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## Gary Francione and Taimie Bryant

Transcript of [interview with Gary Francione and Taimie Bryant](#), December 13 2005. Thanks to Alex Chernavsky for transcribing this show.

**Rob Moore (RM):** Good day, everyone, you're listening to "Animal Voices" on CIUT 89.5 FM. I'm your host today, Rob Moore. And I'm here almost alone. Lauren Corman is not here. And Lamia Gibson is not here. But I'm in the capable hands of our friend Jason, who's doing our tech duties today.

A few weeks ago [we spoke with Bob Barker](#). I hope you tuned in for that one. That was a real treat, about his funding of animal rights courses in law schools around the States. And then, with Taimie Bryant, Professor of Law at the UCLA School of Law, about how she is helping to develop courses and projects with those funds. But we didn't get to delve deeper into what these kinds of courses look like.

So today, to talk more about what is being taught in law schools, about their own courses in animal law, and how these will help non-human animals in the future, are Gary Francione, Professor of Law at Rutgers University School of Law, and also Taimie Bryant, back again, since last time we didn't really get a chance to discuss her theories in detail. We'll have them on together, so I'm sure we'll have a good, lively discussion. I've got lots of questions for them, like what are effective forms of legal activism, and what kinds of theories they're teaching in their courses that will help to make more effective changes in the courtroom.

If you're interested in downloading shows, like the last Bob Barker show we did, and you'll hear me gush over him, but I don't mention Plinko, or any of the fun games I wanted to talk to him about, you can go to our website at [www.animalvoices.ca](http://www.animalvoices.ca). And we're always excited to hear from our listeners. You can always drop us a line at [animalvoices@gmail.com](mailto:animalvoices@gmail.com).

First, we'll do some news. I'm talking about the seal hunt this week. First from *Maclean's*. French film legend Brigitte Bardot renewed her attack on Canada's annual seal hunt in a mock trial by animal rights activists last Monday. The group urged other countries to boycott Canada.

"We are taking up *again* the fight that we led for 28 years against this atrocious massacre," said Bardot, who played the lead prosecutor. "I will never ease up — I want to see a result before my death." Bardot, 71, said seal hunts allowed "around one million seals to be massacred in most atrocious conditions every three years".

The mock court, which has no legal recognition, ordered Canada to immediately halt the hunt. The seal hunt was among the earliest targets of the international animal welfare movement, with major protests starting in 1969. Bardot was among many celebrities backing the campaign, which claimed a victory in 1983, when Canada banned the killing of white coats, the cute baby seals prized for their snow-white fur.

You're listening to "Animal Voices" on CIUT 89.5 FM. We're going to take a short break, after which we will be joined by professors Gary Francione and Taimie Bryant to talk about animal rights in the classroom.

Welcome back to "Animal Voices" on CIUT 89.5 FM. We're talking about animal rights in the classroom and the courtroom with professors Gary Francione and Taimie Bryant.

Professor Gary Francione started teaching animal rights and the law in his course on legal philosophy at the University of Pennsylvania Law School in 1985. He currently teaches several different courses now at Rutgers University School of Law, including a seminar on animal rights and the law, and a course

on human rights and animal rights, with Anna Charlton. He has also authored such books as *Animals, Property, and the Law*, and *Introduction to Animal Rights: Your Child or the Dog*.

Gary, welcome back to the show.

**Gary Francione (GF):** Hi, thank you for having me.

**RM:** And professor Taimie Bryant has taught classes in animal law since 1995, and currently teaches *Animals and the Law* at UCLA. She is currently writing articles that concern issues of theory and animal law. In the paper titled, "Trauma Law and Advocacy for Animals", Professor Bryant draws on social science and medical literatures that document the traumatic effects that witnessing violence that society has not yet recognized. She applies that literature in the context of advocates for animals, arguing that some forms of legal activism that seem ineffective for helping animals actually increase public activism and understanding of animal suffering, which is very interesting.

We'll be joined by Taimie very shortly.

