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GARY FRANCIONE

[ANIMAL ADVOCATE]

"WE CANNOT JUSTIFY TREATING ANY SENTIENT NONHUMAN AS OUR PROPERTY, AS OUR RESOURCE, AS A THING THAT WE CAN USE AND KILL FOR OUR PURPOSES."

Steps toward a morally coherent treatment of animals:
Reject campaigns that seek more "humane" exploitation
Condemn animal use
Regard veganism as a moral baseline

Gary Francione is, without doubt, the most controversial figure in the modern animal rights movement.

In the 1980s, before becoming estranged from PETA, he worked closely with Ingrid Newkirk and Alex Pacheco on PETA's most prominent cases, including its exposé of the gruesome head-injury experiments on baboons at the University of Pennsylvania's medical school. He was the indefatigable and high-powered young attorney, with the most impressive establishment credentials, who promoted and helped to legitimize PETA's issues. In 1990, Francione and his colleague and partner, Anna E. Charlton, founded the Rutgers Animal Rights Law Clinic at Rutgers School of Law, the first enterprise of its type in the world, in which law students received academic credit for working on actual legal cases involving animals.

But by the early 1990s, Francione began to be concerned that PETA and the animal rights movement generally were headed in the wrong direction. He eventually broke from PETA and from the organized movement, and, in 1996, he wrote his controversial book Rain Without Thunder: The Ideology of the Animal Rights Movement, *an incisive critique and reenvisioning of the movement. In the book, Francione argued that it was really no different from the welfare movement that started in the nineteenth century, and that it was failing to shift the paradigm away from the property status of animals and toward nonhuman personhood. He was also critical of those who advocated violence as a solution to the problem of animal exploitation. The book infuriated and alienated the animal rights community on all sides. Francione was largely dismissed as "too extreme," "divisive," "absolutist," and "fundamentalist." But he continued to develop what is now universally acknowledged as the most original and consistent theory of*

animal rights produced to date.

Francione's theory is described as the "abolitionist approach." He maintains that we cannot morally justify using animals as human resources, and that we should abolish animal use. He opposes efforts to reform or regulate animal use, arguing that they will necessarily provide limited protection to animal interests, because of the status of animals as property. He has come out strongly against promoting humane farming, vegetarianism, Proposition 2 in California, the Humane Society of the United States, the boycott of the NFL for allowing Michael Vick on the field, and even PETA's sexy ads about fur, meat, and other animal uses. In short, Francione rejects nearly all of the campaigns promoted by the large animal protection organizations. He even believes that Jonathan Safran Foer's book Eating Animals *is hurting, not helping, the cause for animal rights, and much of Francione's work is sharply critical of the utilitarian theory of Peter Singer, who, although he rejects the concept of animals' moral rights and defends being a "conscientious omnivore," is widely considered the father of the animal rights movement.*

Francione is, as far as most animal advocates are concerned, the iconoclast of the movement. So it's no surprise that he is widely hated by humane-meat farmers, PETA activists, vegan anarchists, and almost all animal rights activists. Indeed, some of the animal advocates who promote violence seem almost obsessed with Francione. The past three years have seen an explosion of interest in his work, here and abroad, among an army of young people numbering in the thousands, many of whom were omnivores when they first encountered Francione.

Francione is the author of six books, most recently The Animal Rights Debate: Abolition or Regulation? *from Columbia University Press. His work has been translated into French, Spanish, Chinese, Turkish, and many other languages. He is a Distinguished Professor of Law and the Nicholas deB. Katzenbach Scholar of Law and Philosophy at Rutgers. In this interview, he explains what an abolitionist is and why he believes abolition is the only answer to animal exploitation.*

—Deb Olin Unferth

I. THE INSTITUTIONALIZED EXPLOITATION OF SENTIENT BEINGS

THE BELIEVER: Most animal advocates encourage people to become vegetarians, yet you feel that promoting vegetarianism is a step in the wrong direction for reducing animal exploitation. Why do you feel that way?

GARY FRANCIONE: There is absolutely no morally defensible distinction between flesh and other animal products, such as milk or cheese. Animals used in the dairy industry usually live longer and are treated as badly if not worse than their meat counterparts, and they all end up in the same slaughterhouse anyway. The meat and dairy industries are inextricably intertwined. As far as I am concerned, there is more suffering in a glass of milk than in a pound of steak, though I would not consume either. Vegetarianism as a moral position is no more coherent than saying that you think it morally wrong to eat meat from a spotted cow but not morally wrong to eat meat from a non-spotted cow. We do not need any animal products

for health purposes, and animal agriculture is an ecological disaster. The best justification that we have for killing billions of animals every year is that they taste good. That simply cannot suffice as a moral justification.

