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AGENDA NOTES

The responses to *Agenda* number 1 received at our office so far have been positive and encouraging. This is good news to us, of course, but we're interested in the other responses also—even if they would be bad news to us. We had some verbal criticism that we might be diluting or duplicating the efforts of *Vegetarian Times*, *The Beast* and possibly other movement publications. It is possible that we could do so, but we'll try not to. We think our movement needs more than one or two publications. We can run items that Paul Obis can't run in *Vegetarian Times* and ones that may not be of interest to *The Beast's* primarily British readers. We've discussed this with them, though, and they may use anything from *Agenda* so long as proper credit is given to the author and us.

We heard that one person, at least, was "not impressed" with *Agenda* #1. Fine. We're not out to impress you; we're out to do a pretty good job of providing a forum for the discussion of issues before the animal liberation movement. Obviously we will have to use our own judgment most of the time as we carry on editorial and production chores, but you are the ultimate judges of whether we're doing a good job of providing the forum. So let us hear from you if you're not satisfied. But, please, write for publication. Your personal notes and private communications are helpful to us, but we believe this sort of discussion belongs in the pages of *Agenda* where everyone can benefit from the exchange of ideas.

This is perhaps a good place to restate our objectives, since many of you did not receive *Agenda* #1. The starting place, we think, is to recognize that although the animals rights issue is now more ripe and timely than ever, our movement is badly fragmented and ineffective. We should be doing more to pull together toward the building of a cohesive, international political force. We emphasize *toward* because we recognize that we cannot arbitrarily establish instant unity just to appear powerful. We have real differences that will continue to divide us until

we work through them—from the bottom up. Now this work will take time, but not as long as it will take if we keep putting it off through cynicism and inaction. These attitudes help only to perpetuate the status quo of tyranny over other animals.

Agenda's purpose, then, is to provide a forum for continuous and rigorous discussion. In these pages we can discuss problems, settle issues, trade ideas and do all of the other business that will make for a more effective, progressive movement.

This issue is divided into several departments. We did this because it should make it easier to stress points made by material without having to put in editorial comments. This organization should also make it easier for you to select materials and conceptualize pieces for *Agenda*. Please let us know about your favorites and we will run them.

One last word . . . about our finances. *Agenda* #1 went out to about 80 people and its costs ran about \$65. (*Agenda* #2, this issue, to 300 people and groups). A few people sent in small contributions (about \$50 all totaled) so we are nearly breaking even without having to ask for donations. If you want to contribute something towards costs, please make your checks out to Animal Rights Network, Inc. and you can take a tax deduction. *Agenda* is organizationally independent, but ARN supports *Agenda's* ideals and purposes and wants to subsidize us. Just be sure to specify that your contribution is intended for *Agenda*.

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LETTERS

(name withheld by request)

Congratulations! on an excellent first issue of *Agenda* which I have read thoroughly and with great interest . . . I want to let you know that I found your newsletter useful and an excellent idea. Your analysis of AWO's [animal welfare organizations] is illuminating and helpful.

Emilio Fischman—New York, NY:

Since one of the aims of the animal rights movement should be to induce more people to accept the validity of the cause (and to act accordingly), perhaps it would be useful to ask animal rights advocates to describe the mental processes and circumstances that led them into animal rights. Ways could then be sought to promote those processes and circumstances in others. I submit these as possible additions to the list of suggested subjects.

(Ed. note: We welcome these pieces.)

Helen Jones—Clarks Summit, PA [President of Society for Animal Rights]

Congratulations on *Agenda*! It's a breath of fresh air.

My purpose in writing you now is to tell you that Lord Houghton is coming to the U.S. for a lecture in April at the invitation of a friend of mine in Washington. Do you think that we (SAR and perhaps other organizations or individuals) could arrange some program in NY that would draw not only members of organizations but from the general public to hear Lord Houghton? I'd like to have your thoughts and suggestions. I'll never forget his speech at Trinity College.

(Ed. note: Lord Houghton is Chairman of England's General Election Co-ordinating Committee for Animal Protection, a coalition of nearly 70 animal welfare and

protective societies organized under five "Joint Consultative Bodies . . . for the purpose of putting animals into politics". His speech referred to is published in D. Pater-son and R.D. Ryder, eds., *Animal Rights-A Symposium*, (London: Centaur Press, Ltd., 1979), one of the books recommended in *Agenda* #1. Those interested in Helen Jones' suggestion contact her at the Society for Animal Rights, 421 South State Street, Clarks Summit, PA 18411.)

Richard Morgan—Johnson City, TN:

I conducted a two-day organizing seminar for Animal Rights Activists in Boston last month, under the sponsorship of the Society for Animal Rights, and will be doing similar sessions in other cities. My background in political work includes eight years as a regional and national organizer in the Peace movement, as well as work as a labor organizer, in the Civil Rights movement, and time spent as editor of two underground newspapers. I've been doing work involving animal issues since 1972, and have been a vegetarian that long as well.

One thing I do feel is extremely important at this stage for the Animal Rights movement is to gain an understanding, both theoretical and tactical, of other liberation movements, and to realize that the struggle for Animal Rights is a revolutionary movement aimed not merely at gaining protection for other creatures, but at a basic restructuring of institutions in our society. The same economic, military, and industrial structure that brought about Vietnam is responsible for the torture and oppression of animals; if we see Animal Rights as something isolated, merely a matter of ethics, nothing significant will ever occur from our work. Accordingly, I feel we need to include works of a more general nature in any list we construct of useful reading. I also feel these points should be made in *Agenda*.

MOVEMENT NEWS

Two New Groups

WRITERS FOR ANIMAL RIGHTS is an organized effort by concerned writers to end institutionalized forms of animal suffering. To add your name to the list, or for more information, please contact:

WRITERS FOR ANIMAL RIGHTS

c/o Richard Morgan

English Department

Box 19120A

East Tennessee State University

Johnson City, TN 37601

THE SOCIETY FOR THE STUDY OF ETHICS AND ANIMALS for the exchange of information and provides areas for discussion and debate between those interested in ethical questions concerning human treatment of non-human animals. The Society will publish a *Bulletin* four times a year beginning in March 1980. Membership dues are \$2.00 which include a subscription to the *Bulletin*. for further information, contact:

SSEA

c/o Harlan Miller

Department of Philosophy and Religion

Virginia Polytechnic Institute and State U.

Blacksburg, VA 24061

German High Court Says Egg Factories Are Cruel to Animals

The relatively backward state of affairs on the American side of animal protection—especially concerning factory farming—came into focus a few months ago when Germany's High Court in Frankfurt ruled that the keeping of hens in battery cages is cruel and may be punishable under German law. The case against a factory farmer reached the High Court after the public prosecutor of Darmstadt had protested against a decision by the provincial Court of Darmstadt refusing to hear an action for continuous cruelty. Although the High Court then upheld the decision that there was no proof of culpability against this particular farmer (since he could not be expected to know the legality or illegality of a system where there was so little agreement among experts), it indicated that after this case, ignorance could no longer be accepted as a defense. A spokesman for the court said:

"After publication in mass media there will be no room any more for the excuse which had hitherto in such cases prevented a law-suit for cruelty to animals: the lack of subjective consciousness of doing wrong. Now the producer knows that he is liable to be punished when he utilizes the usual laying batteries."