Gary, how are you doing?

**GF:** I'm doing well, thank you. How are you?

**RM:** I'm very good. Very cold though, here in Toronto, I must say.

**GF:** It's not significantly better down here.

**RM:** Yeah, I imagine. So we've got lots of ground to cover. Hopefully, Taimie will be joining us shortly. Well, let's start with the courses that you're teaching. I know back in August we spoke about a course you were developing that you were pretty interested to talk about. Do you want to tell us about that?

**GF:** We finished the course last week. It was a course called Human Rights and Animal Rights. Anna [Charlton] and I developed the syllabus. We had the students reading about human rights issues, particularly legal issues, although not exclusively. We talked about women's rights both as a philosophical matter and as a legal matter. And we talked about a variety of other rights, both as moral theory matters and as legal matters. And then we switched to talking about animal rights issues and tried to see in what different ways we use the concept of rights when we're talking about non-humans, and how the concept of animal rights is played out in a legal context, and the considerable confusion that exists right now when we talk about animal law. It's not even clear what we're really talking about when talk about animal law.

**RM:** I think we have Taimie on the line now. Taimie, are you there?

**Taimie Bryant (TB):** Yes, I'm with you. Good morning.

**RM:** Can you guys hear each other?

**GF:** Hi Taimie, yes.

**TB:** Yes, hi Gary.

**RM:** I want you both to feel free to jump in at any time or ask each other questions as you see fit. Gary, you've been teaching now for 20 years, animal rights.

**GF:** I'm getting old, Rob. [all laugh] There's no doubt about it.

**RM:** I don't mean to age you at all. But I believe that it was you who really broke that mold, who really brought animal rights into the classroom *first*, right?

**GF:** I think I was the first person to do it, yeah — as far as I know.

**RM:** I think we could have a whole show on how you've seen that evolve.

**GF:** Or devolve, it depends. [laughs]

**RM:** Or devolve? Interesting.

**GF:** I think that in a lot of ways, Rob, it's moved very far away from what I originally intended it to be, which was namely, what I was trying to do, and what I've *done*, is to develop a critique of the law to show how the property status of animals prevents us from giving any serious consideration to animal interests. And how the property status of animals is inconsistent with animals having rights. What's happened in the past few years is animal law has become more a focus on things like veterinary malpractice, and pet custody cases, and pet trust cases, things like that — which really has nothing to do with the critique of the property status of animals. Indeed, the emphasis on those areas *reinforced* the property paradigm, so we're not really moving in a very useful direction.

**RM:** And I know in our correspondence you spoke highly of Taimie as one of just a handful of academics who *are* trying to sort of shift that paradigm from those kinds of courses to actually considering the property status of animals.

**GF:** Yeah, there are really very few theorists out there who are trying to take a "big picture" look at the situation, and say, wait a minute now, what is this all about? Where have we gone wrong? And how can we re-conceptualize the problem?

And yes, that is correct, Taimie is one of the very few people out there. There's another fellow at the University of Arizona, Darian Ibrahim, that's working on these issues. But, by and large, most of the animal courses in the United States are, first of all, not being taught by full-time faculty but are being taught by practicing lawyers who are adjuncts in the law school. And so they are coming in as part-timers teaching these courses as practitioners, and they're focusing on things like veterinary malpractice, pet trusts, pet custody cases. And, as I say, not only do I not think that's helping to shift the paradigm, but indeed *reinforcing* the property paradigm. I think in certain ways they may actually be counter-productive.

And the example that comes to mind is the focus of what we might want to call animal lawyers on veterinary malpractice. To have as a strategy, bringing more and more veterinary malpractice cases, it raises some issues. The more veterinary malpractice cases you bring, the more likely it is that the cost of veterinary services will rise, because insurance companies will take advantage of this, whether it's justified or not, and premiums will be raised, services will increase in price. And that means that some people will purchase fewer veterinary services, because they don't have the money to purchase more. Or, they simply then make trade-offs, and they say they'd rather have a new stereo or they'd rather have a new car than to spend money on veterinary services. Because animals are property, and cars are property, and stereos are property, and people often look at them in interchangeable ways. And I think that to have as a strategy — of animal law — increasing damages that people can get with veterinarians negligently treating them... and again, I'm not defending... I'm not saying that veterinarians who deal negligently with animals are great people. I'm just saying that as a strategy that's going to increase the price of veterinary services, which will mean that fewer services are purchased, and *that* I'm not sure is a good thing in the end for animals.

