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Combatting Reproductive Oppression: Why Reproductive Justice Cannot Stop at the Species Border

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COMBATTING REPRODUCTIVE OPPRESSION: WHY REPRODUCTIVE JUSTICE CANNOT STOP AT THE SPECIES BORDER

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Introduction .................................................................................................................................................. 265
I. Patriarchy, Hierarchies and Perpetuation of Oppression of All Beings ........................................ 269
   A. Roots of Distinctions between Humans and Nonhumans and
      What’s “Natural” .................................................................................................................................. 270
   C. But They’re Not Like Us: Preserving the Myth of the
      Human/Nonhuman Divide .................................................................................................................. 274
II. The Interrelationship of the Reproductive Oppression of Humans and
    Nonhumans .............................................................................................................................................. 277
   A. Interference in Pregnancy and Child Bearing and Rearing ................................................................. 280
   B. Nonhuman Animal Exploitation Undermines Women’s Health ....................................................... 287
   C. Fighting within a Stacked Political Process ...................................................................................... 289
III. Making the Connections: Reproductive Justice for All Species...................................................... 294
   A. Addressing Obstacles to a More Inclusive Reproductive Justice .................................................... 294
   B. Combating Oppression of Females of All Species through
      Resistance to Exploitation ................................................................................................................. 300
Conclusion .................................................................................................................................................. 306

INTRODUCTION

I gestate humans, you do not. I know how it feels to be pregnant. You do not... But, no matter what you say or do I have fundamental human rights. What makes you think that you, who cannot have this fully human experience, can tell me anything about gestation or how I experience it?

Especially when you compare my existence and experience to that of brutish animals.

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1 Soraya Chemaly, 10 Reasons the Rest of the World Thinks the U.S. Is Nuts, HUFFINGTON POST (Mar. 15, 2012, 5:47 PM), http://www.huffingtonpost.com/soraya-chemaly/womens-reproductive-
This response was one of many\(^2\) that rang forth from the feminist blogosphere when, during debate over a bill to ban abortion after twenty weeks gestation in Georgia, State Representative Terry England responded to concerns that women would be required to carry nonviable fetuses to term by stating, “Life gives us many experiences . . . I’ve had the experience of delivering calves, dead and alive. Delivering pigs, dead or alive.”\(^3\) One feminist blogger retorted, “Terry England the difference between women and livestock is that we are not put on this world solely to provide for a man.”\(^4\) Another contended that farmed animals are “a consumable resource [who] don’t act independently. They have sex for breeding, not for pleasure, and the choice of partners and conditions of the sex they have are controlled by their masters. They certainly don’t try to disturb the natural order of things, namely male dominion.”\(^5\)

While feminists were understandably offended by England’s remarks, these responses objectify and perpetuate the oppression of nonhuman animals. Seemingly only one commentator, on a personal blog, questioned the characterization of nonhuman animals, stating:

It’s not JUST that female human beings are being dehumanized and deprived of their human rights; it’s also that other sentient beings are being objectified and deprived of their basic rights as living creatures. . . . My suggestion is that we take these awful comparisons of women to cows and sows not just as a wake-up call to how we treat women but also as a wake-up call to the inherently manipulative, demeaning, and abusive way we treat so many other species in our ecosystem.\(^6\)

No one in the mainstream feminist community heeded this suggestion.\(^7\) bell hooks wrote:


\(^3\) See Adam Peck, \textit{Georgia Republican Compares Woman to Cows, Pigs, And Chickens}, \textit{ThinkProgress} (Mar. 12, 2012, 4:40 PM), http://thinkprogress.org/health/2012/03/12/442637/georgia-rep-compares-women-to-animals/.


\(^6\) Rick Brody, \textit{Women are not Cows…but Cows are not Machines}, \textit{Kidnoot} (Mar. 16, 2012), http://kidnoot.wordpress.com/2012/03/16/women-are-not-cows-but-cows-are-not-machines/.

\(^7\) Crickets chirping.
I believe that violence is inextricably linked to all acts of violence in this society that occur between the powerful and the powerless, the dominant and the dominated. While male supremacy encourages the use of abusive force to maintain male domination of women, it is the Western philosophical notion of hierarchical rule and coercive authority that is the root cause of violence against women, of adult violence against children, of all violence between those who dominate and those who are dominated. It is this belief system that is the foundation on which sexist ideology and other ideologies of group oppression are based; they can be eliminated only when this foundation is eliminated.8

Yet, she and most other feminists fighting to end all violence and oppression have not yet included nonhuman animals within their vision, and may even perpetuate the oppression of nonhuman animals through their use of metaphors.9 While many feminists may view nonhuman animal interests as unrelated to social justice struggles and a distraction from more important issues, I intend to demonstrate that the struggles are inexorably intertwined.

Addressing the oppression, including the reproductive exploitation, of nonhuman animals is not only a moral imperative, it is crucial to achieving the objectives of the reproductive justice movement because, as long as society accepts certain forms of violence as tolerable, other forms of violence will continue. As long as oppression of those individuals classified as “nonhuman” is tolerated by the reproductive justice and other social justice movements, there will always be humans placed on the other side of the human/nonhuman divide. The moral distinction between humans and nonhumans is no more a scientific fact than any other distinction used to justify oppression and exploitation of a certain group. Rather, it is socially constructed and has its genesis in the same philosophies and schools of thought that have served to oppress women and other marginalized groups and individuals for much of human history.

