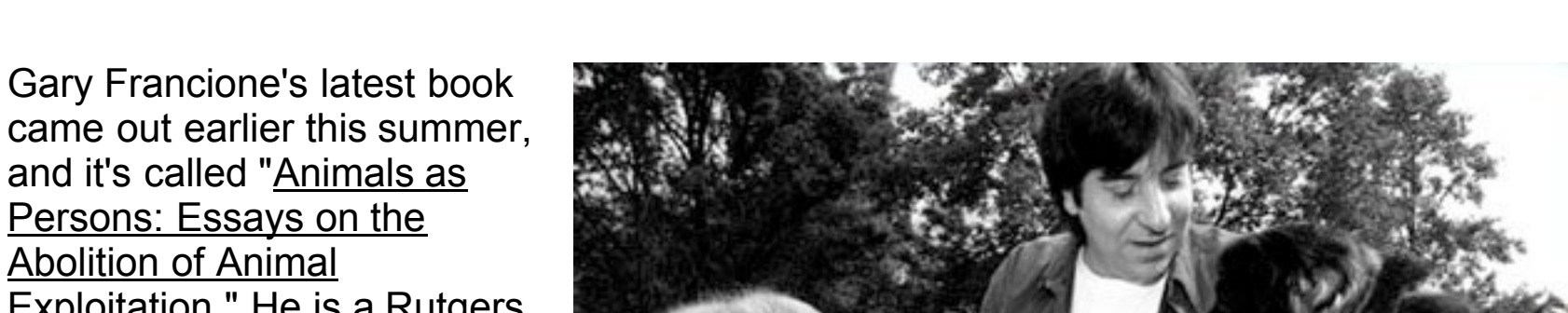


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Interview with Gary Francione about animals as persons. Posted by MarkRobison at 8/13/2008 11:57 AM PDT

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Gary Francione's latest book came out earlier this summer, and it's called "Animals as Persons: Essays on the Abolition of Animal Exploitation." He is a Rutgers University distinguished professor of law and Nicholas deB. Katzenbach Scholar of Law and Philosophy. He's also written two of the foundational books in animal-rights theory -- "Rain Without Thunder: The Ideology of the Animal Rights Movement" and "Introduction to Animal Rights: Your Child or the Dog?"

One of his primary theories -- and I hope I can describe it accurately -- is the burning-house situation. If a dog and a child are in a burning house, whom do you save? Francione's theory is that, in general, most people will save the human and that this is understandable and defensible, but that most scenarios we as humans face with animals are NOT burning-house situations but instead are manufactured situations for our benefit where we claim that we must choose the human over the animal. He claims that if we're to be consistent in our moral behavior and not discriminate based on arbitrary characteristics (such as race, gender and species), then all sentient beings must have the bedrock right, regardless of any other rights, not to be treated as property, as mere things to be used solely by others for their own purposes with no inherent value to their own lives.

I recently finished "Animals as Persons" and hope to write a review with an excerpt soon. But in the meantime, I interviewed Francione via email. Below is the full transcript. (The photo shows Gary with some of his dogs.)

MOSTLY DOGS: My main audience is mainstream pet owners. What is the consequence of your contention that we should treat "animals as persons" for them?

GARY FRANCIONE: Let me clarify from the outset that by maintaining that nonhuman animals are "persons," I do not mean that they are the same as human persons or that we are morally obligated to treat nonhumans as human persons. Humans have interests that nonhumans do not have, and vice versa. But just as we regard every human -- irrespective of her particular characteristics -- as having inherent value that precludes treating that human exclusively as a resource for others, so, too, animals have inherent value that precludes our treating them as our property.

We may as a matter of personal choice attach a higher value to our companion animals, such as dogs and cats, but as far as the law is concerned, even these animals are nothing more than commodities. The law will respect our desire as "pet" owners to value our nonhuman companions as persons and to treat them as family members; the law will also respect our desire to use them as guard dogs, keep them chained, and show them no affection.

