BETWEEN THE SPECIES

Centering Animality in Law and Liberation: The Zoopolitics of Reclaiming the Animal in Personhood

ABSTRACT

Although there is widespread agreement that the property status of nonhuman animals is indefensible, the debate about how to remedy their situation is ongoing. This paper explores three possibilities for approaching the issue of legal status: (1) extending the existing concept of personhood beyond the human to other animals; (2) developing an alternative legal subjectivity for nonhuman animals that is neither property nor personhood; (3) redefining personhood in animal terms while retaining the rights-bearing significance of personhood and decentering the human from animal subjectivity in law. I offer a critique of the first two strategies, and defend the third on both conceptual and political grounds, as most responsive to the requirements of a genuinely liberatory politics. I call this the 'centering animality' approach, and apply it to the legal context through my proposal of animal personhood.

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Animals as Property in the Law

Nonhuman animals are universally treated as property and with few exceptions, legally classified as such. The property status of nonhuman animals has been extensively criticized for a number of reasons, but primarily because it is a denial of selfhood and rights. The "commodified and objectified social status" that nonhuman animals occupy as legal non-subjects effectively renders them and their experiences invisible before the law (Deckha 2021, 85). This erasure, paired with the absence of the basic right to not be the property of another, signifies that nonhuman animals are not seen as worthy of legal protection from exploitation or violence – indeed, they are not seen at all in the eyes of the law (Deckha 2021, 34). The non-subjectivity of animals as property results in their subjugation to the realm of thinghood wherein their needs are neglected and the physical, emotional, and psychological abuse they endure is of little to no legal significance or recourse. I call this process of denying the selfhood of animals 'deanimalization', which refers to the treatment of sentient beings as if they were inanimate objects.

At present, anthropocentric legal orders mirror the moral hierarchy between human persons and their nonhuman animal property. The law solidifies this social construction of the animal divide by articulating the human relationship to other animals through the language of servitude and ownership. The person/thing dualism of the law is such that humans are positioned as rights-bearing subjects whereas nonhuman animals are categorized as legal objects that are dispossessed of their own bodies and lives by human persons. From a legal point of view, nonhuman animals "are held to be devoid of intrinsic value and instead are assigned a market value based on their alienability" (Deckha 2021, 40).

Animal property is a type of resource that can be exploited and destroyed by human persons. The property conceptualization of animals 'legitimizes' the treatment of them as a caste group that exists solely to serve the human race (Donaldson and Kymlicka 2011). The legal property/personhood designations affirm an anthropocentric culture of instrumentalizing animals and the presumption of human superiority and sovereignty over animals. As Will Kymlicka and Sue Donaldson put it, "[e]very aspect of their lives is governed and regulated by a human political order that ignores their interests. They are tyrannized, in short" (Donaldson and Kymlicka 2014, 204).

Like many other legal systems around the world, the Canadian Criminal Code adopts the idea that nonhuman animals are to be instrumentalized as means to human ends. This is perhaps most apparent in how anti-cruelty statutes are implemented. Crimes that are committed against nonhuman animals are not considered animal rights violations but property rights violations (Deckha 2021, 41). Anti-cruelty legislation pertains to the regulation of property usage as opposed to protecting animals from harm (Francione 1995, 29). Legal scholar Maneesha Deckha explains that the infliction of pain, suffering, injury or death on nonhuman animals

> must first be characterized as unnecessary before it is considered cruel. The primary rationale for this position is that the exercise of property rights, which includes the decision of owners to kill their animals, is not to be interfered with by anti-cruelty law. And because institutional and otherwise instrumental use of animals is socially accepted it is overwhelmingly only those acts deemed culturally aberrant by domi-

> nant cultural standards that are prosecuted under anti-cruelty statutes (Deckha 2021, 55).

The legal assessment of what constitutes cruelty is therefore premised on a skewed balancing of interests in which the interests of property do not count or have much weight. Although all sentient beings have an interest in not suffering and continued existence, the principle of equal consideration does not apply to animals as legal property.

As beings without legal subjectivity, the interests of animal property can be overridden by the interests of their owners. The legal protection of nonhuman animals is conditional because it hinges entirely on their interests aligning with that of the humans who own them. Whenever the interests of animal property conflict or diverge from the interests of human persons, nonhumans are stripped of any/all legal protections (Satz 2009, 66-70). This is what Ani Satz describes as "legal gerrymandering for human interest" or "interest-convergence" (Satz 2009, 6). As products of interest convergence, anti-cruelty statutes cannot adequately protect nonhuman animals. The existing animal protection laws can be properly understood as animal abuse laws, that is, laws that regulate and permit the abuse of animals.

