

Gary Francione on Animal Voices (September 9, 2008)

Transcribed by David Stasiak

Lauren: Hello and welcome to Animal Voices, you're listening to CIUT 89.5 FM. I'm your host Lauren Corman here with Karol Orzechowski, talking for us, bringing us the news. Today's program we're going to be speaking with Gary L. Francione, we're going to talk about his new book called *Animals as Persons: Essays on the Abolition of Animal Exploitation*, it's a collection of different essays that he's published. It's a very compelling and lucid read; look forward to talking with him at about quarter after.

[housekeeping matters discussed, news items read, show break]

Lauren: Hi, welcome back to the show. Today we're speaking with Gary L. Francione, he's a Distinguished Professor of Law and Nicholas deB. Katzenbach Scholar of Law and Philosophy at Rutgers University School of Law in Newark. He teaches in the area of human rights, animal rights theory and the law, criminal law, criminal procedure, jurisprudence, and legal philosophy. Notably, Francione was the first scholar to teach animal rights theory in an American law school. An abolitionist, he is best known in the animal movement for his rejection of animal welfare and his critiques of animals' property status. His books include *Introduction to Animal Rights: Your Child or the Dog?*, *Rain Without Thunder: The Ideology of the Animal Right Movement*, *Animals, Property and the Law*, *Vivisection in the Classroom: A Guide to Conscientious Objection*, and today we'll be speaking to Francione about his newest text *Animals as Persons: Essays on the Abolition of Animal Exploitation* which is published by Columbia University Press. It is my great pleasure, as always, to have Professor Francione on the line with us today. Hi Gary.

Gary: Hi, how are you?

Lauren: I'm good, how are you doing?

Gary: Very well thank you.

Lauren: So tell us about the new book *Animals as Persons: Essays on the Abolition of Animal Exploitation*, can we start off with maybe what you mean by "persons".

Gary: Well, yeah, I don't mean that they're *human* persons, I mean that they're members of the moral community. That when we consider their interests we have to apply the principle of equal consideration which is the foundational principle of all moral theories of treatment; like cases alike. And we have to recognise that however different humans may be from non-humans – and obviously when we're talking about non-humans we're talking about a lot of different sorts of non-humans, some of whom will be more similar to humans than others. And my argument is, my position is, is that it doesn't really matter how similar they are to humans, all that matters is that they're sentient. They ought to be full members of the moral community and we have a moral obligation not to treat them as our resources, and that means that we have to abolish institutionalized animal exploitation.

Lauren: That's a very succinct description. Tell us about what this book does that's perhaps maybe different or makes a different intervention than your work before; it's a collection of essays.

Gary: Yeah it's a collection of essays, I'm trying to do several things with these essays. One is I'm trying to present my theory of animal rights which rests, as I mentioned before, only on sentience, no other characteristic is required. So I reject this whole notion that great apes are deserving of greater legal or moral protection than say dogs or fish. So the first thing I'm doing is trying to describe my theory of animal rights which rests only on sentience, and I do that through in the first chapter. And I also in the chapter 'Taking sentience seriously', which I think is the third chapter, also deals with the importance of sentience and how as a historical matter sentience assumed a certain importance in nineteenth century welfarist thought but because the welfarists did not believe that animals had an interest in continued existence, they thought that the only thing we needed to do was improve the *treatment* of animals and not challenge the overall *use* of animals. I discuss that idea in Chapter 3. Chapter 4 also deals with equal consideration and the interest of non-humans in continued existence, is sort of carries that analysis forward a little bit, in the context of responding to Professor Cass Sunstein at the University of Chicago who did a review, a very very lengthy review, of *Introduction to Animal Rights*, which was a book I wrote in 2000, he did a review in a magazine.

Lauren: Can I stop you there just for a second –

Gary: Sure.

Lauren: – while we go through them. Can you describe what you mean by sentience?

Gary: Yes. Perceptual awareness. Just basically: ability to feel pain, ability to be perceptually aware, to perceive the world around oneself. As far as I'm concerned, that's the only thing that's necessary for having membership in the moral community. There are going to be areas Lauren where we're not going to really know whether an animal is sentient, or whether a non-human is sentient, in the case of insects for example. I think there's still - the jury's out on that question. I certainly don't kill them, not intentionally at least, and I try to avoid harming them, but I don't know if they're sentient. But all of the animals that we routinely exploit – fish, and many sea animals and aquatic animals, chickens and pigs and cows, basically everything we routinely exploit – is sentient, and unquestionably so.

