

SHOULD PEOPLE OF COLOR SUPPORT ANIMAL RIGHTS?*

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The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them hut by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of legs, the villosity of the skin, or the termination of the os sacrum are reasons equally sufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? Nor Can they talk? but, Can they suffer? - Jeremy Bentham¹

And no one, nobody on this earth, would list her daughter's characteristics on the animal side of the paper. – Toni Morrison²

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1. Introduction

People of color are underrepresented in the animal rights movement. To be more precise, and more provocative: The animal rights movement is perceived by many African American people as “a white thing.”³ In this Essay I want to respond *16 to these perceptions with two arguments. First, I argue that it is not surprising that people of color⁴ are not more active on behalf of animal rights, because advocates for animal rights often fail to recognize the relevance of racism and racial justice to their work. This ignorance yields more than insensitivity. Animal rights advocates, like environmentalists, risk further entrenching white supremacy, in theory and practice, by ignoring the centrality of social justice to questions of the relationship between humans and the non-human biosphere.

Second, I argue nevertheless that people of color ought to support animal rights, just as they ought to support environmentalism. As with environmentalism, however, the connection to an anti-subordination agenda demands a reframing of what “animal rights” means. The version of animal rights that people of color ought to support is rooted in a deep understanding of the linkages between all forms of subordination. Racism and what is sometimes called “species-ism” have a common origin and a common logic. And opposition to racism should lead one to oppose species-ism as well. The relationship between these two -isms, however, is far from the simple parallelism that Bentham’s famous statement, quoted as the first epigraph to this essay, suggests. Rather, anti-subordinationist thought requires that we question both what we mean by “animals” and by “rights.”

Part I of this essay provides a brief history and description of the animal rights movement, and describes some of the recent “animal liberation” campaigns that have caused controversy among people of color. Part II explores some theoretical bases for the objections that people of color have raised against such

campaigns. Part III stakes out a critical position from which anti-racist people of color might both support animal rights and challenge the animal rights movement to reframe what “animal rights” mean.

I.

a.

The animal rights movement sometimes traces its birth to the mid-nineteenth century, when English and American reformers began to found organizations such as the American Society for the Prevention of Cruelty Against Animals (ASPCA), and promote anti-cruelty or “animal welfare” statutes. Although Jeremy Bentham was not alone in seeing a philosophical case for animal rights, these early statutes were usually justified not on the basis of rights theory but on more pragmatic, human-centered grounds: the need to protect both property (on the theory that animals were property) and public morality (on the theory that cruelty to animals signified moral depravity).⁵

The birth of the “animal rights,” as opposed to “animal welfare,” movement, followed closely upon the birth of the environmental movement. In 1975, five years after the first American “Earth Day,” Peter Singer published his famous book, *Animal Liberation: A New Ethics for Our Treatment of Animals*.⁶ Singer used the word “liberation” deliberately:

The title of this book has a serious point behind it. A liberation movement is a demand for an end to prejudice and discrimination based on an arbitrary characteristic like race or sex. The classic instance is the Black Liberation movement. The immediate appeal of this movement, and its initial, if limited, success, made it a model for other oppressed groups. We soon became familiar with Gay Liberation and movements on behalf of American Indians and Spanish-speaking Americans. When a majority group – women – began their campaign some thought we had come to the end of the road We should always be wary of talking of “the last remaining form of discrimination.” If

we have learned anything from the liberation movements we should have learned how difficult it is to be aware of latent prejudices in our attitudes to particular groups until these prejudices are forcefully pointed out to us.

A liberation movement demands an expansion of our moral horizons.⁷

Philosophers seldom engender popular movements, but animal rights seems to be an exception. In the wake of several well-publicized protests against the mistreatment of research animals in the 1970s, People for the Ethical Treatment of Animals (PETA) was founded in 1980. Led by Ingrid Newkirk, a colorful and quotable figure, PETA claims to be the largest animal rights organization in the world, with more than 2 million “members and supporters;”⁸ And its philosophy draws directly on Singer’s; PETA, in fact, has reprinted and distributed Singer’s book widely. Both PETA and Singer argue that to support animal rights does not mean that animals should have all the same rights as humans (such as the right to vote); that because the touchstone for rights protection is the capacity to suffer, the animal rights movement does not encompass plants or bacteria; and, most importantly, that “to discriminate against beings solely on account of their species is a form of prejudice, immoral and indefensible in the same way that discrimination on the basis of race is immoral and indefensible.”⁹

b.

Several years ago, an online story carried by the Pacific News Service and BlackPressUSA.com titled “Campaign Equating the Treatment of Animals and Slaves is Halted” began this way:

The scenes are graphic. The charred body of a Black man is juxtaposed with a burning chicken. A shackled Black leg is shown next to the leg of a chained elephant. A woman is branded next to a panel of a chicken getting branded. The message is unmistakable: animals are

suffering the same fate as African-American slaves. That's the point of a controversial campaign by the Ethical Treatment of Animals (PETA). The online exhibit has been placed on hold amid a flurry of protests.¹⁰

The article quoted Dawn Carr, director of special projects for PETA, as defending the exhibit in this way: "Animal Liberation project is about many cruelties: slavery, child labor, oppression of women and Native Americans." John C. White, director of communications for the NAACP, responded, "NAACP is opposed to animal cruelty, but valuing chickens over people is not a proper comparison PETA shows that it is willing to exploit racism to advance its cause. Is PETA saying that as long as animals are butchered for meat, racists should continue lynching Black people?"