Furthermore, the 'test of necessity' (determining what suffering is necessary and therefore not cruel) is constrained by anthropocentrism. A practice is only considered cruel when it is not instrumental or causally necessary for achieving some human end. Anything that does not deviate too far from cultural norms is socially legitimated and legally allowed. It is thus not a matter of whether an action is in and of itself *actually*

cruel or necessary. Anti-cruelty laws exist to prevent irrational property usage not to prevent cruelty against animals.

The legal concept of cruelty concerns human usage of animal property that fails to facilitate their exploitation (Francione 2008, 63). Gary Francione refers to this as 'legal welfarism', which is the notion that animals can be used by property owners for whatever they please so long as the cruelty is not 'entirely gratuitous'. But of course, we know that most human uses of animal property "can be justified *only* by our pleasure, amusement, or convenience and cannot, by any stretch, be characterized plausibly as 'necessary'" (Francione 2008, 134).

The purpose of animal welfare laws is merely to reduce the amount of pain and suffering that nonhuman animals endure in the process of being abused by humans. It would be unnecessary (as in literally pointless) for property owners to cause more pain and suffering than what is causally needed to fulfill their ends. This is the narrow sense in which the legal concept of cruelty is defined as unnecessary suffering. As Deckha reiterates, humans are legally permitted to abuse nonhuman animals in any culturally dominant and profitable way, regardless of how much suffering is involved (Deckha 2021, 41). Any form of animal cruelty that exceeds the law's limited understanding of 'unnecessary suffering' is legally non-existent and meaningless. Consequently, "[p]roperty places animals into a legal abyss that even anti-cruelty statutes cannot ameliorate" because the law operates within an anthropocentric framework that is predicated on the ideology of instrumentalism (Deckha 2021, 76, 42).

Anti-cruelty statutes do not grant nonhuman animals substantial or effective legal protections since they are entirely

consistent with exploitation and violence, nor do they contest the property status of nonhuman animals. The scope of legal protection that nonhuman animals receive under anti-cruelty law is minimal at best as is exemplified by the legal assessments of what constitutes cruelty outside moral necessity. If anti-cruelty laws truly prohibited animal cruelty, then their suffering would not be construed as necessary.

The legal classification of nonhuman animals as property is unethical simply because relations of ownership and servitude are incompatible with justice, irrespective of whether consent is claimed to be given. There is now a broad consensus that the property status of nonhuman animals is "indefensible by any measure" and that their declassification as such "could not be more urgent" (Deckha 2021, 178). The "negligible protections" that nonhuman animals are currently afforded under anti-cruelty statutes cannot overthrow anthropocentric parameters or legal orders as they remain entrenched in the logic of interest convergence (Deckha 2021, 85). The inauguration of a legal system that prevents the objectification and deanimalization of sentient beings necessarily involves a departure from the property classification of animals.

An Alternative to Animal Property

The extension of legal personhood to nonhuman animals is presently the most common proposal. This strategy involves replacing the property status of animals with personhood as a way of legally affirming their equal moral value and entitlement to rights. Philosophers and legal experts have shown that there are no real conceptual barriers to expanding the human rights doctrine to include other animals. As Paola Cavalieri famously argues, "human rights are not *human*" but rather a particular subset of *moral* rights that are meant to protect individuals from

being sacrificed for the greater good of others (Cavalieri 2001, 139).

There are strong moral and practical reasons why Cavalieri and like-minded scholars endorse extending legal personhood to nonhuman animals. Selfhood generates distinctive vulnerabilities and corresponding moral claims that require legal protection by rules of cohabitation to ensure the safety and well-being of individuals (Donaldson and Kymlicka 2011, 35). The fact that nonhuman animals are not human is morally irrelevant when it comes to determining whether sentient beings need legal protection.

Moreover, personhood is the category that is presently used in constitutional law to designate rights-bearing subjects. It therefore 'can and should' be extended to other animals, or at least this is what consistency demands on the basis of our shared embodied vulnerability. The property status of nonhuman animals is one of the main obstacles impeding the moral and legal recognition of their rights.

Personhood as a Humanizing Force

The extension of personhood is a non-propertied, non-welfarist legal option for reclassifying nonhuman animals. From a rights-based perspective, extending personhood beyond the human to other animals is preferable over the alternative. Namely, resorting to welfarist legal reforms, which operate within a property paradigm as opposed to challenging it. But that does not mean that the extension of personhood, as a legal concept, to nonhuman animals is the best legal strategy to pursue or the only option available to us.