My guess is that most of your readers probably do value their nonhuman companions as family members and think of them as nonhuman persons. The problem is that most of your readers probably also suffer from what I call "moral schizophrenia." They regard their dogs and cats as members of their families; they treat other animals, such as cows, pigs, chickens, and fish as things into which they stick forks. That makes no sense whatsoever.

The central argument in my book is that we have no moral justification for treating any sentient nonhuman as a commodity that exists for us to exploit. Just as we recognize that notion where our nonhuman companions are concerned, we should recognize it as a general matter. I argue that if we really want to take animal interests seriously, we need to become vegans and stop eating and otherwise consuming animal products.

MOSTLY DOGS: You have a number of animals in your life. Tell us a little about them and how you approach your relationship with them as far as care, feeding and training based on your view of animals as persons.

GARY FRANCIONE: We presently have five rescued dogs; we have had as many as seven at one time. They are members of our family. We love them and we do whatever we can to promote their well-being.

As far as feeding is concerned, we are all vegans in this house. We generally feed the dogs a homemade mixture of organic grains, legumes, and vegetables to which we add a vegan vitamin blend and yeast. We also on occasion use a commercial vegan/organic dog food. The dogs love their food and they are all very healthy. One of our dogs, a blind shelter rescue, is presently pushing at least 18! We have had dogs who came to us in very poor health and who have really flourished on a vegan diet.

As far as training is concerned, when we need to use training methods, we never employ any methods that are negative or that involve physical force of any sort. We have found that the techniques promoted by Cesar Milan work very well even with difficult dogs or those who have come from an abusive background.

MOSTLY DOGS: Some would say that there's hypocrisy in you gaining so much from your relationship with your companion animals -- and with you capable of interacting with them in a way that does not treat them like property -- yet you want future generations to be denied this experience and you seem to imply that they're incapable of treating cats and dogs in the way that you treat yours. Is there a problem here? And if cats and dogs breed naturally without any help from us and are not treated as property, what would be wrong with people allowing some to share their lives? The reason I phrase these questions this way is that lobbyists for meat, fur and hunting organizations like to scare off people sympathetic to animal rights by saying that animal rights philosophy requires that people give up their pets and that future generations never be allowed to share their lives with dogs and cats. This is a deal breaker for many people for even considering the merits of animal rights. Personally, I've never seen a problem with sharing our lives with cats and dogs in an animals-as-persons world. Cats and dogs have always been drawn to human living situations and if they breed naturally because they hook up for sex without human intervention, then I don't see 1) how it violates your concept of animal rights and 2) how the animals are harmed.

GARY FRANCIONE: You have raised a number of issues here. First of all, let me describe briefly my view about the moral status of the institution of "pet" ownership. Although I treat my nonhuman companions very well and I assume that most of your readers do as well, the empirical fact is that most dogs, cats, birds, and other "companion" species have absolutely horrible lives. A small fraction of humans treat their nonhuman companions as family members; a much greater portion treats them as things. So as an undisputable matter of fact, most humans do not treat their cats and dogs well. Many of the dogs we have adopted over the years came from a background of neglect or outright abuse and we adopted them because they had physical or behavioral problems. There are almost 300 million animals on Petfinder.com as of today who do not have homes.

However, my view is that domestication itself is morally problematic apart from the matter of how humans actually treat nonhumans. That is, even if, contrary to the reality that most people treat dogs, cats, and other animals horribly, everyone treated them well, I do not think that we can justify morally the institution of domestication. We facilitate bringing into existence sentient, emotionally complex nonhumans who will, for their entire lives, be dependent on us for virtually every need that they have. They exist in a netherworld of vulnerability, forced to live in world with a different species that has complete control over the lives. Let me put it a different way: even if we were all kind and benevolent slave owners, human slavery would still be wrong; even if we were all kind and benevolent "pet" owners -- and I emphasize again that only a small fraction of us are -- the institution of "pet" ownership cannot be justified. We should, of course, care for those domesticated animals whose existence we humans have caused or facilitated. But we should not continue to breed animals so that humans can have "pets."