PETA pulled the exhibit pending talks with the NAACP, but reverberations of the controversy continued in the blogosphere. In a posting on Ingrid Newkirk's website, Karen Davis (founder and president of United Poultry Concerns, a nonprofit organization that promotes the compassionate and respectful treatment of domestic fowl) wrote:

African-Americans and other groups have expressed outrage over a PETA exhibit that compares animal slavery with human slavery. Yet not so long ago, anyone who dared to compare black people with white people in my neighborhood provoked similar outrage. As a 1960s civil rights activist, I fought with my parents and others incessantly over this point. Now, as then, I uphold these dreaded comparisons. Reduction of a sensitive being to an object imprisoned in a world outside any moral universe of care links the human slave to the animal slave in laboratories, factory farms, and slaughterhouses in ways that diminish the differences between them. Instead of bickering over who's superior and who's inferior on this planet that evolved all of us, why not own up to the preventable suffering we cause and do what we can to stop it?¹¹

Marjorie Spiegel, in articles and a book on "the dreaded comparison," similarly argues that the comparison is apt:

The parallels between the enslavement of animals and humans are innumerable and exist on many levels; they are built around the same basic relationship between oppressor and oppressed, master and slave ... The intentional, or sometimes simply thoughtless, destruction of relationships *20 and families during the antebellum period were rationalized by the view held by most of the white slave-owners that black people were “just animals” who would quickly get over separation from a child or other loved one. In fact, antebellum racist thinkers denied that love among black slaves existed at all. They maintained that “animal lust” and “animal attraction” were responsible for intimate bonding between two slaves. When slaves were brought to auction, children were sold away from their mothers and husband from their wives. Women were bribed or punished into breeding often injuriously vast numbers of children, and permitted no semblance of family structure.

Similarly, in countless ways every day, humans destroy or deny emotional bonds in other animals. In the wild, we randomly shoot the mates of waterfowls, some of which pair for life. Often the surviving mate dies of starvation while mourning. We shoot mother primates in order to capture their infants for displays in zoos or for use in laboratories. We annually produce millions of animals, placed in isolated cages, to provide scientists with “sterile” animals who have never been allowed contact with another of their kind.¹²

In its defense, PETA and its supporters also point out that African American activist and long-time vegetarian Dick Gregory sits on PETA’s board.¹³ However, “There is embedded dehumanization in comparing Blacks to animals,” insists one African American academic:

Regardless of who came up with the idea, it’s still a bad one, according to Cassandra Newby-Alexander, associate professor history at Norfolk State University in Virginia. “Comparing humans and animals is like the apples and oranges analogy,” Newby-Alexander states. “You can’t compare *21 the systematic deprivation of people’s rights, their culture and heritage to animals that don’t have an understanding of things. Doing so belittles the legacy and horrors of slavery.”¹⁴

African Americans are not the only group whose treatment and struggles PETA has analogized to the animal rights struggle. As the BlackPressUSA article noted, “PETA offended the Jewish community recently with a “Holocaust on Your Plate” campaign that showcased photos from slaughterhouses and Nazi death camps together.”¹⁵ On September 27, 2005, a press release on PETA’s website also announced an exhibit to be brought to Los Angeles the following day:

Inspired by the words of civil rights leader Dick Gregory, who said, “Animals and humans suffer and die alike the same pain, the same spilling of blood, the same stench of death, the same arrogant, cruel, and brutal taking of life,” PETA will unveil its thought-provoking “Animal Liberation” display in Los Angeles this week. The huge walk-through exhibit juxtaposes images of once-accepted acts of cruelty to humans with images of present-day cruelty to animals. Why Los Angeles? California’s past included some of the worst state-funded genocide of Native Americans in U.S. history. Today we casually exterminate and drive out native wildlife who want nothing more than to continue to make their homes and raise their families on the lands they have inhabited for thousands of years.¹⁶

So what about the dreaded comparison?

II.

a.

In 1799, visitors to Dr. John Hunter’s Museum in London could view a collection of heads arranged so as to tell a story about the “descent of man.”

The heads were] placed upon a table in a regular series, first shewing the human skull, with its varieties, in the European, the Asiatic, the American, the African; then proceeding to the skull of a monkey, and so on to that of a dog; in order to demonstrate the gradation both in the skulls, and in the upper and lower jaws. On viewing this range, the steps were so exceedingly gradual and regular that it could not be said that the first differed from the second more than the second from the third, and so on to the end. ¹⁷

This exhibit meant to suggest that the Biblical account of human origin, in which man was created separately from the animals and given dominion over them, was wrong; man was an animal among other animals. A century later, Charles Darwin's story about evolution – a story that soon became ubiquitous in Western culture – reiterated this claim about the essential kinship of man and beast. And more than a century after that, scientists were marveling at the discovery that the gorilla and the human genome are approximately 99% identical.

Despite these scientific efforts to deny a bright line between human and animal, however, the demarcation remains fraught with significance. When in Toni Morrison's novel, *Beloved*, Schoolteacher had the plantation master's boys divide the slave Sethe's characteristics into human and animal, listing them on separate sides of the paper, she knew what it meant, just as everyone knew what it meant when officers of the Los Angeles Police Department described black suspects in that city as "gorillas in the mist."¹⁸ To be moved from the human to the nonhuman side of the paper is to be made a being with no moral claims, a being whose body is only flesh, vulnerable to any kind of treatment for any reason, or for no reason. And since the time of the Atlantic slave trade, it has been the African out of all humans who has been placed right on that line between subject and object, person and property, whose supposed kinship with the primates represents the blurred yet essential line between man and beast. Saartje Bartman – the so-called "Venus Hottentot" – was only one of the most celebrated in a long line of people of African descent, male and female, whose bodies were made into a spectacle of the "missing link."¹⁹