There is nothing natural, necessary, or inevitable about the domestication of animals for the purpose of human consumption. As Alice Walker wrote, “The animals of the world exist for their own reasons. They were not made for humans any more than black people were made for whites or women for men.”10 Animal products for human consumption are only available through the exploitation of the reproductive capacities of nonhuman female animals.11 However, as Carol J. Adams has detailed in depth, we remove animals from our consideration and view the products that we obtain from them only as food.12 She uses the term “absent

11 See ADAMS, supra note 9.
12 Id.
referent” to refer to animals who exist on our plates, but whose lives and individuality have been erased. Female animals in particular are exploited first because of their ability to become mothers, and then again for their flesh.

The animal advocacy movement aims to raise attention to the interests of nonhuman animals and challenge humans’ use of nonhumans. Animal advocates use the word speciesism – defined as “prejudice or attitude of bias in favor of one’s own species and against those of members of other species” to illustrate how oppression based on species is similar to oppression based on race or gender. The animal advocacy movement has several different facets, including animal rights – which seeks an end to human subjugation of nonhumans – and animal welfare – which demands better treatment of nonhuman animals, but does not demand an end to their status as objects entirely. Peter Singer, widely viewed as launching the modern animal rights movement with the publication of his book, Animal Liberation, in 1975, speaks of equal consideration of interests of sentient beings rather than rights. At the same time, many of the ecofeminists and posthumanists on whose theories I rely have pointed out that rights are often inadequate as a means of protecting the interests of humans and nonhumans. Throughout this article, I use the term animal advocacy to refer to the baseline proposition that nonhuman animals have interests that matter and are worthy of consideration.

While all feminists should consider what feminism has to say about the treatment of nonhuman animals, the reproductive justice movement in particular creates an ideal space in which to consider issues of interspecies oppression. Reproductive justice advocates aim to incorporate the experiences of beings not always considered by the mainstream feminist movement, including those individuals who are most marginalized and disempowered by a patriarchal society. Moreover, advocates seek to expand attention beyond abortion and contraception to address all issues of reproductive oppression, including issues of economic and environmental justice. The reproductive exploitation of nonhuman females fits comfortably within this frame:

Women understand what it means to be deprived of freedom based on biological differences. We know that Western culture has situated women on the boundary of what is fully human, thus women have a very good

13 Id. at 40-5.
14 Id. at 80 (Carol Adams refers to eggs and milk as “feminized protein” and animal flesh as “animalized protein”).
15 PETER SINGER, ANIMAL LIBERATION 7 (3d ed. 2002).
16 Id.
17 Id. at 8.
reason to examine what our culture does to other animals, while being suspicious of its control of women.19

Part I of this Article will survey the development of the human/nonhuman dichotomy that is accepted by Western society, including feminists and reproductive justice advocates, almost without question. Additionally, I will demonstrate that this divide has the same roots and relies on the same arguments as claims put forth to justify oppression on the basis of race, class, gender, ability, culture, sexual orientation and other such characteristics. Maintaining the hierarchy separating humans and nonhumans not only leads to the oppression and death of billions of nonhuman animals, but to the continued oppression of marginalized humans. Part II will lay out the tenets of the reproductive justice movement, and point to several areas where the interests of humans and nonhumans overlap, including forced interventions in pregnancy and child rearing, the health and environmental implications of raising animals for food, and the political context in which the interests and dignity of both human and nonhuman females are undermined. Finally, Part III will address objections to considering the interests of nonhuman animals and put forth reasons why animal advocates and reproductive justice activists should work together to raise attention to our participation in an exploitative system.

I. PATRIARCHY, HIERARCHIES AND PERPETUATION OF OPPRESSION OF ALL BEINGS

Most feminists now recognize that oppressions are interrelated and that oppression is experienced as a result of and through any number of intersecting identities.20 These understandings required feminists to dismantle distinctions once assumed natural and to recognize the common basis of all oppression. Nevertheless, with some notable exceptions, feminists typically do not question the superiority of humans over nonhuman animals.21 Despite efforts at inclusivity, “intersectionality creates its own areas of exclusion by specifying which differences matter.”22 However, the philosophies imposing a strict dividing line between humans and nonhumans have the same roots as those distinguishing between groups of humans. These ideas have been used throughout history to oppress not just nonhuman animals, but women and other marginalized individuals, and the bases for these divisions fail to stand up to scrutiny. Ultimately, the only

A. Roots of Distinctions between Humans and Nonhumans and What’s “Natural”

The creation of a division between humans and nonhumans as the basis for rights, dignity, and recognition of interests has a long history. Aristotle’s “Great Chain of Being,” developed nearly 2,500 years ago, created a hierarchy of Earth’s creatures with man at the top. Aristotle identified the differences between men and nonhumans, between men and women, and between certain men—along with the resultant oppression—as natural:

For all tame animals there is an advantage in being under human control, as this secures their survival. And as regards the relationship between male and female, the former is naturally superior, the latter inferior, the former rules and the latter is subject. By analogy, the same must necessarily apply to mankind as a whole. . . . For a man who is able to belong to another person is by nature a slave.

