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**Erik Marcus:** I'm here today with Professor Gary Francione. He is Distinguished Professor of Law and Philosophy at Rutgers University, and he's the author of *Rain Without Thunder* as well as *Animals, Property, and the Law*. So happy that you could join me today for this debate, and welcome to the show.

**Gary Francione:** Sure, thank you very much Erik. I'm glad to be here.

**Erik:** Well, I hope we can start out by agreeing that whatever our differences and they might be significant, that you and I share an ultimate goal, and that is we both want to rid the world of animal agriculture.

**Gary:** Well, yes, I want to rid the world of all animal use. I want to rid the world of the use of animals for food, for experimentation, for clothing. I don't think we should be breeding animals for companionship. I don't think that we should be breeding or bringing into existence any domestic animals at all. So, perhaps my agenda is a bit more ambitious. I don't know, but we'll see.

**Erik:** Well, in any event, I think at a bare minimum ridding the world of animal agriculture would be a tremendous thing, and I'm sure we're in agreement on many, many other things. Now I know that you listened to my show from a couple of weeks back when I responded to some of your comments on the "Vegan Freaks" show, and I want to give you an opportunity to talk about some of the things that I said, and sort of get things rolling.

**Gary:** Ok. Let me say first of all that I have as a result of wonderful advice from Randy Sandberg, who is working with me on my website, he's got me hooked up to you with this Skype device and I have headphones on, and I don't think that my dogs can hear these voices, but I do have five non-human canine companions in the house. They're all rescued, and they're all vegans. I want to say that right up front. They may bark, and in which case, I apologize, but there's really very little that I can do about it. Sometimes if they hear you defending welfarist reform Erik, they may respond, but hopefully they'll be quiet.

**Erik:** I'm just glad they're listening in. *(laughs)*

**Gary:** *(laughs)* I did listen to your podcast of a couple of weeks ago, and I would like to state what my position is, because I think in certain respects my position was not properly represented, but let me explain what my position is. Basically, my view is that the rights position focuses on use, the use of animals. And it says that use can't be justified morally however humane it is. It's not a question of whether it's humane or not humane. Use, animal use, is wrong. We have no moral justification for exploiting non-humans under any circumstance.

Animal welfare focuses on treatment, and seeks to make that treatment more humane. Rights seeks abolition. Welfare seeks regulation, or aims at regulation. Now, these are fundamentally inconsistent positions. That is my view. They are fundamentally inconsistent. That was the subject of *Rain Without Thunder*. That the rights position and the welfare position are fundamentally inconsistent. Just as those positions were with respect to human slavery, Erik.

If you go back to the 19th century, you see there were some people who took the abolitionist position, and who thought that all of their efforts and activities ought to be aimed at abolishing the slave trade. And then you had people who said, “Well, we don’t like the slave trade, but the way to deal with it is to make slavery more humane.” Those people saw themselves as, on very, very different sides of the fence, and I agree. I understand why they did. And they certainly saw their positions as inconsistent. I disagree very, very strongly with the welfarist agenda. To me, the welfarist agenda is like saying, “Well, let’s put TVs in the concentration camps.” or, “Let’s put a string band on the way to the gas chamber.” If we put better mattresses in the dormitories that people are being kept in before they’re gassed, does that reduce suffering? Well maybe it does, marginally, I guess. Perhaps it does, but it misses the point. Causing less harm is, I agree, always better than causing more harm. But that doesn’t mean that causing less harm is morally acceptable or that we ought to campaign to cause less harm, or campaign for less harm.

The example I use is the rape example. If someone’s going to rape someone else, it’s always better that X not beat Y as well. But if X doesn’t beat Y in addition to raping Y, we don’t want to say that X is a conscientious rapist, and we don’t want to campaign for rape without beating. This is what I see. The enterprise, the sorts of things that you support and some of the other people in what I regard as the New Welfarist camp support is this notion that, “Well, since rape is better if you don’t beat the person, then we ought to be campaigning for raping without beating.” I disagree with that. My bottom-line view is that we’ve got limited time and limited resources. We can campaign for abolition or we can campaign for welfare. It’s a zero-sum game.

Every cent that we spend, every second of time that we spend campaigning for welfare is less money and less time that we are spending on abolition. And, as far as I’m concerned, we ought to be focusing on abolition, we ought to be focusing on use, and what I argue for, both in *Rain Without Thunder* and other things that I’ve written, is that we ought to be focusing our time and our energy on veganism and vegan abolition and education. Creative vegan abolition education—that’s where our time and resources ought to be devoted to.

Let me make a couple of points specifically, and then I hope these will set the stage for what we can discuss. The problem is: animals are property. You touched on that in your podcast, Erik. Animals are property. What that means is, animals don’t have any inherent value whatsoever. They only have extrinsic or conditional value.

Animal welfare doesn't move away from the property paradigm. It makes animal exploitation more efficient. Now, this is an extremely important point, and your description of it in the podcast was troubling to me. If you look at the history of the animal welfare movement going back to the 19th century – remember, we've had animal welfare for a few hundred years now. It's not something that just came on the scene last week. We've had it for a couple hundred years now, what you see is, we make minor improvements in animal exploitation that basically make animal exploitation more efficient for producers. Very, very minor changes that make animal exploitation more efficient for producers.

The example that I give is the Humane Slaughter Act. If you look at the Humane Slaughter Act, you can see that what it does is, it requires that animals be stunned before they're shackled and hoisted. Why? Because if you don't do that, you have worker injuries and carcass damage. Animals have all sorts of interests at the slaughter house. They have all sorts of interests other places, too, but they have all sorts of interests at the slaughter house. But the interests that we protect are the interests we have to protect in order to protect workers and to prevent carcass damage. That's the sort of example I'm talking about when I say, "Look at animal welfare and what you see is efficient exploitation."

I do not think that the campaigns that you are very excited about, as an empirical matter, do very much at all. For example, the gestation crate campaign, the cage-free egg campaign, for me that's putting a string band on the way to the gas chamber. I don't see it empirically. You describe these things, "as night and day changes between the way animals are exploited, the cage-free system is a night and day change from the battery system." I disagree with you completely as an empirical matter, but we can talk about that.

I think that these reforms, Erik, the really insidious consequence of all this is that it makes people feel more comfortable about animal exploitation. And again, we shouldn't be surprised about this. If people believe that the primary problem is treatment, then if you make treatment, or if treatment appears to be better, if it appears to be more humane, then what's going to happen is people are going to feel more comfortable about consuming animals. And Erik, the amount of information that is coming out, particularly recently, it's quite interesting that in the past several weeks the BBC has had a number of articles. I found an article in the Washington Post and I'm getting a lot of information which indicates that people are feeling very comfortable about consuming animals because they believe that animals are being treated better. And this is a very, very troubling consequence of this. And one of the people that you have a lot of respect for, and you can correct me if I'm wrong, is Peter Singer. And that is Peter's position.

Peter doesn't object to animal use per se. He doesn't think that there's anything wrong with killing animals, with the exception of the great apes. Because he believes the great apes are cognitively different, they're closer to us so he thinks that it's more troubling to treat them as replaceable resources. But if you read what Peter says in *Animal Liberation*, he makes it very clear that he doesn't think that its animal use per se that is

problematic. What Peter says in *Animal Liberation* is that it's the treatment of animals that's problematic, and that's why he's very supportive of all of these things that you're supportive of, because he believes it results in more humane treatment. And he has actually said that eating animals that are humanely treated, and humanely raised, and humanely slaughtered is an ethically defensible position.

I think it is terrible that someone who is referred to as the Father of the Animals Rights Movement is saying that it's a morally defensible position to eat animals that have been "humanely" raised or slaughtered. I think that's nonsense. I don't think there is such a thing as humane slaughter, and I don't think that these animals are being humanely raised, but I think it's problematic for Peter to be taking that position.

And let me just finish up by saying, from what I understand, and please correct me if I'm wrong, but I understand your position to be what I call the New Welfarist position. That is, as I understand your position, you're saying, "Look Gary, I agree with abolition as well. But I think welfare reform will lead us in the right direction." That's exactly the position I took in *Rain without Thunder* and the position that I characterized as the New Welfarist position. That is the position that welfare will lead us to abolition. And I argued a number of things in *Rain Without Thunder*. I argued for example that there are doctrinal problems with that, but also there are important practical problems.

We've had animal welfare, Erik, for over 200 years, and it ain't leadin' to the abolition of anything. We are exploiting more animals today than ever before, and in more horrific ways than ever before. There is no empirical proof whatsoever that welfare reforms lead to abolition. Absolutely none.

Let me end by saying this, you used a metaphor, an image in your podcast. You kept on saying, "Well, what's wrong with our going after the low hanging fruit?" And going after things like the gestation crate, for example. That's low hanging fruit. What's wrong with that? The problem I have with that is calling it low hanging fruit suggests that there's no opportunity cost involved in getting rid of it, and I suggest that's wrong. HSUS and other groups spent millions of dollars on the gestation crate campaign. Millions of dollars. It wasn't low hanging fruit. It wasn't something that there was no opportunity cost associated with getting rid of. They spent millions of dollars to get rid of it. Now, my position is simple: You take those millions of dollars and you put them into creative vegan abolitionist education and you're going to get a much better return. I think the gestation crate campaign... the words you used in your website was "spectacular". I think it's a spectacular failure. Anyway, let's mix it up.

**Erik:** Ok, well, you've certainly given me a tremendous amount of stuff to respond to. I guess I want to start with what you said at the very beginning when you said that you regard efforts to ban specific cruelties and efforts to create a totally vegan and exploitation-free society as fundamentally inconsistent.

**Gary:** I do.

**Erik:** I could not disagree more, and I hope that over the course of this debate I can point out how I think specific efforts to ban certain cruelties can be very much to the advantage of everyone who wants to get rid of all animal exploitation.

**Gary:** Erik. Let me I say, there are things that could be done. There are incremental, interim steps that could be taken that might lead, that might be more suited to leading to the abolitionist end. I don't think they're things like the gestation crate or the cage-free egg campaign, or any of that sort of stuff. All those things are going to do is make people feel better about consuming animals, and indeed that's what the empirical evidence shows.

**Erik:** Ok, well, we'll discuss them case by case in just a few minutes.

**Gary:** Ok, sure, sure.

**Erik:** But moving on to a couple of the others things you said, you mentioned Peter Singer. And the fact that he has called the use of, the eating of non-factory farmed animal products as ethically defensible.

**Gary:** I think that's a direct quote, actually.

**Erik:** Yeah, I'm certain it is, and you know what? I think we're hearing the same quote and having two radically different interpretations of things. Because something can be ethically defensible and still be totally wrong after giving it a careful bit of analysis.

**Gary:** No, no, no, no, no, no. He says that he can respect people who eat animals that are humanely raised and killed. He says that. That's not a question of a prima facie position which is then rejected. He's saying he thinks that's ethically defensible. There's no other way you can interpret that without giving those words a meaning which no English speaker would give them. I'm sorry, but he says "ethically defensible". If you'd like, I can go and get the books out and I can read paragraphs to you, but it's very, very clear that Peter says it's ethically defensible. He says that he can respect people who are conscientious about eating animals that have been humanely raised and slaughtered. There's no other way you can... and he calls fanatical – people who are scrupulous vegans. So, it's not clear to me how you can interpret that except as to what he says. And what he says is quite clear.

**Erik:** Well, that's very curious to me, because first of all I don't think that as a native speaker of English I don't think that "ethically defensible" is at all synonymous with "right" and...

**Gary:** Ok Erik, you and I are going to have to disagree on what ethically defensible means – because if somebody says to me that an action is ethically defensible then what that means is it is an action which can be morally justified, and that's what it's synonymous with. And to say that something can be morally justified, but it's not right, if you want to take that position, that's fine, but Peter makes it very clear. He does not

think that animals have an interest in continuing to live, for example. And in that sense he is no different from Jeremy Bentham.

