

# Palgrave Studies in Green Criminology

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“Timeworn and dogmatic speciesist views of nonhuman animals, including those woven into worldwide legal statutes, maintain that animals other than humans cannot be murdered. With rigorous scholarly clarity, Piers Beirne shows how it’s high time to place nonhumans squarely into the gallery of beings who can, in fact, be murdered. This move is long overdue and *Murdering Animals* could well be a game-changer.”

—Marc Bekoff, *University of Colorado, Boulder, USA*

“Professor Beirne and colleagues have produced a splendidly researched, well written and timely book that challenges us to consider the many ways humans kill other animals (“theriocide”). *Murdering Animals* is a wonderful combination of history, animal imagery in art and literature, emphasis on language, and the potential of legal personhood for animals—all to persuasively argue that the killing of animals should be named murder. It is destined to be required reading in the field of Animal Studies.”

—Linda Kalof, *Michigan State University, USA*

Criminologists have increasingly become involved and interested in environmental issues to the extent that the term Green Criminology is now recognised as a distinct subgenre of criminology. Within this unique area of scholarly activity, researchers consider not just harms to the environment, but also the links between green crimes and other forms of crime, including organised crime's movement into the illegal trade in wildlife or the links between domestic animal abuse and spousal abuse and more serious forms of offending such as serial killing. This series will provide a forum for new works and new ideas in green criminology for both academics and practitioners working in the field, with two primary aims: to provide contemporary theoretical and practice-based analysis of green criminology and environmental issues relating to the development of and enforcement of environmental laws, environmental criminality, policy relating to environmental harms and harms committed against non-human animals and situating environmental harms within the context of wider social harms; and to explore and debate new contemporary issues in green criminology including ecological, environmental and species justice concerns and the better integration of a green criminological approach within mainstream criminal justice. The series will reflect the range and depth of high-quality research and scholarship in this burgeoning area, combining contributions from established scholars wishing to explore new topics and recent entrants who are breaking new ground.

More information about this series at  
<http://www.palgrave.com/gp/series/14622>

*“Murdering Animals* lays the long overdue foundation for a criminology of therioicide by weaving together a powerful and new understanding of crime, rights and violence. A landmark achievement that makes it impossible to ignore the use and abuse of animals in a field that has preferred for too long to look away. Piers Beirne sets out a daring and rigorous analysis that is genuinely interdisciplinary, wonderfully written and provides fresh understandings of social processes and cultural categories in both the past and the present. It will appeal to students across the humanities and social sciences. Indeed, it will be indispensable to anyone seeking to understand the moral complexities surrounding the killing of animals.”

—Eamonn Carrabine, *University of Essex, UK*

Piers Beirne

# Murdering Animals

Writings on Theriocide, Homicide  
and Nonspeciesist Criminology

with

Ian O'Donnell and Janine Janssen

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# Foreword

What are rights? In their most distilled form, rights are expectations of treatment or behaviour that are presumptively guaranteed by some authority tasked with creating the conditions for the enjoyment of those rights, and punishing violations of them.

Since the rise of the political state, governments have served as the politically authorized guarantors of rights. Before that, clans or tribes served this function. Regardless of how temporally near or distant one might choose to locate the origin of rights—as close as the eighteenth-century ‘Rights of Man [sic]’ revolutions, or as far as the dim past of pre-state societies—it remains a truism that wherever rights-like expectations are present, there will be conflicts over the scope and fulfilment of rights.

Rights conflicts typically take two forms. The first is contestation over who has a *right to rights*. That is, how extensive is the moral boundary that encompasses those who are assumed to have a rightful claim to the full suite of social benefits constructed as rights in a given society? Does it encompass all those in a society? Most people, but not all? A small elite, but few others? Or some other distinction between those who are believed to enjoy full rights, those who are accorded some, and those who are given none?

The second form of rights conflict coalesces around claims that, while they may exist under law, certain rights lack *substance* for particular segments of society. This disjuncture between the juridical and substantive rights may occur because the conditions for the enjoyment of particular

rights do not exist (e.g. freedom of the press in a country where most people are illiterate), or because the guarantor has failed in its obligation to protect statutorily established rights (e.g. Jim Crow era transgressions in the US South of the legally established rights of African American citizens).