More recently, the philosophy of René Descartes provided confirmation of human superiority. Descartes established a mind/body distinction, and theorized that man was controlled by his mind and was thereby rational and intelligent, whereas other beings were controlled by instinct and nature. Descartes believed that the ability to use (human) language was a crucial indication of a mind and rational thoughts. Descartes posited that other animals, who seem to have minds as well as bodies, in fact do not have minds but move automatically, like machines. The implication of Descartes’ philosophy was that nonhuman animals are not sentient and that any screams or other indications of pain are simply mechanical responses.

Like Aristotle’s theories, Descartes’ theories have been used to objectify and subjugate, not just nonhuman animals, but women, non-white men, and other humans. Subordination of nonhuman animals and of other marginalized groups “was achieved through Cartesian dualisms that considered the mind, reason, and culture to be in sharp contrast and superior to, respectively, the body, emotion, and

24 SPIEGEL, supra note 10, at 13 (quoting Aristotle, POLITICS).
26 Id. at 116-17.
28 See, e.g., SPIEGEL, supra note 10, at 24; GARY FRANCIONE, Animals - Property or Persons?, in ANIMALS AS PERSONS 29 (2008) [hereinafter Property or Persons].
When the scientific discoveries of Charles Darwin challenged these worldviews, those in power developed new ideas to maintain the existing social structure: “[T]o preserve the myth of human specialness and humans as the singular legitimate claimants of dignity, the idea of the ascent to Civilization and social Darwinism developed. . . . [D]istancing was primarily accomplished by inserting ‘inferior’ cultural and gendered Others between [men] and animals.”

While there are clearly greater differences between humans and nonhumans than between men and women or women of different ethnicities, it was not so long ago that distinctions between groups of humans were seen as similarly natural and scientific. As recently as the late nineteenth century, the United States Supreme Court relied on the “natural” differences between men and women to deny a woman access to equal rights. When the state of Illinois refused to grant Myra Bradwell a license to practice law, she appealed to the Supreme Court, and the Court denied her petition. In a famous concurrence, Justice Bradley explained,

“[T]he civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman’s protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfit it for many of the occupations of civil life. . . . The paramount destiny and mission of woman are to fulfill [sic] the noble and benign offices of wife and mother. This is the law of the Creator.”

Feminists must be attendant to the fact that the worldviews justifying the oppression of nonhumans are the same philosophies that have been utilized throughout history to deny rights and consideration to women and other marginalized groups of humans. That alone should make feminists wary of uncritically relying on these theories to distinguish between humans and nonhumans. However, there are numerous examples of how, despite feminists’ unwillingness to include species in their intersectional analysis, species remains an important axis of difference for oppressed humans.

B. The Human/Nonhuman Divide Perpetuates the Oppression of Marginalized Humans

Animal advocates have long recognized the overlapping oppressions of humans and nonhuman animals. Singer began Animal Liberation by discussing...
how the comparison between women and nonhuman animals was used to deny rights to women:

“Animal Liberation” may sound more like a parody of other liberation movements than a serious objective. The idea of “The Rights of Animals” actually was once used to parody the case for women’s rights. When Mary Wollstonecraft . . . published her Vindication of the Rights of Woman in 1792, her views were widely regarded as absurd, and before long an anonymous publication appeared entitled A Vindication of the Rights of Brutes. The author . . . tried to refute Mary Wollstonecraft’s arguments by showing that they could be carried one stage further. If the argument for equality was sound when applied to women, why should it not be applied to dogs, cats, and horses? . . . Yet to hold that brutes had rights was manifestly absurd. Therefore the reasoning by which the conclusion had been reached must be unsound and if unsound when applied to brutes, it must also be unsound when applied to women.35

Paradoxically, the existence of a dividing line between humans and nonhumans has allowed numerous humans to be classified as nonhuman, and has arguably led to some of the greatest atrocities in human history.36 Greta Gaard detailed how, with the advent of the Holy Roman Empire and the official union of church and state:

The inferiority and subordination of women, animals, the body, nature, the erotic, and all their associates were proclaimed by law, decreed by religion, and relentlessly enforced. From the fourth through the seventeenth centuries, all those perceived as “nature” were persecuted through a series of violent assaults: the Inquisition, the Crusades, the witch burnings, and the “voyages of discovery.” 37

Gaard goes on to describe how these distinctions were used to justify colonization of the United States: “[N]ative peoples are constructed as animal-like: they are perceived as overly sexual, and their sexual behaviors are described as sinful and animalistic. The indigenous women are eroticized, while the men are

35 Singer, supra note 15, at 1. This comparison may not have been so far off the mark. Wollstonecraft’s daughter, Mary Shelley, is most well known for her book with a vegetarian theme, FRANKENSTEIN. See Adams, supra note 9, at 108-18. Shelley’s husband, Percy Shelley, promoted a vegetarian diet and wrote an essay on the topic entitled A Vindication of Natural Diet. Id. at 85.


37 Greta Gaard, Toward a Queer Ecofeminism, 12 HYPATIA 114, 124 (1997).
2014] COMBATING REPRODUCTIVE OPPRESSION 273

feminized—and all of these associations are used to authorize colonization.”