The German cages in question contained four birds and were of a size that allowed 67 square inches per bird. In the U.S.,

eight and nine birds per cage are common in cages that allow about 50 square inches per hen. Quite clearly, the U.S. needs some consciousness-raising about factory farming methods.

In the months since the ruling, there have been sensational repercussions. The German Agricultural Ministers are being squeezed on one side by an increasingly vociferous animal welfare lobby and on the other by poultry farmers who fear prosecution if they keep their birds in cages. To get out of this bind, the German government asked the Common Market Commission to ban cages throughout the European Economic Community. The EEC Agricultural Ministers then set up an investigation of egg production methods. Their report must be released by September 1980; their investigators have the following instructions:

- (1) Prepare a proposal on transitional regulations that may be necessary to effect a total ban on batteries throughout the EEC.
- (2) Promote poultry keeping methods which could be seen as compatible with the demands of animal protection, social ethics, hygiene and cost efficiency.

Then there is the new law in Switzerland, established last year by national referendum, which "forbids detention which is manifestly contrary to the principles of the protection of animals, notably, certain forms of keeping animals in cages and in constant darkness". Under this law, the Swiss cantons (states) can phase out calf stalls and cages for pigs and poultry over the next ten years.

U.S. animal activists and organizations: What are we waiting for?

(Thanks to *AG Newsletter*, Compassion in World Farming, 20 Lavant Street, Petersfield, Hants, England)

New Animal Rights Law Reporter

A new publication for the communication of current developments in animal rights law is now available from Society for Animal Rights, Inc., 421 South State Street, Clarks Summit, PA 18411. According to editor Henry Mark Holzer, Professor at Brooklyn Law School, the purpose of ARLA "is to provide animal rights activists with information which could aid in legal efforts on behalf of animals." ARLR will publish information about animal rights law developments in the courts and legislature and it will pass on information about attorneys' groups for animal rights. The publication will also keep readers informed about the availability of legal pleadings, briefs, model laws and other materials pertaining to animal rights law. Editor Holzer urges those interested to send in clippings, legal papers, legislative proposals, case decisions, administrative rulings, animal rights law bibliographies, memoranda and other materials dealing with animals and law and ARLR will try to publish as much as possible.

Animal Industry Folds

Animal Industry Today, the house organ of the American Registry of Certified Animal Scientists, ceased publication with its September/October issue—one issue following its publication of an article by Peter Singer arguing the case for animal rights. According to the magazine's editor Ed Tout, there was no connection between Singer's article and the decision to stop publication. Some of us thought—jokingly—that Peter's article persuaded them to throw in the towel. ARCAS is the professional association of scientists who specialize in animal exploitation; they provide the expertise for industries that turn animals into food, fiber and other products. Editor Tout's last column noted that Singer's article "sparked violent reaction from certain factions of the animal community. We have received letters denouncing the article as 'offering aid to the enemy' and as being 'paramount to treason'".

Now come on, colleagues, why all the emotionalism? Can't you withstand a calm, cool, rational argument?

Furrier Endorses Ban-The-Trap Efforts

Ernest Graf, president of Ben Kahn Furs has joined ban-the-leghold-trap efforts with his recent endorsement of ASPCA and Friends of Animals' anti-trap campaigns. Graf's action should not be interpreted as revolutionary, however, as his motives were made clear by this statement: "It behooves the fur industry to look into more humane trapping methods, otherwise the people who want to make furriers extinct will put us all out of business".

Claiming the lead in the development of the "less cruel" snare trap, Graf said he was encouraging development of more humane trapping methods so as to withstand criticism from animal rights/welfare groups.

And that's exactly what the editors think will happen This development shows how humane reformist campaigns usually turn out to have a counter-revolutionary effect. The more points our adversaries score on the side of "killing animals kindly", the longer will be the struggle ahead to end the archaic use of animals in the human economy.

Society for Animal Rights Workshop Held

A seminar for animal rights activists was sponsored by the Society for Animal Rights on October 27 and 28 (1979) at the Ramada Inn near Logan Airport in Boston. Some 40 persons attended this valuable event which was chaired by Dr. Richard Morgan, a college English professor and president of the Tennessee Animal Conference.

Main topics covered during the 2-day session were:

1. Basic organizing:
 - a. Finding and building the core group (function, structure, leadership, operation and decision-making, self-education).
 - b. Outreach (identifying issues, recruitment, grass-roots communication, fund-raising, relating to constituencies and parallel groups).
 - c. Formal establishment of group identity (types of incorporation, affiliation, perpetuation).
2. Communication and Education:
 - a. Publication (types, mechanics, distribution, continuity).
 - b. Speaking (meetings, speaking to established groups, ad hoc structure).
 - c. Mass media (using the news, print media, TV, radio, film, conferences and symposia).
3. Direct Action
 - a. Mass activity (marches, rallies, sit-ins).
 - b. Civil Disobedience
 - c. Symbolic actions and individual activity (planned and impromptu theatre, vegetarianism and veganism, fasts, "seizing the time", individual confrontation).
 - d. Economic sanctions (boycotts, pickets, tax resistance).
 - e. Influencing political structures (campaigns, letter-writing, lobbying, referenda).
 - f. Direct assistance to animals

4. For more information on this workshop or any future workshops, contact:

Helen Jones, President, Society for Animal Rights
421 South State Street
Clarks Summit, PA 18411

EDITORS COMMENTS:

For many years, Dr. Morgan was a regional and national organizer for the anti-war movement. Although many of his ideas may have been a bit advanced for a still-budding movement, Dr. Morgan's application of peace-movement tactics, strategies and politics proved to be his most valuable contribution to this workshop. Let's hope that it rubbed off, for the shortage of political consciousness in our movement keeps us from making much progress toward rights for animals beyond

talk. We need a lot more of this type of thinking.

(One minor criticism)—Many who attended the workshop expecting a more give-and-take atmosphere (as the word 'workshop' connotes) found themselves instead attending a lecture. The workshop could have been structured a little better to allow for more of an exchange of ideas. Nevertheless, it is hoped

that most who attended the session came away with the recognition that animal rights activists are up against the same system of oppression and suppression that has fought tirelessly against anti-racist, anti-sexist, anti-nuclear and anti-war efforts of the past and present . . .

THE HAWAII DOLPHIN CASE: "ANIMAL LIBERATION" IN CRIMINAL COURT—

by Gavan Daws

Between midnight on 29 May and dawn on 30 May 1977, two captive female Atlantic bottlenose dolphins held as experimental animals under the control of the University of Hawaii's Institute of Marine Biology at the Marine Vertebrate Laboratory of Comparative Psychology, Kewalo Basin, Honolulu, Hawaii, were lifted from their circular concrete isolation tanks, carried on stretchers to a panel van fitted with foam padding, driven to a fishing and surfing beach an hour from the city, and turned loose before sunrise in the Pacific.