You ask: "And if cats and dogs breed naturally without any help from us and are not treated as property, what would be wrong with people allowing some to share their lives?" I am not sure what you are asking. Are you asking whether it would be acceptable to have "pets" if dogs and cats mated on the street rather than in the breeder's facility? What is "natural" for a domesticated animal? Moreover, you refer to our not treating them as property. What relationship would you substitute? The current campaign to have the owners of dogs and cats called "guardians" is ridiculous. The bottom line is that those humans are still owners no matter what you call them. These "guardians" can still have their healthy animals "put down" (i.e. killed) or can dump them at a shelter.

You claim that people will not even consider animal rights because they disagree with my views on domestication, which they will treat as a "deal breaker." The cornerstone of my theory of animal rights is veganism. I can assure you that humans who want to continue to eat animal products, whether flesh dairy, eggs, or whatever, do not need my view on domestication to serve as an excuse for their continued consumption on animal products. If you want to continue to exploit animals, there are a million excuses that can be offered as "deal breakers." I know; I spend a good deal of my life every day addressing them.

Actually, I think that if we recognized that veganism was a moral imperative, we would have no problem in seeing that the institution of domestication was inherently problematic irrespective of how well we treated our nonhuman companions. It would be clear.

MOSTLY DOGS: Nicholas Kristof recently wrote a piece in the New York Times about how Proposition 2 on the ballot in California is a major gain for animal rights. What's your take? (Note to readers: Proposition 2 is self-titled "Prevention of Cruelty to Farm Animals Act." At its heart, it aims to end lamb veal crates, chicken battery cages and pig gestation crates so that animals raised for meat and dairy have slightly more room to turn around. You can learn more here.)

GARY FRANCIONE: I can provide for you a portion of what I wrote on Mr. Kristof's blog: "Proposition 2 is most ill-advised."

First, Proposition 2 will not even come into effect until 2015.

Second, even if and when Proposition 2 does come into effect, it will do precious little to provide meaningful protection for animal interests. Indeed, the animals raised for food in California will still, even if Proposition 2 is enforced to its limit, be treated in ways that would constitute torture were humans involved. The only difference will be that the new regime of torture will have the imprimatur of the Humane Society of the United States and other animal advocates who are promoting it.

Indeed, these sorts of "reforms" arguably increase animal suffering and death by making people feel better about consuming animals and increasing consumption. There have been countless media stories in the past several years involving people who were vegetarians or who had decreased their intake of animal products because of moral concerns but who are once again eating "happy" meat and animal products that have been given some sort of "stamp of approval" by animal advocates. Indeed, your editorial makes the point. You recognize that there is a moral issue here, but Proposition 2 makes you feel better about not confronting that moral difficulty squarely."

MOSTLY DOGS: The most compelling and interesting part of your new book "Animals as Persons," for me, was the part where you dissected the biggest "victories" by animal groups such as PETA and the Humane Society of the United States and you revealed how these legislative victories in fact strengthen the ways that humans hurt animals. Are there any animal groups you would recommend people donate to? And what do you think is the best way people can help animals in their individual lives?

GARY FRANCIONE: I personally do not contribute to any of the large animal groups. I think that these groups do more harm than good for the most part and most of them already have millions. I do contribute to organizations that do on-hands work with animals. I have supported the Peaceful Prairie Sanctuary in Colorado, which cares for hundreds of rescued animals and promotes veganism. I have supported no-kill shelters and small groups that care for feral cat colonies.

The best way to help animals is to stop participating directly in animal exploitation. Do your part to lower demand by going vegan. It's easy to do and it's the right thing to do. And if you can, rescue an animal and give her or him a loving home.

