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INTRODUCTION

The internationally renowned celebrity Pamela Anderson is a spokesperson for the organization, People for the Ethical Treatment of Animals ("PETA"). A Canadian by origin, she recently called for a boycott of Kentucky Fried Chicken Canada ("KFC Canada"). In a video asking Canadians to stop supporting the company, Anderson informs viewers that KFC Canada treats its chickens cruelly by permitting its suppliers to scald the chickens while they are still conscious in order to defeather them before slaughter, and to inject them with an excessive amount of unnatural drugs.¹ Neither the video, nor Anderson's association with it, garnered much media attention when first released. That changed, though, when the CEO of KFC Canada, John Bitove Jr., responded with a letter to Anderson inviting her out for dinner in order to correct what he believed was misinformation. In the letter, Bitove referred to Anderson's new television series, *Stacked*, by advising Anderson that the facts were

¹ Online video: Pam Anderson KFC Exposé (PETA), KentuckyFriedCruelty.com, We Do Chickens Wrong, http://www.kentuckyfriedcruelty.com/anderson-vid.asp (last visited July 8, 2005). Although PETA is an organization committed to animal rights, and thus is against the instrumental use of animals, it also advocates in the interim for animal welfare in a wide variety of industries. Thus, it has worked with a number of fast food giants such as McDonald’s and Burger King to persuade them to follow higher standards of animal care and treatment in their instrumental use. See People for the Ethical Treatment of Animals, *PETA Halts “Murder King” Protests: Burger King Complies with Demand for Improved Animal Welfare Standards* (June 28, 2001), http://www.murderking.com/release.html (last visited July 8, 2005).
“stacked” against her. He also told her that he would be happy to keep her fully “abreast” of the facts.² Paul Karges, head of the Chicken Farmers of Ontario, the main supplier to KFC, and thus the representative of the party Anderson indicts in the video, responded to Anderson’s allegations by noting that, “unlike Pamela Anderson’s,” his chickens’ breasts “are 100% natural.”³

While Pamela Anderson is no icon of feminist movements, the corporate response to her boycott call should be viewed as a feminist issue. Most obviously, the incident shows how the efforts of a high profile woman are obscured by her sexual objectification. Rather than take her concerns seriously, or respond to her without reference to her personal attributes, her opponents cannot resist references to her body. That Anderson has willingly made her name and fortune from her body should not, I would argue, give license to reduce her to a sexual object in other spheres of her life even if she willingly uses her sexuality in those spheres to promote certain social causes.⁴

But there is another aspect of this incident that most feminist analyses would not mention: the exploitation of the reproductive labor and slaughter of the female chickens that Anderson implicitly highlights. With a few notable exceptions, animals have been left out of feminist analyses.⁵ Consider, for example, the following comment by another Canadian, Irshad Manji, discussing the politics of identification:

Many refer to me as a Muslim Lesbian Feminist. Labels are simple; the politics behind them are anything but. I cannot deny being an observant Muslim, a committed queer or a practicing feminist, yet with each label comes a set of assumptions that, if explored further, would be punctured . . . when you make the effort to lift my label and ask [the] question — “You don’t eat meat, do you?”

² Pam Anderson Spurns Date Offer From KFC Boss, THE BROCKVILLE RECORDER AND TIMES, May 5, 2005, at B8.
³ Thane Burnett, Recooping a Reputation: Chicken Farmers Getting Bad Rap in Cruelty Campaign Against KFC, May 6, 2005, at 31.
⁴ A recent PETA ad pictures a naked shot of Anderson with her back to the camera and her suggestively made up face looking back over her right shoulder to meet the viewer’s gaze. Her impeccably manicured left hand holds her right arm against her breasts to only partially cover her right breast. That Anderson is naked despite the snow falling around her generates the caption for the ad which is to “Give Fur the Cold Shoulder.” The image, and many others available for viewing on PETA’s website, could easily be mistaken for Playboy shots with their soft pornographic aesthetics. See Animals Used for Clothing at http://www.peta.org/mc/printAds.asp (click on “more” under “Animals Used for Clothing”) (last visited July 8, 2005). Although it is not the focus of this paper, the logical extension of the argument I make here is to inject more gender and other identity consciousness into PETA’s campaigns. For a critique of PETA’s recent ads, see Julie Craig, I’d Rather Go Naked than Put up with Smarmy PETA Ads, 16 BITCH, Spring 2002, at 13.
⁵ See the authors discussed below.
— you give me the right to be acknowledged and the responsibility to refine or replace your perceptions: "Not only do I eat meat; this dyke devours Whoppers." Rooted in caring sufficiently to be sufficiently curious, that interaction is the mark of belonging.6

"That interaction is the mark of belonging." Manji adduces this exchange to reveal the harmful effects of stereotypes, prejudice, and assimilation on Muslims, and other "non-Canadians," that Canadian multiculturalism policies often foster.7 She, a "practising feminist," sees this exchange as exemplary of the productive possibility of cross-cultural understanding and communication. Implicitly, there is nothing troubling about her answer to the question of whether she consumes dead animals. Rather, the fact that she devours them is celebrated as a shattering of racist and sexist stereotypes of "different" Muslims and their passive submissive women.8 In this feminist utopian belonging, the suffering of animals is not important.

What is there to say about assertions such as these by self-identified feminists? Given that we see human oppression as a problem, why should we, as scholars and activists committed to resisting other exploitative dynamics, care about the suffering of nonhuman animals? The answer lies in the realization that, if we do not, we replicate the same modernist practices of exclusion that we identify as sources of human oppressions. Once this is understood, we can comprehend why the sexual objectification of Anderson in the KFC incident, and the racialization of Manji in the Burger King Whopper exchange, are not the only feminist issues presented by these fast food stories.9 There are intimate connections between human and animal oppressions such that abjuring animal suffering effectively disavows human suffering. This occurs through the tolerance of dynamics within animal oppression that have been held morally objectionable within critical cultural theory. First, animal oppression relies heavily on a naturalization of biological difference - an interpretation of ontology that human rights theorists have held illegitimate with respect to differences based on race and gender.10 Second, animal oppression is sustained by

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7. See also Kogila Moodley, Canadian Multiculturalism as Ideology, 6 ETHNIC AND RACIAL STUDIES 320 (1983).
8. See also Mamia Lazreg, Feminism and Difference: The Perils of Writing as a Woman on Women in Algeria, 14 FEMINIST STUDIES 81 (1988); Claire Dwyer, Constructions of Muslim Identity and the Contesting of Power: The Debate Over Muslim Schools in the United Kingdom, in CONSTRUCTIONS OF RACE, PLACE AND NATION 143 (Peter Jackson & Jan Penrose eds., University of Minnesota Press 1994).
10. Louise M. Antony, 'Human Nature' and Its Role in Feminist Theory, in PHILOSOPHY IN A FEMINIST VOICE: CRITIQUES AND RECONSTRUCTIONS 63 (Janet A. Kourany
dualistic hierarchies of Enlightenment thought that have entrenched human oppression so that supporting the former will effectively support the latter. Third, because of these connections, species oppression intersects with human-based oppressions so that it is often difficult to undo one without undoing the other.

Part I of this article examines species difference as a social construction similar to race, gender and other identity and hierarchy markers historically understood as biological. To the extent that feminists (and others concerned with human injustices) criticize naturalized differences, there is no logical reason to exclude species difference from this category. In Part II, while not claiming identicalness in the trajectories of different oppressions, I discuss how the discursive construction of species difference bears a close resemblance to that of gender and race narratives. To the extent that feminists and others engaged in cultural criticism disavow these narratives when applied to humans, there is no logical reason to support them with respect to animals. This Part canvasses several important issues within feminist and animal rights movements to reveal the intersection of species oppression with race and gender narratives.

The argument, then, relies substantially on consistency and efficiency. From a spirit of respect and collective struggle for social justice, it asks feminists, in order to avoid inconsistency and partial analyses, to subject the narratives and discourses that sustain species difference in our society to the same close scrutiny they receive when those narratives and discourses articulate claims about human differences. But while the argument privileges reason and logic, it calls upon our affective responses as well to imagine animals as possible candidates for personhood and rights, and, further, to question why being human should be a qualification for justice. And while the argument is directed at humans committed to humans, the goal is to motivate people to include animals in their ethical horizons not merely because it will create better strategies against human oppression, but because a line that once seemed immutable now wavers.

PART 1: DECONSTRUCTIONIST DESIRES AND SPECIES DIFFERENCE

A. THE SELECTIVE NATURE OF DECONSTRUCTION

In the last few decades, academia has witnessed an explosion of writings critical of human oppressions based on race, gender and the like informed by, but not strictly adherent to, various critiques of humanism.


from Marxism, poststructuralism, and Derrida’s theory of deconstruction. This type of cultural critique may loosely be termed “the politics of difference” and signifies a new-fashioned resistance to modernist narratives.

Distinctive features of the new cultural politics of difference are to trash the monolithic and homogeneous in the name of diversity, multiplicity and heterogeneity; to reject the abstract, general and universal in light of the concrete, specific and particular; and to historicize, contextualize and pluralize by highlighting the contingent, provisional, variable, tentative, shifting and changing. Needless to say, these gestures are not new in the history of criticism... yet what makes them novel — along with the cultural politics they produce—is how and what constitutes difference, the weight and gravity it is given in representation, and the way in which highlighting issues like exterminism, empire, class, race, gender, sexual orientation, age, nation, nature, and region at this historical moment acknowledges some discontinuity and disruption from previous forms of cultural critique.