The two men who organized the release of the dolphins, Kenneth W. Le Vasseur and Steven C. Sipman, lived and worked on the laboratory premises at Kewalo. They were not systematic animal rights philosophers; they were students of dolphins whose personal experience at Kewalo led them to become animal rights activists. Neither were Le Vasseur and Sipman systematic thinkers about the law; indeed they had not so much as consulted an attorney before they released the dolphins.

Once the dolphins were in the ocean, Le Vasseur and Sipman went back to Honolulu and called a press conference. They realized that the release of the dolphins might appear on the face of things to be criminal. But they did not consider themselves to be criminals. In fact, they took the view that if there was a crime, it was the crime of keeping the dolphins, who were named Puka and Kea—intelligent, highly aware creatures, with no criminal record of their own—in solitary confinement, in small concrete tanks, made to do repetitious behavioral experiments, for life.

Understandably, the director of the laboratory, Dr. Louis M. Herman, professor of psychology at the University of Hawaii, did not view his use of captive dolphins in the same moral and legal light as did Le Vasseur and Sipman. Herman had been working with the dolphins on a National Science Foundation grant. (Prior to being funded by NSF, Herman had done Navy-funded dolphin research.) His experimental program was validated by the judgment of his professional peers and by a major scientific funding body, and was within existing law relating to the use of marine mammals. Morally and legally, he considered his work to be unexceptionable.

What followed was that Le Vasseur and Sipman were charged with first-degree theft, a felony. In substance the indictment ran that on or about 29 May 1977 they obtained or exerted unauthorized control over property valued at more than \$200 belonging to the University of Hawaii Institute of Marine Biology, to wit, two dolphins, with the intent of depriving the owner of the property. In the course of tactical maneuvering that is not of interest for the purpose of this paper, the trials of Le Vasseur and Sipman were severed and Le Vasseur was tried alone.¹ (Sipman still awaits trial.)

The prosecuting attorney, Stephen B. Tom, did not have to argue the rights or non-rights of dolphins. He could approach the case straightforwardly, hewing to the indictment for theft. The defense, perforce, would have to be innovative. This was a test case, but it had not been legally researched and prepared as a test case. Getting ready for trial, Le Vasseur's attorney, John F.

Schweigert, canvassed several lines of argument of varying potential usefulness:

For example, could Le Vasseur's release of the captive dolphins, and the press conferences that followed, be sustainably presented as actual and symbolic *free speech*, constitutionally guaranteed and protected? The analogy here was with acts of protest during the Vietnam war.

Another approach would be to argue that Le Vasseur was *authorized* to act as he did, at least implicitly. If, for example, the rules and regulations under which work proceeded at the laboratory specified that at all times the well-being of the dolphins was paramount, and their well-being came to depend upon their being released, then in a sense this would constitute authorization.

Again, might it be argued that Le Vasseur acted out of *necessity*? Le Vasseur would testify to his belief that the continued incarceration of the dolphins at Kewalo, and their subjection to a demanding experimental regimen, was damaging to their health and well-being and might even result in their death. Though taking them out of this situation was in a strict sense a criminal act, leaving them there would have been the greater evil.

The defense of necessity or "choice of evils"² arises from conduct which the actor believes to be necessary to avoid an imminent harm or evil to himself or to "another."³ The central definition of "another" is "any other person"; and this, of course, was the consideration that bore most closely on questions of animal rights. Could it be sustainably argued that a dolphin by its nature and characteristics deserved to be treated under the law as a *person*? Le Vasseur clearly thought so. Here he was on ground mapped out by those who hold that any useful definition of "person" framed so as to include *every* human being without exception must at the same time include *some* animals. Le Vasseur would be able, through expert witnesses, to bring evidence as to the exceptional size, structure, and powers of the dolphin brain; the remarkable communicative abilities of the dolphin; and the sophisticated, apparently mindful individual and social behavior of the dolphin, notable in its relations with man. On the basis of this sort of evidence, the dolphin would seem to rank with or even above the primates as possessing characteristics which should qualify it as a person for purposes of a choice of evils defense.

If a dolphin could be defined as a person, it could not be defined property. Le Vasseur could not be convicted of theft. And the legal situation as to animal rights, at least in respect of dolphins, would be radically altered.

What, then, happened to these lines of argument in court? Before trial proper began, Judge Masato Doi made rulings that determined the course of everything that followed. He defined dolphins as property, not as persons—as a matter of law. A dolphin could not be "another person" under the penal code. Accordingly, Doi refused to allow the choice of evils defense.⁴

Given the unsatisfactory way the courtroom trial then took shape from the defense point of view, Schweigert and Le Vas-

seur had to make a decision about "trying the case in the media" in order to make their point about rights for dolphins. In a way, this had been the intention of Le Vasseur and Sipman from the beginning: from the very day of the release they had been more than willing to talk to TV, radio and newspaper reporters. But they had no well-thought-out strategy for handling the media. Their belief was that their act would speak for itself. This turned out not to be so. The release of the dolphins attracted a great deal of attention locally, nationally, even internationally. A number of the expert witnesses called by each side to testify on the characteristics of the dolphin got into print on the subject before, during and after the trial (though the judicial ruling which defined dolphins as property meant that none of the experts took the stand).⁵ Assertions and counter-assertions about the actual situation of the dolphins at Kewalo were freely published. And a verbal war of personal reputations was fought in the media between Herman and Le Vasseur and Sipman. Meanwhile, Doi gagged Schweigert—if Schweigert spoke to reporters, he would be in contempt of court. On balance, it would be fair to say that opinion in the media ran quite strongly against Le Vasseur and Sipman.

Trial, from the empaneling of the jury to the handing down of the verdict extended over eight days of court time. Prosecutor Tom's presentation of the state's case was clear, economical and precise, limited to establishing the elements of theft. Schweigert, in his opening statement for the defense,⁶ spoke about the exceptional nature of dolphins as animals; bad and rapidly deteriorating physical conditions at the laboratory; a punishing regimen for the dolphins, involving over-work; reductions in their food rations; the total isolation they endured, deprived of the company of other dolphins, even of contact with humans in the tank, deprived of all toys which they had formerly enjoyed playing with—to the point where Puka, having refused to take part consistently in experimental sessions, developed self-destructive behaviors symptomatic of deep disturbance and unhealth, and finally became extremely lethargic, "comatose". Le Vasseur, seeing this, fearing that death would be the outcome, and knowing there was no law he could turn to, believed himself authorized, in the interest of the dolphins' well-being, to release them. The release was not a theft in that Le Vasseur did not intend to gain anything for himself. It was intended to highlight conditions at the laboratory. It would not permanently deprive Louis Herman and the Institute of Marine Biology of the use of the dolphins—Schweigert proposed to show that Puka and Kea could be recovered from the ocean, and that they were in fact alive to be recovered.⁷

Doi rejected in general testimony about conditions at the laboratory as irrelevant to the matter of theft, and cautioned Schweigert in passing that if he pressed the point about bad conditions he might in fact be reinforcing the idea that Le Vasseur's intent was to deprive. Symbolic speech was ruled irrelevant. Doi also ruled that choice of evils was not established in Schweigert's offer of proof. As for the notion of harm to "another," meaning the United States, Le Vasseur should have gone to a United States district attorney and said: Herman is violating the law (by harming dolphins)—prosecute him. Doi ruled in sum that he was rejecting all evidence except what related to the taking, transportation, and release of the dolphins; the question of the defendant's intent to deprive; and the question of implied authorization.