Deckha, for instance, is not convinced that personhood would significantly improve the lives of nonhuman animals given its conceptual entanglement with anthropocentric valuations of beings and bodies. The concern is that the extension of personhood to nonhuman animals would be yet another attempt to humanize a previously excluded group through their formal incorporation into legal personhood. Deckha notes that throughout history, personhood has been employed by colonizers and oppressors as a tool to demarcate who is and is not a full and equal person or member of society. Contemporary human rights contestations have gradually led to the expansion of personhood through greater inclusivity, but the marginalization of those who do not fit the mould of the paradigmatic human persists because extending personhood is "not a subversion of existing tenets" (Deckha 2021, 143). Conversely, Deckha contends that the conventional liberal method of inclusion via the extension of personhood goes to reify the concept's exclusionary and anthropocentric parameters.

As it stands, personhood is a nonanimal concept of humanity that defines the human in contradistinction to the animal. What distinguishes human persons from animals is that they have a right to not be treated as property and have property rights. Deckha establishes that "In law, it is this animalized underpinning of property that constitutes property's real and imagined polar opposite: personhood, which itself is rendered indissociable from humanity for living beings" (Deckha 2021, 93). Personhood thus perpetuates the notion that the human is not an animal, or what I would call the 'nonanimal human' construct.

As Deckha points out, the humanizing force that personhood exerts over its subjects makes it a precarious legal status

for the marginalized. The conceptual overlap between humanity and personhood is such that one has to first be seen as a human to qualify for personhood *and* one has to be legally recognized as a person in order to be humanized (Deckha 2021, 91). Legal protection from being treated 'like an animal' depends on the conferral of personhood through humanization. This explains why rights violations are typically interpreted as a loss of humanity (Esmeir 2006, 1544). But, as Matthew Calarco highlights, the law's construction of the human person "was always intended selectively to bring within its orbit only those beings who fit a relatively narrow set of criteria for inclusion in the circle of humanity proper" (Calarco 2011, 46). This means that some humans are not regarded as human because they are socially construed as (subhuman) animals in deviating from the image of the paradigmatic human (Ko and Ko 2017, 71).

The law's division of animals fractures the moral universe into persons and things. I contend that it is the personhood of humans and the thingness of animals that the zoological hierarchy is composed of. Value is predominantly determined by one's relative position on the human/animal scale. According to this metric of worthiness, the closer one is to animality on the zoological hierarchy, the further removed one is from humanity, and vice versa. To borrow from Cary Wolfe, the hierarchical ordering can be described as ranging from humanized humans at the top, animalized humans, humanized animals, and animalized animals at the bottom (Wolfe 2003, 97). Since legal personhood operates as "a mechanism that 'naturalises' and/or renders 'neutral' the law's meditation of hierarchy and dominance", we need to avoid re-enacting zoological hierarchies "by uncritical references to the terms presupposing the *anthropos*", i.e., the paradigmatic human (Grear 2015, 242).

Extending the existing legal concept of personhood is an assimilationist project that reinscribes humanism by asking marginalized groups to renounce their animality in exchange for attaining membership in the moral and political community of nonanimal humans. Deckha concludes that personhood is "irrevocably tainted as a viable option to respect animals, and all their alterity, as legal subjects because persons are made through proving one's humanity and unmade when that humanity is called into serious question" (Deckha 2021, 92). For Deckha, the root of the problem with personhood is that "the exclusionary historical imprint inclines the concept in the present to *systemically disfavour* those who do not match the Western, able-bodied, propertied, human male identity through which personhood was consolidated" (Deckha 2021, 89).

In summary, the concern with personhood campaigns is that they will end up privileging the nonhuman animals that are sufficiently closest to humans over those that are not. Granting legal personhood to animals on the basis of their similarity to humans results in exaggerating and ostracizing the otherness and nonhumanness or thingness of those who are different from humans. As is already the case with dehumanized and marginalized humans, it is likely that the radical alterity and otherness of animals would result in their substandard treatment. On these grounds, Deckha doubts that any nonhuman animal will ever be human/ized enough to be granted adequate legal protection as a person.

Against Nonhuman Legal Subjectivities

Deckha exposes the risks that personhood poses for dehumanized humans and nonhuman animals as a humanizing force. In response to this concern, Deckha proposes 'beingness' as a legal subjectivity for nonhumans. This section

critiques the decision to introduce a third legal category for 'nonhuman beings' instead of reconstructing personhood as an animal subjectivity.