The popular mode of deconstruction in North American academia unpacks, interrogates, and dismembers the discourses resulting from dichotomous modes of thought endemic to Western philosophy which normalize a hierarchical social order along a number of axes. Central to this thought system is the valuation and opposition of reason to emotion, culture to nature, and man to woman. The underlying tenor of most cultural criticism is aimed at denaturalizing certain sociobiological discourses that carry pervasive cultural resonance. Enlightenment discourses, such as the cult of domesticity and social Darwinism, promulgated the tautology of biological difference. These norms divided humans according to certain putative natural traits, such as sex and skin color, and inscribed them within cultural hierarchies of social meaning. Propertied white European males were posited at the peak of hierarchies and seen as the most desired model of being. Dualistic thinking provided the basis for this ideology, wherein the rational, cultural, and masculine triumphed over the emotional, natural, and feminine Other, who was morally debased and mentally impaired. Western scientific tradition maintained this thought system by presenting these cultural dichotomies as objective truth, ostensibly arrived at through the only recognized legitimate way to create knowledge—in the realm of science through a pure rational objectivity unadulterated by emotion or bodily experience.

14. Green, supra note 12, at 8; Held, supra note 11.
Cultural critics have painstakingly demonstrated the social constructedness of sexual, gender, and racial differences whose naturalness has traditionally been held as objective scientific fact.\(^{15}\) Yet they have remained largely uncritical of and have actually embraced the primacy of the human subject inherent in these sociobiological narratives. As the "human" construct emerged as a political marker of the type of life deserving of the utmost value and dignity, marginalized groups sought to claim this status solidly for themselves. The term "human rights," signifies the belief that all human individuals are entitled to basic assurance and protection of their autonomy, dignity and liberty because of their common humanity.\(^{16}\) Put differently, possessing the species identity "human" is the widely accepted and uncontested rationale for receiving respect and rights. Hence, those who were oppressed by one cultural hierarchy or another often frame their claims to equal worth and dignity in terms of humanization, or, more specifically, dehumanization. The current movement within feminist writing in the international law context is a prime example. This global feminist movement is aimed at criticizing the patriarchal nature of international human rights law by showing how women are excluded systematically from the field's current terms and practices. The prominent slogan of this campaign is that "women's rights are human rights."\(^{17}\) This discourse is aimed at revealing the male-centeredness of human rights theory to argue that issues that are traditionally seen as "women's issues" are in fact human issues as well. The movement is trying to dislodge the hold androcentric norms have on

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the human identity to include abuses that are specific to or disproportionately affect females.\textsuperscript{18}

To take another example, consider a prominent argument about the harmful sexist effects of pornography made by Catherine MacKinnon, arguably the best-known feminist anti-pornography advocate.\textsuperscript{19} She defines pornography as the graphic, sexually explicit subordination of women through pictures or words that also includes women \textit{dehumanized as sexual objects, things, or commodities}; enjoying pain or humiliation or rape; being tied up, cut up, mutilated, bruised, or physically hurt; in postures of sexual submission or servility of display; reduced to body parts, penetrated by objects or animals, or presented in scenarios of degradation, injury, torture; shown as filthy or inferior; bleeding, bruised, or hurt in a context that makes these conditions sexual.\textsuperscript{20}

MacKinnon is not alone in objecting to pornography because it depicts women as things.\textsuperscript{21} Conceivably, there is nothing in the definition of pornography that bars the interpretation that the argument is against commodification of \textit{all} beings. Yet the resistance to accord dignity and respect to only human bodies was neither the regular motivation nor the common understanding for feminist arguments. Rather, feminists were animated by a concern to include women, and only women (i.e., not nonhuman animals), in this coveted space of personhood occupied by men. Indeed, the “less than full, \textit{human} person” depiction of women was the “reason MacKinnon and Dworkin argued that pornography can and ought to be controlled as a civil offense, a civil rights violation.”\textsuperscript{22} Articulated this way, a crucial element of the perceived wrong perpetrated by sexualized forms of violence against women is the dehumanizing effect of the violence on the human subject and not simply the violence in and of itself.

Given the enormous privileges that accompany human status, it is not surprising that marginalized groups campaign to reveal the partiality of the common understanding of human and why the term should be broadened to be more inclusive rather than deconstruct the term itself. Nevertheless, it is important to remember that there remains a term to be deconstructed rather than accepted as a natural boundary or concept. What is in need of questioning is why we terminate our deconstruction at the

\textsuperscript{20} MACKINNON, supra note 15, at 176 (emphasis added).
\textsuperscript{22} ROSEMARIE PUTNAM TONG, \textit{FEMINIST THOUGHT: A COMPREHENSIVE INTRODUCTION} 116 (1st ed. 1989).
human/nonhuman boundary and why we are not as vigilant in contesting naturalized boundaries between species as we are between sexes, races, classes, cultures, etc.

B. HUMANITIES: THE DISCURSIVE CONSTRUCTION OF HUMAN BODIES

1. Humanity as Excluding Other Humans

The first way we can begin to understand the human as a constructed category is to recall that it is only very recently, in terms of historical periods, that the word "human" has emerged to apply to all human individuals. As Diana Fuss articulates:

Not until the early eighteenth century does the human finally stray from its earlier etymological incarnations. A sign whose history has rarely been examined, the human is a linguistic, cultural, and sociopolitical construct of comparatively recent date. That the human has a history comes as no surprise to those subjects so routinely and so violently excluded from its ideological terrain. Just who counts as human, and why, underwrites a long saga of contentious debate within humanist discourse, a discourse mired from the start in the amalgamated histories of imperial expansion, scientific experimentation, and industrial revolution. The human may, in fact, be one of our most elastic fictions. As the dividing lines between humans and "nonhumans" have been historically redrafted to accommodate new systems of classification and new discourses of knowledge, the human has proceeded to mutate many times over.²³

Fuss reminds us of a history that is pervasively hidden — the category "human being" is a signifier of a socially constructed group, not a natural stable, universal or a historical fact of science. Its social construction has served to disenfranchise many humans, let alone nonhumans, from the human being status. We need only look to Aristotle's Athens, where nonslave women and slaves were less than human,²⁴ and to American slavery, where blacks were seen as three-fifths human, to confirm Fuss's point.²⁵

Michel Foucault affirmed that the idea of being human, and humanness

²⁵. See U.S. CONST. art. I, § 2, cl. 3.
as a category, did not firmly emerge until the eighteenth century in his argument that the idea of Man arose with the rise of scientific disciplinary and regulatory power.\textsuperscript{26} Socio-biological ideas of sameness and difference between humans and other species, and among humans themselves, became the determinants of social ordering through the rise of taxonomic, sexual, and racial classification.\textsuperscript{27} Biology became destiny with one's destiny changing as more and more empirical "discoveries" were made about animal and human bodies during this time. Further, reigning cultural ideas of difference molded the empirical view. Thomas Laquer, in discussing sexual difference, details how ideas of natural difference are influenced by prior cultural discourse on difference:

To be sure, difference and sameness, more or less recondite, are everywhere; but which ones count and for what ends is determined outside the bounds of empirical investigation. The fact that at one time the dominant discourse construed the male and female bodies as hierarchically, vertically, ordered versions of one sex and at another time as horizontally ordered opposites, as incommensurable, must depend on something other than even a great constellation of real or supposed discoveries.\textsuperscript{28}

Laquer provides an instance of the constructedness of bodies and of the political and historic boundedness of the empirical descriptions used to present scientific facts. In his example of representations of sexual difference, dominant Enlightenment thought departed from thousands of years of thinking about human sexual difference such that "[a]n anatomy and physiology of incommensurability replaced a metaphysics of hierarchy in the representation of woman in relation to man."\textsuperscript{29} Yet the same scientific evidence that gave rise to pre-Enlightenment understanding had not been proven false, just as there remained a vast amount of unreported data that minimized the difference between males and females.\textsuperscript{30} The political, economic, and cultural order was explained selectively by these natural "facts."\textsuperscript{31} So-called objective sociobiological universal ahistoric truths were "understood to be the epistemic foundation for prescriptive

\textsuperscript{27.} THOMAS LAQUER, MAKING SEX: BODY AND GENDER FROM THE GREEKS TO FREUD (1990).
\textsuperscript{28.} Id. at 10.
\textsuperscript{29.} Id. at 6.
\textsuperscript{31.} LAQUER, supra note 27, at 6.
claims about the social order." From this historical evidence, sexual difference, Laquer argues, "already has in it a claim about gender...; it is explicable only within the context of battles over gender and power." Laquer's example helps to understand the synergy between natural and cultural discourses and encourages us to be skeptical of scientific claims about natural differences whether they are cast under the purview of "male nature," "female nature," or "human nature." They illuminate the blurred nature of the boundaries demarcating personhood and thing, and therefore property, in our society.

Of course, cultural critics would easily acknowledge that historical understandings of humanity have been, and can be still, exclusive of some humans. As social forces coalesced to vilify, alienate, and then elevate social groups, Fuss's point that humans have drawn and redrawn the boundaries of the "human" resonates with concerns regarding intrahuman oppressions. More difficult to accept is the extent to which the "human" may be deconstructed and, more precisely, the proposition that the human/nonhuman border is an artificial one. Surely, a cultural critic might argue, there is a more marked, tangible, knowable difference between species than between subgroups of humans. And this, as our jurisprudence maintains, is the difference that matters. The next section provides an analysis that disrupts the discourse of natural bodily differences between humans and nonhuman animals.