Le Vasseur took the stand in his own defense.⁸ Doi had ruled that he could testify to "all the things he observed and made him believe that he had to do what he did".⁹ Within the constraints of a theft trial, this gave Le Vasseur and Schweigert considerable latitude, and Le Vasseur stayed on the stand most of the day, going into minute detail about his observations of deteriorating conditions at the laboratory; increased stress on the dolphins, particularly Puka; Puka's increasingly worrying behavior—erratic participation in experiments, interspersed with periods of

total non-cooperation, neurotic jaw-snapping, tail-slapping, coughing for hours at a time at night, beating her head against experimental apparatus and drawing blood. Schweigert took Le Vasseur at length though the decision to release the dolphins, the planning of the release (which took weeks to organize), and the way the release was carried out.

Testimony completed, the attorneys for state and defense submitted their proposed instructions to the jury. None of the substantive instructions proposed by Schweigert were used. In other words, the defense had made no impression on Judge Doi as to the theory of the case. The instructions to the jury were basically those of the prosecution, of a sort that might have been given in any theft case where the elements of theft had been well established.

After eight days of hearing testimony and argument, the jury took less than an hour to convict Le Vasseur of the felony of first-degree theft.

Le Vasseur's sentence could be anything from a period of probation to five years' jail. In arriving at sentence, Doi spoke of the necessity for deterrence, the defendant as an individual being submerged in the "overall picture" because of "larger considerations that came into play: the seriousness of the offence involved", and the "deterrent or nondeterrent effect of any sentence that may be imposed on him".¹⁰ Le Vasseur had no criminal record of any kind. On the other hand, "release of the dolphins was an act which caused irreparable injury to many who were directly involved in dolphin research and learning which caused great monetary loss and which may have ... sentenced the dolphins, themselves, to death in ... unfamiliar waters". In sum, said Doi, "there is nothing in the Defendant's personal background which indicates that he should receive harsh treatment. On the other hand, even assuming that he had good motives in doing what he did, the seriousness of his conduct in taking vigilante action cannot be condoned nor encouraged by this Court".¹¹ Doi sentenced Le Vasseur to five years' probation, as a special condition of which he was to spend six months in jail.

Schweigert moved for a reconsideration of sentence. This was denied; Doi said that he had been inclined to give Le Vasseur five years' jail. Schweigert gave notice of appeal. Le Vasseur was freed on his own recognizance pending the outcome of the appeal.

In his opening appeal brief,¹² Schweigert placed heavy reliance on the question of dolphins as property. Was this a matter of law, as Doi had ruled, or a matter of fact that should have been decided by the jury? There was a case in point, in the Hawaii courts, a robbery case in which the judge instructed the jury that as a matter of law, a BB gun was a dangerous instrument within the meaning of the code. The appeal court held this to be an error on the part of the judge: BB guns are dangerous or not, depending on the way they are used in the commission of a crime. By the trial court's instruction, the jury was denied its proper function of determining whether the pistol as used in this action was in fact dangerous as defined by law. The trial court as reversed: "it is clearly a question of fact for the jury to resolve whether the prosecution has provided an essential element of the crime of which the defendant is tried".¹³

Schweigert argued that Le Vasseur had been similarly disadvantaged by Doi's ruling on dolphins as property. Under the code certain requirements must be met for Le Vasseur's acts to be classified as theft. One of these elements was that the "thing" taken be property. The "factual criterion" of what constitutes property, just like the factual criterion of what makes a BB gun dangerous, was a jury question.

On appeal, the Hawaii Supreme Court might rule that as a matter of law dolphins *are* property. Then it would be for Le Vasseur to see if he could mount an appeal to the United States Supreme Court. Or the Hawaii Supreme Court might rule that Doi erred, and send the case back for re-hearing in criminal

court in a trial that would assign the jurors the task of deciding as a matter of fact if dolphins are or are not property—a trial, that is to say, in which detailed testimony on the nature and characteristics of dolphins would have to be heard. That jury might well decide dolphins are property as a matter of fact. What the Hawaiian Supreme Court can *not* do is to rule that dolphins are *not* property.

All of which raises the basic question of whether criminal court is a useful forum for arguing issues of animal rights. A good many attorneys would say no: the worst way to try to establish rights is to begin by committing a crime. Go to the civil courts, perhaps, and attempt to institute guardianship over animals whose “rights” are endangered or violated. Or lobby legislatures to extend rights to animals.

In terms of further possible court actions, the animal rights movement appears to be in the situation of the civil rights movement a good many years before *Brown v Board of Education*—faced with the necessity of monitoring the legal process in all jurisdictions, looking for existing law that might offer an opening, looking for the right judge, looking for the right case to bring at the right moment.

At the time of writing, no date has been set for hearing Le Vasseur’s appeal. He has remained free on his own recognizance. Sipman’s trial waits upon the outcome of Le Vasseur’s appeal. Louis Herman has had his National Science Foundation grant renewed. Two more Atlantic bottlenose dolphins have been captured, and experiments have been resumed in the tanks at Kewalo.

Gavan Daws is Professor of Pacific History at The Institute of Advanced Studies, Australian National University, Canberra.

*This is a condensed version of a longer paper written for another purpose. Copies of the original are available from Gavan

Daws, Research School of Pacific Studies, P.O. Box 4, Canberra, A.C.T., Australia 2600. Comments are welcomed.

1. The case is Criminal 50322, *State v. Le Vasseur*, heard in First Circuit Court at Honolulu.
2. The “choice of evils” defense is not widely reported in case law, but it is contained in the Model Penal Code that has been enacted in a number of states, and was made part of the Hawaii penal code when it was revised during the early 1970s. *Hawaii Revised Statutes*, 703-302.
3. The definition of “another” in the *Hawaii Penal Code*, 701-118 (8), includes, where relevant, the United States, the State of Hawaii, other states, and their political subdivisions. See also *State v. Marley*, 54 Haw. 450 (1973).
4. Trial transcript, Criminal 50322, *State v. Le Vasseur*, 28 November 1977, p. 14.
5. With one exception, in which testimony was limited to a specific technical subject.
6. Trial transcript, 6 December 1977, pp. 2 ff.
7. Louis Herman made effective use of the media to counter every one of these assertions, as they bore upon his conduct of the laboratory. The issue of the survival or death of the dolphins after their release was, and continues to be, one that arouses the strongest of emotions. It is a complex issue, deserving of extended treatment—which it did not get in the courtroom, where the life or death of “property” was not relevant to a theft charge.
8. Trial transcript, 7 December 1977, pp. 3-195.
9. Trial transcript, 6 December 1977, p. 42.
10. Trial transcript, 2 February 1978, p. 21.
11. Trial transcript, 7 February 1978, pp. 75-76.
12. Criminal 50322, Appellant’s Opening Brief, 15 January 1979 (Hawaii Supreme Court 6930, October Term 1977).
13. *State v. Napeahi*, 556 P. 2d 569 (Haw. 1976).