BLVR: Many animal advocates approve of farms that raise animals in humane ways for consumption. Yet I understand you are opposed to these kinds of farms, and even to campaigns that work to improve the lives of animals on factory farms, such as Proposition 2 in California, which prohibits the use of some kinds of battery cages for chickens. Why are you opposed to campaigns like these? Isn't it better to at least treat the animals humanely if we are going to use them?

GF: I think that people who advocate such practices actually do more harm than good by perpetuating the fantasy that we can somehow tidy up the concentration camps and make the institutionalized exploitation of sentient beings morally acceptable. It is always better to do less harm than more. If you are going to murder someone, it's better not to torture her as well. A concentration camp with comfortable beds is better than one without. But this approach neglects a fundamental question about the moral legitimacy of the underlying activity of treating animals as human resources. For those who support these supposed reforms, the issue is *how* we use animals; for me, the issue is *that* we use animals.

I am opposed to animal welfare campaigns for two reasons. First, if animal use cannot be morally justified, then we ought to be clear about that, and advocate for no use. Although rape and child molestation are ubiquitous, we do not have campaigns for "humane" rape or "humane" child molestation. We condemn it all. We should do the same with respect to animal exploitation.

Second, animal welfare reform does not provide significant protection for animal interests. Animals are chattel property; they are economic commodities. Given this status and the reality of markets, the level of protection provided by animal welfare will generally be limited to what promotes efficient exploitation. That is, we will protect animal interests to the extent that it provides an economic benefit.

And if you look at the history of animal welfare reform, you will see it fits this model. For example, the Humane Slaughter Act of 1958 was nothing more than a recognition that large animals who were not stunned at the moment of slaughter would cause injuries to workers and incur costly carcass damage. The current campaign for gassing chickens is based on the lower costs of gassing over current methods of slaughter; the campaign to eliminate the gestation crate is based on the increased production efficiency of alternative methods.

BLVR: What is the difference between an animal abolitionist and an animal welfarist?

GF: An animal welfarist maintains that we should regulate animal use to make it more "humane." Some welfarists believe that welfare reform will eventually lead incrementally to the abolition of animal use or at least to significantly reduced use. I call those welfarists "new welfarists" because they claim to see welfare reform as a means to an end (abolition, reduced use), rather than as an end in itself.

An abolitionist is, as I have developed that notion, one who (*1*) maintains that we cannot justify animal use, however "humane" it may be; (*2*) rejects welfare campaigns that seek more "humane" exploitation, or single-issue campaigns that

seek to portray one form of animal exploitation as morally worse than other forms of animal exploitation (e.g., a campaign that seeks to distinguish fur from wool or leather); and (*3*) regards veganism, or the complete rejection of the consumption or use of any animal products, as a moral baseline. An abolitionist regards creative, nonviolent vegan education as the primary form of activism, because she understands that the paradigm will not shift until we address demand and educate people to stop thinking of animals as things we eat, wear, or use as our resources.

II. "WE TREAT SOME ANIMALS AS MEMBERS OF OUR FAMILY, AND WE STICK FORKS INTO OTHER ANIMALS."

BLVR: What rights do animals currently have, and how would you propose to change them?

GF: Animals are property. There are laws that supposedly protect animal interests in being treated "humanely," but that term is interpreted in large part to mean that we cannot impose "unnecessary" harm on animals, and that is measured by what treatment is considered as necessary within particular industries, and according to customs of use, to exploit animals. The bottom line is that animals do not have any respect-based rights in the way that humans have, because we do not regard animals as having any moral value. They have only economic value. We value their interests economically, and we ignore their interests when it is economically beneficial for us to do so.

At this point in time, it makes no sense to focus on the law, because as long as we regard animals as things, as a moral matter, the laws will necessarily reflect that absence of moral value and continue to do nothing to protect animals. We need to change social and moral thinking about animals before the law is going to do anything more.

BLVR: Do the lives of nonhuman beings matter the same as the lives of human beings?

GF: I am not sure what you are asking here. Do the lives of all human beings matter the same? The answer is clearly *no,* in that we treat human beings very differently based on certain considerations, some of which cannot be justified as a moral matter.

We do, however, believe that all human beings, irrespective of their particular characteristics, ought not to be the slaves of other humans. We believe that no human should be treated exclusively as the resource of other humans. We have no rational or morally justifiable reason to deny this protection to sentient nonhumans. We cannot justify treating any sentient nonhuman as our property, as our resource, as a thing that we can use and kill for our purposes.

There are many animal advocates, including Peter Singer, who maintain that although animals have an interest in not suffering, they do not have an interest in their lives, because they are not self-aware. On this view, animal lives do not matter at all, because killing animals is not, per se, a harm to them. Frankly, I find this view to be wrong and rather bizarre. In any event, the issue of the moral value of

animal life is a complex matter that does not lend itself to a short answer. I have two books, *Animals as Persons: Essays on the Abolition of Animal Exploitation* and *Introduction to Animal Rights: Your Child or the Dog?*, which deal with this very matter.