2. Humanity as Exclusive of Animality

Just as new science was reshaping cultural ideas of sexual difference, it formed cultural ideas of species difference. This is the second way in which the term "human" is revealed to be a social construction. We refer to ourselves as humans even though science, however flawed it may be, tells us that we, too, are animals. The critic will argue that we do so because science also tells us that we are the only animals capable of reasoning; there is a marked difference between us and nonhuman animals, which merits the extensive social, legal and economic orderings based on this distinction. But this argument cannot account for marginal humans — people who belong to the human species but do not have the capacity to reason, a supposedly definitive trait of this species. The criterion, reason, is neither exclusive of all nonhuman animals, such as simians, nor inclusive

32. Id.
33. Id. at 11.
34. The liminal position of fetuses and children also illustrates the constructedness of the "human." Indeed, the debate over abortion is effectively a contest between the humanity of the woman and that of her fetus in terms of the treatment and status of personhood that full humanity accords. See Drucilla Cornell, The Right to Abortion and the Imaginary Domain, in HUMAN, ALL TOO HUMAN 220 (Diana Fuss ed., 1996).
of all humans, such as babies or those with severe mental disabilities.

Citing the argument from marginal cases is another way of expressing the arbitrariness of the human/nonhuman divide along the lines of reason or any other criteria that may be substituted if reason should be proven defective. The promise with which reason is held to clearly demarcate humans from animals, and the value ascribed to it as the uncontested vehicle of endowment of personhood to humans, are constructed norms. There is an infinite array of other possible divisions to distinguish among living beings. As Joan Dunayer explains:

Through the false opposition human vs. animals, humans maintain a fantasy world in which chimpanzees, snails, barracudas, and tree frogs are somehow more alike than chimpanzees and humans.... The evolutionary bush on which humans occupy one of myriad branches is reduced to a single stalk, with nonhuman animals mired at its roots and humans blossoming at its tip. In reality, species do not evolve toward greater humaneness but toward greater adaptiveness in their particular ecological niche. Nor is species something stable and fixed. The human species, like all others, continues to undergo variation. In capacities and tendencies humans vary across a vast range which overlaps with the ranges spanned by other species. For example, many nonhuman animals possess more rationality and altruism than many humans. Who can name a single character trait or ability shared by all humans but by no other animals?36

Dunayer's argument is twofold. First, the science of taxonomy, like other sciences, is not a repository of objective truths but a particular, contingent method of ordering plant and animal life. The human category is a species category, but species are not static or natural. Scientists have grouped some beings together according to certain characteristics they have considered relevant, while others that would warrant a different grouping are minimized. This grouping belies difference as natural and is accorded the rank of universal truth by Enlightenment natural history.37


37. Harriet Ritvo, *Barring the Cross: Miscegenation and Purity in Eighteenth- and Nineteenth-Century Britain, in HUMAN, ALL TOO HUMAN 37, 38 (Diana Fuss ed., 1996). Ritvo writes: "The conviction that species were somehow real — that in labeling a group of organisms with a latinate binominal, taxonomists were identifying an entity that had an
Dunayer continues:

In our ancestry and genetic composition, we are not merely like apes; we are apes. Conventionally the classification "apes" includes two chimpanzee species (common chimpanzees and pygmy chimpanzees), gorillas, orangutans, and gibbons—but excludes humans. According to evolutionary biologist Richard Dawkins... this classification misleads. The African apes (chimpanzees and gorillas) share a more recent common ancestor with humans than with Asian apes (orangutans and gibbons). Therefore, Dawkins explains, no natural ape category includes African and Asian apes yet excludes humans. Physiologist Jared Diamond... agrees: "The traditional distinction between 'apes' (defined as chimps, gorillas, etc.) and humans misrepresents the facts". DNA studies, he points out, have revealed that both chimpanzee species share a higher percentage of their genes with humans (about 98.4 percent) than with gorillas (about 97.7 percent). How, then, can "African ape" include chimpanzees and gorillas but not humans? The DNA evidence, Diamond says, indicates that humans are most accurately classified as a third species of chimpanzees.

Drawing upon the work of evolutionary biologists, Dunayer reveals the tenuousness of a taxonomy that so rigidly and definitively separates humans from other apes and, indeed, from all other animals. Granted, we as humans may resemble each other more than we do treefrogs, but the same "common-sense" observation can be made about elephants — they also resemble each other more than they do treefrogs. Although we may think we know a human when we see one, it proves difficult to identify a characteristic that distinguishes all humans from all other beings, let alone a characteristic that also provides a convincing justification for why one group should be treated with inherent respect and the other as mere property. The recent majority judgment of the Supreme Court of Canada in existence independent of that naming process — flourished in spite of a striking absence of consensus about the nature of the entity in question, even among those who did not reject it in principle," citing Peter F. Stevens, Species: Historical Perspectives, in KEYWORDS IN EVOLUTIONARY BIOLOGY 302-11 (Evelyn Fox Keller & Elisabeth A. Lloyd eds., 1992); and SCOTT ATRAN, COGNITIVE FOUNDATIONS OF NATURAL HISTORY: TOWARDS AN ANTHROPOLOGY OF SCIENCE (1990); ERNST W. MAYR, THE GROWTH OF BIOLOGICAL THOUGHT: DIVERSITY, EVOLUTION, AND INHERITANCE (1982).

38. Dunayer, supra note 9, at 26 n. 22.
Harvard College v. Canada\textsuperscript{39} recognized the former, although, regrettably, not the latter, insight in denying the patentability of higher life forms. The fact that the federal Patent Act did not contain a specific exclusion for humans from patentability and thus offered no lid to close a theoretical Pandora’s box that might open should Canada allow the patenting of higher life forms, was an important factor supporting the majority’s reasoning that no higher life forms should be patentable.\textsuperscript{40} In establishing the closeness of links between humans and nonhumans to legitimize its Pandora’s Box concern, the majority took note of the nearly identical DNA composition between chimpanzees and humans and of the increasing phenomenon of xenotransplantation, noting that “scientific development calls into question the once clear distinction between human and animal life.”\textsuperscript{41}

Despite this momentous shift in judicial sensibility,\textsuperscript{42} and the genetic indicators, most of us continue to insist on this definitive human “nature” to legitimate our privileged position. As Diane Fuss notes, this insistence reveals the uncertainty and tenuousness we conceal.

The vigilance with which the demarcations between humans and animals, human and things, and humans and children are watched over and safeguarded tells us much about the assailability of what they seek to preserve: an abstract notion of the human as a unified, autonomous, and unmodified subject. It is as if the alienness of these borderlanders lies not in their distance from the human, but in their proximity. Sameness, not difference, provokes our greatest anxiety (and our greatest fascination) with the “almost human.”\textsuperscript{43}

Fuss’s statement is directly supported by Keith Tester’s recent work in

\begin{footnotesize}
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\item See Patent Act, R.S.C., 1985, c. P-4. This ruling, of course, applies only to mice or other nonhuman higher life forms as the subject of patent rights, not property rights in general.
\item Harvard College, supra note 39, at ¶180.
\item The significance of this statement at the Supreme Court of Canada cannot be overstated. Prior to Harvard College, the highest level judicial pronouncement of the relationship between humans and animals came in R. v. Menard, [1978] 43 C.C.C. (2d) 458 at 464, [1978] 4 C.R. (3d) 333 [Menard cited to C.C.C.]. Menard involved the interpretation of Canada’s main anti-cruelty provision, s. 446 of the Criminal Code, which prohibits “unnecessary suffering” of domestic animals or other privately owned animals. In attempting to define this term, Lamer J., as he then was, reasoned that humans were justified in making animals suffer when necessary because they were at the head of the natural food chain and hierarchy of beings. Menard, id. at 464. Although the Supreme Court of Canada in Harvard College did not question the property status of animals generally, its finding that the meaning of “human” is becoming less clear is a refreshingly far cry from statements invoking religion, God and nature to further entrench a dichotomy between human beings and all other animals.
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Animals & Society: The Humanity of Animal Rights.\textsuperscript{44} Tester's hypothesis is that "the concept of animal rights is only marginally concerned with animals. More importantly, it is part of a social project to classify and define humanity."\textsuperscript{45} Tester's examination of the motivations and norms of animal advocacy reveals how ideas about the social place of animals were more about the understanding of what it meant to be a certain type of human; as attitudes toward animals varied along discontinuous lines of classification, so did concepts of humanity.\textsuperscript{46} This critique resonates with assessments of human-to-human Othering. Postcolonial critics have showed, for example, how characterizations of "the Orient," the colonies and "Eastern" societies were equally, if not more, constitutive and reflective of "Western" identities and anxieties.\textsuperscript{47} Fuss's and Tester's points are also affirmed by the current overwhelming abhorrence to the idea of human reproductive cloning, and the fears that clones and the posthumanness they portend will challenge the (purported) boundedness, uniqueness, and generational nature of human beings.\textsuperscript{48}

Hence, there is no natural dividing line between humans and animals. Cultural critics who find comfort in the stability of species divides need to reconsider the strength of their assumptions.

3. Humanity as a Fiction

Fuss's assertion that the extent to which we presume a unity and commonality within humanity may actually suppress crucial contradictions is also supported by recent cultural criticism on intrahuman identities. The instability of humanness and the resulting dilemma that we do not actually know what a human is may seem less of a radical idea if we consider the recent debate within feminism, among other social movements,\textsuperscript{49} of the

\textsuperscript{44} KEITH TESTER, ANIMALS AND SOCIETY: THE HUMANITY OF ANIMAL RIGHTS (1991).
\textsuperscript{45} Id. at 48.
\textsuperscript{46} Id. at 71. Although scholars have aptly criticized Tester for proffering a reductive encapsulation of animal advocacy in his argument that the movement is only tangentially concerned with animals and instead has more to with fortifying the identities of animal advocates as moral superiors, they have recognized this identity-forming function as one element of the movement. See LYLE MUNRO, CONFRONTING CRUELTY: MORAL ORTHODOXY AND THE CHALLENGE OF THE ANIMAL RIGHTS MOVEMENT 4-5 (2005).
\textsuperscript{47} See, e.g., EDWARD W. SAID, ORIENTALISM (1979).
\textsuperscript{48} Dan W. Brock, Human Cloning and Our Sense of Self, SCIENCE, April 12, 2002, at 314.
instability of the signifier “woman” or “women.”