On Movement-Building

by Rosa Feldman

Jim Mason’s essay in the first issue of *AGENDA* aptly summed up the problems facing animal rights advocates from the standpoint of organizing. Until we can overcome the fragmentation and paralysis of the movement, our local efforts will not be enough to bring about the national changes in attitudes and policies that we seek. While we all share an ethical philosophy about animals, there is no coherent philosophy of action, and no animal welfare organization (AWO) has had an effective plan for building a national network. ARN’s* efforts in this direction have the potential of answering this need better than anything we have seen before.

My views are based on my experience as a volunteer leader in urban and rural animal protection groups and as a former staff member of two national organizations. In each case, the lack of good national cooperation has handicapped the efforts of everyone involved. In all parts of the country there are people who want to work for animal rights. They seek advice, encouragement, and educational materials from national AWOs, but seldom receive it because existing AWOs have other priorities. Building a national network is never among the top priorities.

To create an effective animal rights movement, we need a means of better communication among activists, we need more effective organizing at the national and grassroots levels, and we need more action-oriented educational materials for use in consciousness-raising.

I do not believe the movement will succeed if it is based primarily on chapters or branches of national organizations. Such offshoots can be very effective, but they cannot be expected to lead the movement. A chapter or branch program inevitably

creates a burden of paperwork and bureaucracy, it leads to tension over the allocation of dues income, and it makes policy coordination necessary to keep chapters and the national office on the same policy track.

I have found that people work best when they have their own organization in their own community. I think we should encourage the formation of such local, homegrown groups. A national network can provide a communications link for these groups, provide information to help them organize better and faster and become more politically effective, and provide educational materials. Some of the existing grassroots groups are superb at organizing; some have developed outstanding educational materials. The network must get this kind of information to the other groups that need it.

For the greatest impact in building the animal rights movement, I believe we should at first concentrate on these tasks:

1. Form a dependable network of the activists throughout the country who are already at work in the communities, mostly through local groups (either chapters of national organizations or homegrown groups). Their skills, experience, and commitment — applied simultaneously — will get results on national issues such as the Animal Experimentation Bill. Such national successes will gain greater public support for our cause and also re-energize those who are already active.
2. Reach out to less experienced activists and help them become more effective — by forming more local groups, by learning political skills, etc. The objective here is to create a vastly expanded leadership cadre that will be capable of putting new recruits to work immediately, and of creating even more leaders

for the future.

3. Publish a monthly newspaper in tabloid format, to inform readers of current action on national issues; to exchange information on organizing methods, action tactics, and local and state issues of general interest; and to carry the facts and discussion needed to spread the animal rights philosophy.

Consciousness-raising is essential and is an aspect of the movement that I feel strongly about. But I do not feel that an active campaign specifically devoted to consciousness-raising should head our priorities now. The best way to raise consciousness is to raise issues that can engage people's concern and move them to action at the local level.

Perhaps much of what I have written is obvious. But I really feel that we have the beginnings of an effective movement and that we have the ability to overcome the problems, which are much the same as the problems every new social movement faces. The environmental movement, the anti-nuclear movement, and the consumer movement have all gone through this phase and have overcome the same problems. We who advocate animal rights have the unifying commitment, skills, and respect for each other's involvement in the movement, so I feel that our

movement goals are not just idealistic floundering — but are attainable and realistic.

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**Ed.—Animal Rights Network, Inc., P.O. Box 5234, Westport, CT. 06880. ARN was organized in the summer of 1979 "in an attempt to overcome the crippling disunity that has characterized the animal welfare movement for many years." ARN has no paid staff persons. Its primary activity is movement building by providing information, materials and other links among animal rights activists and organizations.*

TOWARDS ANIMAL RIGHTS

by Henry Spira

Animal rights is in the air. It's a force whose time has come. There is increasing awareness that rights are not dependent on intelligence, sex, age, class, popularity, color or species; that pleasure and pain are as vivid to our fellow humans and our fellow animals as they are to you and me.

But animals have no rights. Most animals are victims of an expanding holocaust, a world of the living dead, of total domination, of fear and terror.

Thus, we who are concerned with justice, particularly with the rights of those who are vulnerable and powerless and unable to mobilize in defense of their own interests, must focus on: What can be done?

There's a rich tradition to help answer this question. It's the fight for human freedom. And the fundamental lesson is that the meek don't make it. But audacity must be fused with attention to detail, with an awareness of social attitudes, power relations and scientific possibilities.

Effective actions are the result of people gaining confidence in their capacity to effect change. And confidence comes from winning limited victories which in turn become the stepping stones for further struggles and greater victories. And to be effective, we must relate to people's perceptions—though they may be myths fabricated by those who profit from them.

THE EMPEROR NAKED

Thus the animal research industry cloaks itself in the noble cause of protecting human health and saving lives. To challenge this fabrication, we targeted the American Museum of Natural History's 20 year cat-sex experiment. They were getting tax monies to deliberately blind, deafen and mutilate the brains and sex organs of cats and kittens, to then study their sexual performance.

We reproduced and circulated hundreds of documents acquired through the Freedom of Information Act. We challenged Museum officials to public debates. And we stopped the funding of this bizarre horror through massive demonstrations and wide publicity. In the process, we helped change the ideological climate. We questioned the lack of payoff in make-work research projects.

The Museum skirmish was a significant, symbolic victory. We moved from rhetoric to struggle. We increased awareness within the research community and the public. And our protests were

discussed in Congress.

AMNESTY FOR ANIMALS

Our next action involved Amnesty International's experiments in which live pigs were electric-shocked and burned. Amnesty International was researching whether humans could be tortured without leaving marks. Amnesty, which had won a Nobel Prize for its fight against torture, was giving an aura of respectability to inflicting pain on animals. The issue focused dramatically on animal rights and it was winnable.

Veterans of the Museum struggle, with the credibility earned from a hundred marches, threatened AI with massive protests and media publicity. We spoke with their leadership and produced an extensive memo, with Leonard Rack, M.D., suggesting their medical resources help victims of torture instead of creating additional victims. As a result of pressure from their own membership and from animal activists, Amnesty International no longer participates in any animal experiments.

ANIMAL RIGHTS INTO POLITICS

We then brought animal rights into politics by repealing New York's 27-year-old Metcalf-Hatch Act which forced shelters to surrender their unwanted animals to laboratories. The New York Senate voted 44 to 13 and the Assembly 121 to 17 to repeal this Act. How was this accomplished?

We used the Freedom of Information Law to gain access to all relevant documents. And ours was the first such request. We produced a documented fact sheet which was never challenged. We gathered the necessary practical political expertise from legislative staffers and arranged a friendly meeting with the key legislator who had been blocking repeal. We organized a single issue coalition and mobilized political pressure from all possible directions. Legislators perceived that their constituencies were actively opposed to pound seizure. The massive humane community was solidly united and reinforced by a citizenry which supports elementary rights.

Basically the strategy for all freedom fights is similar. The other side has all the power. We have justice on our side and the capacity to mobilize the people. To do that, we need expertise and credibility. We have to carefully work out practical short-term goals to reach people, raise awareness and effect change.