**RM:** And we'll definitely talk about some legal activism can be counter-productive. Taimie, I want to get *your* big picture. Can you tell us about your course, "Animals and the Law"?

**TB:** I'd like to back up for a minute and sort of think about some of the things that Gary has raised. The issue of veterinarians and malpractice I think is something that students sort of expect will be part of an animal law class. And *if* we can use the issue that underlies veterinary malpractice action so that we *can* talk about the property status of animals, I'm not sure that there's a problem with that starting point. For example, suppose you could talk about the ease with which veterinarians may be able to focus more on what their human clients want, than what may be best for animals. Then we can sort of start talking about the animals themselves as distinct from their owners, and what ownership of animals does to the relationship between veterinarians, owners, and the animals.

**GF:** I'm not...

**TB:** If we can go behind it, then we can begin to look at how many laws put veterinarians in the role of safeguarding animals' health and welfare, when in fact if we looked critically at the issues underlying veterinary malpractice, we'd be able to question the assumptions of those folks who would like to see veterinarians play that role, and that the group of people they go to when they're thinking about legislation that has to involve monitoring of animal care and welfare.

The problem is sort of what Gary referred to earlier, which is that if the subject is taught by adjunct, and there isn't a very strongly developed literature on animal rights and animals as distinct from their property status, then adjunct don't have a literature to go to, and in their normal course of practicing law may well not have the resources, time, or inclination, to look at all the underlying issues themselves. And that's why I think that the problem is not so much that we have adjunct as that we have the *lack* of a sophisticated theoretical literature before we have different people coming into the field from different perspectives.

So I wanted to go back to Gary and ask him why we didn't see that theoretical literature develop? Do you have any thoughts on that?

**GF:** Well, you mean...

**TB:** I mean before adjuncts came into the field, before animal law became very

popular — you had been writing. And it must have been very frustrating for you in writing about these ideas that we didn't see a grassroots adoption of the subject matter in law schools. So that faculty, who have *academic* interests, as opposed to *adjunct* interests, would be developing the scholarship before adjuncts really sort of stepped into law schools.

**GF:** I've been spending the past two decades trying to develop the scholarship. The problem is that my scholarship argues in favor of abolition, in favor of rights over welfare and regulation, and strongly in favor of veganism. And, these are not the...

**TB:** [interrupts] Doesn't it seem to you that an academic would gravitate towards theoretical understandings of a field, and so property people, for example, I would have expected property law theorists to come into this. And so it's a puzzle to me as to why we didn't see people taking off from these ideas, the property status.

I know that at some level, you and I have discussed this that it's really a question of law professors being people, and people who want to eat and consume animals would be made uncomfortable by the theoretical implications of working through your theoretical paradigm. Do you think that that is the biggest explanation for this?

**GF:** Absolutely. The animal rights movement doesn't yet embrace veganism and abolition. Indeed, I think it embraces it less now than it did a decade ago. So, it's no surprise to me that law professors are not particularly interested in pursuing the theory that has some rather profound implications for their own behavior.

I don't know what your own experience is at UCLA, but I know that my experience at both Rutgers and Penn always was, when I sat down to discuss these issues with people [chuckles], they always said, well, this is really very interesting, but they were sitting eating their sandwiches at a luncheon presentation, and people started feeling uncomfortable, because I was saying, look, there's no reason why we're continuing to consume animals. We need to start moving in the direction of prohibiting, or incrementally eradicating the property status of animals and moving towards abolition. This is an uncomfortable thing to be discussing with a group of academics who are sitting around eating their ham and cheese sandwiches.