Charles Darwin—an avid opponent of slavery—described his experiences witnessing the slaughter of Native Patagonians to make room for cattle ranching on a trip to South America. He was told “You can’t keep them. They breed so fast,” and “Indians are vermin, worse than rats.”

The treatment of blacks as nonhuman was readily apparent throughout the institution of slavery in the United States. Pamela Bridgewater has explored the intersection of race, gender, and reproductive control throughout U.S. history. In writing about the breeding of female slaves, she points to the ways in which slaves and domestic animals were treated similarly:

[S]lave breeding can be thought of as a type of animal husbandry wherein the slave owner, much like the owner of a cow, “encourages” reproduction in order to realize a profit from his economic investment. Slave breeding can also be defined as a systematic sexual and reproductive exploitation of female slaves made possible by force, coercion and oppression, all done for the socio-economic uplift of slave owners.

Elsewhere, Bridgewater points out that, “[i]n order to morally justify the sexual abuse of female slaves, members of the slave society . . . viewed female slaves as female counterparts of an exaggerated image of the African male slave: enormously physically powerful, dumb, and animalistic.”

Bridgewater fails to note, however, that just as slave breeding ignored the interests and dignity of women, farmed animal breeding ignores the interests of nonhuman females for the same reason: the economic interests of the owners.

The classification of humans as nonhuman allows exploitation and objectification of othered humans to continue today. Maneesha Deckha points out that a “primary and globally resonant example of this is what transpired at Abu Ghraib Prison, documented by images of Iraqi prisoners made to assume animal-like, sexualized positions by American soldiers. The specific representation of the sexualized acts was meant to animalize the racialized bodies of the Iraqi men.”

Deckha has detailed several other ways in which the retention of the

38 Id. at 130.
39 SPIEGEL, supra note 10, at 89.
41 Reproductive Freedom as Civil Freedom, supra note 40, at 411.
42 Ain’t I a Slave, supra note 40, at 116.
43 Deckha, supra note 30, at 220. Catharine MacKinnon has also pointed to the ways in which, in addition to being animalized, the prisoners were feminized. Catharine MacKinnon, Women’s September 11th: Rethinking the International Law of Conflict, 47 HARV. INT’L L.J. 1, 25 (2006).
human/nonhuman boundary allows society to perpetrate violence against various
groups of humans, including in modern-day forced labor: “it is the denial of
humanity . . . that exposes individuals to being perceived and treated violently as
slaves.”

Catharine MacKinnon explored the treatment by the international community
of violence against women in a collection of essays entitled, Are Women Human?  
According to MacKinnon, patriarchal society’s unwillingness to view women as
fully human is part of the reason that the systemic violence against them is not
seriously addressed. While MacKinnon does not typically tie women’s oppression
to that of nonhuman animals, she has made the connection:

In spite of the evidence that men socially dominate women and people
 dominate other animals, the fact that relations of domination and
 subordination exist between the two is widely denied. . . . The hierarchy of
 people over animals is not seen as imposed by humans because it is seen as
due to animals’ innate inferiority by nature. In the case of men over
women, [if the inequality is conceded, it] is said to be justified by the sex
difference, that is, women’s innate inferiority by nature. . . . In place of
recognizing the dominance of humans over animals and men over women
is a sentimentalization of that dominance, combined with endless loops of
analysis of sameness and difference.

Therefore, even for feminists unconcerned with nonhuman animals, species
remains an important axis of difference because of its impact on marginalized
humans. Moreover, as detailed in the next section, even if feminists wanted to
develop a clearer demarcation, it is difficult to establish a dividing line that
confirms humans’ superiority and justifies the oppression and exploitation of
nonhumans.

C. But They’re Not Like Us: Preserving the Myth of the Human/Nonhuman Divide

“(P)ossessing the species identity ‘human’ is the widely accepted and
uncontested rationale for receiving respect and rights.”

But developing a defensible dividing line between humans and nonhumans is more difficult that one
would think.  As explained by David Cassuto:

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44 Deckha, supra note 18, at 41.
47 Maneesha Deckha, The Salience of Species Difference for Feminist Theory, 17 HASTINGS WOMEN’S L.J. 1, 6 (2006) (internal citations omitted).
48 See Fox, supra note 36, at 479; David Cassuto, Bred Meat: The Cultural Foundation of the Factory Farm, 70 LAW & CONTEMP. PROBS. 59, 84 (2007); Deckha, supra note 30, at 28-9.
The human–animal distinction . . . requires that humans define themselves through contrast, thereby establishing humanity as a species apart from all others. However, the ethological and ethical predicates for this self-definition reveal a pattern of norms predicated on faith. Stated more directly, the human–animal distinction is a religious principle—in the sense that it rests on unsubstantiated belief rather than fact.49

Numerous studies have shown that most characteristics at one time believed to be uniquely human are exhibited by other animals as well. Recent research has shown nonhuman animals’ ability to show empathy,50 make rational decisions,51 build societies,52 work cooperatively,53 employ moral decision-making,54 develop friendships,55 and even hide infidelity.56 Moreover, research shows that humans have greatly underestimated nonhuman animal intelligence.57 According to Ronnie Zoe Hawkins:

In regard to characteristics often taken as the marks of human uniqueness, our “rationality” and the capacity for moral thought and action, Darwin himself was well aware of the development in other animals of the “mental powers” and of the “social instincts” he considered to provide the basis for human morality, leading him to conclude that “the difference in mind between man and the higher animals, great as it is, certainly is one of degree and not of kind.”58

As far as reproduction and parenting—and as explored in more detail below—many nonhuman animals bond quickly with their babies and will take innumerable steps to care for and nurture them.59 Moreover, nonhuman animals

49 Cassuto, supra note 48, at 71.
50 Deborah M. Custance & Jennifer Mayer, Empathic-Like Responding by Domestic Dogs (Canis Familiaris) to Distress In Humans: An Exploratory Study, ANIMAL COGNITION 1 (2012).
53 Joshua M. Plotnik et al., Elephants Know When They Need a Helping Trunk in a Cooperative Task, 108 PNAS 5116 (2011).
54 Darby Proctor et al., Chimpanzees Play the Ultimatum Game, 110 PNAS 2070 (2013).
55 Do Cows Get Lonely When Isolated?, BBC (July 1, 2011), http://www.bbc.co.uk/news/uk-england-northamptonshire-13991670?print=true (discussing research conducted by researcher at the University of Northampton).
56 Aliza le Roux et al., Evidence for Tactical Concealment in a Wild Primate, 4 NAT. COMMUN. 1462 (2013).
who are not under human control take many steps to control their reproduction and fertility.60

At the same time, many characteristics we consider inherently human are not held by all humans. Infants and unconscious or severely intellectually disabled persons lack many of the attributes that are commonly considered necessary to make someone “human.” Nevertheless, they are currently recognized as part of the human family, and are accorded dignity and rights as a result.61 The fact that the various characteristics used as a basis for preferencing humans over nonhumans are generally abandoned when certain humans fail to meet these criteria show that these characteristics are not, in fact, necessary for recognition in the moral community. Therefore, it is only speciesism that allows us to exclude all nonhumans for purportedly failing to meet these criteria.

Moreover, the attempt to create a justifiable line between humans and nonhumans seems to overlook the fact that humans are animals. Certain nonhuman animals, such as chimpanzees and bonobos, are much more similar to humans in nearly every respect than they are to other nonhuman animals, even other primates.62 Genetically speaking, “humans are most accurately classified as a third species of chimpanzees.”63 Creating a division between humans and nonhumans is not “a natural fact of science or divinity [any more] than . . . ideas of gender, race, class, or sexuality; rather, it is a difference we create through dichotomous modes of thinking and . . . choose to privilege. The term ‘human’ and the social meanings assigned to it are recent historical and cultural creations.”64

But more importantly, even if a singular human characteristic could be identified, there is no characteristic that would justify nonhuman oppression. Sojourner Truth said in her famous “Ain’t I a Woman?” speech, “[a]s for intellect, . . . if woman have a pint and a man a quart – why can’t she have her little pint full? You need not be afraid to give us our rights for fear we will take too much – for we won’t take more than our pint will hold.”65 While Truth may have been attempting to seem oblige to the patriarchal power structure, the underlying sentiment is nevertheless valid. Choosing which characteristics matter is itself speciesist because we give moral value to certain human characteristics while discounting nonhuman characteristics.66 “What makes the ability to recognize oneself in a mirror or use symbolic language better in a moral sense than the ability to fly or

61 See Property or Persons, supra note 28, at 60; Deckha, supra note 47, at 10. (This is commonly referred to as the argument from marginal cases).
62 See, e.g., Deckha, supra note 47; Fox, supra note 36, at 481; Albright, supra note 23.
63 Deckha, supra note 47, at 12.
64 Id at 37.
65 Ain’t I a Woman?, ANTI-SLAVERY BUGLE, JUNE 21, 1851, at 160.
66 See Property or Persons, supra note 28, at 58-9.
2014] COMBATTING REPRODUCTIVE OPPRESSION 277

breathe underwater?"\(^{67}\) As Jeremy Bentham said over two hundred years ago, “[t]he question is not, can they reason? nor, Can they talk? but, Can they suffer?"\(^{68}\)

While certain purportedly human characteristics may be relevant to other interests such as voting and obtaining a formal education, they should not be relevant to the imposition of suffering.\(^{69}\) Like humans, and unlike inanimate objects that are not sentient, other animals have the ability to be harmed. “Individuals are harmed when their welfare is seriously diminished.”\(^{70}\) Harms can manifest as either inflictions or deprivations.\(^{71}\) Using sentience as the boundary for moral treatment of animals is supportable because, “[i]f a being is not sentient, then it may be alive but does not have interests in that there is nothing that it prefers, desires, or wants.”\(^{72}\) According to Gary Francione, “humans and animals are similar to each other and different from everything else in the universe that is not sentient.”\(^{73}\) Our law already recognizes—and has for nearly 200 years—that nonhuman animals have the capacity to suffer, and that we have a moral obligation to avoid inflicting such suffering.\(^{74}\)

As an intersectional movement committed to addressing the oppression and exploitation of the most marginalized and disempowered individuals, reproductive justice is an ideal space in which to make these connections. Reproductive justice advocates should consider the pain, suffering and exploitation of all individuals and refuse to tolerate reproductive oppression of any species. In the next section, I will explore several ways in which the reproductive oppression of women and nonhuman females are specifically linked.