So what I'm doing in Chapters 1, 3 and 4 is really sort of working through a theory of animal rights that rests on sentience. Some of the other chapters – there's one chapter that deals with biomedical experimentation, there's another chapter, a very long chapter, that deals with the problems of animal welfare. What I do in that second chapter is I look at animal welfare reform over the past ten, twelve years since I wrote *Animals, Property and the Law* and *Rain Without Thunder* and I address my critics who say "Well yeah there are problems with the property status of animals but we can still have animals being property and make significant advances in animal welfare reform". And I basically review what those reforms are and argue that they don't do anything really to provide any increased protection for animal interests, what they do is make the public generally more comfortable with animal exploitation because the public believes that the exploitation is occurring more humanely and that makes people feel better about exploiting animals, consuming animal products.

There's a chapter in there about eco-feminist theory because I think that has been misunderstood in a lot of ways, at least some aspects of eco-feminist theory. I mean, the idea that we can meaningfully change things without a concept of rights, or that rights are patriarchal, inherently patriarchal, are ideas that I analyse, I address, and I reject. I don't even

know what it means to say that rights are inherently patriarchal and I'm not sure that people who make that argument understand it either. But I don't think the argument works and I think that we need a concept of rights, we need a non-consequentialist, deontological notion like rights or whatever you want to call it. We need the idea that certain forms of exploitation are ruled out from the beginning once you're talking about a moral person. We have that for example when we talk about slavery. However, whatever disagreement we have as a society about what rights humans have, we all accept that human members of the moral community, that we can't treat any of them as chattel slaves. Everybody agrees with that – that's not to say chattel slavery doesn't exist but nobody defends it when it's found to exist. So I make the same argument in response to the eco-feminists ([who maintain that] that we don't need rights when we talk about animals, and indeed rights are patriarchal). All of the feminists would say, for example, that rape is ruled out from the beginning. It's a form of violence, it's a form of exploitation, it's a form of commodification. It's not a question of whether rape is performed with care, or how rape is performed, it is conduct which is ruled out from the beginning the moment you recognise that women are full members of the moral community. And I say that the same thing applies when we're talking about non-human animals, that the treatment of animals as property is ruled out from the beginning. And that's a rights-type argument, whatever you want to call it, that's a rights argument, and what I argue is that the eco-feminists accept that as well, they just don't apply it in the context of non-humans, and I argue that's speciesist.

And there's an essay that deals with Tom Regan's hypothetical in his book about the dog and the lifeboat, and Regan basically argues that death is a greater harm for humans than it is for non-humans. And I basically reject that decision and say that I don't know what death is for a non-human, I'm not sure I understand it means for all other humans because we have this problem of reading each others' minds. But I reject the notion that death is not as greater harm for humans as it is for non-humans. And I think that position – it undermines Regan's view. What that reflects – the fact that Regan accepts that notion – and so does Singer, even though Singer's a consequentialist utilitarian and Regan is sort of a Kantian rights thinker who rejects, who very explicitly rejects, Singer's consequentialism. Both of them accept the notion that animal minds are different from human minds and that animals don't have – Singer argues that most animals don't have an interest *at all* in continuing to exist, so it's not a question that we're using them, it's only a question of how we're using them. Whereas Regan – Regan equivocates more on that, and Regan certainly does not think we should be exploiting animals – but he has this idea that in situations of conflict, animals have to lose because humans have a greater interest in their lives. And I think that undermines Regan's argument in a lot of ways. That's what one of the chapters deals with. But that's basically a synopsis.

Lauren: Okay, that's great. I was wondering if you would do us the service of taking us back maybe to the beginning of your journey with these issues, because I've realised in the years that I've interviewed you about your various different works, we don't really know a lot about you. And I know that people can say "Well we're going to talk strictly about his ideas, that's what's important", but clearly you're informed by a bunch of very important personal relationships. This book is dedicated, for example, to the two hamsters and twelve dogs, you say, who taught you the meaning of personhood. Can we hear more about your journey, how you've come to know animals and how you've come to develop these ideas and these types of interventions into animal thought.