Singer's views are very similar to those of Bentham's. And Bentham made it very clear that animals did not have an interest in continuing to exist. They didn't care THAT we use them; they only care about HOW we use them. And that is exactly how I would describe Peter's position. He does not think animals care that we use them, with the possible exception of the great apes, and I think in *Practical Ethics* he mentions dolphins although I don't remember 100%. I know he talks about great apes, and The Great Ape Project as having an interest in continued life, but he doesn't think that animals who are not great apes and don't have cognition sufficiently similar to humans, he doesn't think that they have an interest in continuing to live. He believes they are replaceable resources. He actually says that.

So, with all respect, Erik, I know Singer's philosophy quite well. I've written about it quite extensively. Indeed, in not only *Rain Without Thunder* but also in *Introduction to Animal Rights*, and I will forgive you now for not mentioning that book when you mentioned my other books. I'll forgive you. I've written about it extensively and it's very clear that, he takes the position that it's perfectly alright to use animals if you accord them the treatment that he believes is required.

**Erik:** Well, if he really felt that way it would be certainly an odd fact to point out that Peter Singer is, in fact, vegan. So if he...

**Gary:** Well, actually, what Peter says is that he is an "impure vegan". Which is I think, a sort of a troubling concept. I'm not exactly sure... I take it what he means by that is he doesn't really worry about whether there is butter in things, or whether there is cream in things, or he doesn't get particularly concerned about the ingredients of things. But he also says, Erik, quite clearly, he thinks that veganism is probably the way to go, but because he believes that it's very, very difficult to insure that animals have been treated humanely, but again that's a contingent, conditional thing for him, Erik. It's a factual question as to whether or not the animals have been treated properly. If the animals have been treated properly, then he has no per se objection to animal use. That's very clear, Erik. That's very, very clear in Singer's philosophy. I could give you all sorts of citations for that, and indeed, a number of them appear not only in my books but they appear in some of the essays that I've written at the blog that I have attached to my website.

**Erik:** Ok, well, perhaps we can e-mail him after this discussion and see if he can chime in on some of the things that you and I just said.

**Gary:** I had suggested when you asked me about the debate, I had suggested – "Why didn't you have Peter on?" I think it would be terrific to have Peter on, and he could answer some of these things himself. So I'm more than happy. You could e-mail him; you can bring him on, call him up right now and have him come and talk to us.

**Erik:** Ok, I think that's a super idea. Moving forward to some of the things you said at the very beginning, I wanted to end up with taking a quick look at what you said – that essentially we've had animal welfare for 200 years, and it's really not accomplishing a whole heck of a lot.

**Gary:** No, it's not.

**Erik:** Well, I think here it's very important that we distinguish animal welfare efforts of 100 years ago, and 50 years ago, and even 20 years ago from the animal welfare efforts that are taking place today. For example, 100 years ago from what I've been able to see in my readings is that virtually all animal welfare that took place was on behalf of dogs and cats and certainly farmed animals were very far down the list relative to today. But more importantly than that –

**Gary:** But Erik, remember something, 100 years ago we didn't have factory farming. So, the very worst institutional practice came into being at a time when animal welfare concerns were quite high. I would disagree with you. At the time that factory farming was coming into being in the 1940s and 50s there was quite a strong movement that resulted in the Humane Slaughter Act of 1956. I disagree with you. I think factually you're just wrong.

**Erik:** Alright, well, on top of that, 25–30 years ago, I just want to indicate how much the efforts to address specific cruelties has changed, and how much the mentality behind some of these campaigns has changed. The other thing I want to say is that even 25 or 30 years ago, when the Humane Society of the United States met for one of their big meetings or the ASPCA would get together, the primary thing served to everyone there, and you're talking about all of the executive leadership of these organizations, they would get together and sit down and have steaks. So, you know, what we've seen is –

**Gary:** What do they eat now?

**Erik:** Well, to my understanding, whenever any of the big, traditional animal welfare groups get together, I'm specifically talking about HSUS, I believe they have a strict vegan policy on meals, on dining related to events. So, that to me suggests a radical change and it –

**Gary:** Well Erik, I think it's great if in fact what you say is accurate, I think that's fine. I remember being invited to the Summit for Animals in the early 1990s and I complained about the fact that there was milk on the table, and I was told that that was a fanatical thing to be concerned about. So, to the extent that HSUS is in fact having a strict vegan policy at all of their official events, I think that's great, but in the grand scheme of things, so what? Is that really what progress is? That HSUS has vegan meals? Yeah it's better, but let's talk about the campaigns. Let's talk about the gestation crate campaign. Let's talk about the cage-free egg campaign. Where are those things going? What are those things doing? How much are they costing?

**Erik:** Of course, and let's talk about that. It's not just the vegan meals. It's the fact that 20–30 years ago that group was, most of the big ones were being run by meat eaters. Today we have HSUS being run by a committed vegan who clearly has a much larger agenda than winning incremental reforms. The incremental reforms are, in my eyes, a part of the much bigger picture here. So let's talk about some of the –

**Gary:** If you're saying that Wayne Pacelle ultimately wants abolition, I'm not questioning that. That may be true, that may not be true, but again, that goes to my whole position about New Welfarism. It is my position that things like the gestation crate campaign and cage-free eggs don't lead to abolition. All they do is make exploitation more efficient; they make it more acceptable, and they don't depart from the property paradigm. If we're ever going to have abolition we're going to have to get rid of the property status of animals, and these incremental changes are not departing from the property paradigm. They're reinforcing it.

**Erik:** Well, I could not agree more, and I think that all the evidence comes down that welfare reforms make animal agriculture less efficient, not more efficient. Let me talk a bit about that.

**Gary:** Sure.

**Erik:** Now there's no doubt that the better you care for an animal, and the more space you give that animal, and the better the food, and the better the veterinary care, the better that animal will grow, the better that animal will perform, etc. So there's no doubt that quality care at every step of the way will yield the best results per animal if you're in the business of raising animals. There's simply no doubt about that. But that's where I think this suggestion you have that welfare reforms act in the best interest of animal agriculture, it really takes a wrong turn. Because while better treatment does result in better yields, the reality is that most specific improvements that you can initiate for the animals in terms of them suffering less, eating better, receiving better care, more space, etc., most of those improvements, while they do indeed produce better yields, the enhancements in yield that you get are trivial compared to the cost, and that's exactly why animal agriculture fights tooth and nail against even the most reasonable and cheap reforms. We've seen it in the gestation crate cases in Florida and Arizona.

You were talking about how HSUS put millions of dollars into those campaigns. I don't know what they spent, but I do know that animal agriculture interests, all the factory farm interests in Arizona combined to put in more than \$2 million – in their failed attempt to defeat the Arizona gestation crate initiative, and I think that speaks volumes.

**Gary:** Let's talk about that, Erik. That's fine. I'm happy to talk about that. Let's look at the gestation crate campaign and let me read to you from the Humane Society of the United States Report "The Economics of Adopting Alternative Production Systems to Gestation Crates." This is a quote, "In Europe more than four million sows are raised in group housing. In its review the SVC (that's the committee in Europe) concluded since overall welfare appears to be better when sows are not confined, sows should preferably

be kept in groups. The report notes that when sows are housed in groups rather than in crates, sows have more exercise, more control over their environment, more opportunity for social interaction, etc. As a consequence, group housed sows show less abnormality of bone and muscle development, much less abnormal behavior, less likelihood of extreme physiological response, less of the urinary tract infections associated with inactivity, and better cardiovascular fitness. Sow productivity (and this is a key point) is higher in group housing than in individual crates as a result of reduced rates of injury and disease, earlier first estrus, faster return to estrus after delivery, lower incidence of stillbirths, shorter farrowing times. Group systems employing ESF (which is the Electronic Sow Feeder) are particularly cost effective. These systems are being widely adopted in Europe and their welfare advantages have been well documented in scientific reviews.”

The entire HSUS campaign was based on the fact that the European studies showed, which they did, that alternatives to gestation crates were economically efficient. They increased the productivity of these animals and they increased producer profit. And HSUS is exactly right on that. The Europeans understood that. They’ve understood that for a while, and HSUS basically is acting as an advisor to the American pork industry saying, – Come on guys, you oughta come along with this because it’s going to be economically better for you. And that was exactly the argument that they made. I am reading it from their own report.

Now, you asked a question about why is it that producers object to these things if in fact they are economically efficient. That’s an interesting question. Let me explain it to you. It is a well known phenomenon in terms of organizational behavior – organizations, institutions always reject regulation. If they don’t spend some resources to fight regulation then there’s always the possibility that there will be further regulations that they don’t want. So institutions, regulated institutions almost invariably will spend money to fight things even if they don’t really care about them.

Let me give you an example. When I started teaching at the University of Pennsylvania many years ago in the 1980s, and I remember when the 1985 amendments to the Animal Welfare Act were being proposed, which I thought were a disaster. Other people in the movement thought, “Well this is a great step in the way of incremental reform, and this will get us to the abolition of vivisection.” Well, we now see 21 years later it hasn’t gotten us any closer to the abolition of vivisection. Indeed, I think the 1985 amendments to the Animal Welfare Act were a complete disaster for animals. However, the Animal Welfare Act amendments of 1985 required that there be an Animal Care Committee that was going to be reviewing animal experimentation, and the biomedical community was fighting this.

And I remember talking with people both at NIH and at the University of Pennsylvania, and saying to them, “Look, why are you guys fighting this? Because in the end, you’re going to be able to point to these institutional animal care use committees and say, ‘We regulate vivisection the same way we regulate human experimentation’.” Which is actually false, but that’s exactly what they argued. They say, “Oh, we’re very, very

regulated. We have animal care committees just like we have human experimentation committees.” So, I said to them, “Why are you fighting?” I had a conversation with William Raub who was then the head of the Office for Protection of Research Risks at NIH, and I remember Raub saying to me, “Gary, we fight anything you people suggest, because if we don’t fight, anything you people suggest, even if we don’t really care about what you’re proposing at any particular time, you’re going to come back and you’re going to propose things down the line that we might not like. So we’ve got to make sure that we impose an opportunity cost on you every time you seek to make a change. We’ve got to fight that, because if we don’t, you might come back and seek more pervasive changes that we don’t like.”

So that is a well known feature of organizational behavior. And actually I’ve studied this, and there’s literature on it out there that industries will oppose regulation even if they don’t think it is particularly onerous or problematic regulation, because if they don’t impose an opportunity cost on the people proposing the regulation they might face more pervasive regulation down the line.

I will also say this to you – with respect to the factory farming issue particularly, factory farming developed in the 1940s and 50s and it was thought that that was a more economically efficient way of raising non-humans that we were going to eat. It is now becoming clear that a lot of the practices of factory farming are not economically efficient. And the industry right now is trying to take in this information, and there’s a lot of information out there, and then you have the people who have a vested interest in the intensive systems that are being used. Those people are lobbying, and those people have an interest, and there’s a lot of information out there, but what is becoming clear is that a lot of the practices of factory farming are economically inefficient in the sense that if you moderate them you will get better productivity from these animals, and that information is clearly now filtering into the system.

Changes are being made to accommodate that, but the fact that the industry’s fighting these things. They’ve got to impose an opportunity cost, because if they don’t then we might come back and make suggestions that are more pervasive, more problematic, more costly, and that are not economically efficient. And they want to make sure that they understand that there is an opportunity cost imposed on the animal people every time they make a suggestion.

So the fact that the industry argues against it, that is well known. It’s true in this area. It’s true in other areas, other regulated areas. It’s a phenomenon that you can read about. It exists, it’s a known phenomenon. So the fact that, the pork industry fights about things, I don’t really care. What I do care about is HSUS bases its entire campaign on the efficiency of alternatives to the gestation crate.

I would also say this to you, Erik. That Florida legislation was a disaster, and the Arizona legislation was a disaster. First of all, to call that a ban on gestation crates is to use the word ban in a way that I think is inappropriate. It’s not a ban at all. First of all, the supposed ban doesn’t even apply if the animal is not kept in a confinement system for

more than the majority of a day. So basically, anything less than the majority of a day is not even covered by the statute, number one. Number two, there are umpteen different loopholes in the Florida legislation. In the constitutional amendment, they can keep the animal in the gestation crate for less than the majority of a day, every day. They can keep the animal in the gestation crate for the majority of a day during the pre-birthing period, and for veterinary procedures that are considered quote “necessary” – a very, very flexible word I might add.

