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CRUELTY AGAINST ANIMALS

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Jean-Honoré Fragonard's 'Girl Making a Dog Dance on Her Bed' was painted in the late 1760s. The painting is typical of his decadent style, with its warm tones, luxuriant brushwork, and energetic celebration of pleasure. In the painting, a young girl lies back on her bed, holding a small spaniel whose tail moves between her legs, caressing her vulva and buttocks. Its phallic energy is palpable. The girl's bedside table is open, a visual allegory of her receptivity to sensual advances. The cool blue ribbon of the girl's nightcap is echoed in the bow of the spaniel: the two beautiful creatures are in harmony. 'Girl Making a Dog Dance on Her Bed' is a scene of reciprocal adoration and erotic enjoyment.



I have chosen this painting to begin my talk because it is a scene of mutuality between a girl and a dog and – to be frank – most of my talk today is about disharmony – or, worse, outright cruelty. As a species, homo sapiens are singularly bad at "loving animals". We admire exotic "wildlife", while destroying their habitats. We are distressed by unkind treatment of animals but regulate slaughter within abattoirs. Western lifestyles are wholly dependent upon farming animals, which involve practices of extraordinary cruelty. Philosopher Jacques Derrida invented a term to describe human-animal relationships: "carno-phallogocentrism". In other words, our treatment of animals is based on privileging masculine traits ("phallo") and the possession of language ("logos"); it involves a willingness to kill and eat other sentient beings ("carno").

But here is the contradiction: people are cruel to nonhuman animals, yet we loudly proclaim to "love" them. We call some of them "pets". In 2017-18, 68 per cent of American homes contain a pet: that makes nearly 85 million homes. In the UK, the pet population is around 51 million; 45 percent of us "own" one. Children are more likely to live with a pet than with their fathers. The most common companion species are dogs, followed by cats.



Although pet owners are reluctant to allow their animals to act according to their "nature" (and many even euthanize them when they become old, unattractive, or disobedient), there is general agreement that love for pets means giving them food and water, ensuring they get exercise, and talking to them. Half of all pets in the U.S. sleep in the same bed with a member of the family. We maintain fictive kin relationships with them. We indulge them, buy them presents, give them names, and look upon them as "almost human". We kiss and caress them. We dance with them on our beds.

In this talk, I will range widely over debates about cruelty towards nonhuman animals. Although (as we shall see shortly) concern about the lives of animals can be traced to the beginning of human time, I will be largely focussing on the period from the late nineteenth century to the present, when organised groups of people set out to legally as well as socially enforce certain forms of behaviour in the treatment of animals. Often, this behaviour was accompanied by threats against offenders of the "kindness code".

It should come as no surprise that the strong evangelical focus of the nineteenth century animal lovers resulted in an overblown rhetoric insisting that a special kind of hell was reserved for people who are cruel to animals. This can be seen not only in sermons addressed to the "faithful flock" but also to young children in some of the early books marketed to young readers. One example is a book entitled 'Kindness to Animals' (1845), and written by Charlotte Elizabeth Tonna, a prolific and popular evangelical novelist. In this book, she described the horrible death of young boy who worked as a butcher's assistant. On his death-bed, his boy was tormented by the memory of being "cruel to God's dumb creatures". The boy "died shrieking out that he must go to hell". Tonna reminded her young readers that:

"the agonies of one-hour hereafter, would be worse than all the tortures that could be inflicted on God's creatures during their whole lives. But instead of an hour, it is for ever and ever that all who go to that dreadful place of punishment must remain.... It is impossible for a cruel man to be happy: it is entirely IMPOSSIBLE.... HE SHALL HAVE JUDGMENT WITHOUT MERCY WHO HATH SHOWN NO MERCY."

An 1898 sermon on 'Behalf of Dumb Animals' concurred. "A terrible retribution will overtake those who have inflicted pain on the defenceless dumb creation", argued the Rector of Landcross, adding:

"Call it hell or what you like, I believe they will in the life to come undergo severe chastisement, for it is only by enduring pain themselves that they will ever be brought to realise the depth of their own brutality."

It would be churlish to wonder how sinners being punished in the afterlife could go on to prove that they had realised the depth of their transgression, but the rector's point is nevertheless powerfully made: cruelty to animals warranted eternal torture.