II. THE INTERRELATIONSHIP OF THE REPRODUCTIVE OPPRESSION OF HUMANS AND NONHUMANS

The reproductive justice movement arose largely in response to the mainstream reproductive rights movement’s failure to adequately address concerns and issues faced by women of color and other women facing oppression due to multiple axes of difference.\(^{75}\) The reproductive justice movement problematizes

\(^{67}\) Id. at 59.

\(^{68}\) SPIEGEL, supra note 10, at 32 (quoting JEREMY BENTHAM, THE PRINCIPLES OF MORALS AND LEGISLATION (1789)).

\(^{69}\) See id.

\(^{70}\) REGAN, supra note 27, at 94.

\(^{71}\) Id.

\(^{72}\) GARY FRANCIONE, Introduction to ANIMALS AS PERSONS: ESSAYS ON THE ABOLITION OF ANIMAL EXPLOITATION 1, 11 (2008).

\(^{73}\) Property or Persons, supra note 28, at 45.

\(^{74}\) See id. at 33-5.

the “isolation of abortion from other social justice issues that concern communities of color: issues of economic justice, the environment, immigrants’ rights, disability rights, discrimination based on race and sexual orientation, and a host of other community-centered concerns.” As described by Loretta Ross of SisterSong:

Reproductive Justice is the complete physical, mental, spiritual, political, social, and economic well-being of women and girls. . . . The Reproductive Justice framework analyzes how the ability of any woman to determine her own reproductive destiny is linked directly to the conditions in her community — and these conditions are not just a matter of individual choice and access. Reproductive Justice addresses the social reality of inequality, specifically, the inequality of opportunities that we have to control our reproductive destiny.

The reproductive justice movement is focused on: “the ability to become a parent and to parent with dignity, the ability to determine whether or when to have children, the ability to have a healthy pregnancy, and the ability to have healthy and safe families and relationships.” Reproductive justice is at its core intersectional, and it focuses on the dignity of all individuals.

The Reproductive Justice Briefing Book is a collection of essays, which sets out the various perspectives of the movement by incorporating the voices of a variety of communities, including young women, low-income women, women of color, immigrant women, lesbian, gay, bisexual, and transgender persons, men, incarcerated women, sex workers, and disabled women. It also
2014] COMBATTING REPRODUCTIVE OPPRESSION 279

focuses on issues such as forced sterilization, \(^{88}\) assisted reproductive technologies, \(^{89}\) transnational adoption, \(^{90}\) and environmental justice. \(^{91}\) However, as noted by Gaard, \(^{92}\) the Briefing Book does not include any discussion of oppression based on species membership despite the fact that history has often classified many of the groups highlighted in the book as nonhuman. This omission not only allows the reproductive oppression and exploitation of nonhuman animals to continue unabated, it undermines the tenets of the reproductive justice movement itself. The purpose of reproductive justice is to address reproductive oppression, defined as “the control and exploitation of women, girls, and individuals through our bodies, sexuality, labor, and reproduction.” \(^{93}\) Nothing in this description excludes the oppression of nonhuman animals, whose bodies, sexuality, labor and reproduction are likewise controlled and exploited.

The fates of marginalized groups, including farmed animals and the most disempowered women, are intertwined. In other areas, the recognition of the overlapping violence against humans and nonhumans is well recognized. Feminists and anti-domestic violence advocates have long understood the connection between abuse of companion animals and violence perpetrated against women and children. \(^{94}\) And while certain feminists, civil rights leaders, and other social justice advocates have long made connections between their struggles and our treatment of nonhuman animals, \(^{95}\) most feminists fail to recognize these connections. As stated

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90 Jane Jeong Trenka et al., Transnational and Transracial Adoption: The Right of Poor Women of Color to Keep and Raise Their Children, in Briefing Book, supra note 75, at 56.
91 Katsi Cook, Environmental Justice: Women is the First Environment, in Briefing Book, supra note 75, at 62.
92 Greta Gaard, Reproductive Technology, or Reproductive Justice?: An Ecofeminist, Environmental Justice Perspective on the Rhetoric of Choice, 15 ETHICS AND ENV'T 103 (2010).
93 Ross, supra note 76, at 4 (emphasis added).
95 For example, numerous feminists from at least the mid-nineteenth century tied animal oppression to human oppression. See Josephine Donovan, Animal Rights and Feminist Theory, in ECOFEMINISM: WOMEN, ANIMALS, NATURE 173 (Greta Gaard ed., 1993) [hereinafter WOMEN, ANIMALS, NATURE]; see also ADAMS, supra note 9, at 124. Numerous anti-oppression leaders, including Mohandas Gandhi,
by Marjorie Spiegel, “most members of our society have reached the conclusion that it was and is wrong to treat blacks ‘like animals.’ But with regard to the animals themselves, most still feel that it is acceptable to treat them...as we say, ‘like animals.’”96 A more consistent application of the principles of justice shows that, “species oppression intersects with human-based oppressions so that it is often difficult to undo one without undoing the other.”97 This section provides examples of how issues of particular importance to the reproductive justice movement intersect with the exploitation of farmed animals.