Gary: Sure. Well I grew up not thinking anything about these issues. The only relationship I had with animals until my late twenties was to eat them. And my father was in the food service and restaurant business and was for a while a meat broker. These were issues that didn't really surface for me at all. I believe when I was in college in the seventies, early seventies, I knew one, maybe two vegetarians. I didn't even know what a vegan was actually until quite a bit later. So these were not issues that were important to me or that mattered to me in any way. We didn't have any animals in the house growing up, my brother had allergies, I had allergies as well, so we didn't have fur-bearing animals. I had turtles, and a snake or two or whatever, a garter snake or whatever. I didn't really relate to animals, as I said, except to eat them.

When I was in law school I had the experience of visiting a slaughterhouse. A friend of mine who was a vegetarian took me to a slaughterhouse when I was in law school and that profoundly upset me. And so I stopped eating flesh. I continued to eat dairy – as I said, at that point, and this was probably 1978, 79, it was a long time ago. And I don't believe at that point I had ever heard the word vegan. I didn't know what a vegan was. And I was not aware actually – and this is not something, I'm not pleading ignorance here, I should have known – I was not aware that there were people in the world who didn't eat any animal products whatsoever. I thought basically if you didn't get some animal protein you would die. And so I continued to eat dairy products. Actually in the beginning I ate fish for another year until I read something about fish being sentient, I stopped eating fish.

And then when I graduated from law school and I was working in Washington DC for Justice Sandra O'Connor (I was her law clerk), I met Ingrid Newkirk and Alex Pacheco who had just started PETA. As a matter of fact, I believe when I first met them, they had just switched the name from another name – I think, in my recollection, I may be dead wrong about this, somebody can ask Alex or Ingrid and verify it – but I believe it was originally called 'Justice for Nonhumans' or something. Alex started it at George Washington University. But they had just switched the name to PETA and they had really just started the organisation and it was a very small organization, there were probably at that time no more than a dozen members, it was a very small group. And I met them because when I was working for Justice O'Connor I used to pick up a lot of stray dogs on Capitol Hill that were injured or whatever and I used to call the Washington Humane Society and Ingrid was the animal patrol officer of DC at the time. And I met her, we talked, and, to make a very long story short, she introduced me to veganism. She gave me a book that was written by a guy named John Bryne who's a British guy, it was called (22.23), she gave me this book, and it basically talked about how if we took animals seriously we shouldn't exploit them at all including eating dairy products and anything else. And I read the book, put it down, it was eighty pages long, I read it in a couple of hours, and I put the book down, and I haven't eaten a dairy product, egg, or anything else since. And it was an....gradual evolution, I had never really thought about the issue, I didn't really understand the issue, and I wasn't aware that there was something I could do and not die.

And so then I became very actively involved, first with PETA but then with a number of other organisations. I worked as a lawyer, I did legal work for many of these organisations, primarily for PETA but for a lot of them. And I did it always pro bono, I never took money for it. When I finished my clerkship I practiced in New York for a while and then I went to the University of Pennsylvania where I taught. And I was at Penn for five years. And then I came to Rutgers where I have been for twenty. And through all that time I practiced in New York in my time both at Penn and at Rutgers I represented animal activists, animal

organisations. And then in 1990, Anna Charlton, who is my life partner and colleague, we started the Rutgers Animal Rights Law Clinic at Rutgers which was the first time, and I believe the only time in the history of American legal education, where students were learning animal rights theory and the same time were working with us on real cases involving students that didn't want to dissect or vivisect or people who wanted vegan food and couldn't get it in prisons or in another institutional setting. And so I do know a lot of the personalities involved.