BLVR: Is it wrong to keep pets?

GF: It's morally wrong to bring any domesticated animals into existence for human purposes. We should not be breeding more dogs, cats, etc., to be our companion animals. Domesticated animals such as dogs and cats are vulnerable and entirely dependent on us for all of their needs. They live very unnatural lives because they are not part of the human world and they are not part of the animal world. So however well we treat our nonhuman companions, the institution itself is morally problematic. And the empirical reality is that most people do not treat their companion animals very well.

There are, however, many animals already in existence who need homes. Just as we have a moral obligation not to bring more animals into existence, we have a moral obligation to take care of those already in existence. We have five rescued dogs who live with us and have had as many as seven at one time. And, by the way, they are all healthy vegans.

BLVR: You talk about "moral schizophrenia," or our confused and delusional thinking about animals. Can you give an example?

GF: Yes. We all condemn Michael Vick for sitting around a pit and watching dogs fight because he derives pleasure from doing so. The rest of us sit around the barbecue pit and roast the bodies of animals who have been tortured as badly as—if not worse than—Vick's fighting dogs, because we enjoy the taste. That's moral schizophrenia. We treat some animals as members of our family, and we stick forks into other animals who are no different from our nonhuman family members. That's moral schizophrenia.

BLVR: You are often pictured with a dog or two—especially intriguing is the little long-haired, fluffy white dog; who is that?

GF: I will not tell Katie, our border collie with whom I am often pictured, that you regard Mollie, one of our two rescued Maltese, as "especially intriguing." We got Mollie from a kill shelter. She had been returned twice because she was supposedly unable to be trained not to urinate or defecate in the house. We have had her for eight years and she has never had an accident in the house. I should add that Katie came from a kill shelter as well, and was dumped by her former human companion because she was supposedly aggressive toward men. Katie is the sweetest, most unaggressive dog I have ever met. She does not have an aggressive bone in her body. She sits with me every minute of the day and is my dear, dear friend.

BLVR: I've heard you say that veganism is easy. Why do you say that, when most people say they find it very difficult?

GF: I became a vegan twenty-eight years ago. It was more difficult then, because there were fewer processed vegan foods, and most of us eat processed foods. But if you want to eat the standard American processed junk-food diet in a vegan version, you can do that today easily just about anywhere you live. You can get mock meats,

nondairy ice cream, soy cheese, etc. If you want to eat a healthy diet of whole foods, you cannot get an easier diet than a vegan one. I eat about 80 percent raw; 20 percent cooked. I eat great food that does not take a great deal of time to prepare and that is satisfying and nutritious.

I find it very annoying that so many animal advocates talk about the difficulty of being vegan. Many animal advocates are inclined to make the issue *their* suffering and not the animals' suffering, and I suppose that accounts for part of the reason that veganism is portrayed as such a "sacrifice." And many animal advocates are not vegans, or are "flexible vegans," which means that they do not observe veganism at all or not consistently, and emphasizing the supposed difficulty of veganism is part of justifying their own behavior. Just as I take an absolutist position on rape and pedophilia and racism, and do not think that being "flexible" about these issues is appropriate, I am not "flexible" about my veganism. It represents for me a matter of fundamental justice, and reflects my moral and spiritual commitment to nonviolence.

Let me say this: I have been in a number of slaughterhouses in my life. I have been on dairy farms, egg farms (conventional, cage-free, and organic), and just about everyplace else that involves institutionalized exploitation. There is nothing —*nothing*—that I want to eat or wear or otherwise consume so badly that I would ever be a part of the torture—and I use that word literally—that goes on in the very best, the supposedly most "humane," of those horrible places.

III. HOW CAN ANYTHING THAT SYSTEMATICALLY GOES BACKWARD BE REFERRED TO AS A "MOVEMENT"?

BLVR: I'd like to ask you a little about your history and about how your ideas developed. You were one of the early members of PETA. You worked with Ingrid Newkirk and were very close friends with her. How did you become involved with that group?

GF: In 1982, I was clerking on the Supreme Court for Justice Sandra Day O'Connor in Washington. I was a vegetarian, and had never even heard the word *vegan,* and I was unaware (literally) that there were people who did not eat dairy products or wear wool, etc. In any event, I used to pick up stray dogs on Capitol Hill and bring them into the Court. I would call the Washington Humane Society to come get them, and one day they sent Ingrid Newkirk over. She suggested that I consider becoming a vegetarian. I told her that I had been one since 1978, and she told me that she and her friend Alex Pacheco had started a new group called People for the Ethical Treatment of Animals. She wanted to introduce me to Alex. We had dinner at our apartment the following Friday night.

