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COVER STORY

Animal Logic



Think animal rights is a crazy idea? Gary Francione, influential law scholar and dedicated troublemaker, swears he can change your mind.

by Vance Lehmkuhl

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"I understand why a lot of people think these are crazy ideas," Gary Francione assures me, his tiny eyes peeking out over the top of his sunglasses. "No, I really do."

And we'll see: "Animal Rights" is a concept that doesn't mix too well with cheesesteaks, horse carriages, hot dogs, ice cream cones, circuses, zoos, cream cheese and other things many Philadelphians take for granted.

And the phrase, which both activists and their detractors tend to use, is imprecise. The average listener will hear it and say, "Ah, I understand. You're completely off your rocker."

Still, Francione kept it in the title of his new book *Introduction to Animal Rights: Your Child or the Dog?* (coming soon from Temple University Press) exactly because it is "inflammatory" and he could get people's attention for his heavy-duty argument against animal exploitation.

"You see," he's saying, as we sit on his patio on a recent Sunday afternoon in Chester County, "I want to take that reader who will say, this guy's a kook because he wants rights for animals, and say, no — this is the same thing you believe in, if you just examine it."

Francione, 46, has had two other books published by Temple, but this one has the potential to reach beyond the academic world where he routinely causes a stir.

"The approach is very straightforward and basic," Francione says. "The argument is sound — I mean, this is a theory that Joe Blow can understand right away. You don't even need the concept of animal 'rights' to make it work. You're already with me on this if you think about... Robert!"

It's hard at this point not to think about Robert, a long-haired-dachshund-German-shepherd mix who is sitting up on his hind legs and pawing the air repeatedly in a bid for some table scraps.

"Robert!" Francione chides him. "Stop it! That's pet behavior; you're a companion animal. We don't do that here."

Francione is joking about the distinction, but Robert doesn't get the joke. And if he and his ilk can't even get a simple joke, how can they be trusted with rights? This is one of the ways of thinking Francione is working to dispel.

"Yeah, most people hear 'Animal Rights' and think of animals driving, animals voting, animals bringing lawsuits. No. I'm talking about one right: not to be property. That's all."

The only problem, he notes, is that making good on that one simple notion would turn our whole society inside out.

"I know," he says, leaning back in his chair, "that's why it's called revolution."

It might be a hard sell.

Fired Up

If anyone is prepared to take on such a difficult case and argue it to a logical conclusion, it's Gary Francione.

"He's probably the most influential animal rights lawyer in the world," says Stuart Deutsch, dean of Rutgers Law School in Newark, where Francione is a tenured professor.

"He is an enormously talented, enormously productive person, and whether you agree with him or not, he makes people think about why they believe the way they do. No lazy thinking is allowed."

Deutsch credits Francione for almost singlehandedly establishing the discipline of animal rights law in the ten years since he began teaching courses in the subject at Rutgers. Today, Deutsch notes, "Animal rights courses of one sort or another are being offered at at least a third — if not half — of the law schools in the country."

"He's accomplished a great deal," says Deutsch, "and he's done it with a fair amount of flair."

A flair for making legal arguments, or a flair for making trouble? Deutsch diplomatically says that "he's operating in a field that generates a lot of controversy, and he doesn't shy away from controversy."

"Shy" would not be the word.

Francione has found himself in confrontations from pigeon shoots to sit-ins to public debates, and in the process he's gotten plenty of people pissed off at him. His participation in Fur Free Friday in Central Park in 1996 led to a death threat credible enough that the police wrapped him in a bulletproof vest, surrounded him at all times and had a helicopter looming overhead for the whole event.

He takes extreme positions that some find antagonizing. For instance, where many local groups are working to improve carriage horse conditions and limit working hours, and the Philadelphia District Attorney's Office is involved in prosecuting one of the company owners, Francione has a simpler idea: The whole industry should be banned. Now.

"The concept that in the year 2000, almost 2001," he snorts, "that it's 'charming' or 'romantic' to be in the middle of a major high-tech industrial area with some poor horse pulling you around the street — that's idiotic."

Francione has gotten into heated debates with hunters and animal researchers. Jerald Silverman of MCP Hahnemann School of Medicine, a lab animal veterinarian who's friendly with him, admits that Francione can be "a bit of an absolutist. Compromise to Gary means eliminating an entire class of activity, whereas others are more willing to work for animal welfare."

But the disagreements have also been between Francione and other animal activists.

For one thing, Francione draws distinctions between his thinking and that of many who use the phrase "animal rights," such as Peter Singer (see sidebar) and Tom Regan, author of *The Case for Animal Rights*.

This is where "your child" and "the dog" come in. Francione believes that our model for measuring human interests vs. animal interests is distorted, rigged so that our interests will always outweigh theirs.

When we want to eat a steak, but a cow wants not to suffer and die, what's the basis for resolving that conflict? Well, imagine this, Francione argues. "You arrive home and find your house burning. There are two occupants alive inside the burning structure: your child and your dog. You are the only person in the vicinity. The fire is burning so furiously that you have time to rescue either your child or your dog but not both. Which do you choose?"

Any average reader would sensibly answer "your child," and that's right, says Francione. In any situation where there really are equal interests between humans and animals (in this case the interest in not perishing by fire), we should choose the human. Fine. The problem, he says, comes in using this same rationale to settle the steak vs. cow conflict, which happens all the time.

"We drag the cow into the burning house and then wonder what to do," he says. In other words, we wind up choosing the trivial (and patently unnecessary) interest of the human in having a steak over the essential interest of the cow in living and not suffering only because one is a human and the other is an "animal."