Although we are not so much concerned here with the details of the essentialism debate within feminist circles, it is instructive to note how anti-essentialist criticisms of mainstream feminist theory’s use of the term “women” reveal the instability of what had always appeared a matter of “common sense.”

Anti-essentialism is a central tenet for poststructuralists and many feminists. The criticism is waged against mainstream feminist theory that uses the term “women” in a universal sense, claiming to speak for all women, which anti-essentialists charge is rarely possible. Rather, use of the word “women” mistakes and conflates the experiences and material conditions of women in a particular historical and social location for the


51. Smart, supra note 15.
experience of all women. Typically in mainstream feminist theory, "women" referred to white, middle-class, heterosexual, able-bodied women, thus excluding women who were marginalized by differences based on constructs other than gender. Other "women" who were of color, lesbian, differently abled, elderly, non-Western or low-income were never invoked under the term "women." Instead they were either subsumed under non-gendered, and thus masculinized, categories such as Blacks and gays, or, increasingly, as subgroups of women such as women of color, lesbians, etc. Differences among women along non-gender lines were domesticated within mainstream feminist discourse as additives to a woman's womanhood rather than constitutive of womanhood.\(^{52}\)

Anti-essentialists attacked this reductive concept of "women" for several reasons. First, women who were adversely affected by social constructs other than gender were kept at the margins of feminist theory and practice; conceptually, for example, it was hard to imagine racism as a "women's issue" and so only the needs of a select group of women were catered to.\(^{53}\) Second, in speaking of "women" as opposed to "men," a presumption of commonality between women sufficient to warrant grouping them together within social analyses developed. Women were automatically lumped together without cogent analyses examining whether certain forces existed to warrant a different type of grouping which would give importance, but not primacy, to gender.\(^{54}\) This binary grouping, in which women were framed as the oppressed and men as the oppressors, disavowed the connections many women had with men because of racism, poverty, homophobia, nationalisms, religious fundamentalism, etc.—forces through which women simultaneously occupied positions of privilege and of oppression.\(^{55}\) Hence, speaking categorically about "women" obscured the processes by which women oppressed other women and even some men.\(^{56}\)

In sum, the efforts of anti-essentialists made two points: 1) there is no natural essence of womanhood that defines "women;" and 2) pitting women as a group against men as a group is not usually a useful approach to evaluating and redesigning a social order, since the dichotomy must erase critical differences among women as a group (and men as a group), which, if exposed, would undermine its very basis. Anti-essentialist theory harks back to Simone De Beauvoir's idea that one is not born but made a woman.\(^{57}\) Similarly, we can extrapolate that one is not born but made a

\(^{52}\) Butler, supra note 15; Hooks, supra note 50; Howe, supra note 50; Mohanty, supra note 50; Spelman, supra note 50.

\(^{53}\) Spelman, supra note 50.

\(^{54}\) Mohanty, supra note 50.

\(^{55}\) Id.

\(^{56}\) Spelman, supra note 50.

\(^{57}\) Simone De Beauvoir, The Second Sex (H.M. Parshley ed. & trans., Vintage 1974) (1961). Note, however, that De Beauvoir was a paradigmatic gender essentialist
person and a human: there is no natural essence to humanness. Most feminists accept the first proposition easily these days, but not so much the latter. Alan Hyde's recent work, Bodies of Law, which argues that the "human" body only exists in the discursive and not natural realm, is a convincing treatise to the contrary.\textsuperscript{58} Hyde offers a splendid account of the making of human bodies within American jurisprudence to support his contention that there is nothing natural about our bodies. Every bodily experience we have is mediated through discourse and presented back to us.\textsuperscript{59} Although it is naturally occurring, we can only understand, imagine, and represent it through cultural frameworks. Similarly, we can only understand the bodies of others through the mediation of discourse.\textsuperscript{60}

The impossibility of any one natural trait to demarcate the boundaries of humanity is well-exposed by the common law, through which Hyde documents the multiple and often contradictory concepts of the human body. These "conflicting, competing constructions of the body . . . as machine, as property, as consumer commodity, as bearer of privacy rights or of narratives, as inviolable, as sacred, as object of desire, as threat to society" defy its popular status as a natural entity performing natural functions and challenge the view that humans are a coherent whole of sameness.\textsuperscript{61} As Hyde, echoing Fuss above,\textsuperscript{62} insists:

It follows that the body is not the best but the worst standpoint for defining legal subjects . . . . When we see a culture self-consciously defining bodies, it is already in trouble. We define bodies in the first place only when we are conflicted, as a society and often within ourselves. When body boundaries become problematic and need definition, when we worry about whether blood or urine "is" the body, when we try to define the body's availability to state authority, to be searched or medicated, we do not draw on any strong social consensus about the nature and boundaries of the body, though it often pleases us to talk as if we do. We draw instead on the multiple conflicting constructions of the body available to any mature speaker and pretend that we have resolved our social and internal conflicts by deploying one or another metaphor, for example by describing the body as "inviolable" rather

\textsuperscript{58} HYDE, supra note 15.
\textsuperscript{59} Id. at 6.
\textsuperscript{60} Id.
\textsuperscript{61} Id.
\textsuperscript{62} Fuss, supra note 23.
than merely "private." 63

Hyde proffers the example of the varied legal understandings of the body as an entry to denaturalizing the human body. His move mirrors Dunayer's comparison of human bodies with animal bodies to demonstrate the artificial difference. Hyde helps us even further by highlighting the anxiety engendered by our inability to categorically and permanently name our difference as humans. As both Hyde and Fuss point out, the repetition with which our legal judgments and legislation affirm the sanctity of human life, or speak of the "human race," may say more about the contested nature of being human. This subsistence of the natural narrative, despite ample legal evidence to the contrary, betrays the presumptive and fictive aspects of human unity that ground our widely different treatment of those not categorized as human.

C. SUMMARY

All of this is not to say that there are no biological "truths" or "facts." For example, it is possible to say that only females have the capacity to become pregnant and give birth, although this is not a trait particular to human females! The foregoing is also not to deny that there are among humans statistically prominent traits which, notwithstanding their non-universality, distinguish humans from other animals (for example, only non-infant humans stand upright on two legs). Some cultural critics even posit the capacity for language as a universal among all humans. 64 Even if we concede language or some other feature as a human universal, my argument does not depend on refuting this theory of a shared trait between all humans that can fill the signifier "humans" and may even amount to a qualified claim about human nature or what it is to be human. 65

Instead, Part I has served to argue two simple points, the first one explicitly. Following conventional lines of analysis in cultural criticism, the "human" is a socially constructed category, not a natural or biological

63. HYDE, supra note 15, at 11.
64. Antony, supra note 10, at 84-85. She qualifies this statement by noting "while we cannot say that all human beings, without exception, speak a language, and while no one language can sensibly be thought closer to "natural" than any other, it is still the case that there is, in the case of language, a genuine human universal" (footnotes omitted). But as animal advocates have noted, animals also share the capacity for language — the sounds they make are just different from ours and from each other's. For more on the discussion of the linguistic abilities of animals and why language is not a valid source of "natural" or moral differentiation between humans and animals, see Thomas G. Kelch, Toward a Non-Property Status for Animals, 6 N.Y.U. ENVTL. L.J. 531, 569-72 (1997-98).
65. Antony, supra note 10, at 84-85. Antony is critical of the Enlightenment-derived pleas to nature to legitimate social oppression, but she creatively argues that a human nature, which is inherently a product of one's environment from the onset, can be said to exist, perhaps even universally. I do not attempt to respond to this part of her argument as it is not threatening to my own. What I want to discuss is whether the theoretical coherent "human," if such a thing exists, should matter to a theory of anti-oppression.
one. This is apparent in three ways. First, understandings of who is "human" have historically excluded many individuals currently viewed as human today. Second, "natural" differences are overblown into artificial, immutable, and universal constructs of gender, race, class, sexuality, etc., which are presented as innocently natural such that women are from Venus, men are from Mars, and humans are not animals. Species and ideas of humanness are social constructs similar to other intrahuman identity social locations that should be similarly deconstructed for the differences that are denied in order to facilitate one type of categorization over another. The "human" is a term that has been both deliberately constructed as exclusive of some humans and all animals despite valid and compelling reasons to alter its defining contours. Third, there is no essence to being a "human." However the term is defined, it is always already incomplete and partial: a product of biological facts filtered through cultural discourses. The "human," like the "woman" or the "man," is imagined. Once cultural critics accept this insight with regard to animals as it has been accepted for humans, it should dissuade them from assigning moral and legal importance to any source of biological difference we ascribe to animals. Whatever biological difference one can trot out to distinguish x beings from y beings has no social meaning of superiority or inferiority until we construct it as such and choose to "see" the difference.

The next Part seeks further to bridge the distance cultural critics see between humans and animals, but does so through a different route. Instead of appealing to cultural critics by arguing that humanness and species difference is every bit as naturalized a difference in need of deconstruction as Part I did, Part II discusses two other methodological perspectives important in much cultural criticism, nondichotomous thinking and intersectionality, also challenging the accuracy and coherence of the human/nonhuman divide.