One thing that I do want to say because – one of the things I found really unfortunate in the movement – and I use that term very loosely, I'm not really sure it is a movement. In this 'phenomenon' called the animal rights movement, any sort of criticism of anyone's position is immediately personalised and rejected as divisive or a threat to unification, all sorts of crazy things. And you get sort of a cult reaction, a reaction that you get from a cult; you're not allowed to criticize, you're not allowed to discuss or have discourse. And it's always interpreted as being a personal attack on people. And right now I think Proposition 2 in California is a crazy idea, I can't understand why anybody thinks that makes sense. And I've written some things about it and what's interesting is that what I write gets misinterpreted as an attack on the people at HSUS or whatever. I mean I know Wayne Pacelle well, I know Paul Shapiro less well than I know Wayne, and I certainly know many of the personalities in the movement. I disagree with them, I'm not make moral judgements about them, that's not my privilege nor is it my interest. I'm not really interested in making morally judgements about anybody whether they're at PETA, HSUS or anyplace else – I just think they're wrong. And I have arguments for why I think they're wrong and it would really be nice if once in a while people would sit down and discuss these issues substantively rather than turning them into personality issues. I was a guest on Bob Linden's show, I suggested that Bob invite Wayne Pacelle on to debate Proposition 2, making it clear they could have whatever moderators, and if Wayne wanted to bring on Peter Singer – whatever he wanted to do is fine with me. And yet they won't do that sort of thing. I mean Wayne would not do it. But it becomes personalised: "If you oppose Proposition 2 you don't care about animals, you're a bad person or you're saying we're bad people because we're promoting Proposition 2". And I just wish that there could be some decent, intellectually rigorous discourse about an extremely important issue: violence. Violence toward non-human animals, which has all sorts of implications for human rights as well. If we would have some substantive discussions rather than all of the drama, which is unfortunate because it stops discussion, and we don't have much because it's not really permitted. Once you say "Look, I think Proposition 2 is a really bad idea", there is no substantive discussion: "You're a bad person because you don't like animals" or "You're saying we're bad people because we're promoting Proposition 2". The answer is "No I'm not saying that at all". I'm just saying I think Proposition 2 is a bad idea for lots of reasons and let's talk about those reasons. If I'm wrong tell me *why* I'm wrong. But let's not get into drama.

Lauren: I think in many ways it becomes about identity rather than about the issue of the animals themselves.

Gary: What do you mean?

Lauren: In the sense that people I think – of course within any movement there's going to be egos involved and how people understand each other and themselves can – I've seen a shift, not a shift, but there's a tendency for people to that it's about what it's reflecting on them as a person rather than on the ideas.

Gary: Yes, but I mean why that happens is probably complicated and goes beyond the scope of a show that is less than several days long. But the problem is related, at least in part, I mean not the whole story, but a good part of the story is involved with the fact that these are large organizations, these are multi-million dollar businesses. That is an empirical fact, that's not my opinion, this is an empirical fact. You can get online, you can get the nine nineties and the other documents of these organisations. You're talking about organizations that are bringing in millions and millions of dollars. And these are organizations that, by and large, don't have a very large vegan membership. So these are organizations that are appealing to money for people who have very very moderate views and these organizations are not really interested in changing those peoples' views, they just want the money coming in. So there's a real conflict. Whatever the psychological explanation is – and I'm sure it's very complicated, I'm not disagreeing with you, but I think there's also a real clear economic incentive here that discussion of issues presents an opportunity cost. It costs money to have a discussion about things rather than everybody “Rah rah rah rah rah” around Proposition 2 or whatever other the welfarist campaign de jour is. If we're not all rallying around it and we're not discussing it then that doesn't bring in money. If anything that makes people wonder whether they want to support and send their money in. So I think that there's a real economic incentive involved as well. And I think that one of the reasons I think I've been able to stay outside of it for the time that I've stayed outside of it is because I don't make money from it. My royalties from my book: I give that away. I mean, I don't even keep the royalties from my books.

Lauren: We have to take a short break and do some ads, one of the things I wanted to come back and talk about, something I found really compelling in the book, was how carefully you go through some of the current welfare measures that have been taken that people have heralded as victories. And you do a very careful critique of those and show how those welfare measures are flawed and how they actually end up reinforcing the property status of animals and the continued exploitation of animals. And I just thought the evidence was really interesting and I was hoping we could go through some of that.

Gary: Sure, absolutely Lauren.

Lauren: Okay, great, and we'll come back with Gary Francione, we're talking – well we're talking about a bunch of things but in particular we're talking about his book today *Animals as Persons: Essays on the Abolition of Animal Exploitation*.