Not only African Americans, but native peoples, as well, have closely been identified with the animal world in Anglo-European culture, with similarly grim results. As Robert Williams and other scholars have noted, the religious dispute over the treatment of non-Christian peoples, from the time of the Crusades to the time of European colonialism, frequently returned to the question of

whether “savages” possessed souls to be saved, and the status of those savages not converted to Christianity. Although progressives like Las Casas argued strongly that native Americans should be treated as persons with rights, others argued that, as heathens, they were little more than beasts who could be killed with impunity. Similarly, the ideology and practice of “Indian hating” in North America after the American Revolution coupled acts of brutality and genocide against native peoples with the justification that Indians were only “varmints,” brutes in human form whose extermination would cleanse the new land for human habitation and economic development.²⁰

Coupled with Indian hating was a sentimentality toward the “noble savage” that also linked native peoples to animals, though with less deadly results. Enlightenment philosophers imagined the Indian as possessing all the good characteristics Europeans feared they themselves had lost in the march toward “civilization,” including a graceful, non-exploitative communion with nature. Indians in this conception were “natural men” who possessed a certain nobility in their wild state, even though they were doomed to fall under the wheel of quickly-evolving capitalism. Indeed, according to this argument “primitive peoples probably apprehended the laws of nature more clearly than civilized man since they were less corrupted by the practices and prejudices of civilization and more creatures of instincts considered natural.”²¹ As John Berger quotes Gyorgy Lukács,

Nature thereby acquires the meaning of what has grown organically, what was not created by man, in contrast to the artificial structures of human civilisation. At the same time, it can be understood as that aspect of human inwardness which has remained natural, or at least tends or longs to become natural once more.²²

We are back to animals again. As Berger observes, “According to this view of nature, the life of a wild animal becomes an ideal, an ideal internalised as a feeling surrounding a repressed desire. The image of a wild animal becomes the starting-point of a

daydream: a point from which the day-dreamer departs with his back turned.”²³ And, like the Indian, the wild animal is imagined in this daydream as always vanishing, always just about to be extinct. Berger observes, “The treatment of animals in 19th century romantic painting was already an acknowledgement of their impending disappearance. The images are of animals *receding* into a wildness that existed only in the imagination.”²⁴ The same was true of contemporary romantic depictions of Indians in popular and high cultural representations; the noble but doomed Indian was a stock figure in novels, plays, and poetry.²⁵

These nostalgic associations, like the associations between people of African descent and monkeys, did not go away when the twentieth or even the twenty-first century dawned. The peculiar use of Indians as sports mascots – still considered unproblematic by many, because it is supposed to be “complimentary” – is a dramatic example. Indian activists have also strongly criticized the industry in indigeneity perpetuated by the New Age movement. Indian ideals, Indian cultural practices, Indian sayings, Indian artifacts are valuable because they stand for an anti-capitalist critique of modernity (of course made available in commodified form). Indians, everyone knows, are (or were, since they are still always vanishing) close to nature; they have an organic relationship with animals, plants, and the entire biosphere that white people have lost access to. In this way, Indians continue to carry the burden of western nostalgia and sentimentality for a pre-modern, pre capitalist world.²⁶

b.

I am not an animal. - John Merrick, *The Elephant Man*.²⁷

America will tolerate the taking of a human life without giving it a second thought. But don't misuse a household pet.- Dick Gregory²⁸

So there is some kind of link between nineteenth-century depictions of African Americans, of Indians, and of animals. What about this link makes the analogy between Black Liberation, Indian Liberation, and Animal Liberation disturbing?

1. Perhaps it is disturbing precisely because it is telling. The value of the analogy for PETA is the same value that gay activists have made use of in comparing bans on same-sex marriage to bans on interracial marriage. *25 The analogy reminds us that, as the bumper sticker says, truth has three phases: universal ridicule, heated controversy, and finally unquestioned fact. The liberal rights project has a constantly moving horizon: as we continually “widen the circle of the we,” we learn to recognize that the social arrangements taken for granted today as normal, natural, and necessary are always historically and socially constructed. What is demanded of us, as Peter Singer argues, is compassion in response: a willingness to relax our impulse to reject unfamiliar rights claims out of hand, and to take as central, not the question of whether a rights claim seems strange and weird, but whether we can discern, connected to it, suffering, which it then becomes our duty as moral beings to alleviate. If this is the source of the objection – and its unfamiliarity – then perhaps PETA is right.
2. But why African Americans? Why Indians? And why the Holocaust? Another objection to the use of these groups and events as anchors for the Animal Liberation movement is that civil rights struggle is not the orderly procession toward moral perfection that these dreaded comparisons suggest. African Americans, in particular, have in the post-civil rights era arguably become “civil rights mascots”: new rights claims are routinely analogized to African American rights claims, and it is invariably suggested that if the treatment being protested were being

visited upon black people, it would never be tolerated. What's wrong with such arguments is their implicit assumption that the African American struggle for rights is over, and that it was successful. The use of analogy misrepresents history – strategically, it must be admitted – as the unfolding of a natural, organic process.