Deckha rightly takes issue with the anthropocentric approach of positioning the paradigmatic human as the standard through which moral standing is conferred. This type of strategy is clear when theorists start from an account of human nature to explain why being born human makes one entitled to rights and duties of justice, and see if it applies in the animal case (Donaldson and Kymlicka, 33). Accordingly, nonhuman animals would achieve moral standing on the condition that they are "seen as possessing or approximating some aspect of this essence of humanity" (Donaldson and Kymlicka 2011, 33). To avoid this conversion and reduction of otherness to sameness, Deckha proposes a nonhuman subjectivity which can be described as being "articulated in and through the human/animal distinction" (Calarco 2015, 50).

But focusing on the alterity of nonhuman animals may be inadvertently anthropocentric because the human is still centered as the subject from whom the animal is different. I agree with Calarco on the point that "while it is unquestionably correct to critique the traditional human/animal distinction for reducing difference, it is not altogether clear that the best way to displace distinction is through refining, multiplying, and complicating it" (Calarco 2015, 51). With this in mind, I reject approaches that involve an anthropocentric measure of either sameness or difference in animals.

In the context of the legal debate around animal status, the extension of personhood subscribes to the assimilationist/sameness logic of what Calarco describes as the 'identity'

approach. The identity approach anchors ethical and political considerations in the human-animal identity, particularly on human likeness and the extent to which certain species of animal measure up. I share Deckha's concern with the animal rights and personhood campaigns that are "based on sameness" because of their "humanizing impulse", which "merely shifts the zones of inclusion and exclusion rather than eliminating exclusion altogether" (Deckha 2021, 143).

That said, I contend that there is nothing wrong with equality or personhood, as a rights-bearing status, per se. What should be targeted is the anthropocentric and exclusionary *approach* to animal personhood and rights. However, the difference-based approach is equally, if not more, problematic as it culminates in propositions like Deckha's to create a separate legal subjectivity for nonhuman animals.

The negative consequences of selecting the strategy to reclassify nonhuman animals under a new legal category over an animal-centered approach to radically reconfiguring personhood are unavoidable, regardless of how politically informed and progressive the proposal may appear to be. This is illustrated by Deckha's beingness, which despite aiming to prompt a revaluation of nonhuman animals in law, is unlikely to protect them from being treated like property. In contrast to the principle constitutive features of personhood, beingness attends to "embodiment (and the revaluation of the body and emotion this entails), relationality (and the social embeddedness and attention to power relations but also interdependence this entails), and vulnerability (and the materiality and attention to pain and suffering this entails)" (Deckha 2021, 143).

These elements of beingness veer away from a capacity-based assessment and assignment of moral worth. There is no doubt that the way we think about and value animals would change if the law were to adopt the features of beingness that Deckha illuminates. However, Deckha's beingness model is a *biocentric* "legal subjectivity that caters to the ontologies of breathing, embodied" nonhumans, and nonanimal things like bodies of water, which she describes as "excellent candidates" (Deckha 2021, 121, 157). I argue that 'legal beingness' is a nonhuman subjectivity that needs to be rejected for not being animal-centric. The main objections that I raise to the idea of a nonhuman legal subjectivity for animals stem from the fact that there are at least three ways in which this sort of legal status would undermine one of the key purposes of justice, which is to protect the vulnerable (Donaldson and Kymlicka 2011, 33).

First, a nonhuman subjectivity would maintain the species division of animals in law as opposed to disrupting it, which is not exactly revolutionary. Consider, for instance, the relational politics of a hypothetical situation wherein humans remain persons and nonhuman animals are reclassified under some other nonhuman legal subjectivity like 'beingness'. This would inevitably replicate the person/thing dynamic wherein nonhuman animals are bound to re-occupy a second-class status that not only deanimalizes them but dehumanized humans as well, especially in conflicts of interest. The fragmentation of animal subjectivity in the law does not fundamentally challenge the personhood of humans nor the thingness of nonhuman animals. In other words, the human-nonhuman animal divide leaves the zoological hierarchy intact under a person-being proposal, which would only appeal to those who are invested in maintaining human superiority over animals.

Second, if we group different kinds of nonhumans together, as they currently are as property, then this would erase the moral distinction between sentient beings and nonsentient things. It is morally arbitrary to segregate nonhuman animals from humans and lump them into the same legal category as things that are not sentient. This is virtually no different from how nonhuman animals are currently classified as property alongside nonanimals.

So, in addition to further ingraining the subhumanness of animals and animality, introducing a nonhuman subjectivity dismisses the moral significance of sentience. What sets sentient beings apart from nonanimals is that their life is experienced subjectively. The relational and embodied vulnerability of a sentient being is not comparable to that of a nonsentient thing. As qualitatively different kinds of beings, animals have a qualitatively different moral standing from nonanimals (Donaldson and Kymlicka 2011, 35). This does not mean that animals are superior to nonanimals nor does it imply that humans do not have moral obligations to protect and respect nonsentient parts of nature (Donaldson and Kymlicka 2011, 36).

