

## ANIMAL OPPRESSION AND THE PRAGMATIST

By  
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*A pragmatist can be thought of as someone concerned about the practical consequences of her actions or beliefs. It is likely that all animal rights activists, whose common goal might be framed as the eradication of animal oppression, consider themselves pragmatists. Theirs is a lofty goal. Oppression which has been thousands of years in the making could reasonably be anticipated to be a long time in the unmaking. In the intervening years, different ideas have emerged about the practical consequences of different actions or beliefs. These differences (sometimes categorized under the broad headings of "rights" or "welfare") have transformed, or been transformed, into a pernicious conflict between advocates. It is essential, if meaningful change is to be achieved, that this conflict be resolved and not casually remanded to the realm where all opinions are seen to be equally valid, and to each her own. Gary Francione, lawyer, professor and author, has recently attempted an analysis of this discord in his book *Rain Without Thunder: The Ideology of the Animal Rights Movement*.<sup>1</sup> The following commentary briefly considers some of the observations and conclusions Francione makes and some of the backlash his thoughts have engendered.*

On January 9, 1997 the Associated Press wire page reported a fire which occurred in an island nature reserve in Rio de Janeiro.<sup>2</sup> The eight day blaze killed more than 150 sea birds, mainly babies, and damaged their nesting grounds.<sup>3</sup> The young birds died because they couldn't fly and some mother birds were killed when they remained at their nests. The director of the reserve is reported to have remarked: "The damage is mostly emotional. It's hard seeing so many beautiful birds charred like that. But the population should make a comeback over the next two years."<sup>4</sup>

Although this quote may have been taken out of context, and the article is only one among many stories about animals which daily come to pass, it is remarkable because of the subtle way in which it reveals that in this time and in this place, the tragedy is still understood to be human. The sight of these birds, which once pleased the human eye, is now an

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<sup>1</sup> GARY L. FRANCIONE, *RAIN WITHOUT THUNDER: THE IDEOLOGY OF THE ANIMAL RIGHTS MOVEMENT* (1996).

<sup>2</sup> *Island Blaze Kills Hundreds of Sea Birds*, ASSOC. PRESS, Jan. 9, 1997, at 1, available in 1997 WL 4851157.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

affront. Whether one's perspective of the media is that it either reflects or creates our ideas is, in this context, irrelevant. Either way, the story we are told is that the birds are not individuals who may have suffered a loss, but rather a population which will be replenished to human satisfaction in a short time.

According to the Electronic Telegraph, rabbits raised at home for mentally handicapped people in Britain are being killed by Royal Marines being taught survival techniques.<sup>5</sup> The Marines' base buys 16 rabbits every month and recruits are taught how to kill, gut and cook them.<sup>6</sup> The principal of the home, when questioned about the appropriateness of this behavior, is reported to have said: "I abhor animal cruelty and these rabbits do not suffer any cruelty."<sup>7</sup>

In *Rain Without Thunder: The Ideology of the Animal Rights Movement*,<sup>8</sup> Gary Francione asserts that despite the fact that cruelty to animals was legally identified as an undesirable reality in the West more than 350 years ago, and despite increasing awareness of animal issues, the use of animals in food, science, and entertainment has progressively increased over time, and is now so entrenched that the economy may well collapse without it. Efforts to move towards an end to such oppression do not appear to have been successful in any considerable sense.

This is not a point that is lost to animal activists, who, more than anyone, are aware of the nefarious ways in which non-human animals are regularly oppressed by human ones. However, what does get overlooked in the face of such overwhelming suffering and the desperate desires to stop it, is a larger analysis of whether the popular methods by which change is sought stand any real chance of success. Francione posits a critique of the use of "welfarist" methods to accomplish "rights" for animals by which he entreats activists, before acting, to understand the historical context in which their efforts are being made and the success, or lack thereof, which similar efforts have achieved when tried before.