PART 2: STRUCTURAL CONNECTIONS: SPECIES AS A SOCIAL FORCE

Cultural critics should be wary of excluding animals because the justificatory strategies that exclude animals today share an intimate history with those that exclude(d) marginalized humans. More precisely, the social meanings ascribed to abjected animal bodies were and are generated from the same discourses which produce(d) abjected human bodies. I wish to stress that I am not claiming that all oppressions emerge from the same historical trajectories and are identical in operation. Indeed, the difference makes is differentiated depending on the difference. Just as the inclusion

66. Id.
of animals into our moral community requires different responses than an inclusion of a human subgroup (e.g., no one would argue for giving animals the right to vote) the genealogies of their exclusion converge and diverge with those of human oppressions. Similarly, modernist discourses and practices among types of human oppression are often contradictory and inconsistent, displaying exclusions, tensions and fissures. This is the nature of power — diffuse, scattered, and contradictory, mediated by contingencies of time, space and culture. Yet to recognize the dynamic and unpredictable workings of power does not efface the hegemonic ideologies and institutions which produce it. For example, different subgroups of women experience gender oppression in different and conflicting ways, but this does not deny that they are all adversely affected by a gender hierarchy that favors men.

For purposes of my argument, I shall discuss elements of animal oppression in Western societies that are similar to human oppression and which cultural critics impugn in the context of human oppression but permit in the context of animal oppression.

A. PLEAS TO NATURE

Perversely, our society justifies mistreatment of animals with pleas to nature. We permit the disembodiment and fragmentation of animals because they are widely figured as wholly different types of biological bodies. Perverting Darwin’s theory of evolution in ON THE ORIGIN OF SPECIES (1859), an evolutionary hierarchy and the natural food chain are common arguments marshaled to justify human domination. Under this

68. As Marjorie Spiegel cautions in discussing the similarities in treatment between American blacks and animals: “there are distinct social, political, and economic factors which create and support the subjugation of animals, as well as differences between the possible manners in which blacks and animals could respond to their respective enslavements. On this latter point, one very notable difference is exemplified by the history of slave rebellions. While there are innumerable instances of animals having escaped from zoos, circuses, slaughterhouses, etc., animals’ natures vis-à-vis humans seem to preclude the possibility of organized rebellion, while enslaved blacks managed to overcome overwhelming odds and stage rebellions and innumerable organized escapes. But, as divergent as the cruelties and the supporting systems of oppression may be, there are commonalities between them. They share the same basic essence, they are built around the same basic relationship — that between oppressor and oppressed.” MARJORIE SPIEGEL, THE DREADED COMPARISON: RACE AND ANIMAL SLAVERY 24 (1988).


70. Sabina Sawhney, Essentialism is Such a Drag!, in FEMINISM BESIDE ITSELF 197 (Diane Elam & Robyn Wiegman eds., 1995).

71. Thomas Kelch notes, “That humans and other animals share similar mental capacities was recognized by Darwin [who] . . . contended that the differences in respective mental capacities were a matter of degree, not kind.”(footnotes omitted), supra note 64, at 563.

72. Kelch, supra note 64, at 559.
theory, domination is legitimate and apolitical because it is a dictate of nature beyond human agency. This device is not peculiar to human oppression of animals. An array of Western, mainly Enlightenment philosophers, developed a vision of universal human justice that excluded women and non-elite men from the qualification of humanity. Aristotle, Rousseau and Kant accomplished this exclusion on the purported basis of reason.\textsuperscript{73} Not desiring to relegate women to a different species altogether, they conceded that women and men shared a common human nature but insisted that women were naturally defective as humans because they had an impaired development of humanity’s defining trait — reason. Thus men became the exemplars of human nature while women, if they followed their prescribed roles and demonstrated the appropriate virtues complementary to those of men, became exemplars merely of women, not humans.\textsuperscript{74} Louise K. Antony explains how appeals to nature enabled this historical norm of gender differences to signal cohesive theories of justice rather than perversions of injustice.

What’s gone wrong? Theories that seemed to promise a grounding for universal equality transmute before our eyes into rationalizations for the exploitation of women by men. In fact, there is nothing unusual here. Historically, it’s been a standard strategy for explaining and justifying oppressive social hierarchies to appeal to alleged differences between the “natures” of oppressors and oppressed. This strategy is extraordinarily labile, exploiting in turn each of the precarious normative and modal connotations carried by the notion of “the nature,” depending on the point that needs making. The trick is in picking the right stratagem at the right time.\textsuperscript{75}

Exploring the content of the meaning of “natural” animal differences from humans reveals even more similarities. A primary justificatory strategy in support of the property status of animals is the perception of animals as bodies with defective capacities to reason or, more precisely, to engage in, as Thomas Kelch terms it, “deliberative rationality”.\textsuperscript{76} The above discussion also suggests how a perceived defective capacity to reason has figured decisively in excluding humans along lines of gender, racial, ability and age. When Aristotle, followed by Descartes centuries later, theorized that animals were to be put in the service of humans because of their irrationality,\textsuperscript{77} the arguments were extended to women and

\textsuperscript{73} Antony, supra note 10, at 63.

\textsuperscript{74} Id. at 64.

\textsuperscript{75} Id. at 65.

\textsuperscript{76} Kelch defines “deliberative rationality” as one that “requires that the creature is introspective, self-aware, and able to engage in self-analysis” [footnote omitted]. He contrasts it with the less sophisticated version of “relational rationality” which “includes memory and the ability to respond based upon that memory.” Kelch, supra note 64, at 565.

\textsuperscript{77} Martha C. Nussbaum, Animal Rights: The Need for a Theoretical Basis, 114 Harv. L. Rev. 1506, 1548–49 (2001) (reviewing Steven M. Wise, Rattling the Cage:
to inferior men. One of the most ingrained legacies of Enlightenment thought is dualistic thinking and the hierarchical continuums organized around the dualisms, where one concept is given superiority over the other. These dualisms can be traced back to postmedieval thought and the beginnings of objectivist scientific epistemology, which framed social life in mechanistic rather than organic terms. It is Descartes, however, who is properly credited with taking to the extreme the split of the bodily state from the mental state. Descartes advanced the theory that human minds were separate from and controlled human bodies. The mind, associated with rationality, was superior to the irrational and emotional state of the body. Reason, not feeling, sentiment, or emotion, could procure universal truths. Animals, considered by Descartes to be incapable of reasoning, were then simply mechanistic bodies.

The Cartesian mind/body split has obvious adverse implications for women, people of color, the environment and animals, beings who have been historically reduced to their bodies. Correlated with the culture/nature and the masculine/feminine dichotomies, it has been a crucial site of deconstruction for cultural critics since 1944, when Max Horkheimer and Theodor Adorno critiqued the devaluation of women and Nature and the valorization of domination by scientific rationalism. Since then, cultural critics working within various traditions have criticized the Cartesian mindset. Feminists from all schools, except perhaps the liberal and cultural ones, have argued that the dualistic thinking which associates man with reason and culture and woman with emotion and nature has worked to deny women equal respect and dignity. The critique of the public/private dichotomy that these associations generated, naturalizing the relegation of woman to her biology within the private sphere, is a mainstay of the feminist diet. Indeed, the genesis of Western feminism is heavily

Toward Legal Rights for Animals (2000)).


79. Donovan, supra note 78, at 41-43.

80. Nussbaum, supra note 77.


83. Tong, supra note 22.
interwoven with the rise of scientific discourses championing rationality. As Donna Haraway tells us,

European-derived feminist and antifeminist debates proliferating from the late eighteenth century located themselves on the terrain of the meaning of sexual difference. The history of this modern feminism would be incomprehensible without the history of modern reproductive biology and clinical gynecology—as a moral discourse about social order and as a social technology. Evolutionary discussions were part of this larger discursive frame. In antifeminist discourse wherever the boundaries of old hierarchies were threatened by new Enlightenment liberal doctrines of universal man, biological sexual and racial difference reimposed “natural” limits.\(^8\)

Haraway points us to the interrelatedness of Enlightenment thinking, cultural hierarchies and human emancipatory politics. The feminism of white middle-class women took a distinctly liberal approach in response to the excess of difference that Western science began implacably to naturalize. Prior to the late eighteenth century, European males and females “were almost universally regarded as homologous... the female was a kind of male turned inside.”\(^9\) The female was seen as an inferior model of her species, but she was not yet regarded as different and oppositional to her male counterpart until scientific truth stamped her as such.

The “inherent” defect in reason effectively curtailed the entitlement of women and other marginalized groups to moral claims provided by the emergent liberalism. These naturalized differences and the life conditions they created for liberally abject bodies remains a prime concern for feminist interrogation.\(^8\) Yet few subject the idea of naturalized species difference to the same scrutiny. This is all the more peculiar when we consider that hierarchies structured around gender, race, class, etc. often depend on species constructs to work.

B. INTERSECTIONALITY

Intersectionality is a theory associated with the writings of Critical Race feminists working in law.\(^8\) It also catches the thrust of the critiques


\(^{85}\) Id. at 147; LAQUER, supra note 27, at 4.

\(^{86}\) Chunn & Lacombe, supra note 82.

\(^{87}\) See generally CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 2nd ed. 2003).
of white Western mainstream feminism by North American women of color, lesbians, and non-Western women, to complicate critical analyses by looking at gender as a social force that works in tandem with other social forces. The word invites the metaphor of a traffic intersection where multiple roads converge into one. Intersectionality is a theory that prompts us to look at any given problem, as well as a person’s experience of that problem, as an intersection where social forces meet to construct any particular experience. Some critics committed to intersectionality have chosen to forego the term because it obscures another central point of the theory — that social forces do not operate in isolation. More accurately, a social force is structured by other social forces such that it is impossible to understand, say, gender as a construct without considering race.