And the Arizona legislation is in certain ways even worse, because it only applies, from what I can see, to the gestation period, but it also has all these loopholes, and it defines the covered confinement systems to be those in which an animal is kept for more than the majority of a day. So I don’t think these things are bans. I think that they are regulations that have a zillion loopholes. I think that they are economically efficient for the industry. HSUS recognizes that they’re economically efficient for the industry. All the European studies indicate that they’re economically efficient for the industry. And I do not think that the gestation crate campaign moves animals one-zillionth of an inch away from the property paradigm. To say that the gestation crate campaign is a step towards abolition is in my judgment absurd. That is absolutely absurd. I simply don’t think that there’s any basis for that claim. None.

**Erik:** Ok, well, you’ve said so many things that I hardly know where to begin to respond. So let me talk in general about some of the enormous reductions in cruelty that have come about through banning specific agriculture practices.

**Gary:** Can I ask you, do you disagree with my analysis? If you disagree with my analysis on the gestation crate, in what way do you disagree with it? I mean HSUS says what it says. It’s in black and white. You can go look at it just like I read it. The European studies say what they say. The Florida legislation, the constitutional amendment says what it says. The Arizona legislation says what it says. We don’t know what Smithfield’s going to do. I mean, Smithfield’s going to phase them out over ten years. We have no idea what they’re going to do, but my guess is they’re going to be based on the same sort of model that the Florida amendment is based on or the Arizona legislation is based on. Which is basically not a ban at all, but a very, very minor regulation with umpteen loopholes, and this is what you call spectacular. Erik, why do you call this spectacular?

**Erik:** Well, I call it spectacular because until now, in fact right now, every single Smithfield pig, every Smithfield sow, excuse me, spends her entire life when she’s not in farrowing crates, which are pretty much the same, but she spends her entire life in a two by seven foot crate. She doesn’t have room to step forward, move back, turn around. She has no room to socialize. She’s sitting in this barren stall which provides her no comfort, no opportunity to express any kind of normal interaction with her environment. I mean, what we’re getting at here, Gary, is that –

**Gary:** But Erik, Erik, she’s not. If the Smith–

**Erik:** Would you let me talk?

**Gary:** Go ahead.

**Erik:** I mean you've talked this – we were supposedly having a debate, and I see that it was a mistake for me to not figure out something with you in advance where we could get a moderator here, because you've done all the talking. Uh but–

**Gary:** It's your show, bro

**Erik:** Well, I–

**Gary:** If you want a moderator. I told you, I told you, you want a moderator, have a moderator. I also told you if you wanted to have any number of people in on your side, I told you to do that. So what do you want me to say?

**Erik:** Well, I'm being polite by not interrupting, and then every time I talk, you've been interrupting me. So, in any event, you've said so many things that it's hard for me to know where to begin. Let me begin by addressing one of the things that you said in regard to the Humane Society of the United States and some of their claims about European crate welfare. And, there is no doubt that there are some ways that you can improve welfare for breeder sows that will pay off for you, but on balance I don't think, and I've seen no evidence of this from you, that moving away from a 2 x 7 crate, and all horrors that that contains – and moving away to a different standard of keeping these breeder sows – I've seen no evidence from you that that is a net gain for the pig industry, and, you talked about the pig industry wanting to impose an opportunity cost on HSUS and the animal protection groups. And yeah, that makes perfect sense that they would want to impose an opportunity cost whenever they could do that at little or no cost of their own, but here we're talking about an industry which is, you know, pretty darn tight with a buck being willing to spend \$2 million in Arizona alone to try to fight off HSUS' initiative. We're not talking about some petty move by the pig industry to cost HSUS a lot of money. This was all the big players in animal agriculture ganging up and trying to fight tooth and nail against this pig reform effort in Arizona, and they failed. And, the whole reason that Smithfield Foods has caved in and announced that they are moving ahead with going to phase out these gestation crates is because they know that HSUS would replicate the Arizona campaign in several other states, and it would cost them a lot of money to fight, and they would probably lose that too. And I think that's why we've seen Smithfield Foods cave in here. And I think that's a wonderful thing. But I want to take a step back and take a look at how much of this suffering, how much animal suffering is being prevented by some of these welfare reforms. So let's take a look at the egg industry. I'm curious, Gary. What do you think about the HSUS campaign to get battery eggs out of universities across the United States?

**Gary:** Is it ok for me to talk now? *(laughs)*

**Erik:** Yes, it's I'm inviting you to talk. So yes, please.

**Gary:** Ok. Let me say, first of all, with respect to the \$2 million. I'm assuming the number that you are giving is right about what the industry spent in Arizona. And the idea that \$2 million for the pork industry is a lot of money is silly. It's pocket change, number one. Number two, you said that these advances would really help the pigs. Again, I think empirically you're wrong. The bottom line is, under the Florida amendment, and under the Arizona law, we do not know what Smithfield is going to do, and whatever they're going to do, it's not going to happen for ten years anyway. The law... the legal rules are clear... they can keep these animals in gestation crates for 11 hours and 59 minutes a day. It only applies to confinement systems in which the animals are kept for more than a majority of the day, number one. Number two, there are umpteen loopholes that allow them to keep them in a confinement system like a gestation crate for the entire day. So I disagree with you empirically, that in fact, these supposed advances are in any way keeping animals out of gestation crates in the way that you're suggesting.

Now you've asked about the egg campaign. Well, that's another one that I think is sort of silly. First of all, I'm looking at the HSUS definition of cage-free. "Eggs labeled as cage-free are uncaged inside barns or warehouses, but generally do not have access to the outdoors. They have the ability to engage in many of their natural behaviors such as walking, nesting, and spreading their wings. Debeaking and forced molting through starvation are permitted. There is no third party auditing." Now. I'm looking at an article from the *Daily Mail* in London, January 23, 2007. An article about how Glenrath Farms in Scotland has 25,000 birds in a 150 yard long shed. Erik, if you think that that is an advance over battery cages, I most respectfully disagree with you. You've got a zillion animals in cages. You take 'em out and stick 'em on the floor. They're still walking on each other, they still have absolutely no space, they're still cannibalizing each other. I do not think that it is in any way a significant advance over battery cages.

I am looking at *Satya* magazine from October 2006. An article written by Cayce Mell and Jason Tracy of the OohMahNee Farm Animal Sanctuary. Cayce says, "Over the past 10 years Jason and I have been to numerous factory and family farms, many that boasted cage-free conditions. Actually, the cage-free facilities were by far the most horrific." The most horrific. I am looking at an e-mail that I received from someone who visited one of these cage-free facilities. Let me read this to you "I walked into piles of dead birds, a ghastly, endless shed filled with screaming hens. A contractor with a gas mask on and a smell to knock you off your feet. To come face-to-face with the best job free-range factory farming could possibly do. It wasn't pretty." She goes on and on for pages about how factory farm and cage-free are abominable.

Let me say this to you, Erik. I would really like you to talk to your friends at HSUS and get me permission to go to one of these cage-free facilities, because, I've been trying to get information on cage-free facilities, and it's very, very difficult to get permission to visit these places, to take photographs in these places. If it is so wonderful, if it's what you say is the night and day difference, then by all means, I would love – can you get me in? I'd love to go, because from what I can tell, cage-free is nonsense. It is absolute

nonsense. You got a zillion birds in cages. You take the zillion birds out and you stick them on the floor. It's still pretty horrible, Erik.

And what you're ending up doing is making people feel better about consuming eggs, and I think, Erik, you ought to reconsider that. I think that's not a good thing to do. I think that's a very bad thing to do. You are going to colleges where – maybe it's because I've been a university professor for 20-some odd years – maybe it's my own prejudice that I'd like to think that the young people in universities are more open to expansive thinking. Maybe I'm wrong about that, but humor me. Why are you going into colleges and universities and telling these kids, “You're doing a morally better thing by eating cage-free eggs.”? Why don't you go to those universities and take some of the \$100 million... this morning I got online, and I checked the Economic Research Institute, it says that HSUS is sitting on top of cash reserves of \$100 million. So do me a favor, talk to my old buddy Wayne Pacelle, and ask him why he isn't taking some of that \$100 million and going into these places and providing really wonderful vegan alternatives for these young people. So that we can educate them about abolishing animal use, rather than trying to make them feel better about consuming the eggs of animals that are tortured just as much as the battery hens are tortured. That's my view on the cage-free egg situation, Erik.

**Erik:** Well I, I think it's frankly misinformed. I think that –

**Gary:** In what way, Erik?

**Erik:** Yeah, in what way? I'll tell you exactly in what way. If for no other reason, even if the crowding that you're talking about in a cage-free barn is just as bad as the battery cages. Which it frankly couldn't be, because then the birds couldn't even walk. But even if it were. The main objection I have to what goes on in battery cages is not the crowding, but the fact that these birds spend every moment of their lives. Which typically goes from a year and a half to two years, they spend every moment of their lives standing on wire, and when they sleep they are pressed up against wire. And if you go to a factory egg farm that uses battery cages what you see if you walk into one of these barns where the hens are over a year old, or over a year and a half old, you see no feathers, you see skin that is just abraded and cut and bruised. These birds kept in battery cages, and I've been to these places, are kept in the most deplorable conditions imaginable.

Now, you sometimes talk about “happy meat” and that's a concept that... that whole phrase is so totally misleading. It's not that people with my point of view, or Wayne's point of view, or Paul Shapiro's point of view, or Matt Ball's point of view, it's not that we are arguing that, “Hey, the conditions at a cage-free egg farm are magnificent.” They are not. But it is still, nevertheless, night and day. Night and day not in the sense of heaven and hell, but night and day in the sense of, ok, well, both of these are pretty much prisons. It's just that the battery cage industry, it's more like an Abu Ghraib sort of prison whereas the cage-free egg farms are more of a Connecticut minimum security prison for white collar prisoners, and –

**Gary:** Oh my God, oh my God. I can't believe that you used that metaphor, but go ahead! (*laughs*)

**Erik:** I think, you know –

**Gary:** That's shocking to me. Shocking to me that you would portray what goes on – I'm sitting here looking at pictures that have been sent to me of quote "cage-free animals." Erik my challenge to you is get me in to one of these places. I'd love to see the Connecticut minimum security prison that you're talking about. I'd love to see it, because from what I understand about these cage-free facilities, they ain't that. So I would love to see it, and I think that you are exaggerating beyond belief the actual protection given to animal interests in these cage-free facilities. I think it's basically nonsense. It's putting an orchestra on the way to the gas chamber. Does that make it better? Well, I guess maybe a little bit if you hear some Mozart before you get gassed, but I don't think it's a Connecticut minimum security prison. But get me in.

**Erik:** Well, I –

**Gary:** Get me in with my camera. I've got a brand new mini-dv cam that I would love to, come on I'm trying to get in to one of these places. Help me out.

**Erik:** Well, that suggests that I have any pull whatsoever with animal agriculture, and I certainly do not.

**Gary:** Well, then how can you make claims? If you don't know what's going on in these places, Erik, then how can you make claims to people, that cage-free facilities are any better? How can you make that claim? And as far as what you're saying about what Matt Ball is saying, or Wayne Pacelle, or Paul Shapiro, or any of these other welfarist people, let me just make one thing clear. What they are doing is making people feel more comfortable about animal consumption, and that is clear. There is no doubt about that. You cannot dispute that. Why aren't they putting –

**Erik:** Oh, I absolutely can.

**Gary:** Why aren't they putting their resources, Erik, into educating people about abolishing animal use? Because every buck they're spending, and every second of time they're spending on things like cage-free eggs and gestation crates is doing nothing but making people feel that it is, in Peter Singer's words "ethically defensible".

**Erik:** and not right.

**Gary:** And I don't know how you understand that, but that means right.

**Erik:** Yeah, no, I understand that there's a vast difference between something that is ethically defensible and something that is right.

**Gary:** That's fine, that's fine. Let your listeners figure out what the difference is.

**Erik:** I certainly hope that they will consider that. We didn't end up covering half of what I had hoped to in this –

**Gary:** Oh, we can keep going. I went, you know, I went to see *Amazing Grace* last night, Erik.

**Erik:** Oh, ok.

**Gary:** Because I thought this would probably go long. I'll be happy to go as long as you want. We can go all night if you want. Go ahead. Do it, do it. Let's do it.