This emphasis on Divine retribution continued until late in the century, but the nemesis increasingly took on a human-form. For example, in 1888, the Humane Society published a poem as part of their 'Aims and Objects'. The poem was prefaced with the assertion that "divine truth" decreed that "With what measure ye mete, it shall be measured to you again". After this bow to theology, though, the Society identified the actual punisher as God's human agent. The poem introduced readers to a young boy called Tom who had a habit of plucking off flies' legs and wings. Tom's father decided to "give him a lesson". Tom's father,

"catching his son of a sudden, And giving his [Tom's] elbow a twist, He pulled his ears till he halloed, Then doubled him up with his fist.

And didn't he twist on the carpet! And didn't he cry out with pain! But whenever he cried, "Oh, you hurt me!"

His father would punch him again."

The message was clear: retributive violence, whether inflicted by God-the-Father or his paternal representative here on earth, was justified.

It was an argument that was widely applied to adults as well, particularly those working in the vivisection or animal testing industry. We can see this in a cartoon-image entitled 'A Vivisector's Nightmare', published in 'The Animals' Guardian' in 1911. The image accompanies a graphic list of 'Some Recent British Experiments'. The original captions read:

"CAT: You remember. Two years ago, you divided the spinal cord of a cat to produce convulsions? VIVISECTOR: Too true – alas, I did! CAT: I am that cat!"



A great number of historians have written eloquently on the anti-vivisectionist movement of the large nineteenth and early twentieth centuries – so I don't want to rehash their arguments here. My point is a much narrower one – that is, to draw attention to a consistent line of argument from the nineteenth century to more recent times concerning the theological and secular punishment that people would reap for mistreating animals. Support for retributive violence subsided from the 1940s, only to see a major revival in the 1980s-90s with the rise of animal liberationist movements.

The newsletter 'Arkangel for Animal Liberation' led the debates. In the spring of 1990, "Neil from Shrewsbury" strenuously defended violence against humans in the interests of nonhuman animals. It was "hard to see", he insisted, "how even an equal amount of violence used against an animal abuser could be unacceptable". He exhorted his readers to imagine being present when an elderly person was being attacked on the street. What was the correct action: turning a blind eye, adopting a stance of pacific reasoning, or physically retaliating against the attacker? "Neil from Shrewsbury" believed the third option was the ethically correct one.

It is worth asking: what is wrong about being cruel to animals? This question has engendered many responses, which have changed over time. One of the earliest extended texts on cruelty to animals is Thomas Young's 'Essay on Humanity to Animals' (1798). Young argued against cruelty to animals on three grounds: theological; pain, and people who harm animals will harm people. These have been echoed through the centuries.

The first theological argument maintains that animals only have "this life" so it is worse to be cruel to them than to humans who, at least, would be rewarded for their fortitude in the next life. This was the point made in 1776 by the theologian Humphrey Primatt in 'A Dissertation on the Duty of Mercy and Sin of Cruelty to Brute Animals'. He pointed out that "the cruelty of Men to Brutes is more heinous (in point of injustice) than the cruelty of Men unto Men". The main reason he gave for this startling statement concerned access to language. Primatt explained that:



"The oppressed Man has a tongue that can plead his own case, and a finger to point out the aggressors: All Men that hear of it shudder with horror; and, by applying the case to themselves, pronounce it cruelty with the common Voice of Humanity, and unanimously join in demanding the punishment of the offender, and brand him with infamy."

In contrast, the "dumb beast" was afflicted with literal "dumbness": she was speechless. Animals could neither "utter... complaints" nor avenge all the wrongs done to them. Cruelty to animals caused "irreparable injury" because, unlike people who could hope for salvation and eternal happiness in a next life, for animals, there could be no hope of eternal justice because "His present life... is the Whole of his existence".

The second religious argument was very different. In contrast to the view that animals only have "this life" (and therefore had to be treated with consideration), others argued that animal suffering in this world was evidence that they would join good Christians in the heavenly plane. Take a letter published in the 'Animals' Guardian' in 1915. The author stated that she could not accept that "any one believing in the Divine Love" could possibly:

"think there is no compensation [in the after-life] for the weary old cab-horse standing so meekly in the rain and bitter cold; the little unwanted stray looking up into the faces of the passers-by, dumbly asking for a little love and pity, and receiving none; the encaged lark, beating its wings in hopeless misery against the bars of the cage that imprison it; the quivering, wingless fly – the victim of the cruelty of some thoughtless child or any of the suffering animal-life of the universe."

