deeds are done because the doer proposes some good to himself,"[52] as in murdering or stealing for some benefit. A good proposed to oneself can, I hasten to add, involve the good of others. So it is not clear that simply maximizing good will lead to moral rightness. Yet utilitarianism is "the most widely discussed, analyzed, criticized, attacked, and defended" moral theory,[53] and I expect that is because it features, at minimum, the advantages that I listed above.

Indeed, one can spend many years contemplating utilitarianism without coming up with objections that put any kind of serious dent in it, because it is a tough theory to refute. However, I argue that it can be refuted in the end. To illustrate utilitarianism's ability to withstand objections, consider the following. Philosophers commonly object that utilitarianism is too willing to harm innocents in the name of "the greater good," but J. J. C. Smart, a well-known utilitarian philosopher, chillingly replies that "[a]dmittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but 'so much the worse for the common moral consciousness.'"[54] It is important not to simply beg the question against utilitarianism.[55] Samuel Scheffler, an expert in ethics, objects that utilitarianism invades individual autonomy, dictating what everyone should do,[56] but a utilitarian could reply that it generally maximizes happiness to allow people to do as they prefer. Some anti-utilitarians object that utilitarianism is too impersonal, but L. W. Sumner, himself a utilitarian, argues that friendship, love and loyalty help to form the happiest lives.[57] Critics of utilitarianism often object that one cannot measure "units of utility" such as pleasures and pains, but utilitarians would rebut that it obviously causes more suffering, for example, to torture a person than to steal their gum. Objectors to utilitarianism demand exact quantification of utility, but utilitarians can reasonably point out that if the best we can offer in the process of quantifying utility is an educated guess, then that is indeed the best we can do.

In another objection to utilitarianism, Regan pleads that animals are subjects of a life with inherent value, not mere things, and are not to be used as a mere means. Regan assumes that such a regard for animals is inconsistent with utilitarianism. However, Singer answers this objection by adopting Regan's rhetoric albeit to support Singer's own utilitarian views.[58] Although I have noted that Singer supports some vivisection, he would say that animals are still taken seriously as sentient beings, and are not used casually, but only because it accords with "the greatest good for the greatest number." In other words, Singer would say that he uses animals as a means, but not a "mere" means. Many anti-utilitarians worry

along similar lines as Regan that utilitarianism does not take individuals seriously because the philosophy advocates that masses of utility should override individual rights. However, as Sumner points out, "utilitarians are committed to believing that it is a good thing (a gain) when an individual life goes well and a bad thing (a loss) when one goes badly."[59]

All the same, utilitarianism poses a threat to individual rights as they are commonly understood. As Francione notes, the Nuremberg Code of 1947 and the Declaration of Helsinki by the World Medical Association in 1964 seek to ban the vivisection of humans, including those who are mentally disabled.[60] Not only does Singer unequivocally support vivisection on animals *and* mentally disabled humans, in the passage just cited, but so do other utilitarians such as anti-animal liberationist R. G. Frey.[61] Utilitarianism is also a threat to so-called "normal" humans. It can be rationalized that the good of all who might benefit from endlessly repeatable medical cures and treatments "outweighs" the harms of experimenting on *any* humans, especially vulnerable groups such as prisoners. Utilitarianism has also been used by Singer to justify certain forms of eating animals such as fish so long as they are "replaceable" by equally happy numbers of fish.[62] Julian Franklin also speculates that a rodeo could be justified by utilitarians if it is thought that the amusement of the multitudes outweighs the suffering of the animals used.[63] As a result of these treatments of animals, which are far from "liberating," I do not call utilitarianism a variety of "animal liberation" in my usage since that phrase is intended to refer to *all* animals.[64]

Later in this paper I will voice some of my theoretical objections to utilitarianism once I have set out some of my own philosophical insights. However, we can now ask: do other theories which seek to articulate "animal liberation" (standard rights theories and the ethics of care) stave off utilitarianism's very real threat to individual rights?

VII. Standard Rights Theories

I hold that standard rights theories contain many flaws, but the one that I shall focus on here is a single type of problem that repeats itself in different guises: none of these theories, even granted their assumptions, logically entail individual rights that would protect someone from being vivisected. Keep in mind that I am not denying that rights philosophers *assert* such rights. I am merely indicating that they do not provide logical *justifications* for these rights. The result is that we cannot simply extend older theories of rights to animals—as has already been done—if we are to provide a speciesism-free ethics that fends off the threat of exposing individuals to vivisection.

There are six main justifications for rights. No one hitherto has identified the logical flaw which I have alleged, nor has anyone fully pointed out how existing animal rights theories run so closely parallel to traditional human-centered rights theories. The six most influential frameworks for justifying rights are: (1) intuitionism, (2) traditionalism, (3) compassion, (4) Immanuel Kant's theory, (5) John Rawls' theory; and finally (6) Alan Gewirth's theory. I cannot attend to all of the merits and problems with these theories but will use this limited space to focus on the criticism I have mentioned.

(1) Intuitionism bases rights generally on the "intuition" that individuals possess a special value or dignity that may not be violated for "the greatest good" as utilitarians propose. Tom Regan upholds "reflective intuitions," which are views that one holds after a conscientious effort to be rational,[65] intuiting that animals are subjects of a life and are not to be treated as a mere means to human ends.[66] Martha Nussbaum insists on the intuition that

animals have a dignity[67] and are not to be used as a means even for a great social good.[68] Oddly, she then contradicts herself, stating that animals can be eaten if it is "useful" to do so,[69] and that vivisection is an "ineliminable" tragedy[70] even under the "best conditions"[71]—although evidently not the best conditions for animals. Other philosophers such as Ronald Dworkin[72] and Joseph Raz[73] offer intuitionist accounts of rights which only apply to human beings. I say that intuition does not logically entail individual rights simply because utilitarians, ethics of care proponents, virtue ethicists, ethical egoists, and skeptics in ethics each have their own "intuitions" which disagree with those of the rights theorists. And one cannot use intuition to rule out competing intuitions without utterly begging the question.

(2) Traditionalism, as I call it, tries to build a theory of rights on the liberal tradition which gave rise to them, as found for instance in the human-centered thinking of Joseph Raz.[74] Likewise, S. F. Sapontzis appeals to "everyday morality" or "common sense" as a basis for animal rights,[75] and animal rights defender Bernard Rollin also appeals to "common sense."[76] Ironically, ethical egoist Peter Carruthers bases his defense of factory farming in common sense too.[77] Traditionalism (or that which, strictly within a given tradition, appears to be "common sense") does not guarantee rights because non-rights theories also have their own traditions and respective versions of "common sense."

(3) Compassion also does not dictate that we embrace a philosophy of rights for humans or other animals. David Hume bases his ethical view in sympathy,[78] as do Eastern moral philosophies found in the religions of Hinduism, Jainism and Buddhism. The ethics of care is another key player in this field. We have already seen that Level 3 (Very Major Harmful Discrimination) has been widely hailed as "kind." Basing ethics on whatever compassion people happen to have (or lack) may leave the way open for egoists, or even skeptics who deny any moral rules that are valid for all moral agents. Utilitarianism would predictably claim to "maximize" compassion. So simple appeals to compassion then do not entail rights that protect against being vivisected.

(4) Immanuel Kant is often called "the father of rights." Julian Franklin's animal rights view has directly extended Kant's moral theory to animals. Kant proposes a test for moral principles based upon *universalizability*, which means that any principle can be accepted as morally right if the agent can "universalize" it[79] so that any agent in the same position should do the same thing. For example, if one universalizes not keeping a promise, then one would not be able to rely on others' promises; therefore one should universalize promise-keeping instead.[80] Franklin proposes the same universalizability test[81] but draws animal rightist conclusions. Animal rightist Gary Francione employs what he calls "the principle of equal consideration," which just means treating like cases alike unless there is a reason to do otherwise.[82] Francione's idea highly resembles universalizability in requiring a kind of rational uniformity. However, utilitarians, ethics of care advocates, ethical egoists, and skeptics in ethics might find nothing more agreeable than if everyone would "universalize" their views, so ideas such as Kantian universalizability do not stave off the vivisectionist threat either.

(5) John Rawls, in his classic, *A Theory of Justice*, asks us to imagine ourselves as spirits not yet born. We should consider to be just whatever principles we can create in this so-called "original position."[83] We do not know if we will be born rich or poor, strong or weak, intelligent or otherwise, light-colored or darker, male or female. Therefore our principles of

justice would presumably rule out racism, sexism, classism, and other forms of oppression. Mark Rowlands extends this rights model to animal rights.[84] However one can self-consistently create utilitarian or ethics of care principles of justice in the original position, or indeed principles of "justice" that accord with ethical egoism and even skepticism in ethics. Unlike Rowlands, Rawls himself is a sort of egoist who claims that agents in the original position are "not conceived as taking an interest in one another's interests."[85] As for skepticism, one can be skeptical anywhere in this world as well as in Rawls' imaginary world. So rights do not necessarily follow for Rawlsians.

(6) The last major rights approach is that of Alan Gewirth. Gewirth observes that for any given action, we need and so must value some degree of well-being and freedom.[86] There is some truth to his observation: anyone who is very unhealthy (unwell) or trussed-up (unfree) could hardly act. From this point, Gewirth quickly infers that everyone should claim rights to well-being and freedom,[87] and due to what he labels "the principle of generic consistency," we should extend rights to all human beings. Now "generic consistency" simply means treating the same kinds of things in the same way, much like Kantian universalizability. Pluhar deploys virtually the same Gewirthian argument on behalf of animal rights.[88] All theorists can concede that we need a certain amount of freedom and well-being to act. However utilitarians seek to maximize well-being in general, ethics of care supporters base their ethics on sympathy with others' good, egoists are only concerned with the well-being of themselves in the end, and skeptics would not infer any ethical principles at all from Gewirth's observation about needing freedom and well-being for acting. Moreover, in keeping with Gewirthian "generic consistency," even anti-rights theorists would happily treat all like cases alike.

Perhaps now the reader can agree that I was not exaggerating in my claim that standard rights theories do not succeed in fortifying our moral thinking against utilitarian vivisection. Indeed, the assumptions for supposedly justifying any of these rights views can happily be accepted by any ethical theorist, and so these rights ideologies, extraordinarily enough, do not even rule out competing ethical theories, even granted these rights theories' own assumptions (which is always a lot to ask in philosophy). Can the last major conventional option, namely the ethics of care vision which some philosophers believe to be the best version of "animal liberation," provide the protection in question? We need a balanced assessment of ethics of care beyond the above demonstration which appears to show that basing rights in compassion alone is like trying to right a heavy timber in nothing but sand.

VIII. The Ethics of Care

This form of animal liberation is an important contender, and has considerable merits. However, the ethics of care also has serious flaws. I would only call "animal liberationist" those versions of ethics of care which seek to liberate all animals from oppression and exploitation. Having surveyed dozens of books and articles in the field, I can say with confidence that most ethics of care authors do not even mention animals, let alone take animal liberation seriously.[89] The feminist ethics of care emerged from Carol Gilligan's critique of the "masculine" bias in ethics which she said is abstract, justice-oriented, and emphasizes the autonomy of individuals.[90] She criticized the work of moral psychologist Lawrence Kohlberg who saw an ethic of rational principle as the most mature form of

morality.[91] Gilligan, who had worked for Kohlberg as a research assistant, contended that the "feminine" voice in ethics has been neglected. Unlike the male orientation, the female approach to ethical development is situated in context, concerned with caring (compassion, sympathy, or empathy) rather than justice, and is not about separate individuals so much as relationships and interdependencies. As Josephine Donovan succinctly puts it, "sympathy, compassion, and caring are the ground upon which theory about human treatment of animals should be constructed."[92]

Ecofeminist Marti Kheel observes that what "seems to be lacking in much of the literature in environmental ethics (and in ethics in general) is the open admission that we cannot even begin to talk about the issue of ethics unless we admit that we care (or feel something)."[93] Donovan and Carol J. Adams also speculate that rights theories "depend upon emotional intuition as to who is considered entitled to rights."[94] Erik Brown writes that "sympathy for complete strangers is the direct ancestor of the impersonal view."[95] In other words, our adherence to moral principles must be based partially in some kind of feelings. I agree with many ethics of care theorists that emotions are compatible with reasoning in ethics. As Kheel writes: "the emphasis on feeling and emotion does not imply the exclusion of reason. Rather, a kind of unity of reason and emotion is envisioned by many feminists."[96] However, typical for this sort of view, Kheel at the same time rejects all attempts at universal reasoning[97] (with the possible exception of her jumping to the conclusion that we must reject all universal reasoning), and so appears to hollow out the chief aspirations of reasoning in ethics, which in many cases include universal rights.

The ethics of care presents several advantages as an outlook: (1) moral life is not perhaps lived according to abstractions so much as by navigating through a network of caring relationships; (2) individuals are not viewed in isolation but socially, in a web of relating to others; (3) people only do what they care about, so it connects well with moral motivation; (4) it is very flexible and sensitive to different situations and particulars (which utilitarianism also claims); (5) it bursts the stereotype of ethical theorists as "cold and unemotional," and I would add a further point that (6) moral agents need to care about something or they would be catatonic, and they need to care in the right way or they could well be sociopaths.[98]

It should be noted that even traditional ethics are concerned with feelings at some level. Kant is notorious for writing that if someone does something morally right out of sympathy that act has no moral worth; actions can only have moral worth if they are done for the sake of duty.[99] Kant also expresses contempt for spontaneous feelings: "Inclinations…are so far from having an absolute value…that it must rather be the universal wish of every rational being to be wholly free from them."[100] Many have thought Kant to be perhaps the most anti-emotional of philosophers as a result. However the Kantian moral agent depends on the feeling of reverence for the moral law: "*Duty is the necessity to act out of reverence for the* [moral] *law.*"[101] He wrote that reverence for the moral law is not a natural inclination but rather "having its objective ground in reason alone."[102] Kant also admired how animals care: "The more we come into contact with animals and observe their behavior, the more we love them, for we see how great is their care for their young."[103] Indeed, Kant valued kindness towards humans: "Tender feelings towards dumb animals develop humane feelings toward mankind."[104] Surely humaneness represents a caring approach to ethics? Utilitarians for their part base their theory of the good on pleasure and pain which are feelings, or preferences which are also partially emotional. Ethical egoists such as Hobbes identify the good as the object of desire or preference. Virtue ethics concerns the character of agents which must include reference to attitudes and dispositions, and other emotionally-

laden states such as courage. So emotions do after all play a vital though unsung role even in traditional ethical theories.

However there are problems with the ethics of care. I will enumerate several:

(1) Notice how there is a tendency for care theorists to base their ethic on actual caring relationships rather than reasoning from abstract principles. These theorists generally do not make an abstract ideal even out of compassion (although points (4)-(10) below apply to those who idealize sympathy or empathy). But basing ethics on chance sympathies, then, is precarious: one might fail to sympathize with blacks, animals, or indeed anyone beyond ego. This is an insufficient basis to guarantee liberation for anybody.

(2) Some ethics of care theorists use motherhood as a role model, as Sara Ruddick does,[105] but not all mothers are good, and why not model ethics on a businessman or soldier?

(3) Some ethics of care theorists are irrational, as when Alisa Carse writes, "Moral judgment, even paradigmatic forms of moral judgment, can be generated by direct response to another, without any guidance or mediation of categorical considerations"[106]—or acting on principle. Erik Brown also proposes to "base arguments for the acceptability of the principle of equality [of persons] on appeals to persons' spontaneous reactions,"[107] even though not everyone "spontaneously" favors equality.

(4) Moral agents might empathize or sympathize with aggressors as Adams notes in passing without offering any solution.[108]

(5) Empathy ethics replicates a point of view but does not tell us how to act. It reduces our viewpoint to subjectivism or relativism, or deadlocked differing views.

(6) Empathy often cannot reliably be achieved, even with intimates.

(7) Someone with substantial empathy or understanding of another's position can abuse that other even more effectively at times by realizing weaknesses or by manipulation.[109]

(8) There is a potential bias towards ego with empathy because one's own feelings are more vivid than imagined psychological states of others.

(9) Favoritism can result because people sympathize more with the like-minded, etc.