3. What's wrong, further, is the assumption that rights struggles are at some level all the same. The dreaded comparison(s) erase the specificity – and the seriousness – of each rights struggle. This inflicts a dignitary harm on the group whose struggle is being referenced to support some other struggle. This was the foundation of some African American complaints about the miscegenation/same-sex marriage analogy. It is also the central argument of many Jews disturbed by the casual use of “the Holocaust” as a touchstone for every kind of moral wrong. The Holocaust is not like anything else. To even begin to make the analogy is to misunderstand what was so terrible about the Holocaust. Great moral disasters – like the Middle Passage, like North American genocide, like the Holocaust – demand of us that we recognize their black-hole quality: they are utterly singular, utterly horrific in very specific ways; they signify the breakdown of ordinary politics and ordinary public policy in which this harm can be put in the scale and weighed against that.
4. Finally, what's wrong with the analogy is that it ignores the history we surveyed in the last section. Indeed, it is tone-deaf in a way that covertly exploits the very racism that animal liberationists claim to reject. Precisely because of the close relationship between colored people and animals in the white imagination, the invocation of the dreaded comparison – the chained slave next to the chained animal in a sinister visual rhyme – itself calls out the

structures of feeling that have undergirded racism for so long.

The comparison implicitly constructs a gaze under which slaves and animals appear alike. This is the sentimental gaze of the privileged Westerner who “saves” those less fortunate, the voiceless masses whether human or animal. Harriet Beecher Stowe exploited this sentimentality shrewdly and to great effect when she published *Uncle Tom’s Cabin*; and many PETA campaigns make the same moves. As Sherene Razack has brilliantly explored, this structure of feeling – which Razack interestingly identifies as “white feminine” in character - is in some ways as central to the racist project as hostility and repulsion.²⁹ Compassion – the call to alleviate suffering – lies dangerously close to the sentimentality that engages the subject not with the Other but with herself.

Animals notoriously call forth this sentimentality. Domestic pets, as John Berger observes, are often treated as valuable to the extent they are used to mirror their “owner”’s personality:

The pet *completes* [the average owner], offering responses to aspects of his character which would otherwise remain unconfirmed. He can be to his pet what he is not to anybody or anything else. Furthermore, the pet can be conditioned to react as though it, too, recognises this. The pet offers its owner a mirror to a part that is otherwise never reflected. But, since in this relationship the autonomy of both parties has been lost (the owner has become the-special-man-he-is-only-to-his-pet, and the animal has become dependent on its owner for every physical need), the parallelism of their separate lives has been destroyed.³⁰

The public outcry that sometimes attends the abuse of pets may coexist with apathy and indifference toward the plight of humans, including or especially people of color; and this is in part because animals can be treated sentimentally, as mirrors or as foils for oneself, in ways that humans (at least, adult strangers) cannot.³¹ To the *27 extent that the animal liberation movement calls forth this sentimentality, it makes plain the situation

of people of color: neither accorded equal dignity nor afforded the patronizing sentimentality that at least funnels money and goods towards cute and fuzzy animals. (Indeed, from the perspective of this sentimentality people of color are not worthy of energy and attention, since they are likely to be ungrateful.)

The dreaded comparison also ignores the dynamic relationship between people of color and animals given their historic linkage in the white western mind. In some ways, animals are to people of color – particularly African Americans – as prostitutes (Margaret Baldwin has argued) are to women.³² The existence of the prostitute creates a dynamic in which the woman, to achieve dignity, must always and constantly dissociate herself from that abject figure. She is set up to seek respectability, to make clear, “I am not that.”

Animals – and for African Americans, especially primates – activate, I think, this urge to disassociate on the part of people of color, based on the intuition that our dignity is always provisional. PETA’s animal liberation campaigns, from this vantage point, are “white.” They assume a comfort in associating oneself with animals and animal issues that people of color can only assume with difficulty. (I have a visceral repulsion reaction to primates that I believe to be in part race-based: the fear of being seen, by whites, as interchangeable with them.) It is, of course, the opposition between woman and prostitute, animal and African that needs itself to be destroyed. But to assume that this opposition-identification is unproblematic, as the dreaded comparison does, is to implicitly code the campaign itself as white.

III.

All sites of enforced marginalisation – ghettos, shanty towns, prisons, madhouses, concentration camps – have something in common with zoos.
- John Berger³³

So, given all these objections, is it any wonder that the animal rights movement, like the environmental movement, might be dominated by white people? And is there any reason for people of color to be interested in or support animal rights?

I want to argue that people of color can and should support animal rights, but should do so in a way that identifies and challenges the animal rights movement's complicity with racism. Just as the environmental justice movement reinvented environmental protection as being not about protecting "nature" from "humans," but ensuring peace, justice, and sustainable political-economic practices for the good of the biosphere, an anti-specie-sist position can be constructed that is also anti-racist.

What are the bases of such a case? I will move from the most modest to the most sweeping.

1. There are certainly cultural resources in indigenous American, indigenous African, and African diasporic cultures for respecting animals, as there are such resources available for respecting nature. These cultural resources are linked with material and ideological economic practices that place stewardship and respect rather than exploitation and profit at the center. In this way supporting animal rights could be seen as a practice that is specifically identified with ethnic traditions, but from within those traditions rather than from without.
2. Racism and species-ism share a common history: not only a history of capitalist exploitation under which slaves crammed into ships presage factory farms, but also the history of an episteme under which nature and culture are violently separated and the modern subject emerges, nostalgic about the rupture. Hannah Arendt calls this subject "homo faber," and names his instrumentalization of the world, his confidence in tools and in the productivity of the maker of artificial objects; his trust in the all-comprehensive range of the means-end category,

his conviction that every issue can be solved and every human motivation reduced to the principle of utility; his sovereignty, which regards everything given as material and thinks of the whole of nature as of 'an immense fabric from which we can cut out whatever we want to resew it however we like'; his equation of intelligence with ingenuity, that is, his contempt for all thought which cannot be considered to be "the first step ... for the fabrication of artificial objects, particularly of tools to make tools, and to vary their fabrication indefinitely"; finally, his matter-of-course identification of fabrication with action.³⁴

People of color in the environmental justice movement have identified the convergence between capitalist and racist exploitation as a place from which to resist both. As Robert Collin and Robin Morris-Collin argue:

Industrialism teaches and preaches the rectitude of exploiting the meek, the unskilled, the marginalized, the oppressed, and the disenfranchised. Racism justifies and rationalizes exploitation and degradation of both poor people and people of color, just as economic progress justifies and rationalizes exploitation and degradation of nature. The two are twins.³⁵

From this perspective, the struggle for reparation – the struggle to transcend our long and continuing history of capitalist exploitation and degradation – must include an accounting of nonhuman as well as human suffering. Consider, for instance, philosophies like Jainism, in which all living beings are considered to contain an immortal essence, or *jiva*, which must be treated with compassion.³⁶ Although to be embodied in human form gives the *jiva* a special opportunity to reach enlightenment, Jainism sees all *jiva* as equal and thus requires its followers to respect all living things, human or nonhuman. Jainism thus requires its members to be vegetarian, and many are vegan out of concern for cruelty in animal-keeping practices. Other "dharmaic" philosophies, such as Buddhism, similarly take as their

project not simply “human rights,” but compassion for and lovingkindness toward all living things.

1. The visceral shudder that I, an African American, feel when confronted by an ape – the urge to insist, “I am not that” – is a repulsion reaction that is deeply political. It provokes the gesture of differentiation that, Meg Baldwin argues, every woman potentially finds herself performing: “I am not a whore.” And that is the same gesture that has led, some argue, the organized gay and lesbian political and legal movement to distance itself from “bull dykes,” “flaming fairies,” transsexuals, cross-dressers, and drag queens and to present itself as being about “normal” folks who just want the same things as straights.³⁷ It is the same gesture that makes contemporary transgender people hesitant to make common cause with disabled people and fight for legal protections under the Americans With Disabilities Act.³⁸ And it is the same gesture that makes people with physical disabilities hesitant to embrace those with mental and developmental disabilities. The gesture is central to what Regina Austin calls, in the context of the African American middle class, the “politics of respectability”: the effort to make political and social gains for one’s group by shifting the line of abjection just enough to let the most privileged step over to the other side.³⁹ The trouble with the politics of respectability, of course, is that it compounds suffering by intensifying the isolation and denigration of those who just aren’t normal enough to pass; and it lessens the chances of a transformative political moment like that now represented in the gay and lesbian movement by the shorthand “Stonewall:” when the most despised, instead of slinking into the shadows, suddenly find the means to fight back.

Kendall Thomas suggests another strategy in place of the politics of respectability for transgendered people:

What might it mean for trans activists and their allies to mobilize around a vision of transgender or, better, “transhuman” rights that affirmatively aligns itself with, rather than against, the idea of the inhuman? What might it mean to view the human rights culture we seek to create as one in which the call to social justice for transgendered people is voiced as a call to “stand on the side” of the inhuman? What might it mean for the transgender movement to conceive the justice it seeks not as a matter of simple inclusion into the existing institutions and ideology of human rights but as a transformation of human rights discourse, and a transfiguration of the human rights imaginary?⁴⁰

As Thomas emphasizes, such a politics would not be about trans people or African Americans declaring themselves to be animals and joining PETA en masse (though that might be an interesting maneuver). To the extent that what Thomas is talking about remains an identity politics at all, it would be based around what Donna Haraway describes as cyborg identity.⁴¹ The cyborg, for Haraway, is a trickster figure that is always neither this nor that, but both-and, and so resists its placement on either side of the paper. A cyborg politics recognizes that there is no pure nature and no pure culture, that the animals and other non-humans that we fight to protect are, like companion animals, already part of the human story and cannot be rescued from it, and that even a politics of “human rights” will always be insufficient because as the line of abjection sweeps across the globe there will always be some suffering entity left in shadow.

Indeed, in the end I think even an attempted politics of cyborg identity ultimately fails.⁴² The hardest, but most necessary, struggle is to move from nouns and verbs to adverbs: from moral analyses in which we decide how we should *31 treat a thing by investigating its characteristics to see if they meet our standards of “personhood” (or “entity capable of cognition,” or even “entity capable of suffering”) to an ethical analysis that forces us to examine not the what but the how of our own actions.⁴³

Are we interacting in the world with it (whatever it is: human, flower, whale, rock) in a way that is compassionate, that takes care? Or are we behaving as if it (whatever it is) has no importance, no meaning, other than as a reflection of our own needs and desires? We are back not to Bentham exactly but to Kant, perhaps by way of Martin Buber: the ethics of antisubordination requires us to treat everything not as an It but as a (at least potential) Thou.⁴⁴ Here, the language of rights begins to reach its limit, as well as the language of identity. Law pushes us toward rights-talk and identitarian thinking, and I have suggested the need to push back in the name of love and compassion. The goal cannot be, however, the one that critical legal studies scholars once suggested: to altogether replace the language of “rights” with a language of “needs.”⁴⁵ Rather, as Robin West argues, the goal is a dialogue between law and ethics, love and justice.⁴⁶

So there is an anti-subordination case to be made for animal rights, and that is the germ of truth in the dreaded comparison. Rather than adopting identity-based comparisons and analogies, however, anti-racist activists should embrace animal rights as a practice of justice and love. From this perspective, identity ultimately is irrelevant, except insofar as the grounded experience of identification teaches us the necessity of compassion.

IV.