Another proponent of animal welfare put it in less florid tones: the suffering of animals "in this life" was as "needful for them for their perfection, as it is for man".

These theological defences of animals were deeply entwined with anti-slavery movements. From the very birth of the language of "rights", and a century before Darwin published 'The Descent of Man', the enslavement of people was associated with concerns about the status of animals. In the words of Primatt:

"It has pleased GOD, the Father of all men, to cover some men with white skins and others with black skins: but as there is neither merit not demerit in complexion, the white man (notwithstanding the barbarity of custom and prejudice) can have no right by virtue of his colour, to enslave and tyrannize over a black man.... For the same reason, a man can have no natural right to abuse and torment a beast, merely because a beast has not the mental powers of a man."

William Wilberforce, leader of the anti-slavery movement, was also active in legislating against animal cruelty, introducing in 1800 the first parliamentary Bill in the U.K. against bull-baiting.

The most famous of these images though came in the 1860s, with 'Monkeyan'a', which was published in 'Punch' in 1861. It implied that the kinship between slaves and monkeys was close enough to be worthy of satire. At the time 'Punch' printed the cartoon, it was actively supporting the emancipation of slaves in the American Civil War. Would the movement to free human slaves eventually spread to human's other relatives, the cartoonist seems to be asking?



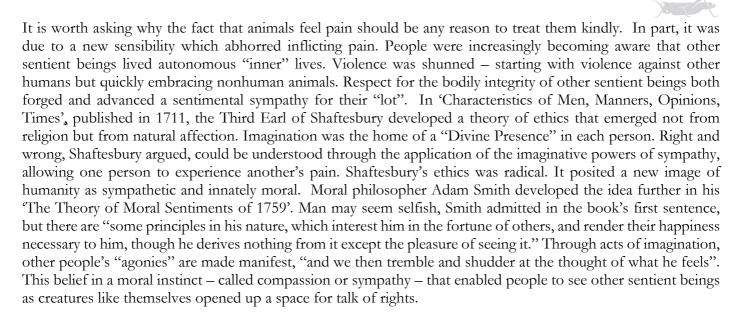
Central to these comparisons between oppressed humans and oppressed animals was the idea of suffering. Primatt argued that "a Brute is an animal no less sensible of pain than a Men", since they possess "similar nerves and organs of sensation". Although a suffering animal "cannot utter his complaints by speech or human voice", his "cries and groans... are as strong indications to us of his sensibility of pain, as the cries and groans of a human being, whose language we do not understand".

Most famously, however, utilitarian philosopher Jeremy Bentham applied arguments about sentience and sympathy to animals. In a footnote in 'An Introduction to the Principles of Morals and Legislation' (1789), he correctly observed that an adult dog or horse was "a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old". The important ethical question, therefore, was not whether a creature could reason or talk, which have often been regarded as the crucial faculties distinguishing humans from other animals, but "Can they suffer?"

Evidence of animal suffering was the stock-and-trade of anti-animal cruelty campaigners of the nineteenth century. It even appeared in the first Bovril (a meat-extract) advertisements in the late 1890s, with the shocking title "Alas! My poor Brother" and showing the bull crying. The tears are crucial since tears were widely regarded as something that distinguished humans from nonhuman animals.

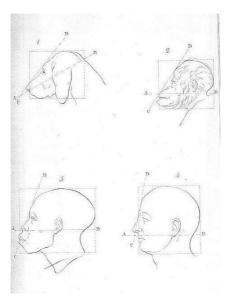


In the words of one physician giving evidence before a Senate Hearing on Vivisection in 1900, "Without sensibility there is no right. A being without sensibility can suffer no wrong". The "endowment of sensibility is the endowment of rights".



But it is also was linked to widespread views that the most important reason animals needed to be treated kindly was to safeguard humans. It was taken for granted by practically everyone, whether an animal-lover or not, that allowing cruelty to animals would open the way to cruelty towards people. German philosopher Immanuel Kant famously argued in 'The Metaphysics of Morals' (1797) that behaving kindly towards animals was "always only a duty of man to himself". As he elaborated:

"With regard to the animate but nonrational part of creation violent and cruel treatment of animals is far more intimately apposed [sic] to man's duty to himself, and he has a duty to refrain from this; for it dulls his shared feeling of their pain and so weakens and gradually uproots a natural predisposition that is very serviceable to morality in one's relations with other men."