(10) Ethics of care often does not take justification in ethics seriously: Why care in the first place? If it is to promote what is good or what is best, should we not make that part of the basis of our ethics?

I do not know how either an ethic based on chance caring or even an ideal of caring can readily or otherwise overcome these objections without a radical reformulation of the view. These indeterminacies imply that the ethics of care cannot protect anyone from vivisection—or perhaps any destructive whimsy of anyone. Yet I cannot completely dismiss caring in ethics for the reasons given earlier, and it is impressive how much feelings are surreptitiously interwoven even into traditional ethical theories as I have reflected.

IX. Best Caring Ethics as a New Basis for Animal Rights

The last section concludes our examination of the state of the existing animal liberation debate for the purposes of this essay. We seem to have arrived at a scene of disaster. In spite of dire speciesism, animal ethics thus far has not shone enough light to illuminate a way out. Utilitarians such as Singer threaten individuals with involuntary vivisection, standard rights theories are so logically empty that one can drive virtually any moral theoretical truck through their loopholes, and finally the ethics of care, which many have trumpeted to be our saving grace, is apparently mired in serious problems. Neither the rights theories nor the ethics of care protects anyone from the vivisector's knife. I recommend that we seek a new theory.

We cannot simply combine the three main forms of animal liberation. The norms of utilitarianism and strong individual rights are exactly at odds. Utilitarianism may trample rights at key junctures. And neither rights nor utilitarianism can be based on chance caring. As Francione has objected: "Our protection of…interests that are subject to claims of right should not depend on whether some group of people feels 'compassion' for those whose interests are at stake."[110] Francione's remark also applies, with suitable adjustments, to utilitarianism. Finally, the ethics of care itself, almost as a mirror image of the last observation, is wary of relying on abstractions for guidance such as rights and utility rather than, say, sympathy or caring. Still, Kheel noted that care theorists are not altogether closed off to reasoning (albeit she rejects universal reasoning), and as Gilligan herself noted, care theorists are not unconcerned with justice.[111] (It is another failing of the ethics of care nevertheless that its proponents do not put forward distinctive accounts of moral reasoning and justice.) This seems to put all of the traditional "animal liberation" theories logically at odds with each other (and with skepticism and egoism as well).

The ethical theory I propose does, I think, logically entail rights against utilitarian vivisection (unlike previous theories of rights), seeks the best in a very different way than utilitarians do, and draw on the strengths of care ethics while also providing a distinctive basis in reasoning. I hold that my "best caring ethics" does not succumb to the ten objections to the ethics of care that I posted above. Still, the ethic that I will sketch here is meant to open, not close, further debate. Indeed, even if I were able to write a volume accounting for every idea and objection that I know, I could never come close to anticipating the course of philosophical debate as a whole.

Answers are hard to come by in ethics. However I continue to believe that they may be possible.[112] I share utilitarianism's commitment to promoting the "best" outcomes of actions and policies (although I will show that my vision of the best is substantially different from that of the utilitarians), and I think a rational argument can be supplied for supporting what is "best." Ethics generally aims for the ideal. We can provisionally define the ideal as organized ideas of what is fitting or good to aim for. In the way that we speak, "more ideal" seems to mean *better* and "less ideal" seems to mean *worse*, comparatively speaking. Yet does this not imply that what is most ideal is *best*, since logically there cannot be anything better than what is best? Anything less than best is worse, or less ideal. This establishes what is best, in my mind, as a most pre-eminent ideal. Note that "best" does not simply mean perfection since that is often impossible, so the best that *can* be is generally restricted to the realm of the possible.[113]

However we need to clarify what is best because, say, utilitarian conceptions of the best are a threat to individual rights. Utilitarianism assesses good and bad from a single standpoint, adding and subtracting, say, everyone's pleasures and pains in one grand calculus.

It is because the good is added together in this way that individual rights can be overridden so easily. I do not propose simply merging rights and utilitarianism as Victor Grassian, S. F. Sapontzis, and L. W. Sumner do,[114] leaving animals thus vulnerable to vivisection and other forms of abuse from an individual rights perspective.

If we question the point of all of our actions we find that we ultimately act for certain ends, and other purposes are merely instrumental towards furthering what we are concerned to favor in the end: an "end in itself" (to use a Kantian phrase[115]). My own vision of what is best incorporates an insight that utilitarianism seems unable fully to digest, namely that ethical significance—what is good, bad, better, worse, best, worst, important, trivial, and more—must occur *ultimately* in relation to sentient beings or beings with minds. Mindless things cannot find anything to be of *any* significance. I can physically modify a painting but that physical significance itself means nothing to the painting. Physical significance by itself does not constitute value, but merely a change in the material universe. In fact, nothing is even utterly indifferent to a mere thing (or a nonsentient being), since only beings with minds can find things to be conceptually or emotionally indifferent. It is worth adding that in the universe, there are only beings with minds or mindless beings. This insight does not emerge clearly from traditional human-centered ethics since those views give moral standing to human sentient beings, but do not fully account for what is significant to other sentient beings. Other non-anthropocentric philosophers have expressed related insights,[116] but have not asserted the logical implications that I am about to outline. I am not stating that we should aim merely for what sentient beings happen to like, however, because that may well fall short of what is best for everyone. Still, we cannot even ultimately act for "the best" or "the good" as an ideal; i.e., we cannot do anything that is of any significance to an ideal. So what is best or good can be an end, but not an end in itself in the sense I am using—it must lead to what is of significance to sentient beings as ends in themselves.

However if I aim for what is best, and "best" is a form of significance that can *ultimately* have meaning only in relation to sentient beings, then inevitably the best has *separate* significance for each and every sentient being. That is because there is more than one sentient being, and each finds things to be significant quite separately. Thus what is best must mean what is best for you, me, this individual, that individual, and so on up to and including all individual sentient beings. We can call this the "constellation" theory of what is best—one that does not combine all goods and bads into huge aggregates or "lumps" but finds a plurality in what is best for all sentient beings.[117] We cannot act ultimately for any one nonsentient or mindless thing to try to come up with an inappropriately unified idea of what is best, i.e., the best as maximizing utility. We cannot do what is best for the world as a whole, for situations, for aggregates of utility, etc., as ends in themselves. However, these things may very well have important significance for individual sentient beings and play an important role in their intentional or incidental ends. [118]

This insight that we cannot ultimately act for mere things, by the way, I understand to rule out several forms of ethics: that we can *ultimately* act for the Earth, the biosphere, the ecosystem, groups such as species, nations or communities (conceived abstractly or over-and-above individual sentient beings), the law, duty, or nonsentient life forms as ends in themselves.[119] That said, we can do many things that promote an environment that is good for sentient beings—we cannot however do anything significant for the environment "in itself." And we can act for or against a given group of sentient beings (which we can certainly do) only by affecting each individual separately. Only an ethic explicitly organized around something like the constellation theory of what is best can accommodate the insights

I have developed thus far. Utilitarianism cannot in principle invoke the constellation view and is both theoretically and practically at odds with it.

Singer quotes fellow utilitarian Henry Sidgwick: "The good of any one individual is of no more importance, from the point of view (if I may say so) of the Universe, than the good of any other."[120] Yet I hold that Sidgwick may *not* say so correctly, since the universe presumably has no point of view. As John Holmes wrote, "The universe is not hostile, nor yet is it friendly. It is simply indifferent."[121] As I pointed out, it is probably even going too far to say that anything is indifferent to any given nonsentient thing. It follows that the utilitarian idea of one center of good and bad in the universe is a myth. If something is significant to Mary, it is not significant to the universe as a whole, but only to that part of the universe who is Mary (and perhaps, indirectly, to other beings with minds who are suitably aware of and care about Mary in some way). In general, benefit to one sentient being is not a benefit to another, although the same action may simultaneously impact on several sentient beings. Thus the individualism (which is not to say egoism, or a lack of a social ethic) of rights views is preserved by ruling out acting ultimately for any nonsentient thing or indeed any one sentient being alone.[122]

Returning to what is best, ideally does that not mean what is *all good*? Who would deliberately introduce an element of badness without just cause in a bid to create what is best? If that is the case, it seems to follow that needless bad is generally alien to what is ideally best. Normally, I take it this logically entails an ideal of elimination of harm towards all individuals if possible. If one cannot eliminate bad then one must choose the lesser of evils (either of two different evils, or a less evil form of the same harm such as an illness). Thus *non-violence* is the norm on my form of rights reasoning, and I assert that this follows logically. If one objects that what is best full-out is too demanding, it should not be too taxing to insist on that minimal component of what is best or ideal which is not-harming,[123] as we generally require when human interests are at stake. Interestingly, I have suggested that we would call using mentally disabled humans for meat, skins, or experiments "violent," but the only standard justification for violence is defense, and we do not defend ourselves against animals when we use them in these very ways. No one has thought of a brilliant alternative justification for violence besides defense in the case of animals. Speciesists are hard-pressed to justify their violence in *any* way. Just because animals are different from humans does not give us a license to harm these other creatures. I also argue at length in my book that in addition to being rightfully entitled to non-violence, sentient beings have rights to respect, life, welfare, and freedom since these are important goods for all sentient beings.[124]

We can all unite in rejecting avoidable harms then as contrary to what is best, or even good, but it is more difficult to negotiate the pursuit of the good since many pursuits of goods are private or semi-private parts of specific personal or professional relationships or projects, and we all have unique interests, choices, and life-paths. Thus it is difficult to make generic duties pertaining to the good more than it is to posit duties to abstain from harming.[125] Utilitarianism, as I understand it, does not make this crucial distinction pertaining to benefiting and not-harming since it lumps together all benefits and harms and may easily propose to harm for some benefit—unlike best caring ethics.

I chose "caring" as a key concept since by contrast good will only emphasizes the good and not offsetting the bad; traditional virtue ethics focuses only on character; consequentialism only on outcomes; deontology only on duties or rights; and justice does not necessarily address empathy or special obligations of love and friendship. Note that I am not excluding any of these other ideas but rather implying that they can be encompassed

by best caring ethics, although none of these other ideas alone, I think, encompasses all of the concerns of best caring ethics. Respect is key and, to my understanding, flows from optimal caring, but I am less confident about the reverse: one can respect someone's good by not harming them but best caring agents sometimes do more to promote the good than that. I do not need any neologism since caring is so comprehensive and holistic a term. One should ideally care about (1) sentient beings, (2) what they find intrinsically valuable that is consistent with best caring,[126] and (3) what is useful for sentient beings (including, one could argue, rights, duties, virtues, a vibrant environment and ideally, the best states of affairs). Caring has not traditionally been recognized as an umbrella concept in ethics because sexist ideas of care are so rampant in cultures around the globe.

Indeed, when Gilligan emerged with the ethics of care even she stereotyped the "care" approach to ethics in an ironically sexist manner, describing "care" ethics as feminine, emotional, at home in the realm of private relationships, etc. However, we ordinarily speak of men taking care with reasoning, calculations, scientific instruments, public issues, etc. These contemplations point to care having rational, sexless, and public dimensions. Gilligan contrasts the care approach with the justice approach,[127] whereas best caring for all sentient beings would justly make them equal before the law, and the constellation view of the best is, I argue, conducive to a fair or just consideration of all individuals. Best caring, then, may be as encompassing of ethical concerns as it needs to be. Note that unlike "the ethics of care" my "best caring ethics" can simply be called "best caring," at times, since I believe the latter ideal is necessarily ethical for human moral agents, so it would be redundant to use the word "ethics" at every turn.

Now what about the test case of vivisection? The constellation view of what is best considers what is best in general to be the conjunction of what is best for each and every individual sentient being. Vivisection however is not best for any sentient being who is subjected to such treatment, and is contrary to the principle of non-violence. Therefore vivisection is not consistent with what is best in general given best caring ethics. So thus far, my ethical view mirrors the strength of utilitarianism in appealing to what is best while avoiding its weakness of overriding individual concerns. My theory of rights also logically entails a right not to be vivisected unlike, surprisingly enough, standard theories of rights.

It will be objected that we cannot always uphold what is best for everyone. Suppose we can only pull one sentient being—a human or a dog—from a burning building.[128] It is indeed preferable or best in general to uphold or respect what is best for *all* sentient beings. However sometimes one must tragically choose the good of one being or another but not both. One may still try to choose what is best in the situation, although the rights of someone will be overridden. Here I distinguish between *rights reasoning*, simply judging according to everyone's rights, and *non-rights reasoning*, or moral reasoning that requires a departure from coming to conclusions based on equal rights for all. A prominent form of non-rights reasoning is rights-overriding reasoning.[129]

Now rights reasoning tends to be *egalitarian* especially in the aspect of not-harming, and non-rights-reasoning, when rights need to be overridden, tends towards *inegalitarianism* by contrast. There is no inconsistency in the philosophy here; the difference between egalitarianism in the first case and inegalitarianism in the second owes to a common or consistent idea of doing the best one can in different contexts. It is best for everyone to be equally strict about not harming anyone *whenever that is a possibility*—and in most cases it is. Mostly, everyone receives equal protection against harm on my ethic. However, when rights-overriding reasoning is needed there is no possibility of this ideal best-case-scenario: doing what is best for everyone. In such tragedies where beings suffer no matter what one

does the best is only salvaging some good instead of another and then it makes sense to favor what will have the best—i.e., most good and least bad outcome—all things considered. It is perhaps best in such dilemmas, when one *has* to choose between sentient beings, not to be deadlocked due to equal regard for everyone when unequal goods and harms are in fact at stake. Therefore we find consistency here, through the use of different forms of reasoning when they are relevant, doing the best that we can in both kinds of cases. Can we then apply rights-overriding reasoning to vivisection and thus rationalize using animals, human or nonhuman, after all?

I do not believe so. The burning building case does not permit rights reasoning, or simply deciding according to everyone's rights. It requires rights-overriding reasoning to salvage as best one can from a less-than-ideal situation. Using rights-overriding reasoning without necessity however is simply an affront to rights. Note that I have construed moral necessity above as including a restriction against avoidable harm. I argue that it is best in general, or for *all* sentient beings, to support what is best for each and every sentient being. By contrast, if one infringes on rights, that is only best for the infringer or some beneficiary, never best for the victim, and so is not *best for everyone.* If justice is an ideal or best distribution of benefits and burdens to sentient beings, then it seems inherently unjust to favor what is best only for some and not for all. Now researching in medicine without infringing animals' rights and without infringing human rights is not only possible, by at minimum harming neither; it is the only morally acceptable path. No one has the right routinely to override anyone else's rights, including those of animals. One must act in everyone's best interests as much as possible. One also cannot dismiss animals' concerns as unimportant. If all nonphysical significance only occurs ultimately in relation to individual sentient beings as ends in themselves, this applies to importance too, and life, freedom, and welfare are indeed important in the lives of all nonhuman sentient animals.

Does best caring ethics succumb to the ten objections to standard ethics of care views? I do not think so. Considered in order, best caring: (1) is not contingent on chance sympathies but rather cares for what is best for everyone; (2) does not mimic any one role such as motherhood; (3) does not reject rationality in favor of totally whimsical behavior; (4) rules out sympathy for aggressors as contrary to what is best; (5) does not merely seek to replicate points of view through empathy but does consider different standpoints with a view to promoting what is best; (6) does not always require accurate empathy, although that can be helpful to awareness, motivation or adjusting of behavior; (7) is closed to abusive empathy; (8) rejects bias towards self; (9) avoids nepotism, and (10) seeks to take justification in ethics very seriously.

Do my meditations on ethics thus far surreptitiously rely on "intuitions"? It is not an intuition that nothing is significant in the way of being good or bad to a mere thing as an ultimate object of concern. It seems to me a fact that only beings with minds can find things to be significant. This view is also not merely a personal or cultural opinion, or so I would urge in defiance of skeptics. That this insight, suitably applied, rules out the rationality of acting ultimately for units of goodness or a centralized idea of what is best as on utilitarianism is also apparently a matter of logic rather than intuition. I have also not intuited favoring the ideal of what is best in the first place but have provided a rational argument for that ideal. Preferring what is best because it is more good and less bad (or *better*) than alternatives is not merely favoring something intuitively. All of these moves might involve intuition, however, if I merely "intuit" the existence of good and bad themselves, at the bottom of all of my reflections. However, in the next section I will try to show that I do not rely on intuiting good and bad to be real.