The animals of the world exist for their own reasons. They were not made for humans any more than black people were made for white, or women for men. - Alice Walker⁴⁷

What if what is “proper” to humankind were to be inhabited by the inhuman?
- Jean-François Lyotard⁴⁸

People of color are right to be wary of the animal rights movement, as they have been right to be wary of the environmental movement. Caring about animals and about wilderness has of-

ten been accompanied by a disregard for – even a hatred of– the human, and a lack of interest in objects who are liable to reject pity and sentimental “love.” And the very notion of what is “animal” and what is “wilderness” has been shaped by an European epistemology that has left certain peoples on the wrong side of the paper. PETA’s problematic use of the “dreaded comparison” illustrates how fine the line is between consciousness raising and reinforcing pernicious stereotypes, images, and structures of feeling.

Nonetheless, the dicey-ness of this territory is not a reason for people of color to stay away from animal rights. All of us have an interest in living in a world without antisubordination, and we should be more keenly aware of that interest the more intensely we experience subordination in our own lives and the lives of those we love.⁴⁹ People of color, along with other identity groups created by practices of oppression, are among those who should care with a particular passion about eradicating practices of oppression no matter against whom or what they are directed. In the end, however, the case for animal rights rests, as Jeremy Bentham recognized, on the necessity of compassion for all things; it therefore speaks to us as entities with souls rather than as members of particular human social groups. As practitioners of nonviolence such as Gandhi have famously recognized, compassion for suffering requires right action at many levels: peace, justice, and respect for all beings, living or not, animal, vegetable, or mineral.⁵⁰ Such compassion-based support for animal rights does not ask whether the entity in question falls on the “suffering” or “not suffering” side of the paper; it does not privilege “innocent” animals over fallen man; it does not treat animals as mirrors, or as the site of nostalgic projections. We can and should use an ethic based in compassion to reduce the suffering of animals and of humans, and we can and should do so without reducing one to the other.

NOTES

- 1 JEREMY BENTHAM, *THE PRINCIPLES OF MORALS AND LEGISLATION* 310-11 n.1 (1988).
- 2 TONI MORRISON, *BELLOVED: A NOVEL* 251 (1987).

³ Data confirming or refuting these propositions, of course, are difficult to find. Certainly People for the Ethical Treatment of Animals (PETA) boasts affiliations with several prominent African Americans, including Dick Gregory, Richard Pryor, and Alice Walker. Nonetheless, in the author's experience people of color, particularly African Americans, are hesitant to identify themselves with the animal rights cause, and an extremely unscientific poll of acquaintances yielded the consensus that "animal rights is a white thing."

Some light may be shed on this empirical question by the literature on African American support for environmentalism, a movement related to the animal rights movement. A study done in Detroit found that African Americans expressed similar levels of concern for the environment as white Americans, but that those concerns were expressed in different ways. Julia Dawn Parker and Maureen H. McDonough, *Environmentalism of African Americans: An Analysis of the Subculture and Barriers Theories*, 31 ENV'T & BEHAV. 155 (1999), available at <http://eab.sagepub.com/cgi/content/abstract/31/2/155>. Other writers seem to assume that people of color are not active in environmental discourse. See, e.g., Joseph Springer, *The Presence of African American Men in the Environmental Movement (or Lack Thereof)*, 6 J. AFRICAN AMERICAN MEN 63 (2002) (suggesting that African American men are underrepresented in environmental discourse).

Paul Mohai sets out the argument that African Americans are not interested in the environment:

Are African Americans concerned about the environment? It has been commonly assumed in the United States that they are not, or at least they are not as concerned as are white Americans. According to this long-held belief, African Americans are preoccupied instead with such high priority issues as improving access to educational opportunities and jobs, fighting crime in their neighborhoods, and overcoming racial barriers. Following this logic, environmental concerns would take a back seat to these other issues – to the point where a healthy environment would be viewed as a luxury. In fact, measures taken to protect and improve the environment could be seen as antithetical to African American interests because such measures could conceivably put burdens on industries that supply needed jobs and boost local economies.

Paul Mohai, *African American Concern for the Environment: Dispelling Old Myths*, ENVIRONMENT, Jun. 2003 at 11. *But see* KIMBERLY K. SMITH, AFRICAN AMERICAN ENVIRONMENTAL THOUGHT: FOUNDATIONS 8 (2007)(arguing that African American thought contains a rich vein of literature addressing “not how to protect the natural world from human interference but how to facilitate responsible and morally beneficial interaction with nature.”). Certainly the traditional environmental movement has been focused on wilderness preservation and has avoided issues of urbanism, race, and class. *See, e.g.*, ROBERT GOTTLIEB, ENVIRONMENTALISM UNBOUND: EXPLORING NEW PATHWAYS FOR CHANGE 43 (2001) (arguing that traditional environmentalism separates the ecological from the social); Kevin DeLuca & Anne Demo, *Imagining Nature and Erasing Class and Race: Carleton Watkins, John Muir, and the Construction of the Wilderness*, 6 ENVTL. HISTORY 541 (2001). The emergence of the environmental justice movement is typically explained as a response to this failure of traditional environmentalism. The environmental justice movement recognizes care for the environment as inseparable from care for human beings. *See* LUKE COLE & SHEILA FOSTER, FROM THE GROUND UP: ENVIRONMENTAL RACISM AND THE RISE OF THE ENVIRONMENTAL JUSTICE MOVEMENT (2000).

- ⁴ In this essay, by “people of color” I mean especially native peoples and peoples of African descent, for reasons that will become clear in the next section.
- ⁵ *See* Ruth Payne, *Animal Welfare, Animal Rights, and the Path to Social Reform: One Movement’s Struggle for Coherency in the Quest for Change*, 9 VA. J. SOC. POL’Y & L. 587, 591 (2002).
- ⁶ PETER SINGER, ANIMAL LIBERATION: A NEW ETHICS FOR OUR TREATMENT OF ANIMALS (1975).
- ⁷ *Id.* at xii-xiii.
- ⁸ PETA, *Mission Statement*, available at <http://www.peta.org/about/> (last visited December 27, 2008).
- ⁹ Singer, *supra* note 6, at 243.
- ¹⁰ Amecia Taylor, *Campaign Equating the Treatment of Animals and Slaves is Halted*, NNPA, Aug 29, 2005, http://news.newamericamedia.org/news/view_article.html?article_id=2d0b9436b761aae71f5d8a45d62a4690.