This was certainly not an argument for treating animals equally with people. For example, Soame Jenyns' 'Disquisitions on Several Subjects' (1782) made an argument about the "wonderful chain of Being" to differentiate between the shell-fish, through to insects, fishes, birds, and beasts, then to dogs and apes. After the latter, came the "brutal Hottentot", until "in a Bacon, or a Newton, it attains the summit". Since, he continued, the happiness of creatures beneath humans was "dependent on our wills", it was reasonable to conclude "that our lives, and happiness, are equally dependent on the wills of those above us". After death, people would have to justify their treatment of animals in front of "their common Father". For Jenyns, there was no contradiction between arguing that animals needed to be treated compassionately if people were to be able to hold their heads' high before the Throne of Judgement to killing them for dinner. Indeed, one of the chief reasons why animals had to be killed



with "tenderness and compassion" was because Providence had created them in such a way that animals who experienced a "painful and lingering death" would taste "rancid and unpalatable". Jenyns bluntly argued that this was God's way of "compelling] us to be merciful" and "cautious of [animal] suffering, for the sake of ourselves".

Legislation against animal cruelty, which started to be passed from 1800 onwards, was not, in fact, much about animals at all, but about the way that many abuses of animals took place in disorderly contexts – bull and bearbaiting being infamous examples. Cruelty to animals encouraged disorderly conduct that was unworthy of civilised decorum. In other words, protesters against animal cruelty were concerned primarily with the need to control and reform "lower" classes of humans. This helps explain why the Royal Society for the Prevention of Cruelty to Animals had no problem admitting members who were enthusiastic foxhunters, a "sport" for the decorous affluent classes. Opposition to cruelty towards animals was, in fact, less about animals and more concerned with encouraging a new middle-class sensibility.

There was a very different tradition emerging from the end of the nineteenth century. This one was not about theology, nor about middle-class sensibilities. It was, arguably, not even about fears that cruelty to animals would lead to cruelty to humans. Rather, from the 1880s onwards, cruelty to animals was pathologized: it was a form of mental degeneration. The most influential commentator driving this change was Austro-German forensic psychiatrist Richard von Krafft-Ebing, whose 'Psychopathia Sexualis with Special Reference to the Antipathic Sexual Instinct: A Medico-Forensic Study' was first published in 1886, followed by an English translation ten years later. Between its first publication and Krafft-Ebing's death in 1904, 'Psychopathia Sexualis' went through twelve editions.

Krafft-Ebing led the arguments that people who were cruel to animals were degenerates. He was particularly concerned with the pathology of people who were sexually cruel to animals. According to him, such men possessed a "heavy taint" and "constitutional neurosis". In other words, men who mutilated animal genitalia or engaged in sexual acts with animals were atavistic throwbacks to earlier evolutionary stages of life. A typical bestialist (according to Krafft-Ebing) was a patient whose unmarried mother was "deeply tainted" and "hysteron-epileptic"; the patient's "deformed, asymmetrical cranium and deformity and asymmetry of the bones of the face" were proof of "psychically degeneracy"; and he had been a masturbator and abuser of animals since his early youth. In short, they were "human monster[s]".



The very language that these early forensic psychiatrists used is indicative. They spoke of "monsters", "human beasts", "lower orders", "animalistic men", and "human gorillas". In other words, they adhered strongly to a "Great Chain of Being" according to which everything in the universe was ranked from the highest to the lowest. One aspect of this Chain of Being involved the perception of sensation. Put differently, there was a parallel great Chain of Feeling, which placed male Europeans at one end and slaves and animals at the other.

Certainly, advocates of slavery and believers in the superiority of the European "races" adhered to this Chain of Feeling idea. According to the author of an 1876 tract on vivisection:



"What would be torture to one creature is barely felt by the other. Even amongst the lower types of man feeling is less acute and blows and cuts are treated with indifference by the aboriginal Australian which would lay a European in hospital."

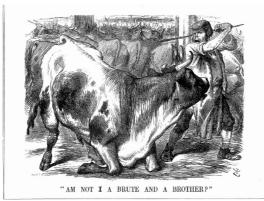
The bestialists that Krafft-Ebing was writing about were at the low end of the Chain of Being – they were insensitive to pain, thus being ranked as low as animals.