Such a choice would at least make sense, Francione argues, in a society that admittedly considered animals to be things. But we don't, he says. *Your Child or the Dog?* opens with stats from various opinion polls showing that by and large we do recognize animals as something other than things. For example, two-thirds of Americans polled by the Associated Press in 1996 agreed with the statement, "an animal's right to live free of suffering should be just as important as a person's right to live free of suffering."

Francione sees his task as supplying that two-thirds of our population (and the other third as well) with the logical building blocks to go from point A to point B, with the latter being the commitment to abolish animal exploitation.

Otherwise, you're stuck with what he calls "moral schizophrenia."

Meat Without Eyes

If there's one thing that sets Gary Francione off, it's people who don't practice what they preach.

And it sometimes seems that set of people might include every other human on the face of the planet.

Everyone, that is, except Anna Charlton. Charlton, 43, is Francione's partner at home, in print and in the classroom; she's an accomplished animal rights lawyer herself. She passes through, attending to the couple's seven dogs (one is sick today) and helping to scold Robert for being so stubborn. Like Francione, she refers to the dogs as "the kids." (The two have elected not to have children.) They met in York, where Francione had gone in 1976 after graduating from the University of Rochester. He was studying the philosophy of science, she medieval studies, and they hit it off.

"On our first date," Francione recalls, "we went to this restaurant and we both ordered trout. And they bring the goddamn thing with the eye in it. And we end up like not eating because we're thinking 'it freaks me out' and she says, 'I really feel uncomfortable eating something with an eye, because it really brings home that you're eating an animal,' and I'm like 'yeah I know,' and so we end up sort of eating around it, eating all the vegetables and stuff like that, but we just were not making the connection. So even when we came back to the U.S., we're still continuing to eat meat, just not meat that has eyes! Stupid criterion, huh?"

In 1977 Francione entered the University of Virginia for law school, and also picked up a master's in philosophy there. During a discussion, a fellow student charged that Francione was failing to give serious consideration to the moral status of animals. Francione agreed to visit a slaughterhouse with the student, and what he saw immediately changed his philosophy — and his diet.

"It was an experience that had a profound effect on me," he says. "I stopped eating meat that day. I literally came home from the slaughterhouse and I said to Anna, 'I can't do this anymore' and she said, 'You know, I've been thinking about it too,' and we just said let's get rid of it. So we did."

Francione got his J.D. in 1981 and after clerking for Judge Albert Tate of the Fifth Circuit U.S. Court of Appeals in New Orleans, he was recommended by the judge for a plum assignment: law clerk for Sandra Day O'Connor, the newly installed Supreme Court justice.

"Justice O'Connor," says Francione, "is a remarkably open-minded person. She has a tremendous respect for religious and spiritual and ethical beliefs, and we would talk about animal issues and she was always very interested and respectful. Plus, she always went out of her way to make excellent vegan food when she had me over to the house."

Justice O'Connor's beneficence even beat the rules of the Supreme Court. Francione would find dogs that had been hit by cars or endangered strays and would hang onto them until D.C. Animal Control came to pick them up — in Justice O'Connor's chambers.

She was "an absolute angel when it came to allowing me to bring injured animals into the Supreme Court when there was a rule against having animals in there at all. Nobody else on the court would have let me get away with that."

"I mean," he adds, chucking, "if I had been clerking for Justice Rehnquist, come on, I probably would have been shackled to my chair!"

One day, a D.C. Disease Control officer named Ingrid Newkirk showed up to collect an experiment. The two got to talking and found enough similarities (in addition to their vegetarianism and animal activism, Newkirk, like Anna Charlton, was from England) to share a meal the following week. Newkirk and Alex Pacheco had just formed a group called People for the Ethical Treatment of Animals, and both came to dinner at Francione and Charlton's apartment.

"They had been in Louisiana," Newkirk recalled in a phone conversation, "and I didn't know that you could have red beans without meat, and they served this lovely red-bean dish." At one point, she got up and opened the refrigerator to get a drink refill and found a gallon of milk. She picked it up and held it out, saying "What is this???" Francione calmly pointed out that "they don't kill the cows for that, Ingrid."

"Where do you think they end up, Club Med?" she retorted. She went on to argue that dairy cows are exploited and then slaughtered after more prolonged suffering than even beef cows. Francione listened and found the argument valid.


"I looked over at Anna," he recounts, "and I said, 'last time I knew, I never really thought about that. And that was it, that was the last time I had a dairy product.'"

"That is one of the things Ingrid did for me," he grins, "for which I am most grateful."

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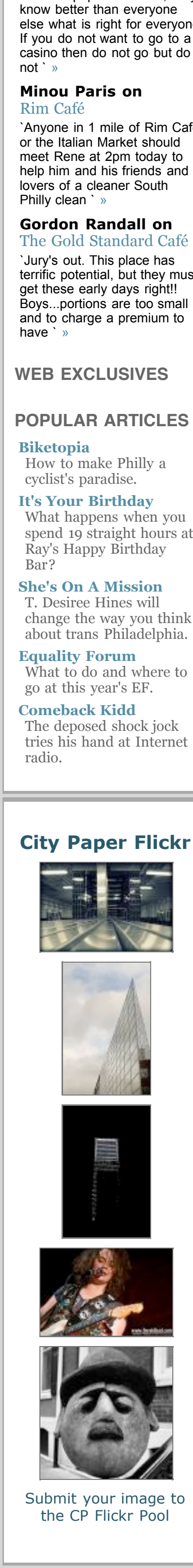
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