Feminists and other theorists working within postcolonial and antiracist traditions have chronicled this meaning of intersectionality with respect to British Empire-building. They discuss how European imperialism’s main justificatory strategy was the white man’s burden to uplift the darker races, who were seen as closer to Nature, bestial and barbaric, and thus in need of rational civilization and domination. Colonized women, and their perceived deep affiliations with the natural, the instinctual, and the animals, were a crucial element in the production and reproduction of Empire. Saving brown women from the barbaric customs of brown men was a potent justification for the civilizing mission. Further, the discourse of Empire imagined lands inhabited by indigenous peoples (and other beings) as Nature in its most virginal state, ready for and in need of civilized masculine domination.

Anne McClintock captures the essence of these postcolonial feminist critiques when she writes:

The myth of the virgin land is also the myth of the empty land, involving both a gender and a racial dispossession. Within patriarchal narratives, to be virgin is to be empty of

88. See generally FEMINIST POSTCOLONIAL THEORY: A READER (Reina Lewis & Sara Mills eds., 2003).
90. Chinua Achebe, Colonialist Criticism, in HOPES AND IMPEDIMENTS: SELECTED ESSAYS, 1965-1987, at 81 (1988); Frantz Fanon, Black Skin, White Masks (Charles Lam Markmann trans., 1967); Peter Hulme, Colonial Encounters: Europe and the Native Caribbean 1492-1797 (1986); Said, supra note 47; Gayatri Chakravorty Spivak, Three Women’s Texts and a Critique of Imperialism, 12:1 CRITICAL INQUIRY 243 (1985); Trinh T. Minh-Ha, supra note 50; Mohanty, supra note 50.
92. McClintock, supra note 15.
desire and void of sexual agency, passively awaiting the thrusting, male insemination of history, language and reason. . . . Within colonial narratives, the eroticizing of "virgin" space also effects a territorial appropriation, for if the land is virgin, colonized peoples cannot claim Aboriginal territorial rights, and white male patrimony is violently assured as the sexual and military insemination of an interior void. . . . The colonial journey into the virgin interior reveals a contradiction, for the journey is figured as proceeding forward in geographical space but backward in historical time, to what is figured as a prehistoric zone of racial and gender difference. One witnesses here a recurrent feature of colonial discourse. Since indigenous peoples are not supposed to be spatially there—for the lands are "empty"—they are symbolically displaced onto what I call anachronistic space, a trope that gathered . . . full administrative authority as a technology of surveillance in the late Victorian era. According to this trope, colonized people—like women and the working class in the metropolis—do not inhabit history proper but exist in a permanently anterior time within the geographic space of the modern empire as anachronistic humans, atavistic, irrational, bereft of human agency—living embodiments of the archaic "primitive."  

McClintock describes the binary framework underlying imperialism: man/woman; colonizer/colonized; nature/culture; and reason/emotion. She then proceeds to demonstrate the "dangerous liaisons" that these dichotomies created, connecting people through a matrix of gender, race and class constructs that defies simple binary categorization. McClintock's work in Imperial Leather: Race, Gender and Sexuality in the Colonial Context rejects traditional Western binaries and reveals how social constructs cannot be understood in isolation from each other. She argues that the categories conventionally invoked in isolation by cultural critics to study social power and identity formation (notably gender, race, class, and sexuality) only emerge as vehicles of power in relation to one another. McClintock carefully traces the genealogies of colonial difference and their implications for abject humans, yet she, like her colleagues, leaves the species angle unexamined.

As Carol Adams, Josephine Donovan, and other ecofeminists document, we need to revisit such sorts of analyses to uncover how our
social lives are constituted not only by race, class, and gender axes, but species as well. It is instructive to examine these interconnections of difference with animals by considering several issues well-canvassed by cultural critics: pornography, intimate violence, knowledge production through language (naming), and neoimperialism.

1. Pornography

Pornography is a hotly debated subject among feminists. On the one hand, there are those who oppose the degrading objectification of women in pornographic materials and its arguable subsequent harm to women in their daily lives. On the other side are those concerned with the censorship of the sexual expression of women and the denial of the exercise of agency that women make even under conditions of oppression.96 I focus here on the first set of feminist arguments criticizing pornography to illuminate how, on its own terms, the degradation of women that feminists impugn is structured by speciesism.

The conventional feminist critique views pornography as a vehicle within a misogynistic culture to eroticize male dominance, to support the ideology that women enjoy male violence, and to shape harmful cultural images of women’s “nature” in support of gender roles legitimating male dominance.97 The critique merged, and is still most commonly associated, with radical feminism, which largely defines women’s oppression based on gender “arising from stark inequalities of power realized and expressed through men’s sexual coercion of women.”98 Theories of women’s oppression which privilege a gender oppression constituted by sexual relations, now referred to as “dominance feminism,”99 have come under sharp scrutiny by critics for sidelining the other forces which constitute the political identity of women, notably race, class, and sexuality oppression.100

For now, recall MacKinnon’s definition of pornography above and how it framed the injustice as a dehumanization of women.101 Many of the representations of women that anti-pornographers denounce depict women


96. The anti-censorship feminists run the gamut from “supportive critics” of traditional feminism who call themselves feminists to “stark antagonists” who belittle conventional feminist theories of male domination. Abrams, supra note 19, at 304 n.1. For a detailed discussion of the genesis and implications of this debate for feminism as a movement and women’s subjectivity, see Abrams, supra note 19; and TONG, supra note 22, at 112-13.


98. TONG, supra note 22, at 308.

99. Id.

100. Hunter, supra note 50.

101. MACKINNON, supra note 15, at 98-100 and accompanying text.
being treated as we commonly treat animals.⁹² In a sense, MacKinnon (and all others who use the dehumanization argument) acknowledges that pornography is an animal issue, because her critique seeks to elevate women to the dignity reserved for men while leaving animals behind to be treated indiscriminately as nonhumans are in Western culture. In portraying women as animals, such as Playboy bunnies, or in animal-like conditions and positions, pornography is creating a discourse centered and dependent not just on norms of gender difference, but also on those of species difference. In other words, the message of women’s submission to the male violence would be difficult to understand without the associations that we are invited to make of women as inferior animals. As Carol Adams has noted in her groundbreaking work linking the consumption of animals with the consumption of pornography,¹⁰³ this kind of insight does not figure in most feminist critiques of pornography despite the lack of nonspeciesist reasons for its absence.

2. Intimate Violence

There are many theories of the etiology of violence against women in their intimate relationships and how best to fashion solutions to eliminate it.¹⁰⁴ As with pornography, most feminist analyses of intimate violence exclude animals from their lens. Conventional feminist accounts of intimate violence identify the root in the public/private dichotomy of patriarchal liberalism and the sanctity of the institutions of marriage and family that it established. The dichotomy denies that marriage and the family are crucial loci of women’s oppression and examples of the “social structures that create and sustain unequal power relations between men and women.”¹⁰⁵ Mainstream feminists highlight the historical roots of intimate violence where cultural and legal sanctions accorded to men marital rights and privileges to brutally discipline and rape their wives.¹⁰⁶ Similar gender roles today, which confine women to the private sphere and economic dependency, are seen to authorize the use, if not the abuse, of patriarchal power.¹⁰⁷ Thus, feminists worry that the violence is likely to continue as long as unequal gender relations and their norms of privacy and economic dependence remain intact.

Mainstream feminists have sought to dispel the private image of

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102. ADAMS, THE SEXUAL POLITICS OF MEAT, supra note 78.
103. Id.
105. Id. at 21 (emphasis added).
107. JOHNSON, supra note 104.
intimate violence by emphasizing the gendered power dynamics of the violence. As with pornography, critiques have emerged within feminism disputing the privileged position of gender within analyses of women’s oppression. These critiques illustrate how intimate violence should be viewed as not only a matter of male dominance but also of other forms of domination, drawing links between the production of intimate violence and imperialism, homophobia, and child abuse. bell hooks makes this claim when she writes:

While I agree... that male violence against women in the family is an expression of male domination, I believe that violence is inextricably linked to all acts of violence in this society that occur between the powerful and the powerless, the dominant and the dominated. While male supremacy encourages these of abusive force to maintain male domination of women, it is the Western philosophical notion of hierarchical rule and coercive authority that is the root cause of violence against women, of adult violence against children, of all violence between those who dominate and those who are dominated. It is this belief system that is the foundation on which sexist ideology and other ideologies of group oppression are based; they can be eliminated only when this foundation is eliminated.

Indeed I would agree. Yet, despite the existence of a similar oppressor-oppressed relationship, hooks’s “all acts of violence” do not include human violence against the nonhuman.