X. A Best Caring Theory of Value

I maintain that speciesism has resulted in a skewed consideration of the emotions in ethics. I conjecture that is because if every positive or negative feeling were acknowledged as significant we would have to treat animals very differently, i.e., without speciesist exploitation. Noncognitivist theories from the early to mid-twentieth century simplistically accounted for ethics using emotions and attitudes, while denying that there is any such thing as a "real" moral obligation. For example A. J. Ayer maintained that "good" means the equivalent of "yay!" and "bad" much the same as 'boo!"[130] and C. L. Stevenson saw moral judgments merely as evidence of pro-attitudes towards something.[131] I argue however that morality and the emotions are more complex than that, and that there is such a thing as morally relevant "emotional cognition" as against noncognitivism, which maintains that we can have no cognition of significant moral truths. Contrary to tradition, I hold that feelings occur as a result of a specific mode of awareness or cognition, otherwise I suppose we would not be *aware* of feeling anything.

Using emotional cognition or emotional intelligence, I know when I have a headache. Panyot Butchvarov, an epistemologist, claims that he cannot possibly be mistaken when he has a headache.[132] This is because a feeling of pain cannot possibly be other than what it is to the sufferer. I assert in a related way that I absolutely know that pleasure feels good and that pain feels bad. I am not appealing to intuition here but rather to how things feel to sentient beings. Again, these ideas seem to me to be a matter of fact, not personal or cultural opinion. No one can rightly say that pleasure feels bad or pain feels good, or that paradigm cases of pleasure or pain feel "indifferent." This is something that I think goes beyond all of the world's cultures and holds true for other animals too.

Now others' pleasures do not automatically feel good to oneself, any more than their sufferings necessarily feel bad to oneself. Such corresponding emotions only reliably seem to occur through a sympathetic variety of empathy.[133] However, I argue that only through such empathy can we acquire a realistic awareness of others' suffering in its essential form: something that feels bad from a particular point of view. By objectifying others and viewing them without sympathetic empathy as a psychopath does, we can apply the bare concept of pleasure or pain to others, but arguably do not fully have any substantial or realistic sense or awareness of that pain, or what is really like: something that feels bad. Whether we have others' pain indirectly before us through empathy, or our own pain directly before us through injury, emotional cognition allows us to be aware that it is something bad in itself due to its very nature as a feeling.[134] If we do not have so vivid a sense of others' pain it is arguably to that extent a rather unsuccessful form of empathy.[135] Why should we have a realistic view in this case? It is consistent with best caring to be forthrightly aware of what is emotionally bad and to avoid it; there can only be "less caring" reasons for deriding, dismissing, diminishing, or devaluing others' pain such as sadism, selfishness, domineering, laziness, etc. Best caring practices conduce to the most good and least bad that we can know; worse caring practices, by contrast, conduce to an inferior standard.

We must not confuse here feeling badly *about* a guilty pleasure, or feeling good *about* being slapped, since there is a risk of running together different feelings. A masochist, for example, would not feel good in response to being pleased, only to being pained, so there really needs to be a distinction between the original feeling and the emotional reaction to it. Again, emotional cognition is not easily admitted under speciesism not because of such

potential confusions, but mostly because such cognition would entail going beyond an oppressive insensitivity to the concerns of all but elite sentient beings.[136]

What feels good and bad is just one side of the coin for my theory of value. The other side is causal good or what is effective. Knives are useful for cutting bread unlike logs. Again this is not a matter of intuition or opinion but is in the realm of scientific fact and is the least controversial kind of value: instrumental value. If I stopped right here, that might leave us with mere hedonism. Or if I built into the good the idea of being informed of options, that might entail preferentialism. Yet these value theories I argue are incompatible with best caring. "Best" I have argued means the most good and least bad in relation to the constellation of sentient beings. Merely seeking to feel good or bad is not what agents can rationally aim for since that is infantile: simply wanting what one wants. At the very least, even an egoist should be prudent about what is effective, rewarding enough, healthy, etc. Furthermore I would say that on best caring ethics, unlike hedonism and preferentialism, sadistic or masochistic values do not count because they conduce towards avoidable harm, which I have ruled out as contrary to what is best on my ethics (see above). Best caring also favors the best goods we can aim for.

This theory of value is moderately pluralistic since it recognizes that things can be of variable significance to individuals, e.g., some are more interested in friendship than others. However it is not radically pluralistic such that "anything goes." I am also not saying that friendship, art and knowledge-acquisition each lead to the exact same "good feeling," although to use a Wittgensteinian term, there seems to be a "family resemblance"[137] among all forms of good feelings. Feeling-significance also does not require language. If I am in pain, yelling "Ow!" does not make the pain significant, but is mainly of possible communicative value.

The best caring theory of value rejects not only hedonism and preferentialism but also Aristotelian and Thomistic conceptions that the good is simply what we find intrinsically valuable.[138] Some find cruelty to be good in itself, regardless of what it leads to. We should avoid overly general lists of "goods" as in this tradition: some forms of friendship based only in gay-bashing are vicious, some forms of play are sadistic, and some curiosity (or knowledge-seeking) is morbid as in vivisection for so-called "pure" research purposes. This seems to me a decisive point in favor of contextually-sensitive ethical judgments where the good that is aimed for should not be overly abstract or general.

Indeed, any list of goods which is claimed to be *known* only by "reason" in the narrow sense of the intellect by itself does not seem right to me. For severely depressed people can experience anhedonia or the inability to experience pleasure from normally pleasurable activities (although they may suffer, or feel numb at times). Yet these unfortunates are still quite capable of intellectual judgments. So if friendship activities for example are suggested by a list of intrinsic goods they may seem barren of interest or not desirable, etc. to an anhedonic, which is evidently not a suitable state for knowing something as "intrinsically good," although they should be able to know this if it is purely a matter of intellect. Should anyone wish to say that they find something to be undesirable or without interest and yet they find it to be "intrinsically good"? The emotions, then, seem prominently to figure into sentient beings genuinely finding or perhaps knowing things to be actually or potentially intrinsically good. Indeed, without connection to positive value, nothing would even seem "useful." Things would just happen in the life of an anhedonic person, some things leading to others, everything seeming useless or futile. As for the Platonic idea of the Good existing beyond space and time as an eternal Form,[139] I cannot disprove this but I find no evidence for it either and so I set it aside from present

consideration. Here, then, we have an outline of a new basis for a theory of animal rights, which argues, against skepticism, that some things really are intrinsically and instrumentally good and bad for sentient beings and that we can have clear enough awareness of these goods and bads. I will now go on to argue that all sentient beings are properly to be considered persons, so I am really upholding a variant of personal rights—or animal person rights.[140]

XI. Animal Persons

It should not be too controversial to say that animal persons exist since humans are animal persons.[141] Are other animals persons? The question is chiefly of relevance because legal personhood has been at the core of discussions of extending rights. Dictionaries partly define personhood in terms of being human,[142] but that may just be a result of overt speciesism. There are arguments that animals are persons. Francione contends that any right-holder with interests is a person[143]—but perhaps sentient beings are not persons? Francione is begging the question. Joan Dunayer argues that in grammar a noun is a person, place or thing and since animals are not places or things they must be persons.[144] This is again inconclusive since sentient beings might be neither persons nor mere things. Very few ethicists put up any argument that animals are persons. I offer four new arguments in the affirmative:

(1) We identify our personhood with our minds. If my psyche inhabited another's body (of course this is merely a thought experiment such as Rawls uses with his original position) that would still be "me." If I lose a limb I am still me. If my soul or psyche survives my death that is perhaps essentially me. Before I was conscious the body I would one day awake to was without personality and after I die the corpse will be devoid of personality. Yet other animals also have minds which may equally serve as a core to personhood in these sorts of ways.

(2) If I use another thought experiment to imagine myself having a dog's joy when "his human" comes home, I would call that a "personal experience" on my part.[145] So why not call it a "personal experience" for the dog too? Only the species of the experiencer would be different in this case: the experience itself would be exactly the same. So would it not be speciesist to call the experience "impersonal" in the case of the dog and "personal" in the case of the human? I would not need to reflect rationally on the feeling for it to count immediately as a personal experience in my own case, so speciesists cannot try to insist that persons are necessarily "rational." Sometimes humans are downright irrational. If perceptions and feelings are deeply personal experiences in us, why not in other animals? We should not waver between "sentient being" and "person" after all if we find sentience (feelings, perceptions) in ourselves to be utterly personal. If we do not grant this then we depersonalize a huge and intimate part of our biographies, perhaps most of what we experience, and our personhood—if it is only "rational"—is reduced to a wispy, interrupted and variable strain in our progression of existence. If persons must be "moral" then psychopaths are not persons which almost no one maintains. A less moral person is not only "partially" a person. It cannot decisively be objected that my notion of personhood is contrary to the dictionary, since lexicons only record cultural thoughts. Victorian dictionaries may once may have listed phlogiston as a real substance though dictionaries say this no longer.[146]

(3) Animals, I find, literally have *personalities* or characteristic ways of acting, moving, preferring, choosing, reacting, temperament, character, strengths and weaknesses, etc. Mere things only metaphorically have personalities (e.g., a judge's "stern" gavel). Animals literally can be patient, or wait and endure without much fuss, but not things.

(4) Sentient beings deserve moral and legal rights, or so I have argued. Since the law most unequivocally accords rights to persons, and typically denies rights to nonpersons, then practically, there is an imperative to deem sentient animals to be persons. My deliberations above show that there is nothing standing in the way of thinking of sentient beings as persons. Quite the contrary, there is seemingly more theoretically to encourage thinking of sentient animals as persons rather than the opposite. It seems to me, in the end, that for the most part only those who do not wish to facilitate rights for nonhuman sentient beings would object to such a usage, and that reluctance would be speciesist as I have argued. Blacks and women used to be considered non-persons too, and that was a form of oppressive discrimination. It seems only to be a result of tyranny that animals are viewed impersonally as mere things. Such a world view leads us to believe that animals are mere resources rather than ends in themselves.

XII. Conclusion

When Peter Singer's misleadingly entitled *Animal Liberation* was first published it carried the sub-title, *A New Ethic for Our Treatment of Animals*. It was indeed relatively new to insist against speciesism, a term that was then only five years old. However, utilitarianism is no innovation, nor are the mirrorings of old rights theories by animal rights philosophers. Also, I would venture to say that Singer is a speciesist to propose to vivisect nonhuman animals because they are supposed to be cognitively inferior.[147] Even the ethic of care was something new mostly in name only, since compassion is as old as the hills, as is ethics which considers relationships and specific contexts. Best caring ethics itself is perhaps only new in a recombinant way, a weaving together of ancient though often latent strands of insight. However it offers at least levels of harmful discrimination, a rethinking of traditional animal welfare as animal illfare, a revised theory of ends in themselves, a distinctive theory of what is best, a theory of emotional cognition, and a set of arguments for animal personhood.

I have tried to outline a justification for best caring ethics. As well, best caring ethics may be judged to compare favorably with other ethical theories. Competing theories have several advantages as well as disadvantages (i.e., objections that I do not see as having any satisfactory answer). The following table summarizes how best caring ethics may embody the advantages of the following major ethical theories[148] but not their disadvantages:

Ethical View(s)	**Advantages (Best Caring Ethics Shares)**	**Disadvantages (Best Caring Ethics Avoids)**
Standard Rights Theories	Protects individuals (as standard rights theories are *supposed* to do); offers an idea of rights-holders as "ends in themselves"	Does not leave way open for vivisection and does rule out competing moral theories as standard theories of rights- justification fail to do
Utilitarianism	Appeals to what is best; fair; emphasizes importance of consequences; justifies both rules and exceptions; flexible and	Does not override individual rights; does not act for mere things such as aggregates of utility, the situation, etc. but rather acts for what is best for each and every sentient

	sensitive to context; considers emotions in the theory of value	being; does not have corrupt value theories that can promote sadism; does not neglect virtues and vices of moral agents
Ethics of Care	Does not reduce ethics to mere abstractions or isolated individuals but considers social relationships; helps account for moral motivation; flexible and sensitive to situations; not "cold and unemotional" unlike many ethical theories; people need to care somewhat to act at all and to care in certain ways to be moral agents of any kind; even traditional ethics depends on feelings in different ways	Not victimizing of others due to lack of sympathy; does not use questionable models for all morality such as motherhood; not irrationalist like some care theories; does not sympathize with aggressors; does not reduce to a deadlock between standpoints that are empathized with; does not over-rely on empathy which is often inaccurate; closed off to abusive empathy; does not feature bias towards ego in empathy; rejects nepotism stemming from sympathies with familiars; takes justification in ethics seriously
Virtue Ethics	Focuses on the nature of moral agents, since people will not promote what is best unless they themselves are operating at their personal best, exemplifying classical virtues such as patience, perseverance, etc. and avoiding conventional vices such as greed, arrogance, etc.	Is not ambiguous as to moral theoretical approach; does not allow virtually any moral theory to lay claim to the best kinds of virtues and vices
Ethical Egoism	Provides for selfish people to follow moral rules with legal punishments and incentives; does not assume all people are sympathetic to others	Does not have to claim that selfishness is "best"; does not have to justify ego as "special" or selfishness as "virtuous"; does not allow abuses of vulnerable beings, confuse the vividness of ego's concerns with their being "special," and does not confuse any lack of psychological compulsion to consider others' good with a lack of moral obligation to do so
Skepticism in Ethics	Helps to explain and allow for diversity in ethics (in the case of best caring ethics, due to different interests, personalities, creativity, different linguistic and cultural habits, and erroneous ethical ideas); rightly suggests we should be skeptical of many moral theories and ideas; refuses to be dogmatic and insists on reasoning in ethics; lets individuals decide for themselves	Does not hold that everything in ethics is a matter of opinion; does not reduce to the dangers of "Anything goes"; does not fail to provide any moral guidance

I emphasize that I am not a radical pluralist or syncretist who simply throws different philosophies together which I have argued are logically incompatible. Nor do I conveniently pick and choose ideas when I practically deliberate as would an eclectic. If the strengths and not the weaknesses of the other theories I have mentioned emerge in best caring ethics, it is from an attempt at moral reasoning rather than running a shopping cart through the history of moral philosophy.

Traditional ethicists say they champion animal welfare but really, as I have argued,

promote animal illfare. In addition, I have found that speciesist ethics is a threat to human rights itself, because rights theories from the "humanistic" tradition do not safeguard the rights protections of Nuremberg and Helsinki against utilitarian vivisection for any human being. Also, traditional ethics leave mentally disabled humans especially vulnerable. For if speciesists were ruthlessly consistent, they would treat mentally disabled humans at Levels 3 and 4 of harmful discrimination, as they now treat animals, and only if animals were to be liberated could society consistently treat mentally disabled humans at the level of No Harmful Discrimination.

Where traditional moral thinking fails to be reasonable and compassionate, the animal rights movement will endure and hopefully grow radically. We need yet another revolution—or perhaps an evolution—in our thinking about animals, shifting beyond the old narrow paradigms. Yet most animal liberationists are not moral philosophers, and most ethicists are not animal liberationists. So for a while at least we may only have what my country's Quebecers call a "Quiet Revolution" among certain people who engage in anti-speciesist forms of moral reasoning. Quietism is not preferable but is simply difficult to overcome. Indeed that hardship occurs because the sounds of extended, civilized dialogue are almost as structurally stifled by our society as are literally billions of cries of protest from unheeded animals.

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[1] Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: Avon Books, 1975). A revised 2d ed. simply called *Animal Liberation* was published in 1990 with Avon Books. Singer first caused a stir when he released an essay entitled "Animal Liberation" in the *New York Times Review of Books*, April 5, 1973 which a few years later grew into his famous book.