TOWARDS SELF CONFIDENCE

Our three victories were necessary to shift animal welfare from defeatism and frustration towards self-confidence. We established our credibility, organizational capacities and tenacity. Still, the struggles were limited and basically symbolic.

Thus, unless we use our successes as stepping stones for bigger struggles and more significant victories, we would create a false sense of complacency among people who care about animals,—and betray the billions of animals who suffer from birth to death.

Focusing on the 100 million laboratory animals who never have a good day, the largest number is used in safety testing, which is a rapidly expanding field. And we have targeted on a specific, particularly vulnerable and grotesque test, the Draize rabbit blindings.

RABBIT BLINDINGS

The Draize Test, named for John H. Draize the experimenter who developed it, is the routine, standard use of the eyes of conscious, often restrained rabbits to test every substance which may be hazardous to human eyes, from cosmetics to lye. Rabbits are used because their eyes are more sensitive than the human eye, and they have no tear ducts which would cause tears to wash the substance from the eye. The chemical is placed in one eye of each rabbit by pulling the lower lid away from the eyeball to form a cup. The eyes are examined for injury at 24, 48 and 72 hours. The current, revised guide also suggests grading at 7, 14 and 21 days. The increasingly severe reactions observed are: "Ulceration of the cornea; opacity of the cornea; inflammation of the iris; hemorrhage; gross destruction." The ultimate injury to animals whose eyes have been seared with corrosive chemicals is death.

Tom Regan offers a dramatic description of the Draize test: "Consider how very painful it is to get a mildly caustic substance, like face soap, in your eye. Think of how a child cries when this happens. Now imagine a dose of an increasingly caustic substance regularly administered directly to your eye. And imagine that nothing is done to alleviate your pain and that, as a result of this routine, your eye is burnt out of its socket and you become blind. And imagine, finally, that throughout all this, you are confined in a specially constructed box, so that only your head protrudes. Then think again of the burning pain and

frustration, the panic and anxiety that attend being unable to escape. If we can get this fresh in our minds, then we might catch a glimpse of the laboratory life of the rabbit."

As with Metcalf-Hatch, we are organizing a single issue Coalition to Stop the Draize Rabbit Blinding Tests, 507 Fifth Avenue, New York City, 10017. Sponsoring organizations include the Millennium Guild, Anti Cruelty Society, Our Town, ASPCA, HSUS, Fund for Animals. At present, the Coalition has over 300 supporting organizations, all focusing on one target. And all these energies may in turn be focused on one specific company, considered the flag ship steering the industry's course.

To date, despite massive publicity, not one single animal test has been displaced by innovative methods even though much research has been generated concerning the accuracy and reliability of batteries of tissue culture tests.

The company selected as a focus, could set a historic precedent and profit from the image of pioneer coordinator of a research effort developing elegant, modern methods and thereby stopping the blinding of rabbits, or the horror photos of rabbit eye mutilations would become associated with their products.

WORDS AND ACTION

The campaign could well be heavily media oriented. The launching of the coalition, rated a full page article in the Chicago Sun Times, with front page promotion, was picked up by the Associated Press and reappeared across the top of two pages in the Los Angeles Times and the New Orleans Times Picayune. But media publicity is not an end in itself, it reinforces a campaign in motion. Thus, we are meeting with people in industry, in regulatory agencies, in the legislative and scientific arenas, while extending our coalition.

We who oppose domination, exploitation and the doctrine of tyranny, that might makes right, must speak for the voiceless. We must raise consciousness, make an impact, create meaningful change, find bridges. Bridges to move people, to propel awareness forward, by stages. And we need to remember the words of Frederick Douglas, the Abolitionist: "If there is no struggle, there is no progress".

Henry Spira is a teacher and animal rights activist based in New York City. He organized and he directs the coalition to stop the Draize Rabbit Blinding Tests, 507 5th Ave., NY, NY 10017

THAT'S SPECIESISM!

THAT'S SPECIESISM—In this section, we will identify this prejudice in all of its myriad forms. It will be seen, as the item in this issue shows, that animal-hating attitudes often backfire on the human species with the result that some people get killed off because they are thought to be "animals" (in the pejorative sense). We are indeed animals. But why should that be an excuse for exploitation, abuse, torture and killing?

Columbia Trial Bares Life (Everyone Kills Indians) on Plains
The New York Times, Sunday, July 9, 1972

Villavicencio, Colombia, July 6-

Evidence that untamed life on the prairies has changed little since the time of the conquistadores was provided in a courtroom here last week when a half-dozen cowboys charged with murder freely told in horrifying detail how they had lured 16 Indians to their ranch with the promise of a feast and massacred them for fun.

"If I had known that killing Indians was a crime, I would not have wasted all that time walking just so they could lock me

up", said 22-year-old Marcelino Jimenez, who hiked for five days to a police outpost after learning the authorities were looking for him.

"From childhood, I have been told that everyone kills Indians", said another defendant, who added: "All I did was kill the little Indian girl and finish off two who were more dead than alive anyway."

And Luis Enrique Morin, 33 years old, the range boss who planned the massacre, asserted: "For me, Indians are animals like deer or iguanas, except that deer don't damage our crops or kill our pigs. Since way back, Indian-hunting has been common practice in these parts."

The accused admitted having lured 18 nomadic Cuiba Indians onto the ranch with promise of meat, rice, vegetables and fruit set out by two women cooks, and said they had attacked the men, women and children with guns, machetes and clubs at a pre-arranged signal from the range boss.

Sixteen of the Indians were killed, but two crawled away and reported the incident to a priest, who notified the authorities. After their arrest, the defendants cooperated fully, supplying investigators with every detail of the massacre.

Noting this in court, defense lawyers contended that none of

the defendants—six cowboys and two women cooks—had been aware at the time they were doing wrong. The defense also contended that the Government was unfairly trying to apply 20th century laws to ignorant men from a lawless land.

A three-man jury here agreed. After 41 hours of deliberation, they found all eight defendants not guilty on grounds of "invincible ignorance."

The verdict quickly generated an outcry from Government officials, spokesmen for the Roman Catholic Church, newspaper editorial writers and anthropologists. Yesterday, the trial judge,

Damaso Marenco Cantillo, rejected the verdict and ordered a new trial, a permissible legal move in Colombia, which does not prohibit double jeopardy.

Many people in this frontier town on the edge of the llanos believe that, whatever the eventual outcome of the trial, it will do little to change the way of life and death on the prairie.

A visitor is told of scores of whites slain in an Indian uprising about two years ago, and of accusations that even the plains police, modeled after the Texas Rangers, have killed Indians accused of rustling cattle.

READING FOR REVOLUTION

READING FOR REVOLUTION—This section, a collection of quotes, references and excerpts, aims to present animal rights as the political movement that it is, with its roots closely bound up with the moral foundation of other liberation struggles.