This idea that sentience was tied to rights pervaded the nineteenth and early twentieth century literatures. Moral philosophers like Joseph Rickaby (who was also a Jesuit priest) was uncompromising. As he put it in 'Moral Philosophy or Ethics and Natural Law' (1888):

"Brute beasts, not having understanding and therefore not being persons, cannot have any rights.... They are of a number of things."

There was "no shadow of evil resting on the practice of causing pain to brutes in sport, where the pain is not the sport itself, but an incidental concomitant of it". Equally, pain could be caused to animals "in the pursuit of science". In case his readers needed greater reassurance, he reminded them that humans were not required "to any anxious care to make this pain as little as it may be. Brutes are things in our regard."

Signs of struggle under painful stimuli were nothing more than simple reflexes.



This supposedly insensitivity to painful stimuli was being attacked on all sides, however – from animal guardians to scientists. This was linked, in the last quarter of the twentieth century, to the "rise and rise" of human rights. Rights-speak had become both incredibly popular in deliberations by and about oppressed human groups: so, might it not be applied to animals? In other words, because women, slaves, and animals have feelings – they have interests, including an interest in not being harmed, tortured, or killed – they should be treated in certain ways. In the 1970s, this approach would be promulgated by philosopher Peter Singer. As he put it in 'Rethinking Life and Death' (1994):

"Whether or not dogs and pigs are persons, they can certainly feel pain and suffer in a variety of ways, and our concern for their suffering should not depend on how rational and self-aware they might be."

This philosophical approach is called "preference utilitarianism". Ethical behaviour must arise from a consideration of the greatest satisfaction of desires or preferences. The morally correct action is the action that produces the most favorable consequences for those involved.

A different rights philosophy has been advocated by philosopher Tom Regan. He claims that, as "possessors of intrinsic value", all "moral agents" (which includes some animals) and all "moral patients" (people who are severely mentally handicapped, for example) possess basic rights. He asks: might moral behaviour be based on conferring certain "rights" on sentient beings? For Regan, all "moral agents and patients" possess rights, and these rights are universal. In other words, they exist "independently of anyone's voluntary acts... and independently of the position they happen to occupy in any given institutional arrangement". The basic right is "the right to respectful

treatment". According to Regan, Peter Singer's emphasis on pleasure or preference-satisfaction is irrelevant because all beings are "possessors of inherent value" and are not "mere receptacles of intrinsic values". Regan argues that people have a "prima facie duty not to harm, by killing, animals and those human moral patients like those animals in the relevant respects".

In a society in which "rights" had become the dominant ideology on both the political left and right, equating human and animal rights was an inspired one. The proposition was eagerly taken up by the 'Great Ape Project' which include Peter Singer and Paolo Cavalieri) of the early 1990s. According to this project, chimpanzees, orangutans, and gorillas should be welcomed into the "community of equals". These animals are entitled to certain basic rights, including an entitlement to life, the protection of their individual liberty, and the right not to be tortured. Human guardians would be assigned to safeguard the interests and rights of these animals. In the words of the framers of the 'Declaration on Great Apes' (1993), "We have not forgotten that we live in a world in which, for at least three-quarters of the human population, the idea of human rights is no more than rhetoric, and not a reality in everyday life". Nevertheless:

"The denial of the basic rights of particular other species will not... assist the world's poor and oppressed to win their just struggles. Nor is it reasonable to ask that the members of these other species should wait until all humans have achieved their rights first. That suggestion itself assumes that beings belonging to other species are of lesser moral significance than human beings."

The implication that "poor and oppressed" humans might be of "less moral significance" than chimpanzees, orang-utans, and gorillas has exasperated many subjugated peoples throughout the world.

It is important to note that these animal proponents are not arguing that animal rights should be identical to human rights. It is nonsense to provide them with the right to marry or to become a member of parliament, for instance. In addition, assigning personhood on any creature involves making decisions about "thresholds". Arachnids are not apes. Rather, proponents of animal rights insist that animals should be given rights in harmony with their interests and dignity.

There have been critics of the rights position. Donna Haraway, for instance, observes that the "last thing" animals need "is human subject status.... The best animals could get out of that approach is the 'right' to be permanently represented, as lesser humans, in human discourse, such as the law – animals would get the right to be permanently 'orientalised'." Rosi Braidotti is also concerned by the dependence of animal rights advocacy on liberal ideals that have been shown to be damaging. The "becoming-human" of animals cannot be "generated by or at the centre, or in a dominant position". She objects to the "humanization" of animals "on the grounds of bio-centred egalitarianism". In her words:

"We need to move beyond anthropocentrism altogether, rather than to extend humanism to the formerly exploited others. Humanism in this context is only the prelude to possessive individualism and the extension of individual rights to non-human actors. As such it also leads to commercialization and commodification."