That said, it would be inaccurate to characterize the moral duties that humans have toward nonanimals as being in *their* interest because it is impossible for something that is not a self to have personal interests. Nonsentient things (e.g., rocks, plants, paintings) are not personally harmed, disrespected, or subjected to injustice when they are treated like objects because they are objects (Donaldson and Kymlicka 2011, 36). On the other hand, the treatment of sentient beings as things/property is harmful, disrespectful, and unjust because their objectification is a denial of their selfhood. Sentience is therefore a morally relevant way of distinguishing animals from things

in the law as it "generates distinctive vulnerabilities, and hence distinctive needs for the protection of inviolable rights" (Donaldson and Kymlicka 2011, 36). A nonhuman legal subjectivity is unacceptable for nonhuman animals for the same reason that would be unacceptable in the human case. That is, it blurs the relevant moral distinction between selves and things, thereby heightening the vulnerability of sentient beings by disregarding the moral significance of phenomenology.

Third, I contend that taking up the question of animal status without the inclusion of humans is a mistake. This is because, in doing so, we fail to address the negative impacts that the anthropocentrism of personhood and the inherently exploitative status of property have on both dehumanized humans and nonhuman animals. The legal status of human and nonhuman animals should not be dealt with separately because they are not separable issues, and to do so is to suggest otherwise. The incompleteness of an approach that focuses exclusively on the legal status of nonhuman animals is evidenced by its inability to account for where this leaves marginalized humans.

In light of the charges laid against investing in nonhuman legal subjectivities for animals, it is apparent that the moral task of 'line drawing' is an unavoidable and necessary component of debating about the legal status of animals. Nonhuman subjectivities involve the morally arbitrary segregation of animals and even if they did not, it would still be morally objectionable to muddy the distinction between sentient animals and nonanimals in the law.

I further contend that neglecting any human/nonhuman animal group is incompatible with contesting, let alone transforming, anthropocentric legal orders and is inconsistent with a

commitment to liberatory politics. The next section explores an all-inclusive, animal-centered framework that embraces sentience, and the presumption of sentience in the vast majority of animals, as a morally relevant criterion and baseline for legally distinguishing rights-bearing subjects.

Animal Personhood

Much is at stake in deciding how we should move forward with renewing the law's relationship to animality. Answering the question of what legal status animals should occupy is a matter of liberatory politics in that the quality of our response can be measured by its proximity to the prospect of liberation.

As we have seen, the existing approaches to the property/personhood debate reflect a particular way of thinking about animals, i.e., through the human/nonhuman binary. But maintaining the morally arbitrary species division among animals prevents us from understanding and addressing the zoological roots of oppression, which in turn limits the efficacy of our liberation theories and movements. This is especially true of animal law wherein the emancipatory potential of legal reform is stunted by the exclusive focus on nonhumans as if their legal standing can be disconnected from that of humans.

How should we respond to the zoological hierarchies of worth that rely heavily on the figure of the animal as a core signifier of inferiority to justify the subordination of nonhumans and those who are not, and have never fully been, accepted as human? I suggest reclaiming animality and the narratives about animality so that they can no longer be weaponized against sentient beings (Ko 2019).

This section demonstrates why a framework that centers animals is necessary for making the transition into a radically different relational paradigm of peace. Below I argue that centering animality is not only empowering for nonhuman animals and animalized humans but disruptive to the zoological hierarchies that latch onto the human/animal binary. Since the terms of our coexistence are legally encoded, the focus of this section is on concretely applying the proposal to 'center animality' in liberatory politics to the specific context of the law. In particular, I examine the issue of what legal status animals should occupy.

By 'centering animality' I mean centering the experience of being-animal, and not the experience of being dehumanized through animalization. While the denial of one's animality is a relevant part of being-animal, the full experience of being-animal exceeds this restricted understanding of animality as merely an experience of animalization. In this way, what we typically refer to as 'dehumanization through animalization' can be more accurately described as 'deanimalization', i.e., the experience of being denied one's animality. We have become accustomed to thinking about animalization as a form of dehumanization. However, I suggest reframing the denial of humanity as a form of deanimalization (the denial of our animality).

The animal-centric approach that I put forth is not limited to a discussion about centralizing the experiences of deanimalization because, as stated, animality is not reducible to the denial of animality. It would be unproductive to center de-animalization as there is more to the experience of being-animal than that. In other words, animality simultaneously includes and exceeds deanimalization.