**Erik:** Terrific, terrific. Can you hang on for just one second? Because I do need some water.

**Gary:** Sure.

**Erik:** Be right back... Ok, so returning to these battery cages. I just don't see how you can say what you've said about battery cages being really no different in terms of welfare from cage-free if only for the reason that these birds are not spending their entire lives standing and sleeping on wire. Surely that makes a difference to you?

**Gary:** Erik, I think that putting mattresses in concentration camps probably makes a minor difference as well, but it misses the point. Not beating somebody that you're raping makes a difference, but do I want to campaign for raping people without beating them? The answer is no. What you don't understand is that it's just a different way of looking at the problem. You think the way of dealing with the problem is making torture less painful.

My view is – tomorrow Erik, you and I have – we have tomorrow. We don't know if we've got any more than tomorrow. Hell, we might not have all of tomorrow. But you have to decide tomorrow, what are you going to spend your time doing. And I have to decide what am I going to spend my time doing? And I would rather spend my time trying to educate people about getting rid of animal exploitation altogether and stopping consuming animals altogether. I think that is a more cost efficient, more effective way of dealing with the problem. You think that the way to deal with the problem is to spend time, and spend resources on getting people excited about gestation crate campaigns and cage-free egg campaigns.

Now look, my view Erik, God bless ya, if that's what you want to do with your time, that's fine. But I don't see that as being a) consistent with the philosophy of abolition, and b) practically effective, and c) I think it's counter productive because I think it's making people engage in more exploitation. So, I don't view it that way. So my view is, I will spend my time educating people about veganism and about abolition, and you will spend your time focused on cage-free eggs. I will talk to college students and say, "Stop

eating eggs.” You will talk to college students and say, “You’re a good person if you eat these cage-free eggs” – and that’s just the difference between us. And that’s fine.

Do what you wanna do, but the one thing I’d ask you to do, and I really, I feel strongly about this – is stop saying that people who have my view are divisive. We just disagree with you. I think what you are doing is wrong. You think what I’m doing is wrong. Ok, fine. So I do my thing, you do your thing. It doesn’t mean that I am divisive, and it doesn’t mean – you used an expression in your previous podcast that I took great exception to. You said I was a fundamentalist. Which I thought was a very, very Bush-like cheap shot. Trying to associate the abolitionist position with reactionary, with very problematic religious views. And I think it’s wrong to pejoratively characterize moral consistency in that way. Yeah, I’m opposed to all rape. Does that make me a fundamentalist with respect to rape? I’m opposed to all child molestation. I don’t think it’s a question of whether you do it humanely or whether you don’t do it humanely. I think it all stinks. Does that make me a fundamentalist about child molestation? Well, I guess I’m a fundamentalist about that.

I think animal exploitation is wrong. I think animal slavery is wrong. I don’t care how humane it is. I don’t think that the stuff that you’re promoting it making it humane in any significant way. I think it’s actually counterproductive, because it’s making people feel better about animal exploitation. Does that make me a fundamentalist? It makes me morally consistent.

The problem I have with your position, and I have lots of problems with your position, but one of the problems I have with your position is that it’s fundamentally, Erik, and I’m not saying that you’re not an honest person, so let’s be clear about that. Actually Erik, I’m fond of you. But the position that you articulate, the New Welfarist position that is, you really want abolition but the way you’re going to get to abolition is through regulation, is not itself honest, because what you say to people is “OK, make this change, we want you to make this change, we’re not talking about any other changes”, we’re saying, “make this change.” And then let’s assume they make that change. Then you say, “OK, no, no, that’s not enough, we want to move you further. No, no, that’s not enough. We want to move you further.” This is exactly what people are saying, they’re saying, “Look, the animal people aren’t really being honest, because what they really want is something more.” And I say, let’s just focus on the honest straight forward campaign of abolition of animal use.

Given the extent of animal exploitation, the incredible extent of animal exploitation, let’s spend our resources now on building a vegan base, a group of people who are opposed to all animal use. Maybe if we had such a base, if we stopped confusing people and focusing their attention on treatment, maybe we might actually make some progress, maybe we might be able to support some legislation down the line that actually does affect the property status of animals.

Because if you think gestation crates and cage-free egg campaigns are working, if you think those things are moving people away from the property paradigm, Erik, with all respect, I think you're dreaming.

**Erik:** Well, alright. Again, it's really tough to respond to you because you cover so many things I hardly know where to begin, but OK. So, let me talk about fundamentalism and let me get back to battery cage eggs. I am under the impression, I've read a lot of things over the last couple of weeks, but I was under the impression that, didn't you in fact respond to my podcast on your blog, and talked about yourself being a fundamentalist and taking that word on happily?

**Gary:** No, what I said was, to the extent that what you were doing, you used that word pejoratively, you were characterizing me as a fundamentalist in a pejorative sense, and I was saying, to the extent that Erik Marcus is saying that I am morally consistent, and that I am opposed to all animal exploitation and that I am not going to be in a position of saying "oh yes, let's gas those chickens rather than slit their throats, that's the revolution", yeah, to the extent that you aren't going to get me saying that, I guess I'm a fundamentalist, I'm consistent about these things. So, what I was concerned about was that you were using fundamentalism in a very morally pejorative way, you weren't using that to describe me favorably, you were using that to attack me and to describe me pejoratively and to associate me with things like right-winged Christian fundamentalism or Islamic fundamentalism or the other sorts of fundamentalism that are bugaboos in our society these days, and that's what I objected to.

**Erik:** Well, what I was speaking about there, has to do with... the trouble of using a word like fundamentalism is that it has many definitions and can be spoken about in many ways, but the point I was trying to get across and I feel this strongly about your work and how you frame some of your points, is that when you speak about... I think that you tend to be needlessly dividing the world up between people who do things your way and people who are to one extent or another embrace some of the welfare causes. Now, it turns out that in my case, you and I are on the same page in so many respects –

**Gary:** Really?

**Erik:** Yeah, we both absolutely believe that animals are not property. We both absolutely believe that we would like a world where animal exploitation does not exist. We could not be in greater agreement, and more to the point, I spend a great deal of my time, in fact, the overwhelming majority of my time, doing things that will convince people to go vegan and things that could, under your framework, be labeled purely abolitionist.

But, on the other hand, I believe that you were talking about opportunity costs earlier, and I believe that there are times, and very specific cases, where the opportunity cost, for saving a whole ton of animals, or sparing them just enormous amounts of misery, is less, than the opportunity cost for impacting fewer animals through an abolition approach. Let me give you an example of that. Let me talk about what I think is a fantastic way for

people to spend time in activism. And I think this is something that... a sort of activism you would be nearly 100% behind. And that is, passing out vegan oriented literature to university students. This is something that Vegan Outreach is doing and a number of other groups are doing and it really pays off in the sense that you can stand out at a university and spend a couple of hours passing out these pamphlets, and in two to three hours time you'll pass out 400, 600 of these pamphlets.

Most of them get thrown away, most of them don't get read. One or two percent actually get read by people who are then willing to make some significant changes to their diet. And the expense of these pamphlets and the amount of time that it takes to get these pamphlets into people's hands has a real payoff, and it's something I really urge everybody to do and I think it's something that really falls under your abolitionist framework of thinking. Now, as, this is I think one of the most productive activities personally that I think an activist can do, and let me say that I think it would take, say, 100 hours, maybe 150 hours to pass out vegan literature to every single student at a university of say, 20,000 students – from all this work, from 100 hours spent and maybe a few hundred dollars worth of pamphlets, only a couple hundred students at the very most, Gary, only a couple hundred students are likely to make significant changes to their diet after reading this literature.

Now, I think that this 100 hours is incredibly well spent, don't get me wrong. But if you're going to spend 100 hours leafleting at Rutgers or at UC Berkeley or what have you, why not also make a commitment to call your university's dining hall coordinator and spend five minutes on the telephone and ask the person to stop using battery cage eggs? Because, from this five minute phone call, you've just spent 100 hours passing out pamphlets at the university and you know that 98% of the people who get these pamphlets, even in spite of how hard you've worked, 98% are going to keep on eating meat and eggs, it's just, you know how that's going to be. So, if you're willing to spend 100 hours at a university, and you know that 98% of your outreach is not impacting the students there, that 98% percent are not going to make significant changes. Why not, then, add on to your 100 hours that you've just spent, why not add ten, fifteen, twenty minutes to get the dining hall coordinator on the phone and say "Hey, I'm a student of this university, I'm a graduate of this university, whatever, let me send you some information about battery cage eggs, let's start a dialogue about switching your cafeteria away from battery cage eggs." because, I know that you and I are in opposition about this, but Gary, if you look closely at the suffering of battery cage eggs and compare that to a typical cage-free egg farm, now, you and I would both agree these places are prisons, metaphorically, these places are terrible places where there really is no justice.

The quality of conditions that the typical cage-free hen faces is just radically different from what a battery caged bird would face. And when you have a huge school, like Rutgers or UC Berkeley, or what have you, when you have a huge school, these schools often use hundreds of thousands of eggs every year. Hundreds of thousands! Some of these schools where these campaigns have been won use over a million eggs a year. And you know, Gary, here's the thing, every single one of these eggs, every last one, comes from a bird who cannot walk because these cages are too crowded, in fact, if they're ever

rescued, they have to take a day or two learning how to walk. I've seen this. You know, it's just heartbreaking. These animals have spent a year and a half in a cage and they don't have any idea how to walk. They're just bruised and battered beyond belief from their cage mates and from rubbing against wire, etc, and every single one of these eggs, which you've already passed out 20,000 fliers at this hypothetical university, and changed only one or two percent of the students, so, 98% percent of these students are going to continue eating eggs. Why not make sure that a university that uses a hundred thousand, two hundred, three hundred thousand eggs, you know every single one of these eggs comes from a bird who is in a battery cage for about 30 hours to lay just one egg.

So if we have an opportunity, to eliminate, to switch over to cage-free, and get these birds off of the wires and ameliorate some of the crowding, if we have the opportunity to do that, and the opportunity cost isn't spending 100 hours passing out leaflets, it's twenty minutes on the phone with the dining hall coordinator, why not take that?

**Gary:** You want me to answer now?

**Erik:** Yeah, please.

**Gary:** Erik, let me ask you a question. Have you ever been to one of these cage-free egg farms?

**Erik:** I have not, I have seen pictures of them, and I have been to battery cage farms.

**Gary:** I've been to battery cage farms, and I've seen pictures of cage-free egg farms, and they are horrible. Absolutely positively horrible. And I don't know that I would describe a cage-free egg farm as anything more than a concentration camp with a string band on the way to the gas chamber. That's how I would empirically describe those situations in terms of the analogies. So, you haven't been to one, I haven't been to one, I'd like to go to one, and since you seem to have such confidence that these places are, I believe you said before "similar to Connecticut minimum security prisons", I would love to see one of these Connecticut minimum security prison egg farms, because I don't view it that way, number one. Number two, you talked about handing out literature at universities and Vegan Outreach and stuff like that. Let me say that I've seen some of Vegan Outreach's literature and I disagree with it. In the sense, that to the extent that what it says is "Well, you should be vegan, BUT, if you can't be, then there are other morally acceptable alternatives" and the bottom line is, you shouldn't tell people that. You should tell them there is no morally acceptable alternative.

If you take animal interests seriously you stop exploiting them. If you think slavery is bad you abolish it, you don't regulate it and say "Well instead of whipping the slave ten times a week we're going to whip the slaves nine times a week" I mean, I guess there's a reduction of ten percent of the whippings, but it really sort of misses the point of what the movement's about at least in my view. So I... in terms of handing out that literature, I would be concerned. The third point I would make is, you're saying, well, 98% percent

of the students. I don't know, where are you getting that number from? I mean where are you getting that, have you done empirical studies?

Let me tell you something Erik, I've got 65 students in my Human Rights Animal Rights class this year – 65 students. We'll see at the end of the semester how many of them opt for veganism. I can tell you that in the 24 years that I've been teaching I have had a tremendous success in convincing people to take animal interests seriously by opting for veganism. When we talk about efficiency and cost effectiveness, you know what? I'm wondering; let's look at Bob and Jenna Torres for a second. Mutual friends of ours.