The reliance of intimate violence on speciesist practices also merits the inclusion of speciesism in any critical review of intimate violence. Carol Adams has theorized these connections and details how animals are frequently used in intimate violence. Animals are used in multiple ways: as target practice to terrorize the woman by enacting her future fate; as recipients of the violence meant for her; as relational pawns in constraining women to endure abusive relationships out of fear that the abuser will retaliate against the animal if they leave or disobey; as symbols of the man’s power to destroy what/whom she loves; as a weapon to beat her; and as instruments of rape to penetrate and humiliate her. This last instance

110. Hooks, supra note 50, at 118.
111. Carol J. Adams, Woman-Battering and Harm to Animals, in Animals &
of forced sex with animals illustrates well how intimate violence (and pornography which often precedes the violation) and animal oppression are interrelated. Adams describes the extent of the violence:

From the abuser's point of view, he is sexually using an animal as an object, just as others may use baseball bats or pop bottles. The animal's status as object is what is important in this instance. But, then, so is the woman's. Objects used for sex in this way, including animals and the women victims, are denied individuality, uniqueness, specificity, particularity. It is not who they are that matters as much as what can be accomplished through the use of them. Forcing sex between his human female partner and a nonhuman animal reveals the way that a batterer objectifies both of them so that they have become interchangeable objects. They become to him no different — and no less expendable — than a pop bottle.¹¹²

This use of animals in intimate violence is not just another case of the instrumental status of animals. Rather, as Adams makes clear, the violence against animals is an important form of intimate violence. Both woman and animal are violated because each occupies an inferior position in the mind of the abuser. A society that values certain human males over everyone else exposes women to vulnerability and violence by permitting violence against her companion animal. Put differently, what would it mean to say that intimate violence was eliminated yet animals were still being killed in front of the human female partners of abusers? This type of intimate violence cannot be explained by the sanctity of family privacy which is given primary explanatory force in most feminist accounts. We need the injection of human oppression against animals to fully comprehend the extent of intimate violence.

3. Naming

None were left now to unname, and yet how close I felt to them when I saw one of them swim or fly or trot or crawl across my way or over my skin, or stalk me in the night, or go along beside me for a while in the day. They seemed far closer than when their names had stood between myself and them like clear barrier: so close that my fear of them and their fear of me became one same fear. And the attraction that many of us felt, the desire to smell one another's smells,
feel or rub or caress one another's scales or skin or feathers or fur, taste one another's blood or flesh, keep one another warm — that attraction was not all one with the fear, and the hunter could not be told from the hunted, nor the eater from the food.113

The practice of naming is frequently an act of domination.114 Language is a prominent conveyor of cultural imagery, and cultural critics have contested the formal and informal usage of terms that are degrading.115 Non-hegemonic groups struggle to depart from the images of themselves imposed upon them through renaming, or they will try to reclaim derogatory names by subverting their traditional meanings. Most obviously, feminists have exposed the gender bias within the English language, where the terms “he,” “him,” “man,” and “mankind” are proffered as generic terms meant also to connote females, yet the historical and modern reality is that they privilege male signifiers over female ones.

Feminists have also objected to animal pejoratives for women, such as bitch, bunny, dog, cow, fox, chick, bird, etc., but the negative connotations of animals have been excluded in their objections.116 Such language is not just a tool of gender socialization but is also an authoritative medium in solidifying the immutability of difference between humans and animals.117 Joan Dunayer illustrates how this works:

Viewed through speciesism, a nonhuman animal acquires a negative image. When metaphor then imposes that image on women, they share its negativity. Terming a woman a “dog” carries the sexist implication that women have a special obligation to be attractive, since the label refers to physical appearance only when applied to females. And so, using dog against any woman indirectly insults all women. The affront to all dogs, however, is direct. Denied individual identities, they merge into Ugly. Without this disdainful view of dogs, dog would not offend. Similarly social butterfly, being female specific, assigns gender to fickleness and frivolity. The phrase would confer very different traits if the butterfly’s flight from flower to flower were perceived as life-sustaining rather than trivial. Reserved for women,

114. HOOKS, supra note 50, at 17-31.
116. Dunayer, supra note 9, at 11.
117. Id.
dumb bunny links femaleness to mindlessness. But the expression rests on the speciesist assumption that rabbits are stupid.\textsuperscript{118}

And so on and so forth. The woman as bitch, and the bitch as herself, are aggressive, ruthless, and callous. The woman as vixen and the vixen as herself are cunning to the point of deceit, and the vixen is attractive as an object worthy of relentless harassment and pursuit because she is a trophy to be captured as prey by male predators.\textsuperscript{119} Black women and men are often referred to as monkeys, betraying the racist speciesism which gave steam to social Darwinist human hierarchies and enslavement.\textsuperscript{120} The metaphor of "the human female/dark/poor body as x animal" operates at the intersections of multiple Othering discourses, including those that subordinate animals. Cultural critics must recognize the harmful effects of animal pejoratives in order to uproot the dynamics of oppression.

4. Neoimperialism

Feminists, Marxists and postcolonialists have underscored how Enlightenment ideology and its regimes of truth sanctified a narrative of progress understood as unrestrained materialist development of the world's natural resources. Recall McClintock's passage above in which she discusses how Victorian ideas of femininity were not fully comprehensible without discourses of imperial conquest with their narrative of exploitation of nature as human progress.\textsuperscript{121} McClintock wants the reader to see the emergence of gender within the metropolis as an inherent marker of racial and national/imperial relations. For instance, ideas of womanhood were not uniformly applied to all females, but rather their gendered treatment was intimately interwoven with their race, national and class identities.\textsuperscript{122} The idea of womanhood, and the cult of domesticity it entailed in eighteenth-century Britain, was a gender ideal particular to middle- and upper-class British women. Working-class and colonized women's class and race marked them outside this protected preserve; they were inferior and dewomanized because of their perceived embodied opposition to the imperial private family arrangement with women relegated to the home and men to the public sphere. Their bodies were then available for labor and sexual violence in different ways than the "physically delicate" upper-middle-class woman and the beastly colonized and working-class male.\textsuperscript{123} The rise of Enlightenment capitalism was thus dependent on the

\textsuperscript{118.} Id. at 12.  
\textsuperscript{119.} Id. at 15.  
\textsuperscript{120.} SPIEGEL, supra note 68.  
\textsuperscript{121.} MCCLINTOCK, supra note 15, at 79-80.  
\textsuperscript{122.} Id.  
\textsuperscript{123.} Id. at 80.
hierarchical Family of Man with its scientific racism and sexism of social Darwinism.

McClintock evinces the depth of the connections between these political and social identities in discussing the life of Arthur J. Munby, a "well-known Victorian barrister and man of letters (1828-1910)" who created a scandal in his will by declaring his forty-five year long desire and love for, and revealing his thirty-six year long marriage to, his servant Hannah Cullwick. Indeed, Munby was an ardent voyeur of the sexual lives of working-class women. McClintock warns us not to chalk up this infatuation to an apolitical expression of desire. Rather, she suggests that Munby's voyeurism is a product of the imperial race, sexual and class distinctions with which he was surrounded. In describing a rare riding photo of Munby as a child, she writes:

Standing in erect profile, the infant strikes the pose of a miniature metamorphosis of infant into man and is eloquent of the social violence of male gendering. Protruding from just below the boy's waist, [his whip] symbolizes male mastery over two dimensions: the realm of sexuality and the realm of labor. At one and the same time, it is the peculiarly male emblem of phallic potency and violent mastery of the work both of servants and of beasts. In the precarious accession to masculinity, the whip marks the boundary between women and men and between men and animals, boundaries all the more imprecise for having so often to be reinscribed. In the logic of Munby's private (but far from idiosyncratic) iconography, the metaphoric affinity of women and horses is played out within scenarios that tirelessly equate female sexuality and servitude.

McClintock's argument helps us to see several points. First, she shows us how the discourse of imperial conquest managed the contradictions of class and racial gender identities within metropolitan society. Second, she implicitly suggests that an emancipatory movement on one ground would do itself violence by extending the moral community to cover more humans, but not all. Thus, when British women argued for their emancipation from a sexist patriarchy, while supporting imperialism,

124. Id. at 76.
125. Id. at 80. McClintock also refers the reader to Leonore Davidoff, Class and Gender in Victorian England, in SEX AND CLASS IN WOMEN'S HISTORY 17 (Judith L. Newton & Rebecca Walkowitz eds., 1983) where Davidoff "notes how Munby in his poetry compares women with domesticated animals who have been 'broken in' by men." Id. at 405 n.10.
126. Please note that I am only talking about middle- and upper-class women here.
they contradicted their own efforts because the gendered norms which saturated European society were integral to the maintenance of imperialism and organized its narratives. Both were based on the same metaphoric hierarchies of European gender roles — the lack of culture and reason. A full-fledged meaningful resistance to European patriarchy would undermine the naturalized dichotomies that feminized European women as subordinate. But the process would also undermine the feminization of all those non-European Others that enabled imperialism: the supposed egalitarian and normal gender relations of Europe which the “uncivilized” colonies needed help to mirror. Undoing reason-based hierarchies would undo imperialism as well because of the intersecting and interacting dynamic of patriarchy and imperialism; supporting imperialism would be akin to undermining European women’s own claims to emancipation.

McClintock’s argument is instructive. Advocating an end to human oppressions while supporting animal oppression is self-defeating because they are both upheld and mutually sustained by these binary categories. Although she does not discuss the species element, she acknowledges in this passage the precarious nature of the woman/man and man/animal boundaries to demonstrate how ideas of sexuality, femininity and racial hierarchy were premised on man’s dominion over and separation from the natural. We can extend her analysis to observe that the “beasts,” who were popularized as unquestionably inhuman, also became a potent marker of European women and colonized people’s dehumanized status and brought to mind the progressive hierarchy of humanization and civilization.

There is another way of illuminating the intersecting character of dominant social discourses. In addition to examining traditional foci of cultural critique to examine how the concept of species difference helped produce intrahuman differences, it is also possible to consider how conventional animal rights foci, using hunting as an example, reveal the interaction between oppressive social discourses.

5. Hunting

The animal defense critique of hunting lies in the principle that animals should not be killed for human pleasure, environmental management,

Criticizing patriarchy would not have been sufficient to liberate lower-class women, whose gendered oppression was just as much a factor of class politics as gender ones. McClintock, supra note 15, at 75-131.