Because the historical and economic foundation of animal oppression, and the tools by which it is perpetuated, have been to some degree misconceived or ignored, activists seeking solutions to the problem often find themselves in disagreement. Indeed, such disagreements seem to be the rule rather than the exception. The animal rights movement is in a stage of well-acknowledged and lamented in-fighting, which occurs both among and between groups. The response of some to this perpetual disagreement is a call to get along, respect one another's differences, and work together for change for animals. This type of mutual tolerance is desirable to the extent that the rights-welfare dispute has developed on the wings of a series of personal attacks.

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<sup>5</sup> Sean O'Neill, *Rabbits Bred for Marines to Kill*, DAILY TELEGRAPH (London), Jan. 24, 1997, at 1, available in 1997 WL 2279152.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See generally FRANCIONE, *supra* note 1.

Beyond the personal realm, however, it seems that ongoing discussions are necessary to find a way to be effective agents of change. At this stage it is not an exaggeration to say that in every dispute over how to tackle a particular animal issue, at least one person eventually ends the conversation with the words: *I am a pragmatist*. Which conversationalist says these words depends less upon the ideological perspective she purports to advocate (animal rights, animal welfare, ecological feminism) than on who first tires of the argument, accepts that conflicting ideologies are irresolvable, and decides to proceed with her own strategy.

However, an intelligent disagreement is not to be feared providing one prefers a healthy movement to the company of ideologues. Attempts at artificially stifling debate in this context, in the name of "getting along" do nothing to serve the animals who depend on activists to struggle to find the right way of making change and not just to look good in the public image.

The reasons for animal oppression are not a matter of opinion. There is an explanation, however complicated, for why humans are willing to eat the meat which is the product of factory farms, for why they donate obscene amounts of money to fund psychological experimentation on their almost identical genetic cousins, and for how they can walk their dog while wearing a fur coat. Whoever seeks to substantially change these behaviors must truly address their origin and seek to change the source of the behavior, not the behavior itself.

It is easy to say we are all pragmatists wanting to help animals. However, it is not good enough for well-intended activists to pursue a course which will help animals in the short term, while being negligent in addressing how that action will play into the larger picture. If the historical conceptual foundation is not properly challenged, sincere activists are going to continue working for change in ways that have failed to date, and are doomed to fail in the future.

Francione does not address the psycho-social elements of human complicity in animal oppression; rather his goal is to point out the tools by which the oppression is perpetuated. He demonstrates that in a legal system which values property above almost anything else (akin to free expression and religious choice), animals are property, while humans are property owners. As he has demonstrated before, the resolution of any conflict between these two entities is pre-determined by how they are characterized at the outset.<sup>9</sup>

As Francione illustrates, there is not a rodeo star or a dolphin trainer to be found who will disagree with the statement that animals should be treated "humanely" and not subjected to "unnecessary suffering." Legislation throughout North America codifies this sentiment.<sup>10</sup> Of course the reality is that despite the superficially reassuring language, animals are regularly brutalized in the name of human pursuits. All animal interests,

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<sup>9</sup> See GARY L. FRANCIONE, *ANIMALS, PROPERTY AND THE LAW* (1995).

<sup>10</sup> See, e.g., Criminal Code, R.S.C. 1985, c. C-46, s. 446(1)(Can.); Animals for Research Act, R.S.O. 1990, c. A.22, s. 16(1) (Ont.); Animal Welfare Act, 7 U.S.C. §§ 2131-2156 (1994).

however significant, ultimately lose out to all human interests, however trivial.

Animal users advocate animal welfare. Traditional legislation which reflects this position works for those users, whose very interest in exploiting the animal is called upon to determine whether the exploitation is "necessary." However, this type of legislation has not, and cannot help animals in any profound way. Rather than continue to use the system designed by property owners to protect their proprietary interests, adopting their language and their rules, and hoping, contrary to any evidence that such hope will ever be vindicated, to make incremental change while in no way challenging the validity of the institutions by which the oppression is entrenched, Francione implores activists to take a hard look at whether these methods help bring about new ideas regarding our relationship with animals or unintentionally reinforce old ones.

This is not semantics, and those who advocate it are not elitists. Francione is trying to tell us about how serious the problem is. In doing so, he is direct in his analysis of efforts that he determines to have been successful in this regard compared to efforts that have not been successful. To have done otherwise would have been a disservice to the myriad animals whose certain suffering is still to come.