[show break]

[end of Part 1]

Lauren: Hi welcome back to Animal Voices CIUT 89.5 FM, today we're speaking with Gary L. Francione, Professor and an author of many different books. We have a lot of interviews with Professor Francione so if you're interested in hearing more from him of course he has a developed website too that we'll reference the end of the program, but you can also go to animalvoices.ca and check out our various interviews with Francione over the years. Before the break I was mentioning to Gary that I would love to hear more about some of the critiques that he has, some very specific critiques about some of the welfare legislation that's been passed and how this has been heralded by some as being a victory for animals. And one of the repeated arguments that you make throughout the book Gary is that if welfare measures worked, and we've been doing this – people have been doing animal welfare-type

work for a really long time, we would see a really big drastic drop in animal exploitation or things would be getting better and of course you point out that things are actually getting worse. I think that some people say “Well, if it weren’t for all those animal welfare laws and regulations and statutes et cetera, then things would really really be bad”, so actually –

Gary: How much worse could they get? [laughter]

Lauren: It’s slowed it down. I’m not saying that’s true but I’m just offering as a suggestion that people might say that. And this is the reason that I wanted to come back to those specific cases because I think you really, in specific terms, debunk that claim.

Gary: Yeah I mean look. We’re using more animals now in more horrific ways than at any point in human history. So we’ve had animal welfare – some folks – there’s sort of like a revolving membership in this phenomenon called the animal rights movement: new people coming in and then get disgusted and they leave and then a new group comes in and then they get disgusted and leave. And the group that comes in always sort of thinks that animal welfare is something that we came up with three weeks ago and let’s give it a chance. And the answer’s “No no it’s been around for two hundred years and it’s had a very very strong presence in Western civilisation”. It’s had a very very – and I don’t mean to say, there are different sort of ways of looking at things in places like China and India and what not so I just want to confine my comments to Western thinking and Western philosophy. We’ve had this phenomenon called the animal welfare movement for a couple of hundred years now basically since the utilitarians in Jeremy Bentham and John Mill and those folks started saying “Wait a minute, we ought to give women the right to vote, we ought to get rid of slavery, we ought to stop abusing animals, and things like that”. Animal welfarism emerged as part of a progressive social movement in the nineteenth century and so we’ve had it for a couple of hundred years and it’s been a very very strong presence for a couple of hundred years and it hasn’t really gotten us anywhere at all.

What we must understand is animals are property, they’re economic commodities. But they’re different from other pieces of property that we own because, unlike our stereos, cars, bicycles and other things, they have interests. They have preferences, desires and wants which inanimate property doesn’t have. And to the extent that we protect those interests it costs money. And so what ends up happening is the standard of animal welfare gets linked very very much with the level of protection that is needed to efficiently exploit particular animals for particular purposes. By which I mean we protect animal interests only to the extent that we get an economic benefit from doing so. By and large, I mean there are some minor minor exceptions to this, but by and large that rule holds. And it makes perfect sense because if we spend more money, if we protect animal interests more and we spend more money on animal interests, then what we’re doing is we’re acting in an economically inefficient way. And we can’t do that, particularly in a world where we have these free trade agreements and there’s a lot of competition and what not. That simply doesn’t work. I mean there are all sorts of practical problems that come up. For example, it doesn’t really matter whether a country in Western Europe gets rid of egg batteries. It doesn’t really matter because, under the rules of the European Economic Community, that country cannot stop the import of eggs from a country that doesn’t have battery eggs. Although by 2012 they’re supposed to get rid of battery eggs, even though they allow these these things called ‘enriched cages’, which are basically battery cages. But under the EEC rules, the countries are supposed to get rid of conventional battery cages by 2012. No that’s not going to happen because there are a lot of countries in the European Union and a very small percentage have

even started to implement this directive and it's not going to happen by 2012. But it doesn't really matter because to the extent that country X diminishes its production of battery eggs or goes to enriched cages, which again presents all sorts of welfare problems, the eggs can be bought from a country that have lower standards, and you can't stop it under the rules of the European community, you cannot stop the import of those eggs on the basis that they are produced under a lower welfare standard. Same problem NAFTA, GAT, all these free trade agreements basically say that you can't have barriers to trade based on these sorts of considerations. And so the economic pressure, if anything, has intensified so that if you spend more money on protecting animal interests you're going to be at a severe competitive disadvantage. You may be able to appeal to a niche market of affluent, elitist people who have money and who claim to care about animals but want to continue to eat them. You may be able to appeal to that niche market and make some money. But by and large you aren't going to be able to feed lots and lots of people that way. And you're going to be at a competitive disadvantage.