So, yeah, I do think it has a lot to do with the simple fact that abolition, rights, veganism — I look at those all as pretty much the same — is a theoretical framework that isn't yet even adopted by the animal advocacy community, certainly not in the United States, maybe somewhat more in Europe. It depends on which country you look at. But it certainly isn't adopted by the animal advocacy community in the United States. And I think that, going back to your original point, I certainly, when I do my "Animal Rights and the Law" seminar, we certainly talk about a lot of the assumptions.

I agree with you, for example, that we look to veterinarians when legislators want to legislate. They look to veterinarians. Why? Because veterinarians are considered to be the experts on animal welfare. And to some degree, given how most people understand animal welfare, that's not an unfair characterization. I don't think it's *good*, and I think that there are all sorts of problems with it, but it's certainly not *irrational*, because the veterinarian will tell you how much pain you can inflict on an animal before it starts interfering with the function of the animal, things like that. And this veterinarian certainly isn't going to go as far as, or into areas that you and I might think the veterinarian ought to go, but the veterinarian can give certain information about the efficient exploitation of animals, which is consistent with the property status of animals. So I certainly talk about that. Anna and I discuss those sorts of things with our students.

But, I think the problem with the way animal law is taught in law schools, Taimie, it's not that the adjuncts come in and they don't have a lot of theoretical literature to pull from. It's that the adjuncts that come in are *practicing law*. These are people who are out there trying to make a living. You don't make a living with a lot of the theoretical sorts of things that you and I are interested in and write about. These are people who are doing veterinary malpractice suits. They're setting up trusts for people who want to leave property to their animals when they die. They're dealing with couples who are divorcing and fighting over cats and dogs and everything else. Fighting *like* cats and dogs *over* cats and dogs. These are the sorts of issues these folks see in their day to day practice, and so I don't think it's a question of their not having a theoretical literature to pull from, or that they're not interested in the theoretical issues. Because those theoretical issues aren't relevant to their practice. And, when I'm busy arguing that we ought to be moving *away* from the property status of animals, and we ought to be using the legal system to incrementally *eradicate* the property status of animals, for a practicing lawyer — that's threatening. [chuckles] Because if animals stop being property, then these folks are not going to be able to make money doing

veterinary malpractice cases, pet custody cases, and cases like that.

**RM:** Well, that's got to be really difficult. I mean, it's difficult enough to enlighten the general public about embracing these kinds of views on abolition and veganism, let alone an incoming professor who is expected to teach a course about this. I wonder, is that what you both are trying to do with your students in your courses, is try to foster an environment where these people coming into the legal profession are already sympathetic towards these kinds of theories? So that they can better embrace them when they're expected to teach courses in these things?

**TB:** I think that that's definitely what we're hoping to accomplish. I think Gary raises another interesting area, which is disputes about companion animals in the context of divorce. And if you can actually get into the classroom, both the practitioner who's had the problem of trying to list a companion animal in the form that you need for family law disputes, divorce-type resolutions, and they've tried to list the animal someplace *other* than the property listing — what happens to that in court? If you can get the practitioner to talk about the difficulties of allocating a legal status to the animal, other than what the court and the court forms are requiring — if you can get *that* into the discussion, you're in a good environment for students to consider the difficulties of the property framework. But if you don't have the perspective of finding another way to deal with the problem of how you resolve this dispute pragmatically — if you don't have that, simply you've got a "how to" course, you've got a practitioner who comes in and says, "This is what you do. This is where you list an animal. This is how you handle a vet malpractice claim", and you don't go *behind* all of that stuff, then I think you have a problem.

And so, what we try to do with our classes, is that we do try to have students develop some sensitivity to the issue, and then hopefully, they will go into practice with an awareness that they need to be proactive in changing the form, changing the underlying structure of how they solve these problems, besides just doing the legal work that brings in the paying clients. So there needs to be a certain amount of *pro bono* on top of the paying work. And I'm not sure how the practicing community does that.