[2] In chronological order, the major animal rights ethics books are: Bernard Rollin, *Animal Rights and Human Morality* (Buffalo: Prometheus Books, 1981), rev. ed. 1992; Regan, *The Case for Animal Rights* (Los Angeles: University of California Press, 1983); S. F. Sapontzis, *Morals, Reason and Animals* (Philadelphia: Temple University Press, 1987); Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham: Duke University Press, 1995); Mark Rowlands, *Animal Rights: A Philosophical Defence* (London: Verso, 1998); Gary L. Francione, *Introduction to Animal Rights: Your Child or the Dog?* (Philadelphia: Temple University Press, 2000); Julian Franklin, *Animal Rights and Moral Philosophy* (New York: Columbia University Press, 2005). An earlier account of animal rights, which was largely ignored by scholars until republished, is Henry S. Salt, *Animals' Rights: Considered in Relation to Social Progress* (Clarks Summit: Society for Animal Rights, 1980), originally published in 1892 with revised editions in 1905 and 1922. It was Salt who influenced Mohandas Gandhi to become an ethical as opposed to merely traditional vegetarian.

[3] Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982) started a small industry of scholarship. The latter book brought her views into prominence but see also Gilligan, "Concept of the Self and of Morality," *Harvard Educational Review* 47 (November 1977): 481-517.

[4] Carol J. Adams, *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory* (New York: Continuum, 1990) first brought feminist ethics prominently to bear on animal liberation issues. However arguably the single most important work is Josephine Donovan and Carol J. Adams (eds.), *Beyond Animal Rights: A Feminist Caring Ethic for the Treatment of Animals* (New York: Continuum, 1996), a collection of previously published papers.

[5] Another strain of ethics used for animal advocacy is virtue ethics, which I discuss in *Animal Persons*. Briefly, virtues refer to character traits such as courage, honesty and patience, and vices refer to dispositions such as greed, stinginess and callousness. Virtue ethicists often follow Aristotle's *Nicomachean Ethics*. I agree that virtues are helpful and vices are destructive in general. However one limitation of basing ethics in virtues (as opposed to having an ethic with another basis that still includes virtues) is that virtue ethics is too vague, since any ethical theorist, even an ethical egoist, can list her own virtues and vices. So virtue ethics does not decide among theories of animal advocacy ethics. Rosalind Hursthouse, *Ethics, Humans, and Other Animals: An Introduction with Readings* (London: Routledge, 2000), p. 161 stresses that the virtue of kindness may stop people from fox hunting, although others might argue that the practice exemplifies the virtue of courage. Zoe Weil, *The Power and Promise of Humane Education* (Gabriola Island: New Society Publishers, 2004), p. 5, plausibly lists the best qualities of human beings as: (1) kindness, (2) compassion, (3) honesty and trustworthiness, (4) generosity, (5) courage, (6) perseverance, self-discipline, and restraint, (7) humor and playfulness, (8) wisdom, (9) integrity, and (10) a willingness to choose and change. However rights, utilitarian and care ethics proponents could all lay claim to these virtues, as can traditional animal welfarists who favor animal exploitation, so this list of virtues is too logically ambiguous to be decisively in favor of animal liberation, or so I argue in *Animal Persons*.

[6] Ryder notes this autobiographical fact in "Speciesism," in *The Encyclopedia of Animal Rights and Animal Welfare*, ed. Marc Bekoff (Westport: Greenwood Press, 1998), p. 320.

[7] R. G. Frey, "Animal Parts, Human Wholes," in *Biomedical Ethics Reviews—1987*, eds. James M. Humber and Robert F. Almeder (Clifton: Humana Press, 1987), p. 105; Michael P. T. Leahy, *Against Liberation: Putting Animals in Perspective* (New York: Routledge, 1991), p. 203; Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (Cambridge: Cambridge University Press, 1992), p. 52; Michael Allen Fox, *The Case for Animal Experimentation: An Evolutionary and Ethical Perspective* (Berkeley: University of California Press, 1986), p. 89. Fox has since crossed over to the animal liberation side.

[8] Aristotle, *The Nicomachean Ethics* (Harmondsworth: Penguin, 1976), p. 75; Thomas Aquinas, "Differences between Rational and Other Creatures," in *Animal Rights and Human Obligations*, 2d ed., eds. Tom Regan and Peter Singer (Englewood Cliffs, New Jersey: Prentice-Hall, 1989), p. 6.; Immanuel Kant, *Groundwork of the Metaphysic of Morals*, trans. H. J. Paton (New York: Harper & Row Publishers, Incorporated, 1964), p. 96; G. W. F. Hegel, *Reason in History: A General Introduction to the Philosophy of History*, trans. Robert S. Hartman (New York: Macmillan Publishing Company, 1953), p. 45.

[9] "Moral standing" has generally come to mean in ethics a status of being accorded basic practical respect. However, the term is not biased in favor of any given ethical theory and someone with moral standing may have due to them certain rights, or be entitled to utilitarian consideration, or be part of a network of relationships of caring.

[10] Richard A. Watson, "Self-Consciousness and the Rights of Nonhuman Animals and Nature," *Environmental Ethics* 1 (Summer 1979): 115.

[11] Bonnie Steinbock, "Speciesism and the Idea of Equality," *Philosophy* 53 (April 1978): 247.

[12] A. I. Melden, *Rights in Moral Lives: A Historical-Philosophical Essay* (Berkeley: University of California Press, 1988), p. 54.

[13] Carl Cohen, "The Case for the Use of Animals in Biomedical Research," *The New England Journal of Medicine* 315 (October, 1986): 865-66.

[14] Alan Holland, "On Behalf of a Moderate Speciesism," *The Journal of Applied Philosophy* 1 (1984): 286. Holland does not disavow speciesism.
[15] L. B. Cebik, "Can Animals Have Rights? No and Yes." *The Philosophical Forum* 12 (1981): 252, 253, 257, 258.
[16] Ruth Cigman, "Death, Misfortune, and Species Inequality," *Philosophy and Public Affairs* 10 (Winter 1981): 60.
[17] Meredith Williams, "Rights, Interests, and Moral Equality," *Environmental Ethics* 2 (1980): 153, 154.
[18] R. G. Frey, "Animal Parts, Human Wholes," pp. 89, 91-3; Peter Miller, "Do Animals Have Interests Worthy of our Moral Interest?" *Environmental Ethics* 5 (Winter 1983): 332; Peter Miller, "Value as Richness: Toward a Value Theory for the Expanded Naturalism in Environmental Ethics," *Ethics* 4 (Summer 1982): 112.
[19] Michael Allen Fox, "Animal Experimentation: Avoiding Unnecessary Suffering," in *National Symposium on Imperatives in Research Animal Use: Scientific Needs and Animal Welfare* (Washington: National Institutes of Health, 1984), p. 112.
[20] David Sztybel, "Taking Humanism Seriously: 'Obligatory' Anthropocentrism," *Journal of Agricultural and Environmental Ethics* 13 (2000): 188.
[21] I have clarified elsewhere that there is no logical link in general between being different in some specified way and having a license to harm the one who is different. David Sztybel, "Can the Treatment of Animals Be Compared to the Holocaust?" *Ethics and the Environment* 11 (Spring 2006): 100; Sztybel, "Empathy and Rationality in Ethics" (Ph.D. diss., University of Toronto, 2000), 96-99.
[22] James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford: Oxford University Press, 1990), pp. 181-94.
[23] Singer, *Animal Liberation*, 2d ed., p. 9.
[24] See Sztybel, "Taking Humanism Seriously."
[25] Singer, *Animal Liberation*, 2d ed., p. 18; Regan, *The Case for Animal Rights*, pp. 186-89; Regan, *The Struggle for Animal Rights* (Clarks Summit: International Society for Animal Rights, Inc., 1987), p. 75; Rollin, *Animal Rights and Human Morality*, 1st ed., p. 35; Pluhar, *Beyond Prejudice*, chs. 1-2. Traditionally, this has been known as "the argument from marginal cases." I think the term, "marginal humans" can carry unwelcome connotations that mentally disabled humans are either only marginally human or else only of marginal ethical concern. However I think the term was originally meant to refer to those who are *marginally rational* (or marginal in terms of manifesting other mental capabilities) compared to average human beings, which does not necessarily imply that the mentally disabled are any less human or less deserving of respect. Therefore I do not take offense anytime someone such as Pluhar uses the term "marginal cases." Still, for connotative reasons the term "marginal" might well be avoided,. especially since the relevant clarifications seem never to be offered wherever the term is used. "The argument from mental disability" may be used as a simple, relatively inoffensive substitute in the context of animal ethics.
[26] I also note in passing that the argument from mental disability has helped to defuse one of the primary objections to animal rights, namely that animals are not ethical towards us so we have no obligation to be ethical towards them (notice how many "humanists" noted above used the criterion of moral agency). The problem is that many mentally disabled humans cannot be ethical towards us either, but they typically receive full moral standing, so unless we extend the same benefit to animals, this seems to be a pattern of speciesist

discrimination—unless anthropocentrists can account for why animals and mentally disabled humans are treated so differently.

[27] A note about ranking Level 1 insults versus Level 2: most people would prefer verbal slights to starvation, not least of all because the latter is more dangerous.

[28] For a detailed account of factory farming see Singer, *Animal Liberation*, ch. 3 and Jim Mason and Peter Singer, *Animal Factories* (New York: Crown Publishers, 1980), or visit http://www.factoryfarming.org. These sources impartially draw their facts from agricultural journals.

[29] See Sztybel, "Can the Treatment of Animals Be Compared to the Holocaust?" and Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York: Lantern Books, 2002) for a comparison between standard forms of contemporary animal treatment and the Holocaust.

[30] For a comparison of how animals are treated and black slavery see Marjorie Spiegel, *The Dreaded Comparison*, revised edition (New York: Mirror Books, 1996).

[31] Are animal companions exempt from harmful discrimination? Millions of animals bred as "pets" in speciesist society are killed for want of a home, and a great many who have homes are subject to neglect, squalor, deprivation and cruelty. Is there no harmful discrimination when "pets" are treated well by speciesists? In that case there is arbitrary and harmful discrimination against *other* animals who are treated poorly, e.g., in agriculture. People often only focus on one part of the harmful discrimination equation, namely those who are arbitrarily disfavored; however another side of the equation consists of who is arbitrarily favored, such as many dogs and cats.

[32] See also Evelyn B. Pluhar, *Beyond Prejudice: The Moral Significance of Human and Nonhuman Animals* (Durham: Duke University Press, 1995), pp. 136-37. Pluhar discusses the idea that humans normally have qualities such as rationality and complains that it is "outrageously unfair" that one be treated as if one possesses abilities that are normal for one's species rather than according to one's actual abilities. Presumably it would be unfair because a mentally disabled human might, for example, be expected to perform successfully in normal schooling?

[33] See Pluhar, *Beyond Prejudice*, p. 156. Pluhar objects, p. 158 that what she calls the argument from misfortune is circular because it assumes that some humans already have moral standing and are entitled to distributive justice. I agree that a theory defending rights for these persons is needed, but my point of objection is different from Pluhar's.

[34] This objection is noted in Pluhar, *Beyond Prejudice*, p. 162.

[35] *Ibid*., p. 90.

[36] *Ibid*., p. 95.

[37] Other "special reasons" I discuss in my book are that animals lack a human genotype, are not born to human families, lack souls, are not institutionally supported as mentally disabled humans often are, are not members of society unlike mentally disabled humans (who are often no more substantially functioning members of society than animals really), and none of these reasons (anymore than the ones considered in the main text) implies anything about why we should count benefits or harms to animals differently than those pertaining to mentally disabled humans. They are, in short, logically irrelevant to the issue at hand.

[38] I reserve discussion of egoism and skepticism for the book for reasons of avoiding excessive length; however see the table in the conclusion of this essay.

[39] Technically, "animal welfare" is ambiguous, and I identified six different senses in my article, "The Distinction between Animal Rights and Animal Welfare" in *The Encyclopedia of Animal Rights and Animal Welfare*, ed. Marc Bekoff (Westport: Greenwood Publishing Group, 1998), pp. 43-45. Here I distinguished between (1) *animal exploiter's animal welfare* which might be deceptive and validate factory farming for instance, (2) *common-sense animal welfare* which is a fluid idea encompassing the average citizen's concern with kindness or anti-cruelty; (3) *organized humane animal welfare*, usually more disciplined and principled, e.g., as professed by humane societies and other institutions; (4) *utilitarian animal welfare* such as Peter Singer's, which is supposed to be "animal liberationist"; (5) *New welfarism*, a characterization of Gary Francione of any self-professed animal rightist who accepts animal welfare reforms in the law; and (6) *animal welfare-animal rights views*, such as Richard Ryder's notable opposition to all animal experimentation while noting in Ryder, "Painism: The Ethics of Animal Rights and the Environment," in *Animal Welfare and the Environment*, ed. Richard D. Ryder (London: Gerald Duckworth & Co. Ltd., 1992), p. 197, that animal rights and animal welfare alike "denote a concern for the suffering of others." I am considering the term "animal welfare" here as it is used conventionally, opposed to animal liberation (which is in keeping with (2) and (3) above). "Animal welfare" is usually taken to mean: accepting the use of animals for food, leather, fur, entertainment, vivisection, hunting, zoos, and so on so long as the treatment is "kind." [*sic*] I believe that a seventh sense of "animal welfare" needs to be added as a result of the arguments I am about to present, namely "animal welfare" as a completely misleading euphemism for how we treat animals conventionally—and not just in factory farming or the worst kinds of vivisection as in sense (1), but also in terms of standard Level 3 treatments.

[40] Morlocks are humanlike creatures adapted to living underground, as invented by H. G. Wells for his classic science fiction novel, *The Time Machine*, originally published in 1895.

[41] The last point is a bit of a departure from Wells, since the Morlocks are "savage." However I do not imply that civilized people vivisect others. Quite the contrary.

[42] Francione, *Introduction to Animal Rights*, p. 50 refers to our culture's "schizophrenic" profession of animal welfare while widely using for example factory farming, etc. (what I call Level 4 treatments). I am going farther and stating that even if Level 3 treatment were universal as "welfarists" hope, the label "animal welfarist" still is not apt. Joan Dunayer, *Animal Equality: Language and Liberation* (Derwood, MD: Ryce Publishing, 2001), p. 121 notes that vivisectors nullify the welfare of animals while calling themselves animal welfarists, and pp. 133-34 notes the same contradiction exists in standard factory farming practices. So she makes a similar observation but in a more limited way.

[43] It is noteworthy that most animals who are killed for human use—about 95%—are "farmed," according to the Humane Society of the United States. See http://www.hsus.org/farm_animals/factory_farms/. This figure does not include the estimated ten billion aquatic animals killed for human consumption. Now the vast majority of these animals are "factory farmed" (see note 28) so they are not even treated according to the ideology of wrongly so-called "animal welfare," but rather according to the non-existent mercies of Level 4. This descent into currently widespread hellish treatment of animals seems superficially contrary to the logic of so-called "animal welfare," and therefore anomalous, but it is not when you realize that human interests—virtually *any* human interest such as the taste of flesh or financial profit—takes priority over the most important animal interests—even life itself—on what many people call "animal welfare" (*sic*—animal illfare).

It is usually thought that there is more money to be made in confining animals by cramming them into minimal spaces (less rent), in feeding them awful food (which is cheaper), keeping them in filth (rather than paying for cleaning), letting them suffer stifling, toxic air and extremes of hot or cold (rather than pay for regulation of the atmosphere in factory farms, transport vehicles, or stockyards), and transporting and killing them forcefully and hurriedly (because workers after all are paid by the hour). Such is the logic of so-called "animal welfare."

[44] Here I defer treatment of egoists and nihilistic skeptics who are not especially associated with altruism.

[45] Gary L. Francione, *Rain without Thunder: The Ideology of the Animal Rights Movement* (Philadelphia: Temple University Press, 1996), p. 53.

[46] Peter Singer, "The Fable of the Fox and the Liberated Animals," *Ethics* 88 (January 1978): 122.

[47] Peter Singer, "Animals and the Value of Life," in *Matters of Life and Death*, ed. Tom Regan (NY: Random House, 1980), p. 254.

[48] *Ibid.*

[49] In fairness, Singer probably thinks that people will be more reluctant to use animals if humans must also be used at the same time, but the fact is that he allows and even defends the use of both sorts of sentient beings. People would be even more reluctant to use animals and mentally disabled humans if these beings were recognized to have a *right* not to be vivisected, which denounces rather than defends such a practice.