**Erik:** That they are.

**Gary:** Bob and Jenna have Vegan Freaks. I don't know how much they spend on that enterprise; I suspect they spend at least a few hundred dollars a month. It is very clear to me, that Bob and Jenna are having a tremendous effect on educating people about veganism. If you took the money that you're spending on these cage-free campaigns, these gestation crates campaigns, and you put it into efforts like Bob and Jenna's, you would multiply exponentially the number of people who are being converted to veganism.

I started my new website at the end of November, I don't remember the exact date, I think it was the 28th or the 29th; we're about to hit 50,000 people who have visited the site. And I am doing this, basically with a former student who's now graduated and with Randy Sandberg, who's again, a mutual friend of ours, and with just, myself and two volunteers and no money, we're hitting 50,000 people, we're going to hit 50,000 people tomorrow. I am unable to keep up with the number of e-mails that I am getting from people from all around the world saying "you know, I never understood it this way. I never saw that, you know, I've been a vegetarian for ten years, I never saw that there was no difference between not eating flesh and not eating dairy. That you know, it's like saying you should eat small cows but not large cows. That there's more suffering in a glass of milk than there is in a pound of steak. I never saw it that way before." So it is clear to me, that vegan abolitionist education is cost effective.

And you know what; you talked about why not call the head of the dining services and say "offer cage-free eggs". You know what my solution is? Why not call the head of the dining hall, and take some of the \$100 million that HSUS is sitting on top of and saying "We'd like to subsidize, we'd like to introduce a vegan... we'd like to introduce vegan options into your multi-zillion student university, to educate people about the importance of veganism, the accessibility of veganism, and the tastiness of vegan food." That's what we want to focus on. The bottom line Erik, it's a zero sum game. All the resources that you spend on welfare are resources that you don't spend on abolition. It's zero sum.

**Erik:** Oh, we are in absolute agreement. I think where we disagree, is that I think there are occasions, such as this battery egg campaign, where your dollar and time goes a lot further, much, much further, in preventing suffering than an equivalent effort that is abolition oriented.

**Gary:** But Erik –

**Erik:** Let me respond to this idea you had about approaching the dining hall coordinator and asking for vegan options. I think that's great too. I think you and I are absolutely on the same page about that. But why not, while you're at it, since the overwhelming majority of students at colleges still eat eggs, why not spend the five minutes to ten minutes to twenty minutes talking about some battery cage issues as well and get battery cage eggs off the menu as well? I just think that there are – I hate to use a boxing metaphor when talking about animal protection, but I sort of think that perhaps the vast majority of our work needs to have an abolition based orientation to it. But there are some times, where we get these opportunities that take next to no time, very little money, and can have an enormous effect. I guess the best example I can give you gets right back to this HSUS battery egg campaign. I don't know if Rutgers is still serving battery eggs. Do you happen to know?

**Gary:** I suspect that they are. I don't know. I don't know and I don't care.

**Erik:** Yeah well, let me ask you...

**Gary:** I am not going to lift a finger to make anybody feel better about eating a cage-free egg. Erik, you have just told me you have never been to a cage-free facility. People who have been to cage-free facilities say that they are every bit as bad. They are putting 25,000, what is the number... they're putting 25,000 birds in a 150 yard shed. You've never even been to one of these places and yet you are absolutely convinced that this is the Connecticut minimum security prison relative to Abu Ghraib. That is to me astounding, absolutely astounding. I'm sorry but I have no interest, none, zippo, zero, in deluding any student into believing that eating a cage-free egg from some animal that's being tortured in way X rather than way Y, I have no interest in trying to make that person feel better about eating eggs, absolutely none.

I don't think it matters a damn bit to the birds, I think they're tortured in one situation and they are tortured in the other situation. I don't think it makes a damn bit of difference, I really don't. Not to the bird, I'll tell you who it makes a difference to, it makes a difference to HSUS, that is plugging this nonsense, and making what, \$60 million dollars a year in revenues, and sitting on top of a \$100 million? Yeah, I think it makes a difference to them. They need these sort of "victories" in order to keep the cash flow coming in. I don't think it makes a bit of difference to the birds Erik, and I'm not going to lift a finger to make some kid feel better, morally superior, about eating a cage-free egg... you haven't even been to one of these facilities. And the moment you can get into one, let me know, we'll go together.

**Erik:** Well, I've never been a burn victim either but I can well believe that it is extraordinarily painful. As I can similarly believe, after having seen the inside of a battery cage, thousands of them, that standing on wire and sleeping on wire non-stop for eighteen months or two years is one of the most...agonizing things I could ever imagine. Can you imagine sleeping tonight pressed against wire?

**Gary:** No Erik, but I also can't imagine sleeping tonight with 24,999 other people in a building that's a 150 yards long. I can't imagine that either. So, so is it horrible? Yeah, it's really horrible. Both scenarios are horrible. And you know, I'm simply not interested in trying to convince, or rather, delude people, into believing that being one of 25,000 in a 150 yard long building is like heaven relative to being in a battery cage. It's hell in both situations, and I'm not interested in making people feel better about themselves, because this has nothing to do with the animals, Erik. It has to do with making us feel better about how we exploit them, and that's all it has to do with. Delude yourself, kid yourself not. It has to do with *our* welfare, not *their* welfare. It has to do with making *us* feel better, not *them* feel better. I'm sorry Erik. I just disagree with you on this.

**Erik:** Oh, I, clearly, but –

**Gary:** Clearly. (*Erik laughs*) Clearly, very clearly.

**Erik:** You know, you were saying about the HSUS having \$100 million dollars in the bank. Let me say, let me say, Gosh, I wish they had \$100 **billion** dollars in the bank. I think the more money they have –

**Gary:** I'm sure Wayne Pacelle agrees with you.

**Erik:** Well, you know, I don't get a nickel from him, but I sure wish that they had ten times more money than they have.

**Gary:** Hey, let me ask you a question, though. Let me ask you a question.

**Erik:** Yeah.

**Gary:** If they're so concerned about stopping suffering now... well, let me tell you, you can stop a whole lot of suffering with \$100 million. How come they ain't spending that money?

**Erik:** Well, I, you know, that gets, I have no basis to comment on any of HSUS' funding –

**Gary:** Well why would you want them to have ten times that or a hundred times that? What the hell difference does it make how much money that they have if they're not spending it to stop animal exploitation *now*? If they're so concerned about stopping it *now*, if they think that my way of doing things is not practical, and I disagree with that, then tell me, why aren't they spending that money *now* to make a difference *now*? How many shelters do they own? How many sanctuaries do they own? Why aren't they spending that money? You can alleviate a lot of suffering right now with \$100 million.

**Erik:** Well I guess I can only, of course, only speculate about what their long-term strategies are, but haven't you ever saved up for something that you really, really wanted and couldn't afford? Whether it's a car or a house or what have you. I happen to think –

**Gary:** What are they saving up for? *(laughs)*

**Erik:** Yeah, well, I–

**Gary:** Well, tell me. What are they saving up for?

**Erik:** You know, I think there are smarter people at HSUS than me, and I think that there are people who likely have some sort of long-term plan that I don't about, that you don't know about, and thank God, animal agriculture doesn't know about. But I'll tell you, I would love to revisit this particular topic 10 or 20 years from now, because I think that HSUS is doing some major things right now that are putting huge pressure on animal agriculture. And I think these guys really want as much as you and me to see an end to animal agriculture, and I think, they don't ... \$100 million sounds like a lot, but it's not enough to probably accomplish some of the bigger things that need to be done.

**Gary:** Ok, so it's a big secret and we all have to wait, and the animals that are suffering now, to hell with them, because HSUS has some long-term plan. Ok, that's great. That's fine, that's fine.

**Erik:** Well it's unfair to make me speculate on what their long term plans are –

**Gary:** Look, look. The bottom line is: I think these national animal organizations are outrageous. They're sitting on top of millions of dollars. They're making six-figure salaries. They're making huge amounts of money. These people are being paid huge salaries, and let me tell you something – massive social change doesn't happen as a result of these corporations. These corporations are inherently conservative; they are inherently reactionary. Let me ask you a question. Does HSUS take a clear position on veganism as a moral baseline? Answer: no. Not that I'm aware of. I mean, I don't care whether they have vegan food at their annual meetings. That's irrelevant to me. I mean it's better than that they have meat, I agree. But like, so what?

What I want to know is, what policies, what positions are they taking? I spent two hours this morning tooling around the HSUS website, and all I was able to find – you know it's interesting, Erik, they are arguing that gassing chickens, that's ineffective. That's a cost efficient way of doing things. You said in your last podcast, and I must ask you for clarification on this, because I have to say I was completely confused by it. When you used my example of the Humane Slaughter Act, and you said “Francione says that...it's economic efficiency that we have the Humane Slaughter Act because it reduces carcass damage and worker injuries.” and you said that I was proved wrong by the campaign to gas chickens, and cover chickens under the Humane Slaughter Act. Well, let me say this to you. First of all, chickens haven't been covered under the Humane Slaughter Act, number one. And Number two – which is now 50 years old – and the reason why they

haven't been covered under the Humane Slaughter Act is because there isn't carcass damage and worker injuries or at least that have been cognized up to this point. It hasn't been seen as economically efficient.

So in fact, contrary to disproving my position, it actually proves my position. However, it is clear now that there is a campaign to get chickens covered under the Humane Slaughter Act, and if you look at, and again I have it sitting right here on my desk with the 80 million other pieces of paper in this mess called my office. I have HSUS' position paper on gassing chickens rather than killing them in the way that they are presently killed, and the HSUS report points out that, in fact it is economically efficient, it does reduce worker injuries, it does reduce carcass damage. Obviously it's different from the carcass damage and worker injuries that you have when you're dealing with a 2000 pound animal like a cow. The considerations are different, but HSUS is arguing that it's economically efficient to go to gassing chickens. So again, it's tied, welfare reforms are tied to economic efficiency.

And so I spent two hours this morning looking for abolitionist statements on the HSUS website, and maybe, I admit I'm not great with these computers, and maybe there are things there that I didn't see, and I'm perfectly willing to admit that. If it wasn't for Randy Sandberg we wouldn't be talking on Skype right now, because you know that took me hours yesterday to figure out. He had to walk me through that, but maybe I missed things, Eric, and please point them out to me. But I'd love to see some unequivocally abolitionist statements on the HSUS website.

So you're telling me they're sitting on \$100 million and they got great plans for the future. That's fine, and maybe Wayne Pacelle's going to sprout a third arm at some point. Who knows what's going to happen? But, you know what? Animals are suffering right now, and they've got \$100 million, and I'm just asking the question. Since y'all are talking about how we gotta stop suffering now, and that's the moral imperative. Well then, what's stopping ya? You got \$100 million. Hell, you could do a hell of a lot of suffering stopping with \$100 million. So, do it.

And telling me that "Well, HSUS has got some plans for the future," that's great, I mean I'm sorry – that just doesn't do it for me. Maybe it does it for you, it doesn't do it for me.

**Erik:** You know, it's a little like me asking you about the economic policy of Denmark over the next five years. You don't have any basis to comment on that, and I –

**Gary:** No, no, no, no, no, no, but I don't know what Den... I don't know anything about that. I acknowledge, Erik. I don't know anything about the government of Denmark. I do know what you're telling me. Which is that the HSUS people are concerned about stopping suffering now, and they want to do what they can do right now. This is what you've been telling me for the past hour and forty minutes about the cage-free egg campaign, and the gestation crate campaign. You're telling me they want to stop suffering now, and all I'm saying to you is, it's an empirical fact – if you've got \$100 million you can stop a hell of a lot of suffering. I mean, just take an example: Peaceful

Prairie out in Colorado. They've got 300 animals. They've had a hideous winter out there. You can do a hell of a lot of good, in a sanctuary like that by giving those people some money. There's all sorts of things you can do to stop suffering.