MOSTLY DOGS: You often write about how speciesism is an arbitrary form of discrimination that can't be morally justified, special to racism and sexism. You also write about how if there's a burning house and you can save only a human inside or a dog inside, you should generally always save the human. Why is this not speciesism? If there's a man and a woman inside and you say you should generally always save the man, wouldn't that be sexism?

GARY FRANCIONE: You have not stated my position accurately. In Introduction to Animal Rights: Your Child or the Dog?, I argue that even if we would always choose for whatever reason to save the human in an emergency situation justifying a human and a nonhuman in which we could save only one, that would still not justify treating nonhumans as things. Think of this hypothetical in terms of humans alone and assume that in the burning house, there is a very young human and very old one. Even if we would always to choose to save the younger human over the older one on the basis that the former has not yet lived her or his life, that would not justify using older humans as forced organ donors or as unwilling subjects in biomedical experiments. Assume that the two human occupants of the burning house are your child and the child of your neighbor. Even if you would always choose to save your child over your neighbor's child, that would not mean that it is acceptable to use your neighbor's child in an experiment. The same reasoning applies if a nonhuman is one of the occupants of the burning house.

MOSTLY DOGS: A reader wrote in saying that allowing a cat to live by feeding her food made from fish is speciesist. He wanted to know why it wasn't hypocritical to kill hundreds of fish to save one cat's life if speciesism is truly something to stamp out. What's your opinion?

We're not going to stamp out speciesism by killing the cat either. I do not think that we should feed animals to other animals. Our dogs are all healthy vegans. I understand that there are now vegan foods for cats. So I am not sure that there is an issue here. I should add that 99% of the people who ask me about cat food issues are not themselves vegans so I am not sure why they find the cat food issue of any interest.

MOSTLY DOGS: My wife and I run a small sanctuary for rescued farm animals. Flies bother the donkeys, so we set out traps that kill hundreds upon hundreds of flies each summer. Do you think this is speciesist and wrong? How would you solve this problem instead? (Sprays don't work.)

GARY FRANCIONE: I do not know enough about flies and donkeys to know how to advise you here. You say that sprays don't work but I know other people who have rescued donkeys who claim that sprays do work. I know people who use various herbal extracts and similar products that repel flies. But in the end, I guess that the short answer to your question is that as long as we exist, we will not be able to avoid all harm. When we walk or drive or ride in public transportation, we kill insects even if we try to avoid it. The fact that we cannot avoid all harm does not affect the fact that there is a great deal of harm that we can avoid by going vegan.

MOSTLY DOGS: Question 8 reminds me of a passage in your book "Introduction to Animal Rights" where you say that people always ask about insects with the implication being that since it's hard to draw the line of which animal species deserve rights, none deserves rights. That's not the implication I get when I field the question. It seems to me people want to disparage the concept of animal rights because advocates are supposedly really saying, for example, that an ant has the same worth as a human baby. Do you think an ant or a dog has the same moral worth as a human child?

GARY FRANCIONE: I do not know if ants are sentient so that complicates the matter. Let's simplify the hypothetical with an animal who clearly is sentient -- a dog. Do I think that a dog has the same value as a human, child or otherwise? For the purpose of being treated as a thing, as a resource, as property, they both have the same moral value and we should not kill and use either for our purposes.

Again, let's think of this issue in the context of your example. We certainly do not think that humans are equal for all purposes. We pay a brain surgeon more than we pay a janitor and this says something about how we value the surgeon and the janitor in a just or one respect. But as far as using either the surgeon or the janitor in a painful biomedical experiment, most of us would regard them as moral equals in that they both have an equal moral claim not to be treated as a resource. The same reasoning applies where nonhumans are involved.

MOSTLY DOGS: The new book "Animals as Persons" does not seem directed to a mainstream audience -- I would liken it to a bonus DVD of supplemental features that hardcore fans would love. If you were to recommend a book to general audiences to learn more about animal rights (one by you or by someone else), what would it be? And what's the topic of the next book you're working on?