[50] Bentham in *The Principles of Morals and Legislation*, equated all kinds of pleasures, but Mill controversially distinguished between base and noble pleasures in his famous essay, "Utilitarianism."

[51] There is a further distinction between act utilitarianism and rule utilitarianism. An act utilitarian seeks to choose the most good and the least bad in every single decision. A rule utilitarian, by contrast, uses utilitarianism mainly to justify broad rules for society which purportedly serve "the greatest good for the greatest number," to use a phrase commonly invoked by utilitarians. Rules are preferred by some utilitarians because estimating maximal utility in every case may be too daunting, chaotic, or biased in that some people may seek to rationalize dire acts as being for "the greatest good." We will see that rule utilitarianism is important for answering common objections to utilitarianism.

[52] Joseph Wood Krutsch, *The Great Chain of Life* (Boston: Houghton Mifflin, 1956), pp. 147-48; cited in Spiegel, *The Dreaded Comparison*, p. 63.

[53] Antony Flew (ed.), *A Dictionary of Philosophy* (London: Pan Books Ltd, 1984), p. 113.

[54] J. J. C. Smart, "Integrity and Squeamishness," in *Utilitarianism and Its Critics*, ed. Jonathan Glover (New York: Macmillan Publishing Company, 1990), p. 168.

[55] Moreover, rule utilitarianism can rule out many such abuses.

[56] Samuel Scheffler, *The Rejection of Consequentialism* (Oxford: Oxford University Press, 1982), p. 9.

[57] L. W. Sumner, in a course lecture at the University of Toronto, 1995.

[58] Singer, "Animal Liberation or Animal Rights?," *Monist* 70 (January 1987): 6.

[59] L. W. Sumner, review of *The Case for Animal Rights*, by Tom Regan, *Nous* 20 (September 1986): 431-32.

[60] Francione, *Introduction to Animal Rights*, p. 92. If one looks up the Declaration of Helsinki which is readily available on the internet, one finds that it could permit vivisection of

mentally disabled humans if a relative provides consent. I do not interpret that the earlier code features this loophole.

[61] R. G. Frey, "Animal Parts, Human Wholes," p. 89.

[62] Singer, *Practical Ethics*, 2d ed. (New York: Cambridge University Press, 1993), pp. 110-111, 125. I refer students of this argument to my book, *Animal Persons*.

[63] Mentioned in Franklin, *Animal Rights and Moral Philosophy*, in the ch. on utilitarianism, which is worth citing as a whole for its astute points pertaining to this theory.

[64] This is a verbal issue, but I think an important one. Now I would not argue that someone (unlike Singer) who targets "normal" humans for vivisection or rodeo abuses is truly aiming for human liberation as a general matter. Therefore I cannot consistently call utilitarianism an ethic that serves animal liberation. It is not enough that Singer has a goal in his own mind of "animal liberation," nor that he calls his seminal book by that name. For the label to stick he must seek to liberate animals—period—and this he fails to do. Rights advocates support the rights of all, not just some, and emphasize the rights of the vulnerable that are trampled by utilitarianism. One cannot emphasize such rights by simply *overlooking* the animals who are not liberated. I can grant that some animals or groups of them might be liberated on utilitarianism, but that seems insufficient for "animal liberation" as a generality. I owe the idea about animal rights being a true form of liberation for animals, in contrast to utilitarianism, to Steven Best who provided very helpful comments on this essay.

[65] Regan, *The Case for Animal Rights*, p. 134.

[66] *Ibid.*, chs. 7-9.

[67] Martha Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Mass.: Harvard University Press, 2006), pp. 70, 74, 82, 151.

[68] *Ibid.*, p. 63, 351.

[69] *Ibid.*, p. 393.

[70] *Ibid.*

[71] *Ibid.*, p. 404.

[72] Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press, 1977), p. xv, calls a fundamental right to respect "fundamental and axiomatic," which may be called an *intuition* in the sense that I am using.

[73] Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p. 157.

[74] Joseph Raz, "On the Nature of Rights," *Mind* 93 (1984): 194-214; 195.

[75] S. F. Sapontzis, *Morals, Reason and Animals* (Philadelphia: Temple University Press, 1987), p. 89.

[76] Bernard Rollin, *Animal Rights and Human Morality* (Buffalo, NY: Prometheus Books, 1981), p. 9. Rollin also refers to this as "consensus morality," or "social ethics for humans."

[77] Carruthers, *The Animals Issue*, p. 7 states moral theory must take a start in common sense and supports factory farming "without qualification" on p. 196.

[78] See generally David Hume, *An Enquiry Concerning the Principles of Morals* (Indianapolis: Hackett Publishing Company, Inc., 1983).

[79] Kant, *The Groundwork of the Metaphysics of Morals*, p. 105.

[80] It will be pointed out that Kant relies not only on universalizability as a "categorical imperative" as he terms it. Another categorical imperative for Kant, *The Groundwork of the Metaphysics of Morals*, p. 96 (italics his), is: "*Act in such a way that you always treat humanity, whether in your own person or in the person of another, never simply as a means, but always at the same time as an end.*" However one need not universalize this principle. I would speculate that this Kantian

doctrine of the end in itself is rather based on intuition, or a bedrock belief for which he offers no rational defense. This intuitionist interpretation is supported by a key passage which I found in Kant's own mature writing. In Kant, *Critique of Practical Reason and Other Writings in Moral Philosophy*, trans. Lewis White Beck (Chicago: University of Chicago Press, 1949), p. 157, the German philosopher states: "...the moral law is given, as an apodictically certain fact, as it were, of pure reason, a fact of which we are a priori conscious, even if it be granted that no example could be found in which it has been followed exactly. Thus the objective reality of the moral law can be proved through no deduction, through no exertion of the theoretical, speculative, or empirically supported reason; and even if one were willing to renounce its apodictic certainty, it could not be confirmed by any experience and thus proved a posteriori. Nevertheless, it is firmly established of itself." To consider his doctrine to be self-evidently correct and not supportable by reason sounds exactly like intuitionism, which I have already dealt with as a purported basis for rights. That said, I develop my own idea, hopefully grounded in reason, of sentient beings as ends in themselves in what follows.

[81] Franklin, *Animal Rights and Moral Philosophy*, p. 35.

[82] Francione, *Introduction to Animal Rights*, pp. xxxii, 82.

[83] John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pp. 11-12.

[84] See generally Mark Rowlands, *Animal Rights: A Philosophical Defence*, but also Rowlands, *Animals Like Us* (London: Verso, 2002).

[85] Rawls, *A Theory of Justice*, p. 13.

[86] Alan Gewirth, *Reason and Morality* (Chicago: The University of Chicago Press, 1978), p. 61.

[87] *Ibid.*, p. 67.

[88] Pluhar, *Beyond Prejudice*, ch. 5.

[89] Even where animals are mentioned or hinted at in this literature, it is too often dismissively. Joan Tronto is a well-known ethics of care theorist, and author of *Moral Boundaries: A Political Argument for an Ethic of Care* (New York: Routledge, 1993), and on p. 103 defines care as "a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible." She urges, p. 189, that we "take caring seriously" and engage in an exercise of "noticing boundaries" of care, to see who is included, and who is excluded from concern. Tronto apparently restricts care to the human species without justifying the exclusion of animals, who are not even mentioned in her index. Although she mentions the environment and the need for a "life-sustaining web," on p. 103, she does not seem to count animals as significant in themselves. Allison Jaggar, a prominent feminist, criticizes care theorists for the lack of attention to justification of ethical pronouncements in care theory, in her essay, "Caring as a Feminist Practice of Moral Reason," in Virginia Held (ed.), *Justice and Care: Essential Readings in Feminist Ethics* (New York: Westview Press, Inc., 1995), p. 189, but she does not justify her own exclusion of animals as beings to care about. Martin Hoffman worked on a theory of empathy for three decades but not once does he mention animals in his resulting book, *Empathy and Moral Development* (New York: Cambridge University Press, 2000), although p. 25 he claims to offer a "comprehensive theory." Lawrence E. Blum mentions animals in his essay, "Compassion," in the volume *Moral Perception and Particularity* (New York: Cambridge University Press, 1994), p. 173, but only to announce that he is "[b]ypassing the question of compassion for…animals….I will focus on persons as objects of compassion." Blum merely takes it for granted that sentient beings are not persons. But see Section XI of the present essay.

[90] Gilligan, *In a Different Voice*, pp. 18-19, 30, 44.

[91] Lawrence Kohlberg, *Collected Papers on Moral Development and Moral Education* (Cambridge: Harvard University Laboratory for Human Development, 1973).
[92] Donovan, "Attention to Suffering: Sympathy as a Basis for Ethical Treatment of Animals," in *Beyond Animal Rights*, p. 147.
[93] Marti Kheel, "The Liberation of Nature: A Circular Affair," in *Beyond Animal Rights*, p. 26.
[94] Josephine Donovan and Carol J. Adams, "Introduction," in *Beyond Animal Rights*, p. 16.
[95] Erik Brown, "Sympathy and Moral Objectivity," *American Philosophical Quarterly* 23 (April 1986): 179-88; p. 184.
[96] Marti Kheel, "The Liberation of Nature: A Circular Affair," in *Beyond Animal Rights*, p. 11
[97] *Ibid*., pp. 23, 31.
[98] A psychopath can claim to abide by ethics out of self-interest or to manipulate others, but I interpret that ethics require more than superficial physical behaviors: an ethic seeks to command belief and corresponding attitudes which those without empathy decidedly lack.
[99] Kant, *Groundwork of the Metaphysic of Morals*, p. 66.
[100] *Ibid*., pp. 97-98.
[101] *Ibid*., p. 68. Italics his. P. 69 Kant acknowledges that reverence is a feeling.
[102] *Ibid*., p. 128.
[103] Immanuel Kant, "Duties in Regard to Animals," in *Animal Rights and Human Obligations*, ed. Tom Regan and Peter Singer, 2d ed. (Englewood Cliffs, NJ: Prentice-Hall, 1989), p. 24.
[104] *Ibid.*
[105] See Sara Ruddick, *Maternal Thinking: Toward a Politics of Peace* (Boston: Beacon Press, 1989).
[106] Alisa L. Carse, "Impartial Principle and Moral Context: Securing a Place for the Particular in Ethical Theory," *Journal of Medicine and Philosophy* 23 (April 1998): 153-69; p. 157.
[107] Brown, "Sympathy and Moral Objectivity," p. 183.
[108] Adams, "Caring About Suffering," in *Beyond Animal Rights*, p. 187.
[109] Kenneth Shapiro, "The Caring Sleuth: Portrait of an Animal Rights Activist," in *Beyond Animal Rights*, p. 134 notes that exploiters can use empathy to anticipate needs and wants.
[110] Gary L. Francione, *Rain Without Thunder: The Ideology of the Animal Rights Movement* (Philadelphia: Temple University Press, 1996), p. 44.
[111] Gilligan, *In a Different Voice* (1982), p. 174. She writes of "an ethic of justice" and "an ethic of care" that "both perspective converge" at least in the aspect of rejecting inequality and violence.
[112] It might be thought that the place to look for a dam against the overwhelming flood-waters of utilitarianism is deontology, or following duties "for their own sake," including a duty to refrain from vivisection. This is really a throw-back to Kant. However we would need certain rules and not others, and also exceptions to rules. It seems to me that deontology collapses into intuitionism or traditionalism unless it is based on promoting good and avoiding bad, but then deontologists fear that the specter of utilitarian maximizing of the good and minimizing of the bad returns to haunt us. Also we cannot purely follow a rule "for its own sake," since we cannot do anything for or against a rule in itself, and we cannot follow a rule just because it exists or is proposed. Perhaps then rules are significant to us because they protect against harms and promote benefits. However I find that rules themselves have a unique kind of value because they lend themselves to orderliness, firmness, dependability and predictability in the moral life. Thus rules may be much better than the apparent whimsy of acting according to chance caring or the atrocious choices of many act utilitarians.

[113] There can also be "realistic perfectionism," or aiming for as much perfection as is really possible. I do not advocate this either because we are so imperfect that insisting on the best possible is too much. Someone's personal best will be fallible and that should be readily accepted, whereas a "realistic" perfectionist (who can argue to be a "truer" perfectionist since it is imperfect to expect the impossible) would not accept fallibility so compassionately.

[114] Victor Grassian, *Moral Reasoning: Ethical Theory and Some Contemporary Moral Problems* (Englewood Cliffs: Prentice-Hall, Inc., 1981), p. 113; Sapontzis, *Morals, Reason, and Animals*, p. xii and L. W. Sumner, "Animal Welfare and Animal Rights," *Journal of Medicine and Philosophy* 13 (May 1988): 164. Sumner in this article and elsewhere explicitly supports vivisecting animals for medical progress. In L. W. Sumner, *The Moral Foundation of Rights* (Oxford: Clarendon Press, 1987), however, it is denied that animals should have rights; see David Sztybel, "Animal Rights: Autonomy and Redundancy," *Journal of Agricultural and Environmental Ethics* 14 (2001): 259-73 for a criticism of that denial. Sapontzis, in his book, pp. 209-16, rejects vivisection because animals do not consent. However, for a utilitarian, masses of utility still threaten to overwhelm the comfort any one individual takes in consent and any potential dismay on the part of that individual due to experiments occurring without consent.

[115] Kant himself did not dignify sentient beings as ends in themselves but only rational beings. And he did not offer my argument as to why they should count as ends in themselves, but claimed obscurely to "deduce" that rational beings should be considered ends in themselves from his universalizability principle, a version of the categorical imperative. Presumably he thought no one would want to be treated as a mere means, and universalized, this meant treating everyone the same way. However, technically, one could universalize treating sentient beings or rational beings as a mere means, or only treating oneself or a favored group as ends in themselves. Furthermore, although he called the idea that we should act on universalizable principles one *version* of his "categorical imperative," and he claimed that treating rational beings always as ends in themselves and never as a means only is another *version* of his categorical imperative, scholars are generally mystified as to how these principles could be semantically or logically equivalent or different versions of the same thing. I believe my argument offers greater clarity about the meaning and rationale of an "end in itself" doctrine.

[116] Bernard Rollin, "Environmental Ethics and International Justice," in *Earth Ethics* (Englewood Cliffs: Prentice-Hall, Inc., 1995), p. 117, proposes giving moral standing to sentient beings because "what we do to these entities matters to them." Joel Feinberg, "Can Animals Have Rights?" in *Animal Rights and Human Obligations*, 1st ed., eds. Tom Regan and Peter Singer (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1976), p. 195 notes that mere things such as the Taj Mahal do not possess interests and so cannot have rights and we cannot have a duty to it. (Perhaps, against Feinberg, we can have an indirect duty to it, or a duty to care for it due to its importance to humans.) Singer argues in "The Concept of Moral Standing," in *Ethics in Hard Times* (New York: Plenum Press, 1981), p. 33, that we cannot give rocks moral standing because they cannot be benefited since they have no point of view. Regan, "The Nature and Possibility of an Environmental Ethic," in *All That Dwell Therein: Animal Rights and Environmental Ethics* (Berkeley: University of California Press, 1982), p. 187, by contrast, claims that nonconscious entities in the environment should have moral standing on any adequate environmental ethic, but he never offers a convincing argument for this idea in my opinion. Singer—although I believe that he is more insightful than Regan on this

point—fails to see the implications of this family of insights for utilitarianism as I will try to show.

[117] Constellations additionally involve relationships between individuals and "local" groupings (although with stars, the etymological root of "constellation," locality is very much a relative term), which we will see later are factors that are emphasized in best caring ethics.

[118] Utilitarians would object to my account that maximal utility is not something we pursue just for "it." At the start utility is always assessed from individuals' lives, and in the end maximum utility goes to the benefit of individual sentient beings. However, any theorist must say that any good their theory does is for the benefit of sentient beings, so that is a necessary but insufficient consideration for ethics. It does not necessarily follow that any given theory is *best* for sentient beings, especially since we have determined that what is best for sentient beings involves respecting separate "bests"—a respect which maximizing utility disallows or overrules. Utilitarianism allows the "best" or maximum realization of utilities, but again it must be emphasized that such a commitment may not really be best for each and every sentient being. We can act for "best utility" as a purpose, as one can set *any* purpose, but rationally, that sort of action in turn cannot be best for utilities as mindless things and is not best for the collection of all individual sentient beings. In between assessing individual utilities and distributing utilitarian "benefits" to individuals, then, there is a step of aggregation which I argue does not at all do justice to individual bests.