That being said, although I am not advocating for an approach that centers the experience of being denied one's animality, deanimalization does play a crucial role in motivating my argument for centering animality in law, liberation, and beyond. This is because I take oppression to be a zoological phenomenon in that the animal is the only type of being that is capable of experiencing oppression, for one must be sentient in order to be able to subjectively experience reality. Therefore, at the most basic level, animals need legal protection from human violence and exploitation because of their embodied vulnerability as sentient beings.

For this reason, it is important to retain the rights-bearing significance of personhood that the law currently upholds due to the function that rights are supposed to fulfill, i.e., provide protection. Apart from the association of legal personhood with a rights, I propose completely redefining personhood in animal terms to supplant its exclusionary and anthropocentric conceptual content. I situate this proposition of 'animal personhood' in relation to an emergent discourse in animal studies that Calarco labels as the 'indistinction' approach. The unifying idea that indistinction theorists espouse is the radical displacing of "human beings from the center of ethical reflection" (Calarco 2015, 53). What indistinction means for egalitarian ethics is that morally relevant similarities between animals are not approached through a unidirectional comparison of the nonhuman animal to the human animal. The continuities among all animals are explored more fluidly and space is deliberately carved out for giving ethical consideration to animals that are not like humans, without an emphasis on anthropological differences. Indistinction theorists do not resort to human-centric ethical frameworks that are then *extended* to other animals. Rather than starting from humanity as a vantage point, indistinction

departs from animality in the search for what constitutes an ethical relation.

Calarco writes that the indistinction approach is partly captured by Giorgio Agamben's writing, which builds on Michel Foucault's concept of biopolitics. Agamben argues that Western politics are founded on the attempt to exclude animals from the political realm (Calarco 2015, 53). This performative process of 'anthropogenesis' crystallizes human propriety into social reality. The politics that emerge out of the human/animal distinction negatively affects nonhumans and marginalized humans. As Calarco notes, this leads pro-animal theorists in the indistinctionist vein to contemplate what inter/intra-species relations might look like if politics were to transcend the human/animal distinction.

Another key figure that Calarco mentions in his discussion of indistinction is Gilles Deleuze, for whom the notion of 'becoming-animal' is a way of entering into relation with alternative, nondominant ontologies. It is in the "refusal to enact the ideals and subjectivity that dominant culture associates with being a full human subject" that "resisting and transforming the unjust and intolerable order to which all other (that is to say, other-than-human) modes of existence are relegated" becomes possible through "inhabiting zones of indistinction where traditional binary distinctions between human beings and animals break down" (Calarco 2015, 57-58). As indistinction theorists suggest, decentering the human subjectivity from animal subjectivity gives us the chance to find ourselves in intimate relation and identification with our shared animality. In realizing and acknowledging our animality, "the animal also becomes something else" (Deleuze and Guattari 1994, 109).

Humans have yet to discover the ways in which we are like other animals in the reclamation of our own animality. But humans are just one of the countless species that this endeavour calls upon. Other animals are also to be invited as agents in reclaiming their animality, which has been denied to them by humans through their deanimalizing treatment as objects of property. While we do not know, and cannot say in advance, what reclaiming animality might mean for different individuals and groups, what we do know is that new relations are not going to come out of the same old pattern of expanding the moral circle of consideration to the excluded because this strategy reaffirms the position of the paradigmatic human at its center.

The remainder of this paper proposes an animal-centric strategy as a potential way of generating the conceptual, social, and material conditions for pro-animal solidarity between social justice movements. To this end, I integrate the writings of Claire Jean Kim and Aph Ko to demonstrate the salience of centering and reclaiming animality in law and liberation from a critical race and decolonial perspective.

In *Racism as Zoological Witchcraft,* Ko examines the limitations of how contemporary liberatory movements operate. Because current approaches to social justice struggles are the by-product of a "toxic, oppressive and colonized cultural understanding", there is a tendency to frame the various "faces of oppression as discrete and separable issues" (Ko 2019, 22, 7). Ko argues that the categorical way of thinking about the forms of oppression as intersecting reaffirms the social categories that derive from an oppressive system and structure of coloniality.

Instead, Ko suggests that we "undo these 'intersections' and dissect the actual categories themselves to re-shape and re-

mold them" (Ko 2019, 21). Along the lines of 'undisciplining' how oppression and liberation are filtered, Ko lays out a multidimensional framework through which the deep relationship between different kinds of oppression is understood as them being intrinsically composed of one another. Regardless of whether Ko's characterization of intersectionality is accurate, her argument for what she refers to as multidimensionality is worth considering as a theoretical and practical approach to liberation.