I'd like to know, what are they doing, you know? What are they doing with that \$100 million? In my judgment an organization should never, an animal organization should never be sitting on top of that sort of money. There's too much that needs to be done. Way too much that needs to be done right now. There's spaying and neutering that needs to be done. There's TNR work that needs to be done. There's sanctuary work that needs to be done. And you know what? I would take some of that \$100 million and I would start, I would franchise Bob and Jenna Torres out there. I'd have Vegan Freaks in every country in the world. I'd have Vegan Freak podcasts and Vegan Freak websites delivering an unequivocal vegan message in every language on the planet. You could do a lot of that with \$100 million. And you know what? At the bottom line, Erik, it would make a hell of a lot more difference, it would reduce a hell of a lot more suffering, it would lead much faster and more efficiently to abolition than focusing on cage-free eggs and gestation crate reforms.

**Erik:** Well, let's actually look at what is being accomplished right now. Not in five years, not in ten years. Let's look at what this campaign is accomplishing, and really why I think that it is just, you know, I know we see things in entirely different ways –

**Gary:** Yes, we do! (*laughs*)

**Erik:** Yeah, but it baffles me that at a bare minimum you can't acknowledge that the HSUS egg campaign has done tremendous good, and that –

**Gary:** Erik, you haven't even been in one of these places! You haven't even been in one of these places! And you're telling me this has gone from Abu Ghraib to a minimum security Connecticut prison. You haven't even been in one. When you go to one, tell me about it, get me invited, let me come there, and let me see it, and I'll tell you whether I think it's a Connecticut minimum security prison, but you haven't even been there. The only empirical evidence I have from people that have been in there says that it's every bit as bad as anything else. So I don't understand why you're baffled. What baffles me is you're making all of these extravagant claims and you haven't even been in one of these places.

**Erik:** Well, again it gets back to the fact that, maybe the fact that a bird pressed against wire for a year and a half, two years of her life, unable to walk, maybe that hits me differently than it does you. To me, if you get rid of that, and it's all you get rid of, and keep everything else constant, that is still a huge deal –

**Gary:** Erik, you know what? If you tell me that you're going to gas me, I love Mozart, if you tell me that I'm going to be taken to the gas chambers tomorrow morning I guess I would marginally prefer to be listening to Mozart as the last thing that I listen to before I

am taken into the gas chamber. Actually I would prefer Pink Floyd even more. I love Pink Floyd –

**Erik:** Hopefully the “Animals” album.

**Gary:** Yes, yes, exactly. So, if you told me that tomorrow, David Gilmore and Roger Waters, and Nick Mason were going to be out there playing when I was led into the gas chamber, I guess that would make it marginally better. But is that what I want to campaign for? Is that what I regard as the struggle for animal rights? I’m sorry man. I just don’t see it. You see it, I don’t see it. It doesn’t – and you know, you’re telling me, “Oh, I’ve got this intuition that there’s a huge difference between cage-free and battery, and you know what I’m saying? Its two versions of hell, and you know what? If there’s a marginal difference, I don’t think it’s significant, number one. And to the extent that there is any difference, and I’m not sure there is. It certainly is not the difference between Abu Ghraib and a minimum security Connecticut prison. But I will tell you this, it is insidious, in my view, that you are telling people that this is a morally better thing to do, because what you are doing is encouraging consumption, and you know, Erik, the evidence is absolutely indisputable that there are a lot of people that are going from vegetarian not to vegan, but back to eating more animal products. Because they feel that there are these great advances being made.

You know I hear you all talk about Whole Foods like its heaven “Oh, isn’t it just wonderful that people go to Whole Foods and they buy animals raised in accordance with the John Mackey animal compassion standards?” I think that is monstrous that you are telling people that that’s a better way to live. That is nonsense. I don’t think those animal compassion standards matter a bit. As a matter of fact, Darian Ibrahim, who is a professor at the University of Arizona, has an article coming out in *Law & Contemporary Problems* and he sent me, I have an article in the same journal, in which he talks about the animal compassion standards and how meaningless they are.

But let me tell you, there’s a Whole Foods near my house. When I started shopping there 10 years ago it was called Fresh Fields. They didn’t have any fresh corpses of cows or sheep or fish or anything. They didn’t have any fresh corpse section at all. They sold animal products, but they didn’t have a fresh section. Now they have a huge fresh section, and they have humanely raised this, and humanely raised that, and little signs all over about the animal compassion standards, and you know, it’s interesting to me. I go there quite a bit because I buy my organic vegetables there, and unfortunately they’ve driven a lot of the small health food stores out of business. So I go there to buy my organic vegetables, and I frequently talk to people there. I know a lot of the people who work there, and I talk to people who are shopping there. I’m a very friendly, you know, engaging guy. I love talking about these issues, and what’s really interesting is, I made a comment to one of the people who works there. And I was walking past the meat and fish section, and I said, “Oh my God, this is disgusting!” I looked at her, somebody I know, a worker that I know and I said, “This is really disgusting that you’re working in this section and selling these corpses.” And you know what her response was? Her response was “Yes, but PETA gave us an award for our humane treatment of animals!”

Which is true. PETA gave them an award. PETA also gave an award to Temple Grandin who designs slaughter houses.

I mean it blows my mind. But this is the sort of thing – PETA gives an award to Whole Foods. It makes people feel better. And that is insidious, Erik. I really don't think that is something that we should be doing. It's certainly not something I think we should be doing, and I think I've got good reasons for thinking we shouldn't do it. You may disagree with me. In which case, God bless you.

You know, you want to spend the rest of your life screwing around with gestation crate campaigns and telling people about how cage-free eggs are like, the Connecticut minimum security prison, that's fine. But don't call me divisive because I think that cage-free eggs are torture. I think that telling people that cage-free eggs represent a significant change from battery eggs; I just think it's wrong. And I think that encouraging consumption and making people feel, as Peter Singer very clearly says "ethically defensible" and I can quote "respect people who are conscientious about eating animals that have been humanely raised" he says that in *Animal Liberation*. He says he doesn't disagree with killing animals for their eggs. He doesn't object to free range eggs. You want to tell people that? Fine. Don't tell me I'm divisive because, or I'm "fundamentalist", I guess I'll accept that. Although I wish that you would not use it pejoratively. I'm happy to say I'm ethically consistent. But don't tell me I'm being divisive because I disagree with that. That's not a question of being divisive, Erik. It's just a question of disagreeing. And having good reasons to disagree.

**Erik:** Well, ok, well personally I don't feel that I'm screwing around with my life, but let's talk about this battery egg campaign and what it has accomplished. Because I think to say that that's screwing around in light of its accomplishments is outrageous. (*Gary laughs*) Let me talk about five or six things that this campaign has, that we can point to –

**Gary:** What are we talking about? Which campaign?

**Erik:** Getting back to the elimination of battery cages from HSUS. Now first of all, you were saying that, these alternative methods of animal production make people feel better about eating meat and eggs and so forth, and they're likely to eat more of that.

**Gary:** Yes, I'm sitting here looking at a whole bunch of studies that show that.

**Erik:** Ok, well, here's the thing. At wholesale, when cage-free eggs are sold at wholesale they're approximately 40% more expensive than battery eggs, and of course this has the effect of reducing consumption. If you're the dining hall head and the price of your eggs has suddenly gone up 40%, you're likely to put eggs into fewer foods. Let's also look at what Al Pope said as recently as December 2006 –

**Gary:** 40%? Where are you getting that from? I saw, I have some studies here, hold on a second. Where are you getting that number from?

**Erik:** It was off of some sort of literature, and I'd be happy to discuss that with you or have a further dialogue with you about it, but I'm pretty confident that it is representative. But I am normally very careful about footnoting things and I don't have the footnote here, but I would be more than happy to revisit that and retract that statement if it's incorrect.

Anyway, but the documentation I do have in front of me is as recently as 2006. Al Pope, who recently retired as president of the United Egg Producers had this to say, he said "Activists' actions force the industry to add substantial costs to producing its product...higher prices effect consumers willingness to purchase as we compete with other protein products. Long term, this issue has the potential of greatly impacting demand, and thus the economic well being of the industry. It is imperative that animal agriculture look beyond 2007 and recognize: We are at war." Now, that's the head of the United Egg Producers commenting on this sort of battery, anti-battery egg campaign, and then later on Pope's successor at the helm, at the United Egg Producers discussed the problems posed by students when they're switching to cage-free eggs and he went on record with this quote, again, this is the new president of the United Egg Producers, he said "When universities go cage-free it means egg production declines, because total costs go up and that translates into fewer eggs that end up on student plates."

Ok, so you've got the two, the past and current presidents of the United Egg Producers vehemently, passionately fighting against the end of battery cage eggs and going so far as saying "we are at war" with the Humane Society's campaign. Then you look at a publication called *Inside Higher Education* which reported just last November that some schools are actually using fewer eggs as a result of switching to these cage-free systems. It's exactly what the current president of the United Egg Producers had feared most, so what happens here is obvious. Your cost per egg rises when you source them from cage-free production systems, and so dining halls, they're smart, they're looking at the bottom line and they reduce their use of battery cage eggs. Now, and let's look at the big picture. And I hope this is something you're excited about – over the last year or so, the total number of birds confined in battery cages has dropped by several million over just the past couple of years. And in fact *Egg Industry Magazine* reports that in 2006, excuse me was the worst year, quote "in history" for battery cage manufacturers. Obviously these companies that make battery cages, don't have much of a market if suddenly everybody is switching to cage-free. So, those are some of the big time dividends that this cage-free campaign has been paying.

And you know, it's not about making people feel good about what they eat. What it's about, Gary, is...right now when you talk to people and you say, "Oh, animals aren't property, and we have no business eating them or raising them or exploiting them," – you believe that, I believe that, Wayne believes that, Paul Shapiro believes that. All these people I think, who you dismiss as New Welfarists, believe that every bit as strongly as you. Animals are not property, and they don't deserve to be exploited. But we have to keep in mind that a huge, the overwhelming majority of our potential audience is not going to buy that argument, and when you tell the average person that animals are not

property, the response you're likely to get back is, "Oh yes they are, and they are delicious."

And so my question to you, Gary, is if somebody is that closed to accepting this opinion that you believe and that I believe so strongly then what's next? What do you have for them next? In my case, if somebody is not willing to pull back from eating meat or milk or eggs, very often that person still is opposed to gratuitous cruelty. And if that's all they're willing to do am I going to jump up and down and celebrate the fact that they're switching away from battery eggs and adopting cage-free? It's not going to be the best thing that ever happened in my life, but I'm going to be darn happy that, at a bare minimum, they are moving to higher priced, more ethically produced animal products and probably eating a whole lot less of them since they cost more.

I guess what I want to ask you is, for a listener, when you're talking one-on-one, the guy sitting next to you on the plane, and you're telling him that animals aren't property and he looks at you like you're nuts, and he's totally unreceptive to that notion, what's next for you? What do you say?

**Gary:** Well, first of all, I'm glad that you know about what I say to people on planes next to me, or to anybody. I very rarely, I can't remember a time in which I started off a discussion by talking about the property theory of animals. Generally what I do is I talk to people about the companion animals they have, and how much they love them, and etc. And I try to tease out the fact that they engage in what I call moral schizophrenia by treating some animals as members of their family and other animals they stick forks into, and that's an approach I've had an enormous amount of success in. But you've raised umpteen different things. Some of which are related and some of which aren't. Let me just say first of all, your numbers about egg costs are wrong, at least according to the Humane Society of the United States "The Economics of Adopting Alternative Production Systems to Battery Cages" the report that HSUS issued indicates that the cost of cage-free eggs, the increased cost is anywhere between 8% and 24%, ok? 8% and 24%, with most of those being 21%, 19%, 15%, 12%.

12% to 18% but basically no study shows that it's more than 24% percent. And, according to the HSUS report, a 4.2% to 59% increase in the retail price of eggs would decrease demand .24 to 3.4%. At this elasticity, producers could, as a group, pass increased costs onto consumers without a loss in profits. That's the Humane Society of the United States, ok? So, your figures are wrong, at least according to HSUS, and if they're wrong, take it up with them. But they're saying that the increased cost is between 8% and 24% and they're also talking about price increases are such that in the elasticity of demand of egg products is such that egg producers can pass that along without any loss in profit, number one. Number two, as far as what we say to people who don't ... I'm not really interested in designing campaigns – I mean look, Erik, there are going to be people who disagree, they're going to be people who aren't interested at all. So shall I design my campaign and shall I target my efforts to the people that don't care?