[119] This raises the issue as to whether plants are mere things. They have no nervous systems of brains. Some would say there are "plant spirits." However vegetarians are responsible for the destruction of ten times fewer plants since they do not eat animals who are fed plants all their lives. Also, if plants are sentient, one would still have to choose between one's own life and a series of plants, and most would choose their own lives. Although this seems best, I argue that even so, needlessly killing animals is not "best."

[120] Henry Sidgwick's *The Methods of Ethics* (1907) quoted in Peter Singer, *Animal Liberation* (New York: Avon Books, 1990), p. 5.

[121] From *A Sensible Man's View of Religion* (1933), cited in the *Concise Oxford Dictionary of Quotations*.

[122] Note that by affecting one sentient being one can affect a whole community, but that is through considering the mentally separate impact on the one from the mentally separate points of view of others. The separateness is not necessarily because things which affect many sentient beings are separate, nor is it saying that sentient beings exist entirely separately, without extensive interdependencies, but above all because they end up affecting each sentient beings' minds which are separate. In other words, these are all just different forms of ultimate significance, individually, in relation to sentient beings as ends in themselves.

[123] Minimal moral demands should perhaps be construed as what someone with minimal moral standards should abide by. Picture an unsavory character here. We cannot plausibly expect such a human to be charitable, but we should at least expect him/her to curb his/her aggression.

[124] However this does not by any means preclude the much more lengthy list of rights in *The Universal Declaration of Human Rights*, since that document also enumerates important concerns at least for humans. Notably, Singer points out in *Animal Liberation*, 2nd ed., p. 2, dogs do not need the right to vote.

[125] There is another key question which I will treat in more detail in my book which applies to any philosopher who advocates what is "best." Utilitarianism, with its common ideal of what is best, competes with another kind of consequentialism called "satisficing," which accepts satisfactory performance from moral agents as satisfying duty. In the realm of rights reasoning that I am developing, there may be a corresponding debate between aiming for what is best for all sentient beings or what is satisfactory for all. Those who aim for what is satisfactory argue that we do not blame anyone who satisfies. What is satisfactory is therefore good enough then for the purposes of duty, or so the argument goes. Those who advocate the best would argue that aiming for satisfaction alone is a "sellout" and fails to inspire by aiming for mediocrity, and what is best becomes the exclusive preserve of saints, with the result that almost no one is aiming for personal excellence. This is a tricky question, and I can only begin to sketch a response here. Kant, e.g., *Groundwork*, p. 81, sometimes refers to a "holy will" as opposed to a merely good will, and how ethics would be irrelevant for someone with a holy will because that person would already behave ideally. In more secular terms, someone who is fully rational I think would, under ideal conditions, always choose to promote what is best as much as possible because it is always preferable. However this is not perfectionism, or insisting on some vision of what is "perfect." So what is right in ideal terms is what is best, I take it. However people often do not aim for their personal best, perhaps because they are discouraged by being told they are failures, or they may face grinding poverty or oppression, or they may have a learning disability, or they may be employed in a manner that does not nearly tap their full potential, or any number of other reasons. So although it is right to prefer what is best, I argue we should be compassionate towards those who fall well short of their personal best. Also, our means of guessing at what is best may be quite limited. When we do not know what is best our efforts might be identical in results with someone is aiming for what is merely satisfactory. People need to be supported to realize their potential, not beaten down with blame and other negativity. I do not argue in favor of mediocrity as a standard, but rather championing persons who perform in a mediocre fashion in this or that respect. Excellence is developed. It is not merely decided upon and immediately realized. So what we judge "mediocre" in another might actually be their personal best. Indeed, people also may have inherent limitations to their abilities, or limits in their rate of learning to better their performance, which cannot be predicted in advance, and that is another reason to reserve judgment. Some are eager to judge "laziness," but motivation is complex and often undiscovered even to the one who lacks motivation. Also, we should not evaluate merely in terms of right and wrong, in black and white terms, either praising highly or condemning wholly. We should also evaluate in terms of good or bad. An action might be wrong in ideal terms but be harmless, or even satisfactory. Advocating excellence does not prevent us from appraising what is satisfactory as such, as in school grades. By being accepting in this way we advocate sentient beings as ends in themselves to the best of our abilities. Impersonal standards of best and satisfactory must be deployed to serve *all* sentient beings in the best possible way rather than the other way around.

[126] We must not confuse what is intrinsically good for sentient beings, or what they find good in itself without necessarily leading to something else (e.g., the beauty of a sunset can be enjoyed in itself) with things ultimately having significance for sentient beings as ends in themselves. The enjoyment of sunsets is still only significant to sentient beings. So the enjoyment is not strictly speaking an end in itself, in my sense here, although it may be

intrinsically valuable to sentient beings, because the significance does not stop with the enjoyment conceived as an abstract entity: that enjoyment as an end is pursued for the benefit of the sentient beings who—as ends in themselves—enjoy sunsets.

[127] Gilligan, *In a Different Voice*, p. 30.

[128] An example repeatedly used in Francione's *Introduction to Animal Rights*. It would be speciesist always to choose the human I think, and I am sure that Francione would agree with me from my reading of his work. After all, I ask, what if the human is a psychopathic murderer, someone about to die imminently, or seems to be irreversibly comatose?

[129] Another form of non-rights reasoning is giving a friend a gift. The friend does not have a right to the particular gift. Rather it is a privilege stemming from the particular relationship so long as it is carried on. There are other examples where universal rights are not the deciding factor in a given situation.

[130] See generally A. J. Ayer, *Language, Truth and Logic* (New York: Dover, 1952).

[131] See generally Charles L. Stevenson, *Ethics and Language* (New Haven: Yale University Press, 1944).

[132] Panyot Butchvarov, *The Concept of Knowledge* (Evanston: Northwestern University Pres, 1970), p. 70.

[133] We can conceive of unsympathetic empathy, or poorly imagining what it is like to be another (empathy) without sympathetically finding their harmless pleasures to be a good thing and all the while feeling comfortable with even extreme suffering in others.

[134] This does not mean that the pain has no use, such as alerting us to an organ that is in trouble, or that the pain is not worth it, as it sometimes is in dentistry.

[135] We do not need to exercise empathy every time we use our judgment to affirm that pain is bad, any more than we need to think of units in aggregation constantly to confirm that 2 + 2 = 4. However at some point such a perspective is useful for education, confirmation, motivation, and acquiring a vivid sense of things. Perspective is vital to acquire a good sense of anything, as astronomy and other areas of inquiry so amply teach us.

[136] It may be objected that I am just assuming that animals are sentient. However others have convincingly argued in favor of this idea. For example, Singer, *Animal Liberation*, rev. ed. (New York: Avon Books, 1990), pp. 11-13, cites analogous neural anatomy and pain-aversive behaviors such as running, hiding, crying, wincing, etc. If it is called "anthropomorphic" that animals have feelings, desires, communication, beliefs, perception, etc. then I have added a point to the debate that is intended to turn the tables: it is anthropomorphic, or projecting human traits onto the nonhuman world, to require a *human* form of mentality before any given mental phenomenon is "granted" to exist. See Sztybel, "Empathy and Rationality in Ethics," pp. 185-86 and Sztybel, "Animal Rights: Autonomy and Redundancy," p. 265.

[137] Ludwig Wittgenstein uses this term in his *Philosophical Investigations*. I am not here implying any other assumptions of Wittgenstein, including those adjacent to his discussion of this term.

[138] Aristotle, *Nicomachean Ethics*; see, for example, John Finnis' modern reprise of Aristotle's ancient idea of intrinsic goods, affirming that real goods ought to be desired in Finnis, *Fundamentals of Ethics* (Oxford: Clarendon Press, 1983), pp. 13-14, specifying following Mortimer Adler that a real good as an object of desire is not merely a want but a need, and a "natural" desire is "inherent in our common human nature." Why he does not value desires that are not needs is never specified, nor is it defended why we should only value desires

common to all of human nature (itself a controversial idea: severe masochists may not desire goods that the rest of us do). Crucially, he also never explains just how goods "inhere" in human nature.

[139] See Plato's relating of this unique value theory in his dialogue, *The Republic*.

[140] "Animal person rights" is an awkward neologism however so "animal rights" may be a convenient shorthand. However, it may be, for all I know, that single-celled animals are not sentient in the sense that they cannot feel pleasure or pain. Then not all animals may deserve rights, but all animal persons (whom I argue are sentient) would.

[141] I realize that some religionists deny this claim which seems to me a biological fact. It is noteworthy that humans have animal structures and functions through all of their bodies. If we have souls, then we are animals with souls. Many religions such as certain aboriginal, Hindu, Buddhist or Jain spiritualities assert that other animals have souls too. The denial of our animality seems to be rooted not in any lucid comparison of ourselves and other animals but rather in speciesism. Speciesists thus make nonhuman animals a whole *other* class of beings who are not entitled to any ethical consideration that resembles the way most people respect human beings.

[142] See for example *The Oxford English Dictionary*, *The Funk and Wagnall's Standard College Dictionary*, and so forth.

[143] Francione, *Introduction to Animal Rights*, pp. 100-101.

[144] Joan Dunayer, *Animal Equality: Language and Liberation* (Derwood, MD: Ryce Publishing, 2001), p. 7.

[145] We can see how this relates to the idea of minds as being at the core of our personhood. That is why we would consider experiences to be deeply "personal."

[146] The phlogiston theory started in the 17th century and was widely believed through most of the 18th until refuted by Lavoisier. It was thought to be a substance without odor, color, taste or weight present in combustible materials, and given off when burning. The ash was thought to be the true material without the phlogiston.

[147] It may be thought that Singer is not a speciesist because he impartially finds that mentally disabled humans and animals can both be vivisected, so he is apparently discriminating on the basis of mental ability, not species. However, it used to be said that blacks and women should not have rights because they are cognitively inferior. I do not construe the above kind of racism and sexism as "ableist" and neither is Singer's form of harmful discrimination. It was not true that women and blacks had lesser cognitive capacities and also not true, or so I have argued, that someone with lesser cognitive capacities may be routinely harmed for others' benefit. Ableism requires the identification of one group that is able and another that is disabled, and discrimination against the latter group. However we are not talking about able nonhuman animals versus disabled ones, nor are we pointing to humans as able and nonhuman animals as disabled. One is not disabled if one never could have had an ability in the first place. Note that this point would apply to kinds of humans who were wrongly supposed to have lesser cognitive abilities too, for according to racist theories, blacks and women were not disabled but rather differently abled in an inferior way. A disability implies the negation of an ability that was formerly the case, or that is ordinarily the case. Singer judges that nonhuman animals are cognitively inferior and therefore may be harmed. That is an oppressive dogma against sentient beings of other species, and therefore a form of speciesism in my opinion.

[148] The last three theories in this table I do not treat in detail in this paper for reasons of length but I include these ethics here merely suggestively.

Animal Passions and Beastly Virtues: Reflections on Redecorating Nature
By Marc Bekoff
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Reviewed by Lisa Kemmerer, PhD†

Animal Passions, by Marc Bekoff, contains a series of articles that provide an informative introduction to cognitive ethology, the study of animal emotions and intelligence. Bekoff includes a survey of the roots and paramaters of ethology, and detailed examples of Bekoff's field studies revealing exactly what cognitive ethologists do, and why this work is important. *Animal Passions* draws interesting conclusions about animal behavior and animal minds, especially regarding social play and morality. This series of articles ponders difficult moral questions, and willingly accepts–even insist on–limits to what scientists may do to nonhuman animals, limits that Bekoff hopes will be drawn by ethicists and protected by law.

Bekoff begins his book by explaining how he came to write *Animal Passions.* A "curiosity brought me to cognitive ethology," he remembers (2). Bekoff is a scientist, but he is unlike most researchers of his generation—willing to question the sciences, to consider the importance of emotions and anthropomorphism, and willing to forgo studies for the sake of the animals themselves. His sense of affinity with other animals prevented him from working in other fields of science, where animals were routinely and callously killed. In *Animal Passions,* Bekoff explains that he dropped out of two different science programs because of the way animals were used and abused. Bekoff does not leave his heart at the lab door; he does not pretend that animals have no feelings; he does not try to disregard or ignore the many moral questions and moral obligations entailed in ethology. Bekoff brings an interesting angle to the scientific study of animals: "In many ways, much of my work was always leading, sometimes directly, and sometimes obliquely, to my interests in ethics—how we treat other animals, how they treat one another, that is, wild justice—and the asymmetric nature of human-animal interactions in which arrogant anthropocentrism almost always trumps the animal's view and place in the world" (20).

Wisely, Bekoff begins his book with a discussion of ethology. Eethology has permitted Bekoff to study animals in their natural environments, minimizing harm, yet still study nonhuman animals "rigorously using methods of natural science" (41). He offers a short history of ethology, including main players such as Charles Darwin, Jacques Loeb, Konrad Lorenz, Niko Tinbergen, and David Griffin. Bekoff describes cognitive ethology as "the comparative, evolutionary, and ecological study of animal minds, including thought processes, beliefs, rationality, information processing and consciousness" (23). Where fears of "anthropomorphism" prevail, he notes that cognitive ethology "explicitly licenses hypotheses about the internal states of animals" (40). This fascinating aspect of Bekoff's work, exploring animal minds, is readily apparent in *Animal Passions.*

Bekoff works with "geneticists, anatomists, theologians, and philosophers" (4). His thoughts on compassion have been influenced by the Dalai Lama; he collaborates with well known contemporary philosophers in the field of animals and ethics. As a scientist, Bekoff stands ahead of his time, outside the tight confines of "hard" science. But some articles in *Animal Passions* retain

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lingering vestiges of science's more conventional ways. These pieces anticipate a hesitant readership, humans unwilling to grant other animals such fundamental characteristics as emotions or morality. He now and again reassures these readers that other animals cannot be assumed to have happiness in the sense that we know it, but they have their own joy, "dog-joy" and "chimpanzee-joy" (151). "To some people, the idea that animals can be moral beings is preposterous, bordering on blasphemy. Surely, they say, it is human morality that defines 'human nature,' and morality sets us apart from, and above, other animals... Our place in the grand scheme of beings is not at risk, and we do not have to worry that we're not special or unique. All animals are special and unique" (129). This more conventional voice of science is balanced with writing that shows great strength and courage, and seems to reveal Bekoff's deeper commitments: "I'm convinced that many animals can distinguish right from wrong. Decades spent watching wild and captive animals have persuaded me that species living in groups often have a sense of fair play built on moral codes of conduce that help cement their social relationships" (140). At other times he takes an even strong view, noting that humans sometimes seem the least moral among the many animals, revealing frustration with our "anthropocentric view of other animals, in which humans are so taken with themselves" (151). Bekoff notes that "people fail to realize that the food they're savoring, the clothing they're wearing, and the circus act they're enjoying involves sentient beings who have suffered enormously for the person's pleasure" (27).

Animal Passions offers detailed examples of Bekoff's ethological field work. He writes about moving yellow snow from one scented location to another in order to explore his own dog's reaction, studies where he compared the pack behavior of urban dogs with their rural counterparts, and studies where he recorded and examined the minute details of social communication in dogs at play. He includes an article about a seven-year coyote study in Grand Teton National Park, in which he explored the correlation between food source availability and social organization. Coyotes were captured and marked with colorful tags and radio transmitters, allowing researchers to identify specific individuals, and to be able to tell which individuals were spending time together. Bekoff noted what coyotes ate, and whether or not they formed packs or moved as individuals, concluding that variations in food availability, and the size of the food source, determined whether coyotes were more apt to live in groups, pairs, or as individuals. Bekoff's study indicated that coyotes are "not as devastating to livestock as were, for example, other predators and disease" (78). But the evidence presented was suppressed. Bekoff's paper, which explained what researchers actually observed coyotes hunting, was at first accepted for publication in a scientific journal, only to be later rejected on political grounds. Bekoff's study demonstrated as much about our communities as about coyote communities: some people in our nation do not want scientific studies to get in the way of ongoing extermination programs put into place for ranchers.