Ko's argument for multidimensionality resonates with Kim's notion of a multi-optic vision for an ethics and politics of mutual avowal. A one-dimensional (Ko), or a single-optic (Kim) perspective

> tends to lead in the course of political struggle to a posture of mutual disavowal, where each group elevates its own suffering and justice claims over the suffering and justice claims of the other group, either partly or wholly invalidating the latter as a matter of political and moral concern. Disavowal, an act of dis-association and rejection, can range from failing to recognize that one is causing harm to the other group to refusing to acknowledge that the other group suffers or has valid justice claims to actively and knowingly reproducing patterns of social injury to the other group (Kim 2015, 181).

There is a real sense in which mutual disavowal has overtaken liberatory politics, stunting progress and preventing meaningful alliances. As Kim demonstrates, the tension between animal rights and racial liberation movements is a perfect example of this, especially because of the supposed given-

ness of prioritizing humans in liberation. That is not to suggest that nonhuman animals should be regarded as more important or valuable than human animals, but that nonhuman animals should not be dismissed as less important or valuable than human animals.

On the surface, anthropocentrism and racism seem to have nothing in common when they are looked at through a single-optic lens. From a multidimensional view, however, we can see that blackness and animalness

> form poles in a closed loop of meaning. Blackness is a species construct (meaning 'in proximity to the animal') and animalness is a racial construct (meaning 'in proximity to the black') and the two are dynamically interconstituted all the way down… [T]he anti-Black social order that props up the 'human' is also a zoological order, or what we might call a zoologo-racial order (Kim 2017, 10).

Liberation should therefore not be approached like a competition among more or less deserving opponents who fight against one another for this counterproductively confirms the validity of the very hierarchies of worth that we are trying to eradicate. The target should be the source of oppression, and not other oppressed groups or their advocates. But this cannot be done without an understanding of what oppression is. To believe that liberation movements can conflict is to confuse what liberation entails.

Ko's analysis of white supremacy stresses the need for consistency in the commitment to anti-subordination as a political principle. If white supremacy is a "living, insidious, expansive, colonial force" seeking to possess, consume, and destroy the

animal, namely nonwhite humans and nonhuman animals, then dispelling this practice of zoological witchcraft requires that we attend to the narrative of animality and the situation of the nonhuman animal (Ko 2019, 42-43, 101). In the context of law and liberation,

> [t]he effort to gain full humanity by distancing from nonhuman animals, like the effort to achieve moral considerability for animals through racially fraught, racism-denying analogies, is a misbegotten project: it has not succeeded and cannot succeed because race cannot be unsutured from species and dismantled while species categories motor on in force. Rather, these two taxonomies, intimately bound with one another, must be disassembled together in our effort to meaningfully and radically rethinking the category of the human (Kim 2017, 286-287).

The lack of solidarity in liberation theory and advocacy can be attributed to a misunderstanding of just how synergistically oppressions relate. The taxonomies of race and species, for instance, are "[h]istorically conjoined in… producing the human and the subhuman, not-human, less than human – with all the entailments of moral considerability, physical vulnerability, and grievability that follow" (Kim 2017, 286). The struggle for liberation is not about choosing between one oppressed group's interests and needs over another's. The ultimate fates and oppressions of human/nonhuman animal groups are so inextricably intertwined that no one group can be liberated until all oppressed groups are liberated (Kim 2017, 283).

The oppressive strategy of stepping on the animal in the misguided attempt to elevate one's position on the zoological

hierarchy needs to stop immediately. It is a counterproductive and ineffective strategy because it bolsters the very zoological hierarchy that one is struggling against. In its place, pro-animal critical race theorists like Ko and Kim have suggested joining forces with the animal. For example, in the case of anti-racism pro-liberation, they suggest that racialized people are positioned to hold fast to animality as animal agents themselves and thus epistemological contributors to animal advocacy.

Reclaiming the narratives of animality is a politically effective strategy because it takes the power away from them being used against those deemed 'animal' whilst simultaneously deconstructing the human/animal binary that underpins zoological hierarchies. Because I argue that dehumanization is best understood as a form of deanimalization, centering animality directly aims to combat dehumanization. The reclamation of animality also fits in with the adoption of a multi-optic vision, which strives to move us in the direction of an ethics and politics of mutual avowal that

> puts pressure on intergroup boundaries, plays with the productive possibilities of boundary crossing, and shakes up group identities by emphasizing the intimate connections among domination's multiple forms… it is a critical methodology… engaging politically without brackets, without the fantasy of innocence, with full cognizance of one's potential impact on and relation to other subordinated groups (Kim 2017, 199).