The issue for me in teaching here is that you can cater to students' interests by using the companion animals, cats and dogs, and that sort of thing. I've got a class scheduled for the spring that's called "Sheltered Animal Law", so that I can have students feel comfortable with the idea that animal law includes some of the issues that they would naturally think it includes, like companion animals, cats and dogs. And also sort of they may think they're staying away from things that discomfort... that Gary refers to the discomfort associated with covering food-animal issues. But in this class, even though I'm setting it up so that there's a comfort level, I'm going to be talking about the disposability of these animals through the process of supposedly sheltering them, and in that context I hope I can radiate out into a discussion of a climate and a socio-cultural expectation of the disposability of animals — and reach a number of other issues.

So I think that Gary is definitely right, and it has also my experience that we have to take particular care in how we cloak issues, so that we can create a safe enough environment to discuss things that are threatening for students. On the other hand, it's a problem that we have to that. It's a problem that we cannot all be forthright and examining what we do in a direct manner and the consequences of our acts.

Gary talks about the problem of law professors eating sandwiches that contain meat, and your wanting to get away from this property, consumption-of-animals paradigm. I sit there and think the same thing about my environmental law colleagues, when they sit there... I mean, this is a huge environmental issue, the consumption of animals, and they sit there, they do the same thing. It's not just unique to animal law, but in so many different areas, this is the mother of all issues, or the father of all issues, the *parent* of all issues is the consumption of animals as food. And yet we can't talk about it *directly*.

**GF:** Well, you know, Taimie, years ago I decided that one of the nice things about having tenure was I didn't really care anymore about whether it upset people. So, I've taken the position in my courses, I start from the first day, and I say, look, I'm not here to make you comfortable, I'm not here to entertain you. I'm here to provoke you, I'm here to challenge you. And so the students understand from the first day that if they're going to be scared to go places where they haven't gone before in terms of their thinking, then they ought to take someone else's course. Because it's not my primary goal to make them feel comfortable about exploitation. It's my goal to challenge them, provoke them, and make them feel uncomfortable, because that's how I think they change. I mean, it's not a question of, I'm not interested in confronting them in any sort of violent way. I'm interested in provoking them intellectually and saying, OK, this is the way you think.

You tell me how you make it work, because it doesn't make any sense to me.

**TB:** I don't think you and I differ about the need for confrontation. I think what I'm bemoaning is the fact that we must be careful about that process, because otherwise, there's a defensive shield that comes up that makes things even more difficult. I think that whenever you're talking to people about *anything* that makes them uncomfortable, it actually behooves the person who would like another person to think seriously about something to anticipate, try to accommodate that.

I think one of the most productive working relationships I have with students and faculty is actually more on the collaborative, individual level, with respect to writing papers. I think when students can get into a subject deeply, and it's a subject of their choice, that *there* are the avenues by which individual by individual we can think through some of these issues.

In my own experience, students have a little bit of difficulty sorting out what projects they want to write about. And there is a golden opportunity to talk with students in a way that enables them to choose topics that will do some of the things that Gary's been talking about as well.

I'm wondering if you have any insights about that process, because I actually have a couple of students who have just contacted me about wanting to work on papers, and I wonder if you, Gary, have any strategies when you're thinking about helping students refine scholarly projects, or even junior colleagues?

**GF:** All the students in my human rights / animal rights class this semester are obviously writing papers — it's not an exam course — and I have meetings with all of them to discuss the subjects that they wanted to write about. And most of them, the ones that are writing about animals as opposed to more human-rights issues — the ones that are choosing to write about animal-rights topics — are almost all writing about the welfare vs. rights debate, which I find sort of interesting. They see that there's tension there. And, I find that the students who take my courses are tuned into that right in the beginning, in the sense that I start them right off saying, look, the focus is either regulate it, or you abolish it. Those are your only two choices. And we talk about the various approaches.