A certain backlash against ideas such as Francione's is not entirely surprising. Part of the current reality of the animal rights discussion is the place it has taken in popular culture. The topic has been made accessible enough that the movement may be regarded as the trendy club of the 90's. Wide-spread awareness of an issue is a fundamental element of change, and popularity in and of itself is not a problem. However, there is a distinction between an idea about which there is a generalized awareness and understanding, and an idea that has been adopted by pop culture. The latter is a concern because of the absence of a deep understanding of relevant facts and the larger context in which they are at play. In this setting, ideology is ripe to become a commodity like any other.

Animal rights ought not be a product to be sold; yet how else could one possibly describe a strategy to help alleviate animal suffering by capitalizing on women's suffering to make its point? Francione describes more than one clearly sexist campaign of an animal rights organization, such as using nude models to protest fur, and joining in a campaign with Playboy magazine to promote organ donation using the slogan "some people need you inside them."<sup>11</sup>

Discrimination is either justifiable or not, but to argue that it is wrong when leveled against animals but acceptable against female humans is specious and stupid. Such an argument flies in the face of the position activists take when arguing that speciesism is bad because it parallels racism and sexism. Moreover, it is outrageous to believe that animal liberation will occur in isolation, regardless of how the world regards certain powerless humans. This is the problem with pop thinking. Its adherents are taught to think in sound bites and are not equipped to take the whole

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<sup>11</sup> FRANCIONE, *supra* note 9, at 75.

picture into account. Those who are not troubled by the sexist advertisements and tactics described by Francione are consumers of the animal rights product. In this way, they support the very market notions which define the human-animal relationship that advocates purport to challenge in the first place.

Opposing animal oppression is far more serious than simply being encouraged to adopt certain ideas because Hollywood movie stars do. Does the gravity of the issue then rise and fall with the number of attractive superfluous famous people it can snag? What do you have to compromise to gain their attention? What other harmful institutions do you have to buy into? Do you lose your momentum when the movie star gets bored and moves on to a trendier cause? On a more personal level, one danger of popularizing such important ideas is that those who gravitate toward an ideology prescribed by a popular organization see the issues as necessarily defined by that organization. Criticism of the actions of the organization is then criticism of the organization itself, which in turn is seen as personal criticism.

Popular ideology is by definition temporary; its existence depends upon the will of a larger organization or industry which has its own reasons for acting, and is in a better position to instruct people on *what* to think rather than *how* to think. This is exactly the problem in the existing structure which activists criticize and seek to change.

The backlash against *Rain Without Thunder* is entirely consistent with the "try to get along" thread, which, in the context of the heated rights-welfare dispute, encourages the argument that all opinions are equally valid. Truth cannot be determined democratically, opinions must have some basis in fact. The argument advanced by Francione is well presented and it is difficult to do it justice in several pages. It is important that his ideas, and the facts which inform them, be considered on their merits.

Some will argue that there is no time for all this theorizing because in the hours spent organizing these thoughts, and in the time it will take to read another book, somebody is being burned, electrocuted, ignored, hoisted, and starved, and that is exactly the point. Another recent news article reveals that animal users see such behavior as entirely acceptable. A report published in February 1997, hundreds of years after efforts to abolish vivisection began, tells of a drug development company in the United States which has found a way to genetically alter mice with human DNA so they are capable of secreting antibodies to treat a large array of human illnesses. The author of the study says "[W]e see the mouse as a very powerful factory to produce fully human antibodies with high affinity and specificity."<sup>12</sup>

Something has not been working in the movement to free animals from human oppression and the author of the mice study knows it. As far

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<sup>12</sup> Andrea OIT, *Mice Used to Create Drugs for Humans in U.S.*, REUTERS WORLD SERVICE, Feb. 2, 1997, available in LEXIS, News Library, Curruws File.

as she is concerned, and until the movement finds a way to resolve this disharmony, the mouse factory technology is considered "promising."<sup>13</sup>

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<sup>13</sup> *Id.*