Animal Passions includes other interesting and highly relevant ethological field studies that Bekoff conducted in parks, where he focused on interactions between domestic dogs, human beings, and black-tailed prairie dogs. One of these studies explored the impact of dogs and people on parks, while another looked at the effect of domestic dogs on prairie dogs. The former includes observations and a questionnaire exploring what people perceived to be problematic in parks where urban people and their dogs crowd together to enjoy remaining open spaces. Bekoff observed dog behavior (off-trail wanders, chasing of birds or wildlife, encounters between dogs and people, and obedience) and also handed out a questionnaire asking park users what they perceived to be the largest problems among several options (such as dog feces, unruly dogs, unruly people, or too many people in a small space). Interestingly, responses were consistent with information collected by observation: unruly people were the largest problem. This study offers insights into local attitudes

about dogs, parks, and open spaces, and he notes that people in other cities could easily use this format to document problems and attitudes in their own local parks.

The ethological study of domestic dogs and prairie dogs was similar in many ways, but focused on dog/prairie dog interaction. Researchers noted what sizes and types of dogs were most apt to disrupt prairie dogs, how soon prairie dogs responded to different types of dogs, and how disruptive various dogs actually were—some pursued the prairie dogs right to their burrows and proceeded to dig. In a fascinating show of indifference to other creatures, those questioned in the study felt that prairie dogs should not be protected even if domestic dogs were a hazard. Apparently the happiness of our companion animals is more important the lives of prairie dogs. Indeed, Bekoff's study proved right: unruly people are the largest problem to be faced, and too many unruly people at that.

Some of the scientific studies in *Animal Passions* can be dry reading, filled with numbers, lists, graphs, and detailed descriptions, but this collection of field studies also offers a vivid picture of the world of ethologists. These studies demonstrate the relevance of ethology, how such studies can influence our personal lives (dog walking), and how they can expose ongoing and pervasive political, economic, environmental, and social problems, such as the government backed extermination programs maintained on behalf of meat industries.

Many of Bekoff's ethological studies, especially those done with canines, focus on play behaviors, and on links between play and morality. Bekoff has found that social play provides a window into "fascinating topics such as cooperation, fairness, and morality" (123). Here Bekoff directly addresses the question, "Can animals be moral beings?" (144). He refers back to Darwin's observation of continuity, where animals and humans do not differ in nature but in degree, and argues that such traits as cooperation and fairness have an evolutionary value. Bekoff notes that groups of individuals who can cooperate, who can work together, have a much greater chance of survival. Social play is a way of learning to work together, of learning behaviors that will be necessary for survival later in life.

Bekoff provides interesting examples of animals exhibiting a sense of morality, such as an experiment where hungry rhesus monkeys refused to eat if attempts to acquire food brought a shock to another monkey. (One wishes those conducting these experiments had such a heightened sense of morality!) What could be better than social play, Bekoff asks, for learning "the rights and wrongs of social interaction–the moral norms that can then be extended to other situations such as sharing food, defending resources, grooming and giving care?" (142). Bekoff asserts that a sense of fairness is "common to many animals, because there could be no social play without it, and without social play individual animals and entire groups would be at a disadvantage" (142). Bekoff concludes: "morality evolved because it is adaptive" (142).

> What does this tell us about human morality? First, we didn't invent virtue—its origins are much more ancient than our own. Secondly, we should stop seeing ourselves as morally superior to other animals. True, our big brains endow us with a highly sophisticated sense of what's right and wrong, but they also give us much greater scope for manipulating others to cheat and deceive and try to benefit from immoral behaviour. In that sense, animal morality might be "purer" than our own.
>
> We should accept our moral responsibility towards other animals, and that means developing and enforcing more restrictive regulations governing animal use. There is growing evidence that while animal minds vary from one species to another, they are not so different from our own, and only when we accept this can we be truly moral in our relations with other creatures and with nature as a whole. (143)

Bekoff walks a fine line in *Animal Passions*. He acknowledges that he studies animals because he is curious, and interested, and he feels that this is the *best* reason for scientists to interfere in the

lives of other animals. Yet he admits that this may not be a *valid* reason to intrude in the lives of these other individuals and their communities. He offers evidence that ethological studies are often harmful to other species. He even includes a chapter on ethology and ethics with a lists of twelve questions that need to be more closely examined by both scientists and ethicists. "Are we ever justified, and if so under what conditions, in bringing wild animals into captivity?" (244). "What is the relationship between good science and animal welfare?" (245) "What principles should we use as ethical guides?" (250) "Are scientists responsible for how their results are used?" (251).

Bekoff faces topics many scientists quickly dismiss, and though he does not offer conclusive answers, he pushes the pendulum.

> The fact that there may be little consensus about the answers to these questions at this time does not mean that there are not better and worse answers. As a general principle we should err on the side of the animals, and never forget that respect for the animals is of utmost importance. But real progress in the future will involve developing ever more precise guidelines about what is permissible (243).

Bekoff admits he has done experiments that he regrets. He reflects on research he has done with captive animals where coyotes consumed mice and chicks, and confesses: "I am deeply sorry and haunted by the knowledge that I did this sort of research and would never do it again. I cannot give back life to these mice and chickens, but I have anguished over their deaths at my hands" (7). *Animal Passions* includes more recent research, about which Bekoff writes that it was necessary to the project to "capture and mark individual coyotes, and for this purpose we generally rely on foot traps, the jaws of which are wrapped with thick cotton padding to reduce the likelihood of injury to the trapped animal. To keep the coyote from thrashing around in the trap we frequently attach a tranquilizer pellet, which the animal usually swallows" (88). Readers are likely to suspect that Bekoff questions the morality of endangering coyotes in this manner, but in this instance Bekoff offers no comment, only the blunt facts of what he has done and why.

Foggy moral boundaries surrounding scientists and their use of other animals are something about which Bekoff seems clearly aware, but not resigned. To Bekoff's credit, *Animal Passions* is likely to leave some readers pondering the morality of any science that studies nonhuman animals—even ethology practiced by those few scientists who are sensitive to the lives and suffering of nonhuman animals.

The Way We Eat: Why Our Food Choices Matter
By Peter Singer and Jim Mason
Published by Rodale
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288 pages

Reviewed by Richard Kahn†

Peter Singer and Jim Mason's new book, *The Way We Eat*, examines the unintended negative impacts that individual American's food choices have upon others. Reducing those impacts, they believe, should be the basis of a new dietary ethics. In that Singer and Mason sense little desire from agribusiness to willingly limit the negative affects of mass agriculture on animals, human health, and the environment (for doing so would incur additional production costs and thus limit profit), and as they also have little faith that the American government will take the initiative to force the food industry to change without massive public pressure, they examine how *consumers* can be the driving force for reformed market behavior through their demand for ethical foodstuffs.[1] Thus, while the book spends considerable time exposing problems in production and poor agribusiness practices, its main emphasis is on what individual consumers can do immediately to become a small, but potentially powerful, vehicle for transformation en route to the realization of a more just and humane society.[2] As I will show, this focus has clear advantages and limitations.

Previous consumer pressure has resulted in the passage of government regulations that ensure food producers provide more information about their products. Food labels must contain ingredient listings and basic nutritional information breakdowns, animal flesh (i.e., "meat") is quality graded, as are some restaurants, depending on the city in which one lives. But this information is largely provided to allow individual consumers to make more informed choices as to the type and quality of the food they intend to purchase. Nowhere on most supermarket items and restaurant menus is there information provided as to the costs that others must bear for the food products themselves to be produced, distributed, and ultimately consumed or wasted.

Thus, *The Way We Eat* engages in some detective work to find out the actual stories behind the grocery lists of three different families whose food preferences constitute what Singer and Mason call the Standard American Diet (SAD) (p. 15-20), the diet of "conscientious omnivores" (p. 83-91) and veganism (p. 187-196), respectively. Though not mentioned in reviews of the book to date, there is also an unforgettable vignette of the authors dumpster diving with house-squatting freegans in Melbourne (p. 260-68).[3]

The Way We Eat should serve scholars and teachers in fields such as philosophy, public health, and environmental studies who are looking for a serious but very readable critique of the current state of corporate, industrialized agriculture (i.e., factory farming). The book surveys the ethical reasons for vegan and vegetarian diets, the rise of organic foodstuffs, the movement for locally grown food, and a variety of other food issues from "progressive" restaurants to obesity. Though not an academic text – it is pedagogically pitched towards a popular audience that lacks the knowledge of food issues that many environmental scholars, hardcore vegans, animal advocates, or radical greens will have at least in part – *The Way We Eat* cites a number of recent studies and relevant literature in the attempt to demonstrate why American dietary habits promote ecological crisis and produce great suffering for both nonhuman and human animals.

A key strength of the *The Way We Eat* is that it integrates and balances concern for the individual lives of animals with the need to think and live in planetary harmony with ecological

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systems. Indeed, those with some knowledge of US environmentalism will recognize that the book implicitly serves to outline the ways in which broadening of the environmental right-to-know (RTK) movement to include the politics of food and animal welfare represents the current path toward sustainability.[4] Yet, the book differs from the history of environmentalist theory that includes as part of its concern the well-being of nonhuman animals (e.g., Aldo Leopold, Arne Naess, or Doug Peacock). Rather, it is more of an animal advocacy book that serves to promote vegan diets by way of showing that if one is honestly concerned about issues such as global warming, the overuse of non-renewable fossil fuels, and humankind's gross pollution of the land, then it is hypocritical (and unethical) not move towards a vegan diet that would reduce the size of the ecological footprint (Wackernagel and Rees, 1996).[5] Increasingly, animal advocates are deploying such environmental arguments as the ecological crisis becomes more and more a *fait accompli* in minds of the masses, but the arguments in *The Way We Eat* are given more nuance and room for examination than when trotted out in the fact sheets and fliers promoted by others in the animal advocacy movement. Still, as I will point out, Singer and Mason's positions are hardly to be promoted uncritically and the book is probably best used to stimulate dialogue around a variety of dietary and political issues.

Three Families

The Hillard-Nierstheimer family,[6] a Southern family from Little Rock, Arkansas, are the book's SAD example and are thus intended to represent Joe and Josephine every-person. As such, they eat a meat-and-potatoes diet that is high in dairy and low in fruits and vegetables. A combination of busy schedules, tight monetary budgets, and laziness leads them to buy a majority of their groceries at cheap one-stop shops such as Wal-Mart while supplementing planned meals with fast food purchases. Singer and Mason do an adequate job explaining why it is understandable that such families shop with low prices in mind, while exposing how the actual costs of their food are only artificially low as a result of government subsidies for agriculture and shady corporate business practices that externalize short-term discount costs onto the public over the long haul (pp. 76-79). Singer and Mason also survey the present reality of "meat and milk factories" (p. 42), along with possible animal welfare measures that might be introduced, including the emulation of Australians' "ethical farming" (p. 66) of cattle and more effectively stun-gunning prior to animals' slaughter (p. 67).

Alternatively, the Masarech-Motavalli clan of Fairfield, Connecticut was chosen to represent the "conscientious omnivores" that Singer and Mason think most Americans can aspire to become. Jim Motavalli is the Editor of *E: The Environmental Magazine* and as a result of his knowledge the family tries to purchase animal flesh that is certified humane, produce that is organic and fairly traded, and generally attempts to know something about where their food comes from and its consequences to others. Their market of choice is Trader Joes and they also have food delivered directly to their home. Tracing the food's origins allows Singer and Mason to investigate the ethical and ecological intricacies of eating free-range eggs and a wide range of sea animals from salmon to shrimp. They also spend considerable time arguing the complexities of local food and fair trade markets. The real moral of this family, however, is about their inability to overcome trading off their own high-minded ethics (provided at length by Motavalli) in favor of the consumer convenience that supports their busy and wealthy lifestyles. In this, they are little different from the SAD family, who in a moment of self-reflection wondered, "Isn't it a sad thing when our morals become so disposable?" (p. 20).

Finally, Singer and Mason visit the Farbs, a vegan family who live on 15 acres in a "bastion of conservativism" (p. 187) that is the wealthy and white Kansas City suburbs of right-wing Johnson County, Kansas. The Farbs take their food choices very seriously, as they see them as a central

aspect of their childrens' education (JoAnn Farb is the author of *Compassionate Souls: Raising the Next Generation to Save the World* [2000]). From an examination of their groceries, purchased at Wild Oats Natural Marketplace, Singer and Mason take up a discussion of the organic movement, which contains important revelations about the rise of organic factory farms as the latest unethical business niche (p. 201). This is followed by what many will take to be a controversial discussion of the pros and cons of GM foods, wherein they refuse to completely refute the corporate-state party line that such food could be socially beneficial. "Until we know more, it would be wrong to close the door on it entirely," they write (p. 215).[7] Lastly, Singer and Mason tackle the question of vegan children, concluding that it is a safe approach to child rearing if parents are careful about what they and their children eat (p. 227). On the whole, they find that vegans "are right to say that their diet is far more environmentally-friendly than the standard American diet" (p. 240).

To reiterate, I think that *The Way We Eat* is written and organized in such a way that students might read it (parts anyhow), thereby allowing educators to easily generate dialogue on many of the ethical and political issues that arise out of Singer and Mason's three family dietary explorations. The text, though, is slanted to its authors' politics and the conclusions that are drawn are not always as clearly answered as the book would sometimes suppose. Still, it cannot be said that the book fails to make room for its audience to share their own opinions (or grocery lists).[8]

Class and Race Issues

Reading the *The Way We Eat* with an eye critical to social justice issues, it is hard to see Singer and Mason's book as faultless.

The text and political vision laid out within the book are class conscious, but hardly Marxist. Issues of global equity, worker welfare,[9] agribusiness subsidies and the unsustainable consumer culture that feeds from them, as well as corporations which short-change society through rapacious profit-seeking are all on the agenda. Still, *The Way We Eat* not only under-theorizes the problems of how class intersects with the politics of food, it manages to replicate some of those very problems. For example, the book implies that it works from a tripartite economic schema of lower class, middle class, and those who are financially well-off. In fact, however, Singer and Mason include two rich families – whom the book asks Americans to emulate as much as possible – and a rural, working class Southern family that serves to model the unflattering national dietary standard.

Additionally, as Rodgers (2006) points out in his review of the book, there is arguably an implicit classism at work in the text in the way the writing's tone appears to shift between the working class and wealthy families. Interestingly, while Singer and Mason charitably attempt to point to the Hillard-Nierstheimer family's lack of capital as a reason for their poor dietary choices, they apologize for the Masarech-Motavalli family's wealth and treat it as unproblematic. Despite having earlier described Fairfield as "a bead in the string of affluent towns like Westport, Darien, and Greenwich" (p. 84), Singer and Mason depict the family as living in the "down-to-earth, middle-class section" of the town, in a "relatively modest two-story colonial-style house" with only a "small in-ground pool" (p. 84). To portray them as middle-class seems something of a reach, especially in the aftermath of six years of Bush's class warfare on the middle and lower classes. Even Masarech herself claims that her family lives "in one of the most expensive places in the country" (p. 90).

Meanwhile, Singer and Mason don't play favorites between the wealthy. The text gives the Farbs every opportunity to spin their vegan family values as a countercultural, college town liberalism whose existence in Bob Doleville[10] is explained as one part family history and one part missionary work for the movement. On the way to pick up her daughter from "her gymnastics session" (p. 195), JoAnn Farb confesses that she feels "like an alien" in the Republican, fundamentalist Christian town in which they live. She relates that they are thinking about "moving

somewhere a little 'crunchier'…(with) 'more tolerance for differences, less emphasis on materialism'" (p. 196). Rather than engage the Farbs' own materialism or political hypocrisy, Singer and Mason implicitly congratulate them for having "subsequently moved to Lawrence, the home of the University of Kansas" (p. 196). But the reader might be led to wonder, where Singer and Mason do not, why "one of the newest" (p. 194) Wild Oats Natural Marketplace chains just opened down the road from the Farbs' previous digs? Clearly, market demographics must have been favorable for Wild Oats to open and operate in the staunchly conservative Johnson County, Kansas. This example helps to demonstrate how it is class that might often be the ultimate factor as to whether or not people will purchase from "green" chains like Wild Oats and Whole Foods, and not always the adoption of a progressive ideology as *The Way We Eat* appears to imply.