But one thing I did want to say about animal *law*, because I think it gets lost in a lot of these discussions that we hear about animal law, and that is — part of the problem is (and this is a topic I discuss in *Rain Without Thunder*, a book I wrote in 1996) is that I think it may be premature for us to think that we're going to be able to use the legal system *now* to effectuate great changes in the legal status of animals. I think that's a problem, and I think that's a large problem because the society is not yet willing to accept a change. So if the society is not yet gotten to the point where there is a critical mass of people who are in favor of abolition and in favor of veganism, you're not going to be able to move the system significantly away from the paradigm.

**TB:** OK, now you're really scaring me, Gary. Because what you're saying is, you know, as you're talking with your students, or you're talking now about the fact that the legal system isn't at a place where we can use it to effectuate these changes? Then what role is there for us as law professors? We've got too many downstream commitments. I feel like I'm being confronted about veganism. I'm a vegan by the way, I'm just using that as an analogy.

**GF:** What we did for ten years, when Anna [Charlton] and I ran the animal rights clinic was we had to deal with this, because we were the only clinic in the country that was doing animal rights work in a law school. And we were trying to implement the abolitionist perspective. And what we ended up doing was recognizing that the legal system itself was limited in terms of the sorts of changes we could make in the legal status of animals. But what we *could* do — and what nobody else was out there doing — was providing legal representation to advocates who were trying to educate the public about the need to abolish animal exploitation.

So if what we need in order to have significant changes in the legal system is a critical mass of abolitionists and support within the society abolitionism and veganism, then the way you can get that — or a way you can get that — is by protecting the people who are out there trying to educate the public, rather than focusing on lawyers changing the legal status of animals directly — which I *do* think is a problem right now. I mean I think it's 2005. The idea that we're going to go into court and get some court to say, oh, animals aren't property anymore — that's silly, that's not going to happen. And I don't think that the pet custody cases, the veterinary malpractice cases, those sorts of things are moving us *away* from the property paradigm. Indeed I think that they firmly *entrench* us in the property paradigm.

So what can we do as lawyers? Can we do nothing? No, we can do a great deal! We can help the people who are out there, trying to educate the public

about veganism, about abolition, about rights. And that was what we did for a decade in the clinic was to try to focus... For example, we represented a lot of students who didn't want to dissect or vivisection in the classroom. And we were very careful in picking the students that we represented. If a student came to us and said, I'm perfectly happy to sit there while my lab partner cuts up the dog — that's fine with me. I just don't want to cut the dog up myself. We would say fine, go find another lawyer. We would only represent the student who said, I will have nothing to do with this. I will not even be in the classroom on the day this is done, because I think that this is morally objectionable, and I do not think that we should be using these animals at all. So we represented the student who took the rights-oriented, abolitionist sort of position. We represented a great many of those sorts of students. We represented a lot of the vegan advocates who wanted to protest who couldn't get permits to protest. We represented people who were out there doing trap-neuter-release work, which I think is very much a rights-oriented activity — it focuses on the individual, and on protecting the individual. And so we represented people who were having problems with their municipality when they were trying to do trap-neuter-release work.

So I think that there's a lot that lawyers can do. I think there's a lot that lawyers can do in terms of representing advocates who are trying to educate the public about abolition and rights thinking. But I do think that at this point in time, the idea that we are going to come up with causes of action, or be able to persuade courts to take big steps away from the property paradigm at this point — it doesn't make sense to me, because the legal system doesn't *lead* social change, it *follows* social change, as a general matter. And I just don't think that we are going to get the legal system to move away from the property paradigm *before* we get a large number of, or a critical mass of the public that is in favor of moving away from the property paradigm. And the biggest problem I see is we don't even have a significant portion of the animal advocacy community that is willing to move away from the property paradigm.

I don't know about you Taimie, but I can't tell you the number of discussions I've had with animal advocates who say, "Well, I'm a vegetarian, but I'm not a vegan. And I think that's a matter of personal choice." Now, I think that that's incredibly confused thinking, and as long as you have a movement where there isn't a strong component of it in favor of abolition and in favor of veganism, you don't have a movement. Then what you have is, "let's be kind to animals". Nobody disagrees with that.