This "active process of affirming and relating to" other liberation struggles encourages a path of solidarity toward collective action for mutual justice (Kim 2017, 198). That is not to say that the experiences of oppression are ever comparable, for

every experience of deanimalization is unique. Each cause is independently significant and should not be instrumentalized to transfer legitimacy or social importance to the other (Kim 2017, 295). The reclamation of animality will mean something different to different people; either way, the narrative of animality would be rewritten to empower, not oppress.

As stated, centering animality is not about centering a single form of deanimalization. While oppression occurs through animalization at times, it is invariably a denial of one's animality (selfhood). Centering animality encompasses the full range of human/nonhuman animal experiences, including the various instances of deanimalization. For this reason, it is an all-encompassing approach that is capable of accounting for the intersectional or multidimensional nature of both oppression and liberation.

I suggest that centering animality can supersede the endless debates over which structural axis should be centralized (e.g., race, gender, species, culture, etc.). This is because whatever axis of difference or intersection is construed as central, winds up being too limited in scope in that it aims to centralize a highly specific and noncentral aspect of the animal experience or oppression, whether it is on a personal or societal level of politics. Rather than stretching out a narrow axis or a particular intersection in the attempt to centralize them, perhaps it is more politically efficacious to center animality as this would not exclude any axis of difference or dimension of animal experience.

Liberatory politics need to be inclusive and representative of those involved as well as responsive to the particularity of experience. Since the experience of oppression only has mean-

ing as a zoological phenomenon, I propose taking an animal-centric approach to liberatory politics as a reclamation methodology. What this means in response to the question about the legal status of animals is that our solution to this issue should be reflective of liberatory zoopolitics.

As we have seen, the legal categories of personhood and property mutually reinforce the human/animal dichotomy in law and this directly affects how we interact and relate to one another. Overcoming the zoological hierarchy will require a drastic shift in the relational paradigm toward animal equality. It is very unlikely that nonhuman animals will ever be treated as equals if they are legally recognized as such. The assertion of dominance over animal others in law guarantees abusive relations. No animal should be regarded or treated as the property of another.

In order to prevent deanimalization, animals need to be legally protected by inviolable rights. Like Donaldson and Kymlicka, I reject "any attempt to distinguish personhood from selfhood as the basis for inviolable rights" because this is "conceptually unsustainable, morally unmotivated, and radically destabilizing of the very idea of universal human rights" (Donaldson and Kymlicka 2011, 31). I also agree with them that "the language of personhood is too deeply woven into our everyday discourses and legal systems to simply be expunged. For many legal and political purposes, advancing an animal rights agenda will require using the pre-existing language of persons and extending it to animals" (Donaldson and Kymlicka 2011, 30).

However, instead of taking the 'extensionist' approach to personhood, I suggest completely redefining personhood in animal terms. Put differently, animal personhood would retain

the rights-bearing significance of legal personhood while de-centering the human from animal subjectivity. The purpose of this is to transcend the zoological hierarchy that the law creates through the human/nonhuman division of animals by challenging the assumptions that one has to be a human in order to be a person and that personhood is reserved for humans (Deckha 2019, 91).

Animal personhood counters the tendency to define humanity in contrast to animality. The human/nonhuman species division puts all other animals into a homogenous group whose defining feature is that they are not human or subhuman. Conversely, animal personhood asks us to rethink 'the human' as an animal and animals as persons. In this way, the human/nonhuman dichotomy would be displaced by a multiplicity of animal persons: cow persons, raccoon persons, human persons, whale persons, dog persons, chicken persons, pig persons, and so on. The differences among individuals and groups would not be used to discriminate against them but rather should be respected and attended to.

This reconstructive project of reimagining the animal outside the human/nonhuman binary collapses the moral distinction between animal persons. Humans would not be any more or less valuable than any other animal person in the law, which does *not* mean that the status of any human would be lowered. This firm stance on equal inherent value is necessary for the transition beyond the zoological hierarchies of worth that oppress humans and nonhuman animals alike.

Animal personhood is a legal subjectivity that is meant to recognize selfhood and rights, but its conceptual content is to be determined by those it encompasses through their reclama-

tion of animality. The open-ended nature of animal personhood, as a legal status, positions and empowers sentient beings as self-defining agents. Centering animality in law ensures that no one is left behind or neglected from moral consideration. It takes the present legal situation of the nonhuman animal as property as an opportunity to reform anthropocentric, and otherwise problematic, legal systems so that instead of being enablers of a tyrannical regime, they can facilitate the emergence of animal democracies.

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