So the argument that I have and that I discuss in the book is that if look at animal welfare standards, you see that they are pegged to efficient exploitation. That basically we don't protect animal interests except when we get an economic benefit from doing so. So those people who would argue that if we didn't have animal welfare we wouldn't have the level of protection that we have things would be worse, the answer is "No they wouldn't be, no they really wouldn't be" because all the animal welfare standards do is require that the owners of animal property act in a rational way and they don't inflict gratuitous suffering on their property which rational property owners wouldn't do anyway because they wouldn't get an – I mean, why would you take a hammer and go out and start smashing your car? If you're rational, if you're not insane – only crazy people do that sort of thing – you wouldn't do that sort of thing. Because you would be diminishing the value of your property, you wouldn't be getting anything from it (unless you had some perverse satisfaction), but you wouldn't be getting anything from it. Similarly, why would you use methods which are inefficient, which cost you more money than alternative methods, which would cost you less money. So what ends up happening is the animal people, the animal groups, they go around and they're looking for procedures and processes which are not economically efficient. We're seeing this now from ... (7.19) in Canada with this 'controlled atmosphere killing' business with Kentucky Fried Chicken. That is a perfect example. The electrical stunning of chickens is on its way out. The agricultural economic studies indicate quite clearly that controlled atmosphere stunning or controlled atmosphere killing are economically more efficient ways of killing animals. Yes there's a capital cost, but after you deal with that initial capital cost, which you can recoup basically – the studies in Europe have indicated that British producers that have gone to these alternative methods like controlled atmosphere stunning and killing are recouping their capital investment in about a year. After you recoup that capital investment, you are making a lot more money that you are making with the electrical stunning method because there's less carcass damage, there are fewer worker injuries, there are a lot of economic advantages to controlled atmosphere stunning. So what happens is, you have people in these animal groups, they employ people who read journals and identify practices that are being questioned by people within the agricultural community as being economically inefficient. And then these groups start campaigns against these processes. And although there's initially often a negative reaction from industry because industry doesn't want to be told, because industry is still processing the information. But where there is movement in the industry towards getting rid of a practice – gestation crates, veal crates. These are all procedures and processes and practices which are not economically efficient; alternatives to these processes and to these practices will actually result in greater profit for

producers. And so you have animal people who identify these things, target them in these campaigns. And then when they win, or when the practice is changed – which it was going to change anyway – they declare victory and then you get eighty million solicitations to give your money because there's been this great victory. So in a sense, what the animal movement has become Lauren, is it has become an informational tool for animal exploiters. What animal groups do is they go to industry and they say “Look, we're collecting information and we think you ought to change this practice because it appears as though it's economically inefficient. This is a win-win situation. We'll be able to claim that animals are being protected more, you will be able to claim that you care about animals more, and you'll make more money”. So they negotiate these things and...it was comical in Florida where HSUS and Farm Sanctuary spent how much money, I mean a lot of money, on a campaign against gestation crates. There are basically two producers in the entire state who are still using gestation crates and both of them were basically in the process of going out of business and they were eligible for considerable state stipend because they were closing down their businesses. But there wasn't widespread use of the gestation crate anyway. I mean everybody is recognising that electrical sow feeding is an economically more productive way of doing this, of engaging in this form of exploitation.

So really these welfarist campaigns are worthless, they are worthless. They are not resulting in greater protection for animals. What they are doing is they are enriching these organisations and they are making people feel better about animal exploitation. Because now they can go to Wholefoods which has been given awards by PETA, John Mackay's been on the cover of VegNews, John Mackay has gotten an award for VegNews, and all this sort of stuff. So they can go to Wholefoods now, as I was yesterday, I went there yesterday to pick up some vegetables. And Anna and I were remarking on a large sign they had by the meat counter about how they care about the happiness and wellbeing of their animals. And all of their surprises are committed to giving these animals a great life. They're got a huge meat section and a huge fish section. And there are all these people buying this stuff thinking “Hell, I'm an animal rights activist. I'm buying my meat at a store that's gotten an award from PETA”.