You know, last night I saw this movie *Amazing Grace*, it wasn't a perfect movie, but it was certainly, given the grand scheme of horrible movies these days, it was a worthwhile movie to see. It was about Wilbur Wilberforce, who actually with Richard Martin, I think this is accurate, that he started the RSPCA in England, but William Wilberforce was also an abolitionist with respect to slavery. And it was very interesting, because he had to confront this very issue. That, at the time that he decided slavery should be abolished most people thought slavery shouldn't be abolished, and yet, he didn't propose that we ought to make slavery more humane. He took an abolitionist position continuously, and eventually he prevailed. So I'm not really interested in worrying about – yeah, are there some people out there that don't care?

You used the expression “gratuitous cruelty” I don't even know what the hell that means, Erik. I really don't even know what that means, gratuitous cruelty. What does that mean? We don't need to eat animals at all. Nobody maintains – its 2007, nobody, not even the United States government maintains that we need to eat any animal products to be optimally healthy. Indeed an increasing number of mainstream healthcare people are telling us that eating animal products isn't good for us. So, *all* suffering in connection with animals that we're raising for food is gratuitous. So I don't know what you mean when you say gratuitous cruelty.

But, are there people who don't care? Yes, Erik, there are people who don't care, and there are a lot of people who do care. And what I'm interested in doing is reaching those people, and when I reach them, the last thing in the world I want to tell them is, “Hey look, you're going to go from Abu Ghraib to a minimum security Connecticut prison if you buy cage-free eggs.” I'm not going to tell them that. I'm going to tell them if they care about this issue there's one choice: go vegan. And you know what? Some people are going to turn off to that, and some people are going to turn on to that, and what I'm interested in is the people who turn on to it, because every person I turn on to it decreases demand. That's what we've got to do, is decrease the demand. And the way you decrease demand is you get people to stop using these products altogether. You don't do it by imposing opportunity costs that are so deminimist that producers can pass those costs along to consumers and not lose a cent of profit. Indeed, there is a huge markup. I don't know if you've shopped at Whole Foods recently, but they're making a lot of money. Those products are marked up tremendously. Those producers are making a tremendous profit. I don't think that's the solution. As a matter of fact, I'm sure it's not.

**Erik:** Well, I can only point to what the egg people are saying –

**Gary:** Oh, but Erik, the egg people. You know what? Jorge Santayana, he's a philosopher. He said “Those who don't know history are condemned to repeat it.” I don't know if you're familiar with that. But, you know what? Read your history. Go read your history, and read the history of animal welfare and you know what? You will find thirteen trillion statements from animal producers that they object to this, and they object to that, and they object to this, and they object to that. Because that's what they do. If they don't, if they accept any sort of regulation without imposing an opportunity cost on the person proposing the regulation then they risk regulation that will affect them

in significant ways economically, and those things they are concerned about. So the fact that you're all excited about the fact that pork producers, or the veal, or the meat industry, because it wasn't just pigs, it was veal crates in Arizona. That they spent, you say \$2 million dollars. I assume that you're correct. I don't know whether you are, but I don't know where you're getting your figures from, but you're saying \$2 million. You know what? That's chump change for the meat industry. That's basically saying to HSUS "When you come after us on anything, we're going to impose opportunity costs on you." I don't care what the industry says. I care about the bottom line, which is 200+ years of animal welfare exploiting more animals today than at any point in human history in more horrific ways. It's not working. We need to rethink this issue.

**Erik:** Well, like you, I don't care what animal agriculture says publicly. What I do care about is what they tell each other when they write in a magazine that is consumed, that is read entirely by egg farm owners, and the United Egg Producers chair, the president is saying it is imperative that we recognize that we are at war. I think that clearly shows, this is not public posturing this is for internal consumption. These –

**Gary:** What are you talking about? What are you talking about? These are magazines that these people produce. These are part of the public rhetoric. What are you talking about? This is part of the public rhetoric, Erik. This is part of the public rhetoric. This is not a private discussion that you happened to overhear between Joe and Sam at the United Egg Producers. This is stuff that they're publishing in magazines. What do you think, that they don't know that we read this stuff? Or they're not aware that this could, come on let's be realistic about this stuff. Don't be naïve, Erik. Look I really recommend - what you ought to do is go take a look at the literature about how industries respond to regulation. There's a whole literature out there about this sort of thing. The fact that these people are saying they're at war. You know what? That's the sort of rhetoric they were using in 1985 when the vivisectionists were using, in 1984 rather, when they were confronting the Animal Welfare Act of 1985, and they were basically... I was having discussions, private discussions with vivisectionists and people at NIH in 1984. And they agreed, they thought that we were absolutely - that we were being absolutely taken in, and we were. We were settling for these animal care committees, which were basically useless. But they were fighting against it and they were saying things like, "Oh this is a war with the anti-vivisection people." and they didn't mean it then. And these people don't mean it now. They're just basically posturing. This is public posturing. The fact that they're doing it in an industry magazine, I mean, I'm sorry, Erik. That's public posturing.

**Erik:** Well, I happen to think that many times when industry magazines come out, the material being published is sincere communications to their members. And if that makes me naïve, I suppose, the animal people could be saying that this conversation right here between you and me is public posturing for some reason. And, no, it's not. It's a sincere conversation. We have some disagreements. I mean perhaps I'm naïve, but perhaps you're too cynical. In any event –

**Gary:** And I'm a fundamentalist, don't forget. (*laughs*)

**Erik:** You know, I want to get back to that, because– (*Gary laughs*) I mean, you’ve raised so many things it’s hard for me to keep track of what I should return to. But the issue I have –

**Gary:** We’re going on two hours. That’s fine with me. I’ll go ten hours, but I mean are your listeners going to listen to this for two hours?

**Erik:** (*laughs*) Maybe. I’ll have to split things up into a couple of shows.

**Gary:** Ok.

**Erik:** Ok, so... I think there are aspects of fundamentalist thinking, now, now we’ve already –

**Gary:** And what does that mean, Erik? What does that mean? Tell me what that means.

**Erik:** I’m trying to spell that out for you.

**Gary:** Ok. (*both laugh*)

**Erik:** There are, I think we’d agree, many definitions of fundamentalism, and –

**Gary:** Are any of them positive? (*laughs*)

**Erik:** I think so –

**Gary:** Oh, ok, tell me. Tell me which ones are positive.

**Erik:** You know, let me tell you. If I personally believed, I don’t, but if I personally believed that Jesus Christ was your only personal savior and if you did not believe in him, when you died you were going to hell. If I really believed that I would be a fundamentalist Christian. I wouldn’t see any other ethical way to move on –

**Gary:** Yes, and what do we think of as a fundamentalist Christian? We think of that person as somebody who basically...has very, very intolerant views, and has the political power to impose those views on other people.

**Erik:** Well, I think that certainly is one widely held interpretation of fundamentalism, and I would agree that there are many fundamentalist Christians who behave exactly the way you just said, but I think there are numerous ways where you can speak about fundamentalism and I do think that it is a useful word for talking about some of your ways of looking at the movements, and some of what you recommend in terms of how activists speak about the issues and behave. What bothers me about your writing and your public speaking is that to me... I don’t think that you adequately recognize the large, large portion of society who is just not going to buy in to the whole “animals are not property” sort of line. I think that right now that is still the overwhelming majority of society. Now,

just like you, I really want every possible person out there, I want to be able to convince them that animals are not property, that animal agriculture is fundamentally corrupt, that we need to get rid of the entire... you and I are in absolute agreement about that. And I don't think you feel any more strongly about it than I do. I think –

**Gary:** We'll let your listeners judge that.

**Erik:** I think... I hope they will. And you know what, I hope that you are even more passionate about this than I am. I really hope you are. Because the animals will only gain. I hope there's a million people out there more passionate and more effective than I am. But you know, all I can say is I'm doing my best and I care immensely about this. Now, I think where you and I differ, is what happens, what do you have Gary, for the... I don't know if it's 30% or 50% or 75%, but I know it's a high percentage of society who just is not buying, the people who will listen to your argument when they're sitting next to you on the plane when you talk about their dogs and when you talk about how, the whole warm and fuzzy side... you know, our relationships with animals, and you get–

**Gary:** Warm and fuzzy? Warm and fuzzy? (*laughs*)

**Erik:** Of course, isn't there... I'll happily admit that there's a strong emotional component to how we relate to animals, there's a whole –

**Gary:** Oh, I agree. I think I wouldn't call it warm and fuzzy just as I wouldn't call moral consistency fundamentalism... labels do nothing, but go ahead.

**Erik:** You know, I do not mean anything I say in an insulting way. I'm just want to get us to have a useful exchange here. And you know, if I want to be insulting towards you I would choose far more pointed words than fundamentalism. I'm trying to be useful here –

**Gary:** Children might be listening though (*laughs*)

**Erik:** God forbid. OK, I think where you and I are in deepest disagreement is... what do we do, what do you have for the 25%, 50%, 75% of people out there who aren't buying, who aren't ever going to purge animal products from their diet?

**Gary:** OK, I'll be happy to tell you. First of all, let me say that, again, when the abolitionist movement with respect to slavery started, most people in society accepted the legitimacy, the moral legitimacy and economic practicality of human slavery. So, the idea that, well there are a lot of people who are opposed. The answer to me, Erik, is, whatever the answer is, it's not to tell people that cage-free eggs are better, that Smithfield hams are better, or that John Mackey's animal compassion standards are better. That's not the answer to me. We have never presented a coherent vegan abolitionist argument as a movement. It's never happened. Erik, I take us back to the beginning of what we started talking about. Our father, our father who art in Princeton, Peter Singer, our father tells us that animal use per se is not problematic, that there is nothing wrong with using animals.

When you say “I agree with you that it’s wrong to treat animals as property, I agree with you that we ought to abolish...” well that’s great, I’m glad you agree with me, but our father doesn’t. Our movement doesn’t as a movement take a position on abolition and on veganism. As I told you, maybe I messed up, maybe I overlooked things that I didn’t see that were there on the HSUS site that I didn’t see, but I did not see anything...

I just got an e-mail from somebody. Just this very moment at 7:12pm, I got an e-mail from someone forwarding me a response from Vegan Outreach saying that Francione’s wrong, that animal welfare reforms don’t increase animal consumption. Well, sorry, the empirical evidence is to the contrary. Isn’t it interesting? But in any event, when you have a movement, where the person who is viewed by the movement as the primary theorist, Peter Singer, takes the position that animal use per se is not problematic and that it is only animal treatment that is problematic, then, I’m sorry, you’re not presenting an abolitionist... I mean, Peter Singer is not an abolitionist, he’s an act utilitarian, and I don’t know how much you know about moral philosophy Erik, but an act utilitarian really isn’t very comfortable with talking about the moral illegitimacy of institutions. And indeed I’ve spoken with Peter about this and about the status of animals as property, and he is an act utilitarian, and it is very, very difficult for an act utilitarian to say that the institution of animal property is problematic. Particularly when you do not believe that animals other than perhaps the great apes or maybe dolphins or whatever don’t have an interest in their lives in the first place, and that they don’t care that we use them, they only care about how we use them.

So, I think we have a movement that is deeply confused. I think we have a movement that has focused for a great deal of time on treatment and not use issues. You’re asking me what do we do about the people who don’t care, and the answer is, we don’t know how many people don’t care because we have never as a movement presented a consistent vegan abolitionist approach to these questions. We never have done that. HSUS doesn’t, Peter Singer doesn’t, Vegan Outreach doesn’t, none of these groups, not even PETA... PETA used to many years ago when I was first involved in them in the early 1980s, yes they did, but that changed very, very quickly.

These are now corporations; these are now corporations that are promoting what is in essence a very, very conservative welfarist line. And when you’re telling people “Oh yeah, it’s better if we don’t use animals at all” which some of these groups say, not from what I can tell HSUS, again maybe you can point me to some things that are abolitionist, but when you say to people “Well, you know what, you can behave morally if you exploit animals more gently” you know what people will do Erik? Answer: they will do that. They’ll continue to consume animals because you just told them that they can do it morally. And when you tell people that they can exploit animals and still be morally good people, that’s exactly what they’re going to do. So neither you nor I know, how many people out there won’t respond.