GARY FRANCIONE: "Animals as Person: Essays on the Abolition of Animal Exploitation" is not aimed just at "hardcore fans." That is, it is certainly not just for those who already agree with my view about animal rights as abolition rather than welfarist regulation or my view that veganism should be the moral baselines of the animal rights position. On the contrary, it is aimed at the growing number of people who care about the issue of animal ethics and who want to think more deeply about it. My earlier book, Introduction to Animal Rights: Your Child or the Dog?, is a more general book in the sense that it takes the reader step-by-step through the argument for animal rights. And it has pictures!

The book I am presently working on will be a debate-style book that I am writing with a colleague in which I will defend the abolitionist point of view and he will defend the welfarist position.

MOSTLY DOGS: Bonus question: When will your podcast begin?

GARY FRANCIONE: I am hoping we will have the first one out by the end of this month (August).

For readers who are interested in exploring these issues further, visit our website at www.abolitionistapproach.com.

To readers: If you have follow-up questions for Gary Francione or for me, please post them as comments or email me directly.

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Harry Seaward wrote: Ok animals are people, so the next time a neighbor chug trespasses into my yard I am going to place it under citizens arrest and have him prosecuted. If a dog bites me I have the right to defend myself and use reasonable force against it, and if a dog defecates on my yard I will have it charged with destruction of property.

MarkRobison wrote: Harry: That's a common -- but erroneous -- depiction of animal rights as well as Francione's idea about "animals as persons." As explained above, and in detail on Francione's site and previously on this blog, the right that's being discussed is a very simple one: the right not to be property, or in other words the right not to be a thing, the right not to be a slave, the right not to be treated merely as the means to someone else's ends.

As for rights beyond this, that's up for debate. It's similar to human rights. International law throughout the world holds that no human is mere property, that each person's life has inherent value even if no one else values it. Beyond that, all societies have different ideas of what additional rights people should have. And, even among humans, there are different rights depending on mental capacity and other concerns. For instance, I might have a right to drive whereas a severely mentally retarded person might not have that same right, but that doesn't mean this person can be used for medical experimentation, for meat or her skin used for someone's clothing.

Further, the person to be accountable for "crimes," is one who has the capacity to understand that an act is a crime. For instance, a toddler who picks up a gun and shoots someone is not held accountable for that crime, but if I were to do the same thing, I would.

I urge reading Francione's "Introduction to Animal Rights." It will argue in such discussions.

susann wrote: Francione is a crackpot, pure and simple. Animals cannot have rights because the concept of "rights" is a human construct. Animals should be treated humanely, but this nubjet doesn't think people should have animals as pets.

MarkRobison wrote: Susann: Calling someone a "crackpot" and "insane" doesn't help your argument. Please refrain from insults in the future or I'll need to reject your comments. But, for now, let's look at the specific criticisms you say make Professor Francione a crackpot.

1. You say that if a being cannot understand the concept of rights, they cannot have rights. Using this logic, then people with severe Alzheimer's, the mentally retarded and children cannot have rights either. That's not a world I want to live in. Francione's only criteria for the having the right not to be property is simply being a thinking, feeling being who values his or her life.

2. You say that thinking "domestication is slavery" is "insane." Let's imagine you were treated like the typical domesticated animal. You would be the property of your owner -- this makes you a slave. As property, you can be killed if your owner has even the flimsiest of reasons to do so. Your owner can work you even when you don't want to. Your owner can sell you or can use you however he sees fit. There were slave welfare laws requiring that slaves be treated "humanely" and pro-slavery people cited them often, pointing out that it's not in their interest to abuse their slaves. But abolitionists thought this wasn't good enough, that slavery is wrong no matter how humane. Francione regards "humane" slave laws as part of his books. You may argue that being owned by someone else and having your life in their hands can be a wonderful thing, but it's hardly an "insane" idea to think that life is better respected when one is not the property of another. One merely needs to put oneself in the shoes of the other being to understand.