Lauren: Can I, I just want to stop you there for a second. I think it's interesting that you bring up Wholefoods for a bunch of different reasons. I'm not sure if you're aware but I'm currently finishing my Phd. in environmental studies, and it's been a really interesting place to kind of bring up animal issues. And part of what Wholefoods does too is not only can you position yourself as an animal rights person, but you can position yourself as an environmentalist.

Gary: Absolutely. Oh no no they're ringing all the bells Lauren [laughter], they're ringing all the bells. I mean it is really brilliant what they're doing. But all of these organisations do the same thing. You have Kentucky Fried Chicken coming out arm in arm with PETA: “We all are about animal welfare, we all care about the environment”. This is marketing. It's pure and simple, it's marketing.

Lauren: In relation to sentience though, because this is the core of what you're talking about, I think that one of the most difficult things for people who are truly interested in the type of theory that you're talking about (from my perspective anyway, insulated within the academy in this degree in environmental discourse) is that by focusing on sentience as being the only criteria that matters ultimately, environmental discourse says “Well you're basically then

casting all other non-human nature into the realm of resources”, that there’s kind of an over-privileging of sentience which results then in this exclusion of other non-human nature.

Gary: Well, I mean look. I do think that there’s a difference between a dog or a chicken or a fish, and a plant. Are plants alive? Yes. So they have minds? Not as far as we know. Is there anyone there who cares about what happens to him or her? The answer is not as far as we know. Might we be wrong? Yeah, possibly, but probably not. So yeah I do think that there’s a huge difference: plants are alive and dogs are alive but there’s an enormous difference between a plant and a dog. The dog is the same as I am in terms of we are both sentient. And we are alike in a very relevant respect and unlike everything else in the universe including things which are alive and not sentient. Now, let me say this. I think you’re raising an interesting question. The problem I have with starting talking about the moral value of plants or the inherent value of plants and that sort of thing is that whenever you start engaging in that discourse, animals get put over on the side of the plants as things that we should use, but use respectfully. And that is the problem I have. It’s one of the problems I have; I think there’s a perceptual problem because I don’t think plants have minds whereas I think anything that is sentient, it has a mind, there is someone there caring about what happens to him or her. I do not believe that the sprouts that I ate this morning for breakfast, I don’t believe that any of those sprouts cared about whether I ate them. I don’t believe that there was anyone there who had an interest in my not eating that particular sprout. And so I think for me that is an extremely important point.

But I would also say that if we all took seriously the not eating animals and we all took veganism seriously we would have many fewer problems with the environment. It is animal agriculture which is the largest source of greenhouse problem, much more so than the use of fossil fuels for transport. By taking veganism seriously, which is basically a central argument of the book, the book really is sort of the philosophical foundation of veganism; why if you care about animals, vegetarianism isn’t enough, being a flexible vegan is not enough – veganism. That’s the only thing that makes sense if you take animal interests seriously. If we took animal interests seriously, if we regarded them as persons, if we stopped exploiting them, if we stopped eating them, wearing them and using them, their environmental impact would be magnificent. Whereas what concerns me as a political matter is if we regard animals as being like leaves and the trees and everything else, that worries me because then they’re becoming resources. Because the bottom line is that the most ardent environmentalist or ecologists I know still regard those plants and those ecological systems, they regard them as resources. There may be huge differences between the non-ecologist and the ecologist, or between the deep ecologist and the environmentalist – whatever. There may be deep differences about what level of respect is owed, or what level of care must be exercised in order to utilise those resources in a morally acceptable way. But make no mistake about it, they still regard them as resources, as things that we can use. And my view is that animals don’t fall into that category.

And look, I mean, I think that these issues are terribly interrelated. Yes, I do regard the environment basically as a resource. But I also see it as we ought not to be cutting down the tree, not because the tree cares that we cut the tree down; as far as I know there’s no one there that cares about whether I cut the tree down. The animals that live in the tree care, the squirrels and the birds and everybody else, the sentient beings who live there, they care. And you might care because you need to use that tree for some other purpose that’s more important for the frivolous purpose that I want to use it for. There could be all sorts of reasons why we ought not to but down the tree in terms of obligations that we owe to sentient

beings, human or non-human, with respect to global warming issues or other sorts of issues. But I have never understood – and believe me I’ve tried – I have never understood the concept of an obligation to a non-sentient being. I can have an obligation to *you* not to eat the lettuce because you are hungry or you are more hungry than I am and it would be better for you to eat the lettuce than me. But to talk about my obligation to the lettuce is something – I don’t even understand what that means. It’s a locution, I don’t even understand what that means.