The one thing I can tell you Erik, from my own experience and from the experience that people like Bob Torres and Jenna Torres have and other people I know who are doing vegan abolitionist education – people do respond. So let’s spend some of these resources,

let's spend our time and let's spend our resources engaged in unequivocal, clear, uncompromising vegan abolitionist education. And let's see, it's clear to me, based on my experience, and the experience of these other people, people will respond to that. So, let's build a movement of people devoted to abolition. Let's attack the problem as a matter of demand. Let's get people to decrease demand by stopping use – not by purchasing something that is slightly more expensive where the increase cost can be passed along to the consumer where we don't move away from the property paradigm at all. Let's get people to focus on use, let's get them to apply the principle of abolition to their own lives.

That's what veganism is Erik, you know as well as I do... It's not just a matter of diet, it's a matter of applying veganism and non-violence, which is another important thing, and it disturbs me that the movement, that any significant part of the movement is in favor of violence because I'm violently opposed to violence, I think it's a terrible idea. But veganism is the application of the principle of non-violence and the principle of abolition to the life of the individual and that's extremely important. Let's build a movement of people who see that moral vision clearly and you know what? We could change the world.

Just like William Wilberforce who started off in a country of people all of whom thought he was crazy for opposing slavery, but he kept on fighting. My view is, you take all the energy, take all the HSUSs and the PETAs and the Vegan Outreaches, if we all spoke with one voice, if we all put all of our energy, all of our resources, all of our labor into a clear unequivocal vegan message, we can change the world my friend, I'm absolutely confident of it. Now we ain't gonna change the world by telling people "Oh yeah, there's a difference between cage-free eggs, it's like Abu Ghraib versus a minimum security prison." It's never gonna happen.

**Erik:** I think the thing is how passionately we disagree and how much we agree on, because I could not agree more that we need to speak with one voice about property and about the absolute corrupt nature of animal agriculture to everyone who's receptive to that.

**Gary:** Let me ask you a question Erik, if you really believe that, why aren't any of my books on the list of books that you recommend? Not one of them.

**Erik:** Oh, well, I'll tell you flat out. Because you know, to be totally frank?

**Gary:** Yeah.

**Erik:** I think that it is so obvious and so apparent that welfare reforms can and do eliminate enormous amount of suffering, just enormous, and to have the opinion that it does not... it's just shocking

**Gary:** It's not something that people should even be reading, right Erik?

**Erik:** Oh, that's not a question of that. What it is a question of is, honestly I have not picked up your books and I don't suspect that you picked up mine... but I have not read your books because what I know about what you said about welfare reform, strikes me as so completely and obviously incorrect that I, until you got on the Vegan Freaks a couple weeks ago, I wasn't motivated to even engage with what you had to say or to listen.

**Gary:** That's a fascinating response on multiple levels but I'll just let it go. I'll let my comment on that just go at that.

**Erik:** Yeah well, I believe there are plenty of people out there who I have seen the sort of... who recognize the profound and enormous differences that are present between standard factory farms and what reforms can create. Now nobody or practically nobody views this as "happy meat". I regard that as a completely disingenuous phrase. Like I said, nobody wants to be in prison and you don't like the Connecticut metaphor, but the truth is prison is prison and prison always sucks. To not be on the side of getting rid of vast amounts of cruelty when it can be done in a ten minute phone call, you could call your dining hall head at Rutgers and get tens of thousands maybe hundreds of thousands of birds off of battery cage floors, I just cannot understand why anyone would be opposed to doing it.

**Gary:** I reiterate, you have never been to a cage-free facility, and the evidence that we have indicates that cage-free facilities are hideous. And the idea that you haven't even been to one of these places but yet you're telling everybody that there's a huge difference and that what they ought to do tomorrow is go to their dining facility and try to tell people that cage-free eggs are good, rather than educate them about why they shouldn't be eating eggs at all, and getting vegan options, taking some of the \$100 million that some of these organizations are sitting on top of, to facilitate the introduction of vegan meals in these places, is just, hey look...

As I said, if this is what you want to do with your life, fine. But you know, there's a sociologist at the University of Bangor in Wales, his name is Roger Yates, and he described, I believe with respect to you, he described your views as having a poverty of ambition. If this is what you wish to do with your life, if these are the sort of campaigns you wish to pursue, hey, it's still a free country, I don't know how much longer it will be... but it's still a free country, do it. I don't think it's the right way, I'm excited, I'm really excited about the reaction with my little website, 50,000 people since the end of November, more e-mails than I have time to respond to, I simply don't have the time to respond to the zillions of e-mails I'm getting from people who are totally turned on by hearing abolitionist philosophy.

And yet, I deal with a movement that is hostile to my work, that doesn't even want to engage it, and you know what, I don't care. I expect it. I expect that corporations are gonna have a problem with somebody who says "corporations are screwing up. corporations are inherently status quo" that basically these campaigns that you love so much, I think are nothing more than the little victories that these corporations need so they can do fundraising, so they can make the zillions of dollars to pay their executives

six figure salaries so that people can have nice expense accounts. So they can take animal dollars, dollars that should be used to stop animal suffering and fly all over the world, and have company cars, an expense account, and all sorts of stuff... I think that's obscene. You don't? God bless you. We're different.

**Erik:** It comes down to me to... we're doing the exact same thing

**Gary:** Oh really? But you don't... that's right. Ok. Alright, look, you know? That's great—

**Erik:** The difference is, we're both reaching out to the people who really care about animals and trying to get them... Telling it like it is, that animal agriculture is always going to be a prison, always going to have slaughter tied up in it, always going to have dishonesty tied up in it, and for the people who really care about that, hey, you know, we've just been, you and I alike have just been totally honest and frank and upfront about what animal agriculture is.

**Gary:** No, Erik, that's not true. It's absolutely not true Erik. What the movement is saying is quite clear, and that is, they're saying that there is a morally significant difference between humane slavery and inhumane slavery. And that humane slavery is morally acceptable, morally defensible, no, no, sorry. I disagree with you. That's not the message of the movement. I don't think you know your Peter Singer very well, I don't think you're reading what the welfarist people are saying. I don't that you're paying attention to that.

**Erik:** I've certainly read just about everything Singer has written on the subject.

**Gary:** Yes I know, I actually saw your review of his obscene book "The Way We Eat" which I thought was absolutely horrendous. And I saw your extremely flattering review on Amazon.com; it was shocking to me, actually. That was the first thing of yours that I've ever read. And unlike you I've been writing about this for a long time. And that review was the first thing I read, and I was shocked by it. You and I have different sensibilities. But you know what? Get Singer. Get Singer to come back, and you know, I've debated him before, and it's, a lot of fun to do. So why don't you get him and you can get Wayne Pacelle, and you can get anyone... as far as I'm concerned you can get them all. And we can discuss this stuff forever. And the bottom line is, you and I are doing different things.

It doesn't mean I don't like you, it doesn't mean I don't think you're a nice person or a good person, you're a fine guy. I'm sure you got a good heart Erik, not questioning your integrity. I just think you're wrong. You're trying to tell people that... let's make slavery more humane. And my answer is, I want to abolish it. You want to make it more humane? Exercise your right and spend your time and your resources and try to make it more humane. You think the thing to do is to say "Well we're whipping slaves 20 times a week so we oughta whip them 19 times a week", and my view is – I'm not interested.

**Erik:** You could not mischaracterize my position more.

**Gary:** Really?

**Erik:** What I'm trying to do is get pretty much virtually the exact same message to the people who will act on it as you do. But for the people who don't have the motivation, and the concern and the feelings to act as you and I have done, what do we have for them? And to them, I want to speak as honestly as possible. And that –

**Gary:** No no, speak as honestly as possible. No no, you're not speaking to them honestly because you're telling them "Accept this change today, and this is morally good." and when that's not what you mean. You're not being honest with them, that's the problem of New Welfarism. New Welfarism is an inherently dishonest position. Because, to the extent that it really seeks abolition, its attempt to get to abolition through welfarist reforms which deny that abolition is the end point, is inherently problematic. But look, we're going over and over again the same thing ... you want to keep doing it that's fine. I cannot believe that going over the same thing eighty million times is going to be useful for people to listen to.

**Erik:** Well, yeah, we should wrap things up... well; I guess I'm just trying to see what we do agree on as we wrap things up. You know... I think clearly you want to... on a message that reaches really only the people who are going to go whole hog, if you will, and go vegan, I really want to reach those people but I also want to have a message that is going to do some good for the people who aren't willing to make those kinds of changes. I think that's the main area we differ in. In the grand scheme of things I don't think it's that big of a deal – *(Gary laughs)*

Really. Because I'll tell you why, there is something ten times, a hundred times more important than anything we're discussing right now –

**Gary:** And what is that?

**Erik:** And that is, I think the majority, maybe the vast majority of vegans out there, the vast majority of people who are concerned about animal protection, hardly ever, if at all, lift a finger to do something to actively work to dismantle animal agriculture. And I hope that's one of the things that you and I can absolutely agree on, is you have your way looking at things, I have my way of looking at things, some people will gravitate towards what you're saying, others will gravitate towards what I say.... I'm thrilled, as long as somebody comes on, and I don't care if they gravitate towards you or to me, but I just want to make sure that people are... that virtually every vegan out there is getting out to colleges and doing activism, helping to fund effective groups, giving their time in ways that will make a difference because, I don't think we're getting one or two percent of our days actively involved in making a difference, and that, more than any kind of dispute over welfare vs. abolishing certain cruelties, vs. total abolition... that more than any dispute, getting people involved is what we need more than anything else.

**Gary:** Well, I agree with you. Let me just say this. The way I would sum it up is – I think this discussion, which has been going on now for two and a half hours, indicates quite clearly that you and I have a very, very, very different approach to these issues. I have no doubt that you seek the end that you say that you seek, but as I argued in *Rain without Thunder* which I wrote eleven years ago, there's no reason to believe that welfarist reform is going to lead to abolition. Indeed, all of the evidence seems to suggest that it makes animal exploitation more acceptable socially, and facilitates the continuation of that exploitation. And so I think that there is a very, very different approach that you and I have to these issues, and we share or have different philosophies.

As far as getting people motivated? I couldn't agree with you more, and let me end my participation in this by saying, one of the worst things that has happened is that animal activism has become sitting and writing a check to HSUS or to PETA or to Friends of Animals or to any one of these other corporations. That's what animal activism has become. And if there is ever going to be a real change, people need to do things, and they need to understand that if there's going to be a significant shift in our thinking about these issues, it ain't gonna come from dictates of big multi-zillion dollar corporations. It's gonna come from the grassroots. I said that twenty years ago, I will continue saying that, because I believe that it's right, and I believe that the past twenty years has shown the evisceration of the movement, which has moved in the direction of "activism is a matter of writing a check to a national organization."

You want to change the world? Get out there, learn the arguments, they're not that complicated, learn the arguments in favor of abolition, get out there and talk about it with people. Get out there and table every weekend. Get out there and have vegan food available for people to taste so they realize how delicious it is. Get out there in the educational institutions and give lectures and have seminars about veganism, about abolition, about animal exploitation, and always be clear, always be unequivocal, always uncompromising, always I guess be what some people might call fundamentalist. There is no justification for any exploitation of animals. It ain't a matter of how humane it is, it's a matter that it shouldn't happen at all.

So I'm all in favor, Erik, of getting people mobilized, and getting them focused on a very clear unequivocal abolitionist message. I couldn't agree more with that. I think the idea that people aren't doing enough, or that they're doing enough by writing a check so that they can make HSUS's reserves instead of \$100 million, – \$100 million and \$10 is absurd.

**Erik:** Well Gary, thank you for joining me and I'm sure this will not be the end of our debate even though it's the end of our time together today. I really appreciate you setting aside this evening to talk to me and to talk to our listeners.

**Gary:** Erik it has been delightful... and I've enjoyed it immensely and it's been vigorous, and I thank you very much and I hope to speak to you soon.

**Erik:** Thank you.

**Gary:** Take care.