Issues of race arise too and intersect the text's class biases. While Singer and Mason present the racial demographics of the towns in which the SAD and vegan families live, the races of the families themselves are curiously elided, save for the descriptions of family members' hair (which suggest to me that all three families are white).

There is one exception. During their meeting with the Motavalli-Masarechs, Singer and Mason note that Jim Motavalli is of Iranian descent on his father's side, and describe both him and his wife as global, multicultural, and cosmopolitan. However, they choose to look away from racist and classist issues presented by the family itself. For instance, Motavalli emphasizes that on his mother's side of the family he hails from a lineage that is "WASP. Old New England. Chadwicks, Biddles, and Barrettes. One great-grandfather was the oldest living graduate of Harvard Medical School" (p. 86). When he speaks of his father's family, Motavalli pridefully chuckles at their ruling class background: "Aristocratic there, too…one grandfather ruled over a city" (p. 86). For her part, his wife then describes how she provides "the peasant stock in the family" (p. 86) and Motavalli condoningly approves. This mixture of racism and classism probably *is* representative of America, unfortunately. Yet, it also serves to call into question whether the families chosen by Singer and Mason can serve as good ethical models, and raises the question if they, like so many in the vegan and animal rights movements, are single-issue in political outlook and unable to grasp the larger social context of dietary and animal welfare or rights issues.

The Way We Eat asks us to believe that the three families it portrays are important because they are forms of market archetypes. It seems clear, however, that abolitionists, liberationists, and all other manner of radical progressives will have difficulty locating their lifestyles in the book. Also missing, the reader will find, is analysis of the wide range of Americans' culturally or ethnically-specific diets.[11] Nor do Singer and Mason demonstrate any genuine concern for those who eat at or below the poverty line within the United States. Currently, this is about 13% of the population.[12]

Final Thoughts

Anyone who has watched, or helped someone to watch, movies such as *Meet Your Meat*, *Peaceable Kingdom*, and *Earthlings* knows that when people are confronted by the combination of brutal animal factories and obvious nonhuman animal sentience on the screen, they cannot resolve their feelings easily. Usually, after some internal debate, questioning and soul-searching, audiences of these films report shifts in their dietary norms towards the adoption of veganism. Acknowledging the power of such media, then, it also clear that the visceral images of suffering are far too difficult for many to watch, and so a significant amount of people remain willfully blind to the realities behind their food. This, I believe, is where Singer and Mason's book can be additionally valuable. Though the written depictions of the farms they visit are often quite harrowing themselves, people should be able to read about and learn of what they would not otherwise dare to view.

On the other hand, it may be that part of the reason why films that depict the institutionalized and brutal slaughter of animals truly affect people is exactly because murder is not sanitized, censored, or translated into reasonable information to be weighed, balanced, and carefully judged therein. These films search for the hearts and guts of their audiences, whereas a book such as *The Way We Eat* speaks to their minds in the hopes of persuading people to alter their dietary behavior. Unfortunately, most people in society are not philosophers and this assuredly is not the Age of Enlightenment. Singer and Mason need a mechanism, then, to overcome the natural tendency of people to evoke forms of reactionary psychology when threatened at the level of their personal identity (we all know the adage: you are what you eat).

The Way We Eat's strategy in this regard is to tread gently in its demands. It counsels veganism, but recognizes that "going vegan is still too big a step for most of the hundreds of millions of people in industrialized countries who now eat animals" (p. 279). Thus, Singer and Mason ask for people to be "conscientious omnivores" who will support humane, sustainable, and marketable family farms. In this way, they forego the politics of an uncompromising animal liberation philosophy (or strong animal rights approach) for a mass marketable animal welfarism. This appproach is not uncritical towards, but remains consonant with the recent popularity of the "humane farming" movement and the shift by corporations such as Whole Foods to promote themselves as progressive advocates of animal welfare.[13] Singer and Mason thereby further provoke the ongoing debate between social reformists who work for improved animal welfare and those who maintain that a revolutionary approach is necessary that demands animal rights and/or wholescale sociocultural transformation.[14]

The reformist and welfarist stand of the book is sure to anger many animal rights and liberation advocates (including this author).[15] The ethics of *The Way We Eat*'s "conscientious omnivore" seem weak at best, and it is not a benefit to society or nature when ethical citizens can applaud themselves for "eating salami from pigs that have got a chance to express who they truly are!" (p. 85). As argued by the rights position, such welfarist policies may actually do more harm to animals by promoting increased meat consumption by self-congratulating, complacent, "conscientious" consumers who feel at peace when dining on the bodies of slaughtered animals.

Therefore, I cannot help but conclude that Singer and Mason's latest book sets the ethical bar far too low vis-à-vis diet and lifestyle. They may be correct that a major goal of the present social revolution must be to foment popular education methods that will lead American consumers to question their attachments to the genocidal (or, as I say, zoöcidal[16]) methods of US agribusiness and farms. But surely the present Green Scare does not cut so deep that the radical animal advocacy and ecological movements cannot better serve as progenitors of ideals to which people everywhere can aspire. If universal vegetarianism, much less veganism, remains a utopian dream, there is too much murder and pain in our society I believe to settle comfortably for the political gain of a happier hot dog.

Notes

[1] Singer explains in a recent interview with *Mother Jones* (Gilson, 2006) that his activism is based in the pragmatics of a *realpolitik* worldview. He goes on to say that he sees the European Union as perhaps providing a political system for changing economic and social structures, but believes that in the US the market provides the best mechanism for change. Singer claims the government here has not been responsive to consumer challenges of major business interests. This is largely, though not entirely, true. But it is telling that he frames the issue as "consumer" challenges and not "citizen" challenges, thereby reducing democracy to a "vote with one's dollar" political system (Singer and Mason, p. 5). The government has hardly shown a more positive response to citizens' protest as of late, however citizens and consumers should not be conflated as political categories, even in present-day America. This conflation perhaps leads

Singer to overlook the potentials and force of the ever-evolving justice and liberation social movements. Otherwise, it is more gravely symptomatic of his ideological liberalism, such that his animal welfarist and politically reformist views mutually support one another.

[2] It is not clear, however, that either Singer or Mason believe that even the mass adoption of veganism throughout the advanced industrial nations is *enough* to produce an ethical society. To speak philosophically, veganism is for them probably a *necessary* but not *sufficient* condition of ethical life and social change.

[3] The vignette is also important for being one of the only serious statements on the philosophy of freeganism in published format. For more on freeganism, see Shantz (2005) and http://freegan.info. See also Adam Weissman's "The Revolution in Everyday Life" (p. 128-29) in Best & Nocella (2006). The recent arrest and 6-month sentencing of two rainbow gatherers who were dumpster diving in Steamboat Springs, Colorado (http://www.kansascity.com/mld/kansascity/news/nation/15421698.htm) serves to further demonstrate contemporary capitalism's pathological desire to prevent the non-profitable, productive exchange of goods even when it is of clear social benefit – e.g., the use of wasted food not only feeds the hungry but decreases the burdens associated with industrial garbage. But as the inverse of the adage "waste not, want not" implies, there is a causal connection between the generation of waste and the production of market desire. Hence, the legal objection to waste-reducing freegans is clearly ideologically motivated by the axiomatic capitalist demand to preserve the tradition of the commodization of private property at all costs.

[4] The RTK movement began in 1984 when deadly toxic chemical releases from industrial facilities occurred in Bhopal, India and West Virginia. Environmentalists generated a hotbed of media coverage and debate about the hidden costs to people of industrial by-products and, in 1986, the Emergency Planning and Community (EPCRA) Right-to-Know Act was enacted in order to track and publish information about chemical releases that move beyond the "fence line" of factory property. This was strengthened in 1990 by the passage of the Pollution Prevention Act. While only one small step towards empowering people to become change agents for social transformation, such legislation weakens the corporate stranglehold on democracy by giving people the information necessary to understand some of the civic costs of modern industries. In this sense, Singer and Mason are calling for people to become aware of the unconfessed burden placed on society by industrial food manufacturers.

[5] The original formula for calculating one's ecological footprint has recently been demonstrated to be too conservative in its estimates, meaning that footprints are larger than previously revealed. To estimate your own footprint, based on the original formula, go to http://www.myfootprint.org/.

[6] Included in the family are "a couple of very friendly dogs" (p. 16), Baggie and Annie. They constitute the only real appearance of companion animals in the book. Interestingly, though, in the discussion of the Hillard-Nierstheimer family's diet, an interrogation of the dogs' food is itself never mounted. This is problematic for two reasons. Firstly, an investigation into the sources of the Standard American "pet" Diet would find that it is implicated in all the same factory farm issues as its SAD human counterpart and, as PETA's website IAMScruelty.com reveals, laboratory testing cruelty is another ethical concern that is associated with processed food for companion dogs and cats. A second reason that the failure to investigate the dogs' diet is troublesome is more philosophical in nature. By addressing the dogs by their names, Singer and Mason correctly attribute familial status to the non-human animals. However, by looking only at the food eaten by the family's human animals, they manage to elide that same status, thereby leaving Baggie and Annie in the peculiar position of being familial "outsiders within" – to borrow a concept from critical race theory – a position which is ominously reminiscent of the historical status of manor slaves. In her excellent review of the book, Karen Davis (2006) illuminates some of the unconscious speciesist ideology that hovers in the background of the text of *The Way We Eat*. I would suggest that the book's treatment, or lack thereof, of companion animals should be measured in comparison with Davis's evidence.

[7] To their credit, they are generally cautious about GM food and hardly laudatory. A weakness in their analysis, however, is that they intimate that GM food could be beneficial for developing nations, pointing out an example such as the creation of "golden rice" that produces beta-carotene and which could be used to nourish the 200 million people who currently suffer from vitamin A deficiency (p. 214). The problem, in their view, is that the corporations who are developing this food aren't interested in the relatively poor markets of the developing world, though, and instead develop for relatively capital-rich farmers in the global North. While there is some measure of truth to this claim, they fail to understand the complexity of GM food politics, thereby overlooking the role GM foodstuffs play in helping to institute imperialist and capitalist control of developing nations through the policies of global finance organizations such as the World Bank, the WTO, and the U.S. government. Singer and Mason would do well to read the work of people such as Vandana Shiva, Jose Bové, and Wangari Maathai on this issue.

[8] Rightfully or wrongfully, Singer and Mason's style throughout the book remains a sort of laissez-faire Popperism – "You may be right and I may be wrong but with an effort, together we may get nearer the truth" (Popper, 1945). As such, it never raises its voice above carefully measured doses of persuasion and falsification.

In the book's Preface, Mason alludes to the fact that this may be Singer's style more than his own. Underlining that he and Singer are different people, Mason (p. viii) says Singer "owns up" to living in the rarefied air of argument in his academic environment. In contrast, Mason states that he "would go off on these tangents" needed to bring the book back "down to earth" and refocused on its "scheme" (p. viii).

[9] Singer and Mason promote Whole Foods, Inc. as a progressive employer that, while unabashedly capitalist, is concerned about its team members and shareholders (conceived broadly to include local communities and the environment). In their opinion, it is the libertarian philosophy of Whole Foods owner, John Mackey, that makes him opposed to unions, and it is this that has caused "some debate about how well Whole Foods looks after its employees" (p. 182). In their opinion, Whole Foods is a top company to work for, as pointed out repeatedly by *Fortune* magazine. Unfortunately, this flies in the face of many employees' own statements on the matter. See, for example, http://www.wholeworkersunite.org and http://www.ufcw.org/press_room/index.cfm?pressReleaseID=3. For a full listing of ongoing issues at Whole Foods, current as of August, 2006, see: http://www.coopamerica.org/programs/rs/profile.cfm?id=309.

[10] To recall, Senator Bob Dole was the conservative Republican Senator from Kansas from 1969-1996. He was also the Republican Presidential nominee in the 1996 election, in which he lost to Bill Clinton.

[11] While the Standard American Diet in the form of a kind of McDonaldization is no doubt increasingly targeting and being adopted by people of color, a familiarity with African-American, Latino, Asian-American, and indigenous diets (to name a few examples) would reveal wide cultural deviations from standard American dietary practices. So too one could find differences between the American north and south, east and west, and urban and rural communities in their cultural approaches to diet. Hence, while I am not disagreeing with the existence of a Standard American Diet, or its explanatory power as a concept, it is also required to point out that it can be overly totalizing in scope and thereby erase racial and cultural differences in diet that also need to be examined.

[12] For official poverty figures, see http://www.census.gov/hhes/www/poverty/poverty05/pov05hi.html. In the last decade challenges to the formula by which the government sets the poverty line have been raised and alternative approaches produced that reveal the official figure tends to be too low. Still, official and alternative poverty line figures tend to remain within a percentage point of one another (see the National Poverty Center at: http://www.npc.umich.edu/poverty/). Poverty amongst people of color in America is more extreme, generally running between 20% and 30%.

[13] It should be pointed out that Singer – and one now assumes Mason, as he has attached his name to the book – might argue that they remain committed to a form of animal liberation as an end goal. Their disagreement is not with the ends, it could be argued, but rather with the means to get there. Interpreted in this manner, animal liberation is not considered an uncompromising interest, but rather one historical interest amongst many. At this time, the argument would follow, it is feasible to promote strong reasons for veganism and demand nothing less than an ethically conscientious diet of omnivores. In the future, hopefully, conditions would be such that it would be ethically and politically feasible to demand more of people still in the name of a more encompassing animal liberation philosophy. If this is indeed their view, then *The Way We Eat*'s strategy is to guide the public towards animal liberation through a long series of social reforms that could eventually add up to a paradigm shift in people's values and practices. I agree that if one has hundreds of years, or millennia, to work for revolution that such reforms can be strategically effective. I also believe that the planetary suffering is so great that no pathway to lessening it should be avoided. However, as the ecological critique that Singer and Mason themselves centrally evoke in this book makes plain, what we exactly presently lack is the time to put off whole-scale change any longer. Instead of centuries, we have decades in order to find a way to live with the planet peaceably.

[14] See the September 2006 issue of Satya magazine (http://www.satyamag.com) for the latest iteration of this debate. Entitled "Killing Us Softly?" it thematically entertains questions about the politics of working for humane animal welfare standards to be adopted by the food industries. In one Satrya article, Peter Singer, this time with PETA's Bruce Freidrich, calls for animal rights-through-reform as part of the "longest journey" philosophical approach that I have attempted to explain in Note 13 (see http://www.satyamag.com/sept06/singer-friedrich.html). Emblematic of the other side of the debate is the pioneer of the global open rescue movement, Patty Mark, who states that she regrets having worked for animal welfare improvements such as free-range eggs. In her seasoned opinion, this represents the "WRONG WAY" and she concludes that "more good would be done by spending that time and those resources on rescuing or taking in factory farmed animals; distributing vegan literature, promoting vegan cookbooks and restaurants, teaching vegan cooking, sponsoring vegan events or school lunches and organizing regular vegan expos and festivals, which more and more groups are now doing" (http://www.satyamag.com/sept06/mark.html). She goes on to conclude that a major problem with certifications such as "humanely raised" and "animal compassion certified" is that they serve only to create additional brands, but do not manage to reduce the amount of non-certified, factory farmed food on supermarket shelves. Evidence for this idea can be found in *The Way We Eat* when Singer and Mason note how

McDonald's corporation has failed to improve its own policies regarding the use of factory farmed animals despite its also being the majority owner in Chipotle Mexican Grill, a fast food chain built on a policy of attempting to use alternative farming methods (p. 72).

[15] See Hammer (2006) for a dismissal of Singer and Mason's approach by the animal advocacy group Friends of Animals and also Davis (2006) for critique in this respect.

[16] See my essay, Radical Ecology, Repressive Tolerance, and Zoöcide, in Best and Nocella (2006) and also my essay, Reconsidering Zoë and Bios: A Brief Comment on Nathan Snaza's (Im)possible Witness" and Kathy Guillermo's "Response" in the previous ALPPJ issue at: http://www.cala-online.org/Journal_Articles_download/Issue_4/Reconsidering_Zoe_and_Bios.pdf.

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