128. Indeed, it is telling of the deep-rooted normalcy of the species divide that McClintock’s own observations about the metaphor of women as horses symbolizing their servitude do not lead her explicitly to argue that species difference is a construct which also emerged in intimate relation with ideas of sexuality, gender, race, and class with the rise of imperialism, capitalism and the degradation of the so-called natural realm. Animal bodies are just as much if not more inscribed as natural, whose sexuality and servitude were readily available for human consumption and pleasure.
or food.\textsuperscript{129} As Marti Kheel highlights in her excellent analysis, it is worth repeating that arguments in defense of animals are frequently at odds with those emanating from the environmental movement.\textsuperscript{130} The conflict in perspective is particularly pronounced in the hunting debate. The majority of environmentalists will support some type of hunting, either in the name of ecosphere balance, or even, remarkably, for the sake of communing with nature and mimicking relationships indigenous cultures have with nature; this experiential “hands-on” approach to nature is preferable over abstract theorizing about environmental ethics.\textsuperscript{131} In contrast, animal activists/theorists link hunting to animal genocide and perceive arguments about natural harmony as just another excuse to kill animals. The violence in hunting, however, is not restricted to animals alone. As the emerging interdependent theory has shown, the violence of hunting derives substantial force from gender, class and racial discourses of sexuality, femininity and tradition.

Hunting is by and large a male segregated activity supported by masculine ideologies, a fact which the preferred choice of prey reveals.\textsuperscript{132} The most common target of hunters is the male deer.\textsuperscript{133} The male deer betrays the status of hunting as a practice of power rather than a “natural function” of humans. As a symbol of virility, the ability to exert power over the deer is understood as a confirmation of hegemonic masculinity.\textsuperscript{134} The message which pervades the discourses of non-indigenous hunters who claim to hunt for recreation, for environmental harmony or for spiritual communion is that real men hunt.\textsuperscript{135} Hunting is encouraged as a return to primitive roots when “we” lived in a more natural state and is regarded as an expression of “an instinctive urge which, like the sexual drive, cannot and should not be repressed.”\textsuperscript{136} It is thus a healthy, normal and universal bodily function for male human beings to hunt; it productively channels the male urge to conquer toward a legitimate nonhuman target rather than another human being.\textsuperscript{137} Writings emerging from the early conservation movements and current hunting magazines overflow with assertions that

\begin{thebibliography}{99}
\bibitem{129} The practice of hunting I refer to here is that practiced by nonindigenous hunters. I will discuss the ethics of indigenous hunting in another article for the different animal defense critique it attracts and its different implications.
\bibitem{130} Marti Kheel, \textit{License to Kill: An Ecofeminist Critique of Hunter’s Discourse, in ANIMALS & WOMEN: FEMINIST THEORETICAL EXPLORATIONS, supra} note 78 at 85.
\bibitem{131} \textit{Id.} at 86. Kheel traces the historical familiarity between hunting and the environmental movement stemming from the early conservation movement, which has formed an ethic of hunting that “has functioned both to camouflage and to legitimate violence and biocide.” \textit{Id.} at 86-87.
\bibitem{132} \textit{Id.} at 88, \textit{citing} a National Survey of the US Department of Interior.
\bibitem{133} SPIEGEL, \textit{supra} note 68, at 57.
\bibitem{134} \textit{Id.}
\bibitem{135} Kheel, \textit{supra} note 130 (Kheel calls these the “happy hunter,” the “holist hunter,” and the “holy hunter” respectively).
\bibitem{136} SPIEGEL, \textit{supra} note 68, at 89, 105.
\bibitem{137} \textit{Id.} at 89, 91.
\end{thebibliography}
hunting is the ultimate expression of full naturalistic humanity and masculinity.\textsuperscript{138}

It is simple to discern the problematic gendering and racializing that is occurring within this discourse. In addition to the rigid gender roles it supports, hunting also mimics the practice of sexual violation. As Kheel points out:

Although many hunters downplay the actual moment of the kill, most concede that it is an integral part of the hunt. Just as the male orgasm typically is seen as the denouement to the act of sex, so to, the death of the animals is seen as the narrative resolution of the hunt. Both the hunt and the sexual act are premised on the notion of the buildup of tension; the orgasm and the kill provide the sought-after relief.\textsuperscript{139} A personal anecdote may help shed some light on the hunting-sex connection.\textsuperscript{139} A number of years ago, I had the occasion to attend a hunter safety training course, a course that is required for every hunter to obtain a hunting license.\textsuperscript{139} Bullets were called "balls," firing was called "discharge," and when a bullet hit an animal it was called "penetration." The power of a gun was referred to as its "penetration power." If a bullet was accidentally fired before the intended moment, it was labeled a "premature discharge." The law of "first blood" was also explained to us. According to an unwritten law, which is recognized by the Fish and Game department, whoever first "penetrates" an animal and draws the "first blood" has the "privilege" of "finishing the animal off," and claiming the body of the animal as his own. The law of "first blood" had a familiar ring.\textsuperscript{139}

Associations with the phallic imagery of human rape are clear. The naturalization not only of animal slaughter but human rape is more subtle. This naturalization of human rape via animals is nothing new. Sociobiologists have sought to cast "rape as an adaptive strategy dictated by evolution" based on their observations of the reproductive behavior of nonhumans.\textsuperscript{140} Human violence is thus legitimated as "genetically programmed behavior that enhances the biological fitness of the male."\textsuperscript{141}

\textsuperscript{138} Id. at 89-90.
\textsuperscript{139} Id. at 91-92.
\textsuperscript{140} Maria Comninou, Speech, Pornography and Hunting, in ANIMALS & WOMEN: FEMINIST THEORETICAL EXPLORATIONS, supra note 78, at 126, 141.
\textsuperscript{141} Id.
In the same vein, hunting celebrates this instinct to penetrate, implicitly legitimating rape, and manages the inevitableness of this violence by supplanting the human female body with an animal body.

But this displacement of the human body with the animal body has not always been "necessary." Humans have hunted other humans in the same display of power. As Marjorie Spiegel writes:

Is it just chance which gave us buck as the racist slang term for a black man? Runaway slaves were hunted down in much the same manner as animals are today. It was common to employ specially trained dogs who were, in fact, trained to hate negroes . . . . Until 1831 throughout the South "there were men who made it a profession to keep 'nigger dogs' and with them to follow up and catch runaway slaves."142

There are further racialized elements to hunting if we consider the prominence of the return-to-Nature discourse. We must ask, who must return to nature? Certainly humans perceived as already immersed in nature, or at least closer to nature than other humans, are not the reference point. Indeed, it would seem to be a discordant justification for hunting if hunting were primarily a female practice, since women are frequently reduced to their naturalized reproductive functions.143 And it is unlikely to be those racialized Others who are still seen as living in the past, left behind by progress, denied coevalness with the rest of us in the West.144

The call to return to nature, coupled with an invocation of indigenous ways, is reminiscent of Rousseau's Noble Savage and the veneration of the racial Other as an alternative to alienation generated by industrial capitalism. The racial Other symbolized the simple harmony of man's pure existence uncorrupted by Lockean theories of social contract and the drive to extract ourselves from the natural.145 The unspoken tie between the primitive label and indigenous cultures is too disquieting.

In context, hunting may be seen as a practice rather than a natural human function, mediated through power dynamics fraught with species, race, class, and sexual imagery. Similar to the discussion of pornography, intimate violence, naming, and neoimperialism, a unidimensional view of hunting does not capture the multiple and interactive dimensions of the practice. In all of these examples, the species dimension operates to

144. FABIAN & BUNZL, supra note 15.
structure the discourses and thus the practices themselves.

C. SUMMARY

Cultural critique should expand to fully envelop animal issues within its purview because they are intimately connected to human issues. The stories told through dichotomous thought to uphold a rigid sense of species difference and instrumental animal use in Western society are similar to those that sustain human exploitation. Further, ideas of species difference work in conjunction with other social forces familiar to humans (gender, race, class, sexuality, etc.) to structure a multitude of social issues. To the extent that cultural critics wish to address these issues and remain committed to intersectionality in their theoretical frameworks, they need to include and unpack species difference and oppression in their work.

CONCLUSION

Gender and other human-based oppressions are sustained by the very same tropes that support the instrumental use of animals in our society. Feminists and other cultural critics committed to dismantling these tropes need to attend to the narratives about species and animal differences that they establish to be consistent in their political positions and to fully undo these tropes with respect to humans. It is a mistake for cultural critics to presume that the construction of social reality ends at the human/nonhuman boundary. Human as a category is no more a natural fact of science or divinity than are ideas of gender, race, class, or sexuality; rather, it is a difference we create through dichotomous modes of thinking and, however systemically and at varying levels of consciousness, choose to privilege. The term “human” and the social meanings assigned to it are recent historical and cultural creations. The signifier is as contested and contingent as current essentialism debates, questioning whether “women” or “people of color” exist as social collectives, suggest intrahuman identities to be.

What is more, by deconstructing prominent cultural critical and animal advocacy foci, we evince the import that the ideas of human nature and species difference have in animating hegemonic discourses and practices. The modernist mentality of hierarchical dualisms, notably reason/emotion and nature/culture, undergirds current perceptions, norms and judgments about bodily difference in terms of sex, gender, race, sexuality and species. Leaving out considerations of how humanity is constructed through species difference will inevitably result in partial, incomplete, and hampered critiques of human forms of oppression because these forms are shaped by our ideas of animals. In other words, it is impossible to uproot racism, for example, without consciously disrupting the human/animal divide because racism is informed by understandings of species difference. For consistent, nonarbitrary and effective transformative critiques, cultural critics must
include animals within any ethical queries about what a just society looks like. At the very least, this entails reflection on the continued merit of a property status of animals.