It's interesting to me. When I first began shopping at Whole Foods a decade ago — I guess it was called Fresh Fields back then — they didn't sell meat. Now, when I go to my Whole Foods, there's meat all over the place, and signs saying that it's humanely raised. And there's all these discussions about having meat approved by various animal-advocacy organizations, and things like that. But I think in many ways we've taken steps *backward*, because we won't confront the vegan problem. We won't confront the abolitionist problem. And if what we're going to do is regulate exploitation, then we're going to be doing nothing different from what we did in the 19<sup>th</sup> century and in the first parts of the 20<sup>th</sup> century. I don't think it goes anywhere. I've been arguing that for 20-some-odd years now, and I will continue to argue it.

**RM:** Gary, I'm going to interrupt you, there Gary. Taimie, I wanted to ask you a question that possibly refers to enforcing animal exploitation in a way. I said that you argued that some forms of legal activism that seem ineffective for helping animals actually increase public activism and understanding of animal suffering, thereby making other forms of legal change more likely. I wanted you to expand on that and ask are you referring to things like the foie gras ban that perhaps won't actually help ducks and geese but is educating millions of people about the production?

**TB:** In the paper to which you're referring I used the foie gras ban to raise questions about advocacy. I'm here in California and could watch that debate closely. I wasn't involved in it, and I suppose to be candid I should let you know right from the beginning that it isn't legislation that I would have continued, once it became distorted by significant compromises. But having said that, that I would have walked away once the ban was severely compromised, having said that, having then walked away from it, I have to put myself in the more-distant place and say, well, I've removed myself from the heat of battle, and so I need to now think about it in terms of its utility in talking about the problems that advocates face and their inability to fold their cards and walk away when the situation deteriorated.

The parts of the paper to which you're referring that I point to as being more helpful are things like when people get involved in trying to get declarations about the sentience of animals — municipal declarations. They don't do anything legally. They don't provide any duties with any enforcement potential. They're just statements about what the community thinks about a problem. And I think a lot

of lawyers turn away from that stuff because they want to help animals *now*. And as Gary points out, we can't really help animals *now* through law. And I think that the foie gras ban, or *attempted* ban, is somewhat illustrative of that. And so, I think that we need to build community, build support, and we need to have community stating things that then we can point to as needing follow-through.

Another area is the production of amicus briefs. I think that if you can start educating judges through means other than client representation, if you can get your voice heard about different perspectives in recognizing the interests of the animals *themselves* into some of these proceedings where *you* don't have the constraints imposed on you by a particular client paying you for things, then I think you can start getting ideas introduced into the court's mind about how best to solve some of these problems and give them legal hooks for stepping outside the particular resolution strategies the clients themselves propose.

**GF:** [interrupts] What sorts of cases, though, are you...

**TB:** I think that Gary is right that you have to exercise a lot of care in how you choose which matters you would step into. I don't particularly think it's useful... Another example of the California...

**RM:** Unfortunately, Taimie, I'm going to have to cut you off there. We're actually out of time.

**TB:** Oh! [disappointed]

**RM:** Yeah, I know, it's unfortunate. I did want to say one last comment. I mentioned it in the news. A Chicago alderman said that our laws are a reflection of our society's values. And what seems to me is that you both are trying to usher in shepherds in your law schools that will help society to better understand those values and get them reflected in the courtroom.

**GF:** A nice wrap-up, Rob.

**TB:** Certainly, you are too, Rob. Thank you very much for the opportunity.

**RM:** Well thank you both so much. I think it was a lively discussion. Probably the easiest show I've hosted. Just get two law professors to interview each other [all laugh]. So I thank you so much, and take care over the holidays.

**TB:** Thank you, you too.

**GF:** Thank you, Rob, take care.

**RM:** Bye, bye. You've been listening to Animal Voices on CIUT 89.5 FM. Thanks for listening.