- ¹¹ Karen Davis, *Is the Dreaded Comparison Unjustified?*, INGRIDNEWKIRK.COM, Sept. 25, 2005, [http:// devmt.peta.org/ingridnewkirk.com/2005/09/is_the_dreaded.html](http://devmt.peta.org/ingridnewkirk.com/2005/09/is_the_dreaded.html).
- ¹² Marjorie Spiegel, *The Dreaded Comparison*, E: THE ENVIRONMENTAL MAGAZINE, Nov-Dec, 1995 at 40, available at [http:// findarticles.com/p/articles/mi_m1594/is_n6_v6/ai_17847939](http://findarticles.com/p/articles/mi_m1594/is_n6_v6/ai_17847939); see also THE DREADED COMPARISON: HUMAN AND ANIMAL SLAVERY (1996).
- ¹³ There are also occasionally other African American faces that appear on PETA's website. For instance, Michael Strahan, who plays for the New York Giants, stars in a recent public service announcement called "Cold Paws" warning of the danger of leaving companion animals outside in winter. See NY Giants' Michael Strahan Tackles Animal Abuse, <http://www.peta.org/feat/coldog/> (last visited Jan. 10, 2009). Kristoff St. James, an actor on the *Young and the Restless*, and his daughter have a PSA condemning the treatment of circus animals. PETA, Summer Circus Ad – Kristoff St. John, [http:// www.petatv.com/tvpopup/Prefs.asp?video=kristoff_summer_circus](http://www.petatv.com/tvpopup/Prefs.asp?video=kristoff_summer_circus) (last visited Jan. 10, 2009). Montel Williams also has a short interview regarding mistreatment of circus animals. Circuses.com, Montel Williams Talks Tough on Circuses, [http:// www.circuses.com/montel.asp](http://www.circuses.com/montel.asp) (last visited Jan. 10, 2009). There is a letter on the site which Richard Pryor sent to a regional court magistrate in Pretoria, South Africa, urging the magistrate to impose the maximum sentence on two men for elephant abuse. Circuses.com., Pryor Asks Maximum Sentence for Elephant Abusers, <http://www.circuses.com/ryor.asp> (last visited Jan. 10, 2009).
- ¹⁴ Taylor, *supra* note 10.
- ¹⁵ *Id.*
- ¹⁶ Press Release, PETA, Exhibit Comparing Native American Genocide to Animal Abuse Coming to Los Angeles (Sept. 26, 2005) available at [http:// www.peta.org/mc/NewsItem.asp?id=7160](http://www.peta.org/mc/NewsItem.asp?id=7160).
- ¹⁷ Christopher Fox, *How to Prepare a Noble Savage: The Spectacle of Human Science*, Introduction to INVENTING HUMAN SCIENCE: EIGHTEENTH-CENTURY DOMAINS 11 (Christopher Fox, Roy Porter, and Robert Wokler eds., 1995) (quoting CHARLES WHITE, AN ACCOUNT OF THE REGULAR GRADATION IN MAN, AND IN DIFFERENT ANIMALS AND VEGETABLES AND FROM THE FORMER TO THE LATTER 41 (1799)).

- ¹⁸ Seth Mydans, *Los Angeles Force Accused from Within*, N.Y. TIMES, March 29, 1991 at A10.
- ¹⁹ STEPHEN J. GOULD, THE FLAMINGO'S SMILE: REFLECTIONS IN NATURAL HISTORY 294 (1987), Another example of the longstanding mythology linking not just animal and human, but specifically African and primate, is the theory that HIV was first transmitted to humans by Africans who had had sex with monkeys. See SUSAN S. HUNTER, BLACK DEATH: AIDS IN AFRICA 39 (2003); see also NICOLE ITANO, NO PLACE LEFT TO BURY THE DEAD: DENIAL, DESPAIR AND HOPE IN THE AFRICAN AIDS PANDEMIC 316 (2007).
- ²⁰ See RICHARD DRINNON, FACING WEST: THE METAPHYSICS OF INDIAN HATING AND EMPIRE BUILDING (1980).
- ²¹ Robert F. Berkhofer, Jr., *The White Man's Indian* 76 (1978).
- ²² JOHN BERGER, *Why Look at Animals?*, in ABOUT LOOKING 15 (1980).
- ²³ *Id.*
- ²⁴ *Id.*
- ²⁵ See generally Berkhofer, *supra* note 21.
- ²⁶ Lisa Aldred, *Plastic Shamans and Astroturf Sun Dances: New Age Commercialization of Native American Spirituality*, 24 AM. INDIAN Q. 329 (2000); PHILLIP JENKINS, DREAM CATCHERS: HOW MAINSTREAM AMERICA DISCOVERED NATIVE SPIRITUALITY (2004).
- ²⁷ Quoted in film. THE ELEPHANT MAN (1980). As the quote suggests, there are also close links between animals and people with certain sorts of disabilities. The severely retarded person is often trotted out to be unfavorably compared with a monkey or a dog (Peter Singer, for example, does this). Deaf people have been at various times and places equated with animals, as have the mentally ill. Nora Ellen Groce & Jonathan Marks, *The Great Ape Project and Disability Rights: Ominous Undercurrents of Eugenics in Action*, 102 AM. ANTHROPOLOGIST 818 (2000).
- ²⁸ DICK GREGORY, THE SHADOW THAT SCARES ME 371 (James R. McGraw ed., 1968).
- ²⁹ SHERENE RAZACK, LOOKING WHITE PEOPLE IN THE EYE: GENDER, RACE, AND CULTURE IN COURTROOMS AND CLASSROOMS (1998); Sherene Razack & Mary Louise Fellows, *Race to Innocence: Con-*

fronting Hierarchical Relations among Women, 1 J. GENDER RACE & JUST. 335 (1998).