A. Interference in Pregnancy and Child Bearing and Rearing

The reproductive justice movement has worked to draw attention to interventions on pregnant women that violate their rights and challenge their “humanity.”98 In recent years, numerous advocates have raised attention to the issue of shackling detained women.99 In nearly every U.S state, it is legal to shackles women during pregnancy, including during labor, delivery, and postpartum recovery.100 Even in states in which it is illegal, women file numerous lawsuits challenging this practice, showing that it is nevertheless all too common.101 Government institutions continue this practice despite its degrading nature, the considerable pain that it causes, the lack of a basis for shackling...
women—particularly during labor—the violation of human rights laws and norms, and the fact that federal courts have ruled the practice unconstitutional.  

Prison guards inflict this practice on women who are already devalued by society, including low-income women, women of color, immigrant women, and, of course, women in prison. Priscilla Ocen has detailed how penal institutions most frequently shackle low-income women of color, and points to how “the mechanisms of subordination, including criminalization and incarceration have evolved since the era of chattel slavery to facilitate the marginalization of racialized women.” She discusses how the practice “dehumanizes” these women and ties it to long-held visions of black women as animalistic. The women themselves describe the experience as being treated “like a caged animal” or like “an animal who was giving birth in front of her masters.”

State institutions impose numerous other interventions on pregnant women. A recent study looked at “cases in which a woman’s pregnancy was a necessary factor leading to attempted and actual deprivations of her [physical] liberty.” These interventions include forced caesarean section operations and other medical treatments to which women objected, jailing and otherwise restricting the freedom of women to purportedly protect their fetuses, criminal prosecutions for decisions or behaviors that were allegedly damaging to the fetus, and more. The study identified 413 interventions between 1973 and 2005 in forty-four U.S. states and the District of Columbia that were inflicted solely because of a woman’s status as pregnant or as having recently giving birth. The researchers theorize that this is a significant underestimation.

While state actors justify these interventions on the basis of protecting the fetus—or in the case of shackling, society—they show a blatant disregard for pregnant women’s interests and a lack of understanding and compassion regarding what is involved in pregnancy and motherhood. Society condones these actions in

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103 Ocen, supra note 99, at 1243.

104 Id. at 1264.


108 Id. at 331-32.

109 Id. at 309.

110 Id. at 303.
part because these women are seen as not fully human. Lawmakers, state actors, and society at large view pregnant women not as rights-bearing individuals, but as incubators. As such, their humanity is made invisible, and we only see their use and role as breeders. When pregnant women’s humanity is erased, these women are the absent referent. The women quoted above indicate that they lived this reality in tying their experiences to those of nonhumans.

Nonhuman females also have their bodies and reproductive systems manipulated. Sows used for breeding “are routinely confined in gestation and farrowing crates barely larger than their own bodies, where they are unable to turn around during their pregnancy and lactation periods, often in excess of 128 consecutive days.”¹¹¹ These crates are “designed to prevent all activity except eating, drinking, and keeping teats exposed to the piglets. When the sows become too weak to gestate, they are killed.”¹¹² According to one animal agriculture manager, “[t]he breeding sow should be thought of as, and treated as, a valuable piece of machinery whose function is to pump out baby pigs like a sausage machine.”¹¹³

This experience is not only painful, but contrary to pigs’ instincts. “Naturally inquisitive and sociable, with a great capacity for affection and joy, pigs suffer intensely from imprisonment.”¹¹⁴ In the wild, “[m]other pigs are attentive, respond to piglet vocalizations, and defend their piglets when they are threatened. . . . Daughters often stay with their mothers following weaning.”¹¹⁵ Without human intervention, piglets will nurse for sixty days to twenty-two weeks.¹¹⁶ The piglets of sows used for breeding are abruptly weaned after two to four weeks.¹¹⁷

Julia, one of these sows, “was moved from a cramped gestation crate to an equally cramped farrowing crate to give birth, a worker brutally kicked and beat her and then ran an electrified cattle prod over the length of her body as she screamed in pain.”¹¹⁸ After being rescued, Julia gave birth almost immediately to sixteen premature piglets, likely because of the extreme stress she was under.¹¹⁹ “If their mother [had] not been rescued, and if they survived birth and infancy in the harsh conditions of the factory farm, those baby pigs would have grown up in dim,

¹¹² Cassuto, supra note 48, at 65.
¹¹⁴ Dunayer, supra note 98, at 18.
¹¹⁵ WELFARE OF SOWS USED FOR BREEDING, supra note 111, at 1.
¹¹⁶ Id.
¹¹⁷ Id. at 2.
¹¹⁹ Id.
crowded warehouses and been slaughtered for pork when they were just six months old.  

Similarly, the egg industry forces egg-bearing hens to live in tiny cages where they can never flap their wings, nest, scratch the ground, or see the outside. Because of the cramped and unnatural conditions in which these hens live, they often engage in uncharacteristic behaviors such as feather-pecking and cannibalism. To prevent these behaviors, the egg industry mutilates hens’ beaks without anesthetic when they are chicks. “Beak-trimming using a hot blade causes tissue damage and nerve injury, including open wounds and bleeding, which results in inflammation, and acute and possibly chronic pain. Beak amputation can also result in the formation of a painful neuroma, a tangled nerve mass, in the healed stump of the beak.”