Lauren: I think there’s too this sense that the self-righteous vegan who feels that he or she has fulfilled their moral obligation and they might be drinking chocolate soy milk with non fair-trade chocolate, from a GMO soy bean. And there’s this push back towards veganism that says “Well you guys have neglected” – or potentially with your freeze-dried soy meats or whatever else – “You’ve neglected really an accountability to environmental issues more broadly”.

Gary: Lauren, you could say the same thing about any moral issue. You could say “If I’m interested in child abuse and I’m a campaigner against the exploitation of children, I’m still not living a perfect moral life because I’m not a vegan or I’m not ” – I mean you could say that about anything. You can always say “Well, vegans are not being as environmentally conscious”. Well you know what? Okay, that may be true. And we all ought to be environmentally conscious, and we ought to be conscious of human right issues, and we ought to be conscious about a whole range of issues. What concerns me is the non-vegan who basically says “Oh well you vegan are being elitist because you think everybody should be vegan”. And the answer is I think the elitism is primarily with the non-vegan. Because I don’t believe we can justify the exploitation of animals. I think it’s the ultimate elitism. The idea that anybody thinks it’s okay to eat ice-cream because they like the taste of ice-cream is, that to me – and again I’m not making moral judgements about individuals, I’m talking about a way of thinking, that’s a foolish way of thinking. It’s like “My taste matters more than the suffering of that cow and what that cow went through for me to get this product”. Having said that, we all ought to be more conscious about a whole range of moral issues.

But what concerns me is sort of the attack on vegans that we’re seeing coming basically from non-vegans and people who don’t want to confront the problem of...I have to be honest with you. I teach in a law school and I encounter a lot of folks who are interested in environmental issues. Then they talk to me about ecology. And the first thing I say is “Are you vegan?” And when they say “No”, immediately what I think in my mind is “This is not a serious person, this is somebody who takes social activism as putting a ‘Free to bed’ (19.36) sticker on the back of your car which I don’t regard as particularly meaningful in the grand scheme of things.

But I did want to tell you before we ran out of time that Columbia University is just about to announce, and will make a formal announcement, that there is going to be a new series on animal issues and animals in culture, and that’s really significant because Columbia University is one of the most I think prestigious presences at least in the United States and probably in the world. And I’m going to be editing it with Gary Steiner, who’s the chair of the philosophy department at Bucknell Univeristy. And so he and I are going to be editing a series. And also I’m going to be doing a new book with Columbia called *Animal Rights versus Animal Welfare*, and I’m going to be debating a prominent animal welfarist whose identity will become known when he decides to disclose it and we’re going to be doing a debate book about animal rights versus animal welfare.

Lauren: Great. Fantastic. Would you like to plug your website?

Gary: Yes, it's www.abolitionistapproach.com. People can go there and can be educated in all sorts of ways. That's the most important thing: non-violent, creative vegan education. That's how we're going to change the world.

Lauren: Gary, thank you for being on the program. I really enjoyed this book, I thought the collections were very lucid, accessible, interesting, very relevant. And I just really appreciate it again just for my own work, the very careful critiques that you do of some of the current welfare measures.

Gary: And didn't they do a nice job designing that cover? I thought Lisa Ham did a wonderful job. That picture, that dog on the front, is one of the dogs we rescued [laughter].

Lauren: And I'm really glad that you dedicated it to your dogs and your hampsters.

Gary: Indeed, indeed. They have taught me so much, I can't thank them enough. You take care, thank you very much for having me as a guest, I enjoyed it.

Lauren: Thanks Gary, bye.

Gary: Bye-bye.

Lauren: We were just speaking with Gar Francione. Interesting interview. Gary L. Francione is a Distinguished Professor of Law and Nicholas deB. Katzenbach Scholar of Law and Philosophy at Rutgers University School of Law in Newark. We were talking to him about a book called *Animals as Persons*, it's his most recent book, *Animals as Persons: Essays on the Abolition of Animal Exploitation*. There's tonnes of interviews on his website. Of course we have lots of interviews with Gary Francione as well at animalvoices.ca.

[show break]

[end of Part 2]