³⁰ Berger, *supra* note 21 at 14-15.

³¹ Even wild animals are sentimentalized in contemporary western culture. John Berger recounts this news story:

“London housewife Barbara Carter won a ‘grant a wish’ charity contest, and said she wanted to kiss and cuddle a lion. Wednesday night she was in a hospital in shock and with throat wounds. Mrs. Carter, 46, was taken to the lions’ compound of the safari park at Bewdley, Wednesday. As she bent forward to stroke the lioness, Suki, it pounced and dragged her to the ground. Wardens later said, ‘We seem to have made a bad error of judgment. We have always regarded the lioness as perfectly safe.’”

Id. at 17. The 2005 movie *Grizzly Man* explores a similar apparent sentimental attachment between a man and a sloth of grizzly bears (yes, that is the collective noun) that ends fatally for the man. GRIZZLY MAN (2005). The sometimes stark juxtaposition of caring for animals and lack of caring for people recalls the lack of interest some abortion rights activists have for the “post-born”: fetuses are wholly innocent and therefore deserving of reverence in a way that the already born, inevitably fallen are not. In Adam’s fall we sinned all; but fetuses have not yet fallen. For an argument exploring this image of the fetus as central to American right-wing ideologies of the 1980s, see LAUREN BERLANT, *THE QUEEN OF AMERICA GOES TO WASHINGTON CITY: ESSAYS ON SEX AND CITIZENSHIP* (1997).

³² Margaret A. Baldwin, *Split at the Root: Prostitution and Feminist Discourses of Law Reform*, 5 *Yale J.L. & Feminism* 47 (1992).

³³ Berger, *supra* note 21 at 24.

³⁴ HANNAH ARENDT, *THE HUMAN CONDITION* 305-306 (1998) (1958).

³⁵ Robert W. Collin & Robin Morris Collin, *Sustainability and Environmental Justice: Is the Future Clean and Black?*, 31 *ENVTL. L. REP.* 10968 (2001).

³⁶ On Jainism, see, for example, BAHARAT S. SHAH, *AN INTRODUCTION TO JAINISM* (2002); on Buddhism, see, for example, RUPERT GETHIN, *THE FOUNDATIONS OF BUDDHISM* (1998).

- ³⁷ See MICHAEL WARNER, *THE TROUBLE WITH NORMAL: SEX, POLITICS, AND THE ETHICS OF QUEER LIFE* (1999).
- ³⁸ See Jennifer L. Levi & Bennett H. Klein, *Pursuing Protection for Transgender People Through Disability Laws*, in *TRANSGENDER RIGHTS* 74 (Paisley Currah, Richard M. Juang, and Shannon Price Minter eds., 2006).
- ³⁹ “*The Shame of it All*” *Stigma and the Disenfranchisement of Formerly Convicted and Incarcerated Persons*, 36 *COLUM. HUMAN RIGHTS L. REV.* 173 (2004).
- ⁴⁰ Kendall Thomas, *Afterword: Are Transgender Rights Inhuman Rights?*, *supra* note 36, at 312-313.
- ⁴¹ Donna Haraway, *A Manifesto for Cyborgs: Science, Technology, and Socialist Feminism in the 1980s*, in *THE POSTMODERN TURN: NEW PERSPECTIVES ON SOCIAL THEORY* 82 (Steven Seidman ed., 1994).
- ⁴² Consider, for example, the “transhuman” movement, which anticipates a “singularity” moment when humans, with the aid of bio-technology, will evolve into something grander. This movement, it seems to me, turns the politics of cyborg identity into fantasies of transcendence that deny the merely actual. For a critical account of the transhumanists, see DIANA M.A. RELKE, *DRONES, CLONES, AND ALPHA BABES: RETROFITTING STAR TREK’S HUMANISM*. *POST-9/11* 80-83 (2006).
- ⁴³ Tucker Culbertson suggested this grammatical metaphor to me.
- ⁴⁴ MARTIN BUBER, *I AND THOU*, (Walter Kaufman, trans., 1971).
- ⁴⁵ See Mark Tushnet, *The Critique on Rights*, 47 *SMU L. REV.* 23 (1993); Mark Tushnet, *An Essay on Rights*, 62 *TEX. L. REV.* 1363 (1984); Peter Gabel, *Phenomenology of Rights-Consciousness and the Pact of the Withdrawn Selves*, 62 *TEX. L. REV.* 1563 (1984).
- ⁴⁶ ROBIN WEST, *CARING FOR JUSTICE* (1997).
- ⁴⁷ Alice Walker, *Preface to THE DREADED COMPARISON*, *supra* note 12 at 14.
- ⁴⁸ Quoted in Kendall Thomas, *Afterword to TRANSGENDER RIGHTS*, *supra* note 36 at 310.
- ⁴⁹ Cf. DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992).

⁵⁰ MOHANDAS K. GANDHI, GANDHI AN AUTOBIOGRAPHY: THE STORY OF MY EXPERIMENTS WITH TRUTH (Mahadev Desai. trans., 1993) (1957).