The question of whether a state fulfils its obligations to provide substantive enjoyment of rights for all who have the right to those rights is a key source of political conflict in contemporary societies, as well as a frequent focus of critical intellectual inquiry. However, conflicts over who should have these right in the first place raise even more fundamental questions. They question core conceptions of social relations, with all the implications for societal organization, culture and state practice that are raised whenever we ask who should have the right to rights.

From the rise of civilizations about 10,000 years ago, human history has been punctuated by struggles over who has the right to rights. Every expansion of the moral community thought to have a right to rights was associated with fundamental societal transformations. Consider the historic consequences of establishing that human beings had a right to not be enslaved. Or the ways that a growing recognition that women, racial and ethnic minorities, gay, bi and transgendered people, and the differently abled have the same rights as other citizens is altering social practice and consciousness in many societies, particularly (but not exclusively) in the Global North. These extensions of rights and the struggle to make them substantive rather than merely juridical involve much more than legal arguments. They demand significant rethinking of taken-for-granted assumptions about the nature of the world and how people live in that world.

Until the latter part of the twentieth century, debates about rights were focused almost exclusively on humans. While animal protection sentiments and animal protection groups such as the Society for the Prevention of Cruelty to Animals emerged in Britain and the United States in the first half of the nineteenth century, most debates over rights remained largely focused on what rights *human* beings of different sexes, colours, shapes, origins, social position and so on should be able to enjoy, and whether the state was fulfilling its obligation to enable the enjoyment of those rights.

The hegemonic linkage of the term ‘rights’ with ‘human’ to create what became the international organizing principle of *universal human rights* remained relatively unchallenged until the rise of what could be termed a

new animal rights movement in the 1970s. This new movement combined rights philosophers, direct-action animal liberationists such as People for the Ethical Treatment of Animals (PETA), and insights from an emergent deep ecology movement. This ideational *mélange* created a growing awareness in some quarters that not only are all living beings on our planet linked systemically but also that this systemic linkage imposes an obligation on the planet's human inhabitants to protect *all* life. Some see doing so as a moral obligation. For others it is an anthropocentric practical necessity. In either case, however, acceptance of a 'responsibility to protect' (to borrow a term from international human rights debates) foregrounds the inadequacy of a concept of rights that stops at the borders of *Homo sapiens*.

Into this mix comes *Murdering Animals*, from Piers Beirne, Professor of Sociology and Legal Studies at the University of Southern Maine. Over the past two decades Professor Beirne has blended insights from criminology, the sociology of law, art history and literary criticism into a lens for examining the use and abuse of animals. In *Murdering Animals*, Beirne utilizes his earlier work on anthropocentrism in human–animal relationships, including the use and abuse of animals as food, objects of sport or sexual release, rendering animals the objects of judicial punishments, and the link between violence against animals and violence against humans to frame a consideration of when abuse of animals may be deemed morally blameworthy violations of animals' species being. Beirne is not the first to ask whether animals have (or should have) a right to rights. However, in this book he focuses the question of animal rights in two important directions.

First, *Murdering Animals* interrogates whether animals have a right to legal *personhood* and, second, if they do, under what possible criteria might the intentional killing of animals, or the creation of the conditions that will force them to die (animal necropolitics?) be considered the moral equivalent of the murder of human beings. While these questions bookend *Murdering Animals*, the overall narrative reaches beyond philosophical and criminological theorizing about the rights of animals. It does this by interrogating the social construction of animals across a broad cultural canvas, particularly as reflected in art and literature.

The methodological vehicle for understanding the social construction of the animal kingdom and its rights is analyses of works of art depicting animals, killing, and oftentimes the killing of animals. Here we encounter

something more than philosophical arguments regarding whether animals have a right to be free from human exploitation for individual and species benefit, or from the casual and careless destruction of their environments by human action. That something more is what we can learn from studying the second-level exploitation of animals. Not the exploitation of their flesh, but the use and exploitation of their images. What role has the depiction of animal images played in validating their exploitation to satisfy human needs or whims? Conversely, how has, and how long has, animal imagery been used to question taken-for-granted assumptions about the right of humans to exploit animals. The answer to that last question I found to be a bit of a surprise.