Costas Douzinas is also sceptical, on slightly different grounds. In 'The End of Human Rights' (2000), he forcefully argues that rights are what create the person; they are not what belong to persons. The chief problem with conferring rights, then, is a fundamental one for post-humanists: it merely shores up a specific notion of "the human". This is exactly the point that Jacques Derrida was making in his critique of the 'Great Apes Project'. He argued that it is "a fault or a weakness" to extend to animals a "certain concept of the juridical, that of human rights". The proponents of the 'Great Ape Project' seek to reaffirm the particular "concept of the human subject, of post-Cartesian human subjectivity" which is "at the foundation of the concept of human rights". Such a position is "naïve". Derrida goes on to clarify his position by pointing out that:

"To confer or to recognize rights for "animals" is a surreptitious or implicit way of confirming a certain interpretation of the human subject, which itself will have been the very lever of the worst violence carried



out against nonhuman living beings.... Consequently, to want absolutely to grant, not to animals but to a certain category of animals, rights equivalent to human rights would be a disastrous contradiction. It would reproduce the philosophical and juridical machine thanks to which the exploitation of animal material for food, work, experimentation, etc., has been practiced (and tyrannically so, that is, through an abuse of power)."

Granting rights to a certain category of animals will simply reinforce the human/animal distinction: it will solidify a particular conception of what it means to be human. In fact, it simply reifies the distinction between animals and humans. Furthermore, since the project can implicitly exclude certain humans from rights – the neurologically impaired, for instance – it (in Derrida's words) "amounts to reintroducing, in effect, a properly racial and 'geneticist' hierarchy". This is the strongest reason for being wary of animal rights: it is a modern humanist politics for a world that has already gone post-human.

In more recent years, the rights philosophy has also come into criticism from feminists. In part, this was a response to the tendency of some leading spokesmen in the animal rights movements to repudiate "womanish" emotionality in their critiques of the treatment of animals. Notoriously, Peter Singer complained that animal rights had traditionally been associated with "womanish", trivial sentiment. "The portrayal of those who protest against cruelty to animals as sentimental, emotional 'animal lovers", he complained, has divert discussion from "serious, political and moral discussion". In "The Case for Animal Rights' (1983), Tom Regan similarly protested against the assumption that people (he did not stipulate gender) who were concerned with animal welfare were "irrational", "sentimental", and "emotional". He urged his fellow liberationists to make a:

"concerted effort not to indulge our emotions or parade our sentiments. And that requires making a sustained commitment to rational inquiry."

In this way, even the proponents of animals remained committed to a cartesian distinction between reason and emotion, with the latter designated the more feminine and the weaker.

Feminist environmentalist philosophers have developed what some call a "care philosophy" towards animals. Women's studies scholar Kathy Rudy argues that rights are not the best way to talk about animals. Instead, we should be thinking about affect and advocacy. This would encourage a movement towards affective connections or what she calls the "change of heart". In 'Environmental Culture', Val Plumwood similarly calls for a "dialogical interspecies ethic". This too emphasizes nonverbal communication and involves "reconstructing human identity in ways that acknowledge our animality" and "decentre rationality". Val Plumwood encourages humans to "treat the other as a potentially intentional and communicative being and narrative subject" as a way of "moving from monological modes of encounter (such as those of anthropocentrism) to dialogical modes of encounter". She notes that communicative modes of relationships with nature and animals can improve our receptivity and responsiveness which clearly need much improvement".

Finally, there is understandably a lot of emphasis in the animal ethics literature about not doing harm to animals: as sentient creatures, they have a right not to be hurt. This is the most minimal requirement, as even Bentham recognised. Animal rights that are rooted in enlightenment rationality which privileges reason (rights theory) or calculative abstractions (utilitarianism) simply do not go far enough. Animals, like humans, are subjects-of-a-life. They experience the world through encounters, collaborations, conflicts, and bonds of affection. The moral relevance of happiness and exuberance are relevant to them. Animals are feeling and acting social beings, who also have a right to enjoyment, pleasure, and love. They are, in short, entitled to dance on our beds.