Harry Seaward wrote: So Mr Robison, I take it you must have no pets at home since they don't have the free will to declare their own desires? Or maybe you just want to control the way "other" people handle "their" animals?

MarkRobison wrote: You say that I must have no pets at home since they don't have the free will to declare their desires. I have many animals at home AND they have the free will to declare their desires. But to reply to the idea you're raising, the general animal-rights position is that humans have an obligation to care for all animals who were brought into this world because of human action. It's because of us that they're here and to neglect them or to kill them for being inconvenient (too many, too expensive, etc.) is a failure on our part. Therefore, like Gary Francione says, one of the best things we can do to help animals is to adopt some and give them the best life we can. And like Francione, my wife and I do this with as many animals as we get physically and financially able to.

Harry Seaward wrote: Well, you're a man of solid conviction, I definitely respect you for that.

TheDogomom wrote: Mr. Francione says he doesn't use physical force. Yet, he then says the methods of Cesar Milan work just fine.

Cesar Milan is all about force, he just calls it (something different, but using a choke chain pulled up tight, poking your dog, kicking your dog for pulling, yanking, scruffing, alpha rolling, etc.) are force. If you watch (Ugh) the Dog Whisperer, Cesar regularly pokes, yanks, prods, kicks, slaps, jerks and stresses out dogs who work with him. I saw him in in episode puff himself up and proclaim "these dogs are respecting my leadership," when to anybody with eyes and a little training is dog body language could see the dogs were scared splish of him.

He discredits himself largely in my eyes. The 30 year study of DOG behavior conducted by Dr. Frank Beach concluded that Alpha to dogs is nothing to do with who eats first, who goes through doorways first, or who can alpha roll whom, but it is about confidence and controlling access to resources.

And I had a dog live a healthy life to 17 who ate crappy cheap dog food from most of her life before I got her. There are also dogs on vegan diets who have become very, very sick and nearly died.

MarkRobison wrote: To TheDogomom: I agree, Francione is flat wrong about Cesar Milan. Training theory is not his area of expertise, and I emailed him links to the full Jean Donaldson assault against Milan. (I can never remember if it is one L or two in Milan. Is it like the city?)

Dogs can do pretty on lots of different diets. I'm sure Francione would agree: if your pet is doing poorly on one particular kind of food, it needs to be changed. As mentioned before on the blog, one vegan dog in the UK lived to be 27! For what it's worth, one reason animal-rights people especially recommend trying a vegan diet for dogs is that the pet food industry helps make the meat and dairy industry profitable by allowing it to sell off all the byproducts that aren't considered fit for human consumption: blood, heads, some organs, gunk scraped from processing equipment, feathers, etc.

And I also think Francione is wrong about feeding a 100% vegan diet to cats, and I sent him information on this, too.

TheDogomom wrote: I struggle with the ideals of veganism. I commend people who live that way, and agree that the way we handle the slaughter of the animals we eat needs to be changed. I know saying humane slaughter is an oxymoron and anethama to you, but...

and people should not buy pet food that has animal by-products in its list of ingredients. Basically, if you can buy it in a grocery store, it is crap.

I don't believe in vegan diets for dogs, and definitely not cats.

Nor do I believe that training dogs to perform tasks for us, or having the dogs perform these tasks is exploiting them. I know dogs that adore doing the things they've received training for. Diamond loves Agility. Lindy loved dock jumping. Bob loves...well...he loves putting things into his mouth and running around like a fanatic (and Agilty and dock jumping).

I don't believe in loving or competing with a dog that is not enjoying the experience for the benefit of the human's ego. Competition with dogs should be for the joy of working, not to line the wallets with ribbons.

I think it is mean to have a dog who has centuries of breeding to perform a task, and then not let the dog work. But the dog should not be forced to perform. If the dog stops, say, as in Agilty, the dog stops and the human learns to live with it. It is wrong of the human to force the dog to continue.

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