"As man advances in civilization, and small tribes are united into larger communities, the simplest reason would tell each individual that he ought to extend his social instincts and sympathies to all members of the same nation, though personally unknown to him. This point being once reached, there is only an artificial barrier to prevent his sympathies extending to the men of all nations and races. If, indeed, such men are separated from him by great differences in appearance or habits, experience unfortunately shows us how long it is, before we look at them as our fellow creatures. Sympathy beyond the confines of man, that is, humanity to the lower animals, seems to be one of the latest moral acquisitions. It is apparently unfelt by savages, except toward their pets. How little the old Romans knew of it is shown by their abhorrent gladiatorial exhibitions. The very idea of humanity, as far as I could observe, was new to most of the Gauchos of the Pampas. This virtue, one of the noblest with which man is endowed, seems to arise incidentally from our sympathies becoming more tender and more widely diffused, until they are extended to all sentient beings. As soon as this virtue is honored and practiced by some few men, it spreads through instruction and example to the young, and eventually becomes incorporated in public opinion."

Charles Darwin, *The Descent of Man* (1871)

Three good books on trapping, vivisection and animal rights:

Three recent books which are certain to aid the cause of alleviating animal suffering are: *Slaughter Of The Innocent*, by Hans Ruesch (a 1978 Bantam Book publication); *Traps And Trapping Furs and Fashion*, by Jean Stewart and William T. Redding (1977, by Argus Archives); and *Animals And Their Legal Rights*, edited by Emily Stewart Leavitt (published in 1978 by the Animal Welfare Institute). *Slaughter Of The Innocent* is a book which describes numerous examples of the cruelties of research using live animals (vivisection practices). Ruesch depicts the scalding, battering and limitation of freedom, among other agonies, which research animals have had to endure in animal experimentation. The book is shocking and convincing—especially since most of the experiments Ruesch describes are taken directly from the description of the experiments which are printed in scientific periodicals and reports. But, Ruesch's book does much more than this, since it analyzes the reasons for the infliction of suffering on animals. Since the book has had a profound effect upon my life, I cannot help feeling that Ruesch's book is one which everyone seriously interested in helping to mitigate animal agony should place on their "must read" list. It is available in some bookstores, or by sending \$2.50 to: Vivisec-

tion Investigation League, 40 W. 59th St., New York, N.Y. 10019.

Another book that must be read by anyone seriously interested in participating in the humane movement is *Animals And Their Legal Rights*. The book contains a great deal of information, and touches upon probably every significant area of concern to the humane movement (e.g., there are chapters on the abuses in "factory farming" of animals, and on trapping, vivisection and humane education, among many other topics). The book is available from the Animal Welfare Institute, P.O. Box 3650, Washington, D.C.

Finally, *Traps And Trapping Furs And Fashion* provides much useful information on various aspects of trapping. It is especially useful in regard to the information it provides on the laws relating to trapping practices in the various States. But, the book is flawed in that it does not provide a forceful communication to the reader explaining the horrendous suffering that trapping entails for the trapped animal. The book is available for \$2.50 by writing to: Argus Archives, 228 East 49 Street, New York, N.Y. 10017.

Agenda thanks to Christian J. Eilers
SUNY, Albany

"Dear Activists,

I agree with Paul Hubert (BEAST No. 3, Oct.-Nov. 1979) that animal welfare is a political subject and not an isolated personal matter. If we offend people by being so "impolite" as to discuss politics it's just unfortunate for them, but not half as unfortunate as the plight of the animals will be if we say nothing.

"It's also quite rational and consistent to relate our concern for animals to the more conventional political matter of human welfare. Socialism, anti-racism and animal rights are all aspects of a human's concern for his/her environment, from the most immediate acquaintances to the most distant and dissimilar beings. It's therefore to be expected that one with true intentions to end animal exploitation must automatically care about human exploitation.

"This wider approach will strengthen our publicity campaigns and enable us to put forward candidates for elections without worrying that our manifesto will appear too narrow and specific to have mass appeal. It will also emphasize the mutual benefits which a fair attitude towards animals can bring.

"I also believe that we should not be afraid to question people's religious beliefs where these affect society's treatment of animals. Whatever the other merits of any religion may be, we should be wary of accepting the complete doctrine if it falls down where animals are concerned. Like any other book, a religious text should be examined critically and if necessary adopted only in part. Above all we must think for ourselves and evolve our own consistent philosophy to present to the public."

"Within every white American who stood confronted by the Negro, there had arisen a perpetual duel between his higher and lower natures. His cultural conscience—his Christianity, his humanitarianism, his ideology of liberty and equality—demanded that he regard and treat the Negro as his brother and his countryman, as his equal. At the same moment, however, many of his most profound urges, especially his yearning to maintain the identity of his folk, his passion for domination, his sheer avarice, and his sexual desire, impelled him toward conceiving and treating the Negro as inferior to himself, as an American leper. At closer view, though, the duel appears more complex than a conflict between the best and worst in the white man's nature, for in a variety of ways the white man translated his "worst" into his "best". Raw sexual aggression became retention of purity, and brutal domination became faithful maintenance of civilized restraints. These translations, so necessary to the white man's peace of mind, were achieved at devastating cost to another people. But the enormous toll of human wreckage was by no means paid *exclusively* by the Negro, for the subtle translation of basic urges in the white man necessitated his treating the Negro in a fashion which tortured his own conscience, that very quality in his being which necessitated those translations. So the peace of mind the white man sought by denying his profound inexorable drives toward creation and destruction (a denial accomplished by affirmations of virtue in himself and depravity in the Negro) was denied the white man; he sought his own peace at the cost of others and found none. In fearfully hoping to escape the animal within himself the white man debased the Negro, surely, but at the same time he debased himself.

"Conceivably there was a way out from the vicious cycle of degradation, an opening of better hope demanding an unprecedented and perhaps impossible measure of courage, honesty,

and sheer nerve. If the white man turned to stare at the animal within him, if he once admitted unashamedly that the beast was there, he might see that the old foe was a friend as well, that his best and his worst derived from the same deep well of energy. If he once fully acknowledged the powerful forces which drove his being, the necessity of imputing them to others would drastically diminish. If he came to recognize what had happened and was still happening with himself and the African in America, if he were willing to call the beast no more the Negro's than his own, then conceivably he might set foot on a better road. Common charity and his special faith demanded that he make the attempt. But there was little in his historical experience to indicate that he would succeed."

Winthrop D. Jordan, *The White Man's Burden: Historical Origins of Racism in the United States*, Oxford University Press, 1978, pp. 225-226.

"It has been said that the first domestication was that of woman by man, which set a pattern for later class differences. On the contrary, I believe the sexual subjugation of woman, as it is practiced in all the known civilizations of the world, was modeled after the domestication of animals. The domestication of women followed long after the initiation of animal keeping, and it was then that men began to control women's reproductive capacity, enforcing chastity and sexual repression. Originally, land was held in common, and individuals had rights to its use and cultivation but not exclusive ownership. Animals, on the other hand, may well have been the earliest form of private property on any considerable scale, making animal domestication the pivot also in the development of class differences."

Elizabeth Fisher, *Woman's Creation*, Anchor Press/Doubleday, 1979, p. 190, beginning of chapter entitled "The Discovery of Fatherhood".

COMMENT

This issue puts forth a theme that has been all too quietly discussed among animal rights leaders and activists over the past few years, i.e., that the animal rights issue must be perceived and fought for in the broader political context. Paul Halford in *READING FOR REVOLUTION* and Richard Morgan in *LETTERS* articulate this theme very well. Morgan's words merit repeating here: "(We must) realize that the struggle for Animal Rights is a revolutionary movement aimed not merely at gaining protection for other creatures, but at a basic restructuring of institutions in our society."