Shortly after arriving, Ingrid, not a shy person, got up and opened the refrigerator and yelled, "What is this cow pus doing in here?" It took me a second to realize that she was talking about the milk. I responded that I did not see what was wrong about drinking milk, as the cows were not killed in the process. Before you gasp, remember that we are talking about it being 1982. The level of knowledge was worse then than it is now. Ingrid replied, "What do you think happens to them? Do

you think they die of old age? How can someone obviously so smart be so stupid?" She then proceeded to pour my milk down the sink and dump all my ice cream in the garbage. That's how we became friends. It was a rather interesting way to start a relationship.

The next day she brought over a short book that had just been published in Britain about ethical veganism. My partner, Anna, and I read it, and we became vegans immediately. (I should add that, years later, I met the author of that book in London and I told him how his book influenced me, and he told me that he was no longer a vegan. Go figure.)

After I finished my clerkship with Justice O'Connor, Anna and I became very involved with PETA, and I started doing legal work for them on a pro bono basis.

BLVR: How did you begin developing your ideas about abolition?

GF: By the end of the 1980s, it was becoming clear to me that the movement was going in three directions that troubled me. First, most of the groups, including those that labeled themselves "animal rights" groups, started promoting the same old welfare reforms. While I was at Penn, I had the opportunity to be a colleague of Professor W. A. J. Watson's, the world's leading authority on slave law. Watson had concluded that slave law did not do much good for slaves under race-based slavery in the United States. It seemed to me that the same was true of animal welfare laws and regulations. They were not only ineffective; they were actually counterproductive because they made people feel better about exploiting animals.

Second, the groups, and particularly PETA, were becoming obsessed with the media and shaping the movement to fit the media. The notion of using sex and sexism to "sell" the animal issue started emerging. This, of course, made and makes no sense. As long as we commodify women through sexism, we'll continue to commodify nonhumans. The real problem is the commodification of sentient beings. You cannot morally justify perpetuating the commodification of some for the benefit of others.

Third, there was a small but vocal group that was encouraging violence. I thought that was problematic in that I not only was committed to ahimsa, or nonviolence, as a moral matter, but violence against institutional users, who are responding to demand, made no sense to me.

So I rejected welfare regulation, sexism, and violence. I thought that if we are ever going to shift the paradigm, we need to focus on ordinary people; we need to educate them through creative, nonviolent, vegan education about the lack of moral justification for using animals. Thus, the abolitionist approach was born. Actually, the more accurate word is *developed*, not *born*. These ideas developed over a period of several years. But by 1993, the abolitionist approach was clear to me.

BLVR: This alienated you from PETA and other animal rights groups?

GF: The thing that finally caused the end of my relationship with PETA was when I learned that PETA had killed animals at its "no kill" shelter, Aspen Hill. That happened in 1994. PETA, specifically Ingrid, in effect shared Peter Singer's view that killing an animal does not per se impose a harm on the animal as long as the animal was killed painlessly. I disagreed strongly and stated publicly that I did, and

things fell apart.

Then I wrote *Rain Without Thunder* in 1996, in which I argued that the animal rights movement was collapsing back into a movement for welfare reform that would never lead anywhere but to more exploitation. That book unleashed a literal fury of animosity from the "animal people." I got death threats, lots of very nasty communications, and I was told by various "leaders" of the movement that my views would be actively suppressed by the "movement" and that I would no longer be invited to speak at animal rights conferences. The large groups stopped promoting my work, and I became a nonentity as far as the "movement" was concerned. I continued to give talks at universities and community events, but I really lost contact with the "movement." By the way, how can anything that systematically goes backward be referred to as a "movement"? That's always puzzled me. Anyway, I kept working but in isolation. I did not have any mentors. There are no road maps in outer space.

BLVR: What was that like?

GF: On one hand, it was terrible because I had spent about fifteen years working with these people, and all of the sudden, I was exiled because I dared to disagree with their welfarist approach and commercialization, and with the advocacy of violence. On the other hand, it was one of the most liberating things that happened to me. The movement was getting very cult-like and there was absolutely no discussion. You followed the "leaders" or stood to be accused of being "divisive." That phenomenon has only gotten worse. I was delighted to be free of it all. Being away from the "movement" actually allowed me to develop my views.

And the Internet has changed the landscape of animal advocacy. People all around the world can communicate with each other and can now form communities with others. We are no longer dependent on the formal structure of the large groups to communicate. And that is precisely what is happening. There is a vibrant grassroots community developing completely outside of the formal structure of the large groups. And advocates are engaged in all sorts of creative, nonviolent vegan advocacy. I am very excited about the future.

Deb Olin Unferth is the author of *Revolution: The Year I Fell in Love and Went to Join the War*.

Illustration by Tony Millionaire

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