For those interested in creating nonspeciesist modes of inquiry in philosophy, sociology or criminology, and/or in creating societies that practise some kind of species equality, *Murdering Animals* suggests we need to look beyond modernist modes of reasoning. We need to understand more fully how images of animals imitate the life of animals and, of equal importance, the degree to which the life of animals has come to imitate our constructed images of animals. What role is played by animal imagery in producing and reproducing the human practice of rendering animals as either property to be exploited and allowed to die when they are no longer productive, or as nuisances to human life to be eliminated when they stand in the way of comfort or progress?

*Murdering Animals* offers no easy or facile answers to the fundamental problematic of whether animals have, or should have, a right to rights. This is as it should be. While, as Beirne documents, there are contemporary movements in the direction of expanding rights beyond the human–animal boundary, we remain at the very early stages of considering just what such a change would mean as a moral, practical and legal matter.

By asking us to consider whether there are conditions under which killing animals is equivalent to murder, *Murdering Animals* asks us to *see* animals, and to think about their role as part of our moral community in challenging ways. It is a challenge that should be taken seriously by anyone in green criminology or the animal rights community.

Raymond J. Michalowski  
Flagstaff, Arizona

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For their kindnesses and patience during the lengthy gestation of *Murdering Animals* I wish to express my gratitude to scholars and friends almost too numerous to name. First, to my co-authors Janine Janssen (Chap. 3) and Ian O'Donnell (Chap. 6): working with you two has been a great privilege and a continuing delight. Many thanks as well to Ray Michalowski, a pioneer in the field of zemiology, who has generously consented to write the Foreword.

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Time is the most prized possession of all and I have incurred many debts in its acquisition. The idea of a nonspeciesist criminology first surprised me during a six-month Fellowship from the National Endowment for the Humanities in 1988. A Liberal Arts Fellowship in 2008 at the National University of Ireland, Galway, allowed me to explore the presence of murder and nationalism in J.M. Synge's play *Playboy of the Western World*. My home institution, the University of Southern Maine, kindly

awarded me a Provost's Research Fellowship in 2012 to pursue the intersection of nationalism and carnism in eighteenth-century British art. In 2013 a Visiting Fellowship at the Centre for Criminology, University of Oxford, offered me a warm and familiar atmosphere for research and gave me access to the unrivalled resources of the Bodleian Libraries.

I must also acknowledge the invaluable guidance of librarians at the Ashmolean Museum of Art and Archaeology; the Bodleian Libraries at the University of Oxford; the British Library; the Glickman Library at the University of Southern Maine; the Law School Library at the University of Maine; the Hawthorne-Longfellow Library at Bowdoin College; the Library of the London School of Economics and Political Science; and the James Hardiman Library of the National University of Ireland Galway.

When I was all at sixes and sevens with image assembly Martha Moutafis and my son Simon Beirne kindly clicked on just the right buttons. Jill Jordan-MacLean and the late Rosemary Miller offered the most competent and cheerful of office management. Krissinda Palmer worked with great diligence on the bibliography and the index. Bill Wagg and his wife Delores generously provided a quiet Nevadan refuge for me to read, write and apply some finishing touches—all held together by my wife Geraldine with her unfailing patience, wit and intelligence.

For her encouragement when we first talked about *Murdering Animals*, I am indebted to Julia Willan, my commissioning editor at Palgrave Macmillan and afterwards to her successor, Josephine Taylor and to her editorial assistant, Stephanie Carey. Sophie Richmond copyedited gently and with great skill, rescuing me from errors both large and small. Some among Palgrave's staff have assured me that no animals were harmed in the production of this book, which is dedicated to the efforts of the Animals and Society Institute and the Sea Shepherd Conservation Society, between whom any royalties will be equally divided.

Chapters 1, 5 and 7 of *Murdering Animals* appear in print for the first time here. Chapters 2, 3, 4 and 6 are more or less extensive revisions of essays that originally appeared in scholarly journals far and wide. It goes without saying, so to speak, that I alone am responsible for whatever errors remain in *Murdering Animals*, fatal or otherwise.

Piers Beirne  
Merrymeeting Bay, Maine

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