I believe that we must extend the sweep of our struggles if we want to be relevant and if we expect to be effective. We must recognize that animal-hating attitudes are related to greed, power, hierarchy, competition, domination, prejudice and other such notions that cause oppression and exploitation. We must recognize that these notions have been generated by the kinds of economic and political structures that have carried human society through "civilization" for the past several thousand years. Considering the state that the world is in, I think it's time to take a closer look at these structures and their history.

Now it is often said that "this is the way nature operates"... "red in tooth and claw"... "people are basically aggressive and competitive"... and so on. I strongly disagree. Anthropology is revealing these ideas for what they are—factually false notions that support the status quo and the power of the few people who benefit from it. Humans are not the genetically aggressive "killer apes" popularized by Konrad Lorenz, Desmond Morris, Robert Ardrey and others of the cynical biodeterminist

school. Read some of the others whose writings are bypassed by media in search of only hype-able (agreeable) material: Read Richard Leakey's *Origins* (New York: E.P. Dutton, 1977); Mary Midgley's *Beast and Man* (Ithaca NY: Cornell U. Press, 1978) and Elizabeth Fisher's *Woman's Creation* (Garden City, NY: Anchor Press/Doubleday, 1979).

Human greed, violence and exploitativeness are basically cultural, not basically biological. This means that we *can change* and that we are not genetically locked up in a life of social and ecological crime. We can begin to clean up our act culturally once we learn the truth about how we got this way.

Now this may be too daring, too upsetting and too subversive for some people, but let them not pretend that they sincerely want to end abuse and exploitation of animals. Let them continue to function essentially as a religion, collecting money from the guilty, preaching platitudes and carrying on programs that, at best, only alleviate conditions but never basically change them.

Very simply, we must recognize what we're up against. Gavan Daws' article provides a good example: Dolphins are merely property, not living beings, in the eyes of one of our most powerful and fundamental institutions—the law. Under our laws, the essence of the concept of property is that an owner of property has the *right* (guaranteed by courts, police and other state machinery) to possession, or *physical control*, of that property. Obviously, then, as long as animals are considered mere property our movement will have a hell of a time extending true, permanent liberty for animals.

There are other movements that challenge the morality of property concepts, namely the socialists and communists. Does this put us in league with them? Well, I don't know for sure, but I think that considering what we're up against (animal-abusive culture and institutions) and the mess that the human species is in, we would be smart to put aside Cold-War-implemented paranoia and try to understand these movements. Note well the exact words on paper here, lest I be accused of "promoting communism": I am saying that we should *learn more about other movements* that might help us in our struggle to build a humane world—a world that will want to, and will be able to easily afford to, extend justice and freedom to animals. If property in animals is one of our obstacles and if other movements are struggling against private property, why shouldn't we try to understand what they are saying? We may disagree with a lot of what they are saying. I'm sure that most of us would not accept the models of what pass for socialism in parts of the world today. But that is beside the point here, which is, that we have nothing to lose and perhaps much to gain by simply *learning* more about the other movements for broad social and cultural change.

Take a couple of other movements into consideration for a moment. First, feminism. Look at the brief excerpt from Elizabeth Fisher's book in *READING FOR REVOLUTION*. She is saying that animal exploitation may have given rise to the notion of property and that it provided the model for women's and class exploitation. Should we not read more of this kind of analysis? I think so. Another feminist writer, Laurel Holliday, in her book *The Violent Sex* (Guerneville, CA, Box 475: Bluestocking Books, 1978), writes:

"Peter Singer, in his book, *Animal Liberation*, has presented the case (for vegetarianism) with the utmost philosophical clarity. Despite my impassioned rhetoric, my purpose here is not to recruit vegetarians so much as to make the point once again that the root of the problem is in our blithely *taking power over* the lives and deaths of other creatures whose suffering is in no way necessary for our survival. If we so easily take the lives of animals who are only a few evolutionary steps removed from us, what is to prevent from doing the same to humans who are physically very different from us—of a different color, or speaking an unintelligible language, or "primitive" in their customs?"

Shouldn't we be relating to and working with people with such ideas? Shouldn't we be reading their works as part of our search for analysis and solutions? Aren't we companions in the same struggle? I think so.

Next, consider the movements against racism and oppression

of "primitive" peoples. Look again at the *New York Times* excerpt in *THAT'S SPECIESISM!*, the excerpt from Jordan's *White Man's Burden* and the excerpt from Laurel Holliday last quoted. South American native people are being routinely mass-murdered to make way for cattle ranching! This is not an isolated incident, as the article indicates. In future issues of *Agenda*, we'll print excerpts from recent works that document more of the same genocides carried on in the name of "economic progress". Jordan says in effect that at the root of racist attitudes lies a kind of animal-hating: the suppression of "the beast" in "civilized" white Europeans and Americans. I repeat a few of his words: "In fearfully hoping to escape the animal within himself the white man debased the Negro, surely, but at the same time he debased himself." Is not animal liberation in part, then, a striving to understand, respect and enjoy the animal—the emotional, sexual and physical—that is an important part of all of us? As humans are animals first and foremost, should we not fight against prejudice and oppression directed against humans where they are based on racial or other "differences"? I think so.

I strongly feel that we must take these steps if our argument for animal rights is to mean anything at all. Peter Singer's argument for animal liberation, now practically "the Bible" of our movement, extends to nonhuman animals the moral principle of equality—the idea that, "our concern for others and our readiness to consider their interests ought not to depend on what they are like or on what abilities they may possess". Singer writes further: "It is on this basis that the case against racism and the case against sexism must both ultimately rest; and it is in accordance with this principle that the attitude that we may call "speciesism", by analogy with racism, must also be condemned." If this is our case for animals, how can we ignore—let alone be hostile to—the women's liberation movement, the black liberation movement and the other related movements? If we do, it must mean that we (1) don't understand our own argument, (2) are hypocrites who don't want to struggle against our own prejudices, or (3) don't take any struggle for progressive change at all seriously.

Now it will be replied that since others are already working in these causes, we must work exclusively to save animals. It may be true that we should specialize and concentrate our efforts on the nonhuman animal side of the fight, but that is no excuse for our failure to understand and, as much as we are able, to support the rest of the broad movement for liberation. It's clear now, I think, that those of us who are serious about animal liberation must do more than pay lip service to these companion struggles; we must join in them as far as we are able.

Jim Mason, Editor

AGENDA, a journal of animal liberation, is devoted to fostering greater cooperation and unity within the animal liberation/rights/welfare movement. We try to provide a forum in which the movement can exchange ideas and discuss the problems and issues before it. We try to activate and facilitate two processes vital to the building of a more effective, progressive movement: (1) the refinement and filling out of our theoretical base, and (2) the evolution of strategies and tactics for political change. *Agenda* is independent of any animal welfare or animal rights organization. *Agenda* is published quarterly without charge although donations help. Submissions are welcome and should be sent to *Agenda*, Box 5234, Westport, CT 06880. Please enclose a stamped, self-addressed envelope.

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