Because male chicks are of no use to the egg industry, 260 million chicks are killed in the United States each year shortly after birth. “Methods of chick disposal include maceration (wherein live, fully conscious, and unanesthetized chicks are inserted into high-speed grinders); exposure to [poisonous] gases; or by use of a high-speed vacuum system that sucks chicks through a series of pipes to an electrified ‘kill plate.’” The egg industry also induces physiological changes in hens to force them to lay more eggs:

Chickens molt their feathers annually in a process of feather loss and regrowth that can take several months. During the natural molting process, hens may go out of lay completely or lay only very few eggs. . . . Force-molting speeds up the natural molt process. . . . In starvation molt regimes, feed is withheld for up to 14 days and may be combined with 1-2 days of water deprivation . . . . During forced molting through feed withdrawal, hens exhibit a classical physiological stress response, as well as signs of "extreme distress.”

120 Id.
122 Id. at 1.
123 Id. at 2 (internal citations omitted).
124 Id. at 1.
125 Id.
126 Id. at 6-7 (internal citations omitted). Financially strapped women, particularly college students, are also exploited for their eggs and forced to undergo dangerous medical treatments in order to produce a greater number of eggs. See, e.g., Emily Galpern & Edith Sargon, Young Women, Egg “Donation,” and Reproductive Justice, in BRIEFING BOOK, supra note 75, at 12.
Consumer demand for large eggs leads to reproductive problems in hens. The extensive amount of calcium leached from hens’ bones in order to produce an abnormal number of eggs leads to osteoporosis. Miyun Park describes meeting one of these hens:

Jane’s left wing was pinned under a broken metal clip in the front of a battery cage, where she was immobilized, unable to reach food or water… Jane had struggled so violently to free herself that her wing was dislocated and dragged listlessly along the floor. . . . Her prognosis was bleak, . . . [but within] six months, she molted and her body was covered with snow white feathers. . . . She hopped onto straw bales to roost at night, foraged in fields, and do all that she could not do inside a battery cage – in essence, be a hen.

These are examples of how the state and corporations intervene in the pregnancies and manipulate the reproductive capacities of humans and nonhumans for the purported benefit of society. But corporations and the state also make decisions regarding who can reproduce and raise their own young. Courts, state agencies, and other government actors have a long and sordid history of making decisions regarding who is considered worthy of bearing children. In 1927, the U.S. Supreme Court upheld the right of states to forcibly sterilize individuals deemed underserving of having children. Justice Holmes wrote for the majority, “[i]t is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. . . . Three generations of imbeciles are enough.” More than 60,000 low-income women were sterilized without their consent and frequently without their knowledge. Certain states persisted in involuntarily sterilizing individuals into the 1960s. More recently, courts and state legislators have proposed or mandated the use of semi-permanent birth control (Norplant) for women convicted of child abuse, as a condition of receiving welfare benefits, or as punishment for giving birth to babies with fetal alcohol syndrome or drug addiction. Even more recently, in mid-2013, investigators revealed that the State of California had illegally sterilized at least 148 female inmates.

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128 Id.
129 Miyun Park, Fighting “Other,” in Sister Species, supra note 21, at 85.
131 Id. at 207.
133 See Silver, supra note 132, at 863.
134 See Reproductive Freedom as Civil Freedom, supra note 40, at 404-7; see also Jeanne Vance, Words for Rent: Norplant and the Undoing of Poor Women, 21 Hastings Const. L.Q. 827 (1994).
135 Corey G. Johnson, Female Inmates Sterilized in California Prisons Without Approval, CENTER FOR INVESTIGATIVE REPORTING (July 7, 2013), http://cironline.org/reports/female-inmates-sterilized-
2014] COMBATTING REPRODUCTIVE OPPRESSION 285

At the same time, even women who give birth to children they want may find their ability to raise these children at all or as they see fit undermined. Government agencies have a long history of removing children from their parents because of the parents’ alleged inability to care for them properly. Advocates have criticized the child welfare system for being racist and classist and removing low-income, minority children from their parents, when wealthier, white children would not be removed. Rather than providing social supports and necessary programs that low-income families need, state agencies are often quick to remove the children of poor and minority mothers. “The child welfare system requires poor mothers to relinquish custody of their children in exchange for state support needed to care for them.” These state decisions interfere with many low-income women’s and women of color’s opportunity to create the families that they want.

Nonhuman females similarly have decisions about bearing and raising young made by powers outside their control. Because it is beneficial for humans for farmed animals to breed prolifically, limitations on their breeding are not generally an issue (although this is an issue for wild animals and for companion animals). Instead, most female, farmed animals are forced to breed until their bodies can no longer produce offspring. The dairy industry continually impregnates cows enslaved for their milk production so they will continue lactating. As a result, these cows live an average of five years, compared to the more than twenty years that a cow could live. This is true regardless of whether a cow lives on a factory farm or on the most bucolic family farm, because it is crucial to the continuing production of milk.

136 See, e.g., Ain’t I a Slave, supra note 40, at 136 (discussing removal of Native American children from their parents into the twentieth century).
139 See Roberts, supra note 137, at 192.
143 Id.
Nonhuman animals also feel the pain of having their children stripped from them. Cows bond very quickly with their babies and respond strongly and vocally when they are taken away. The dairy industry removes calves from their mothers within twenty-four hours after birth so that humans can take the mothers’ milk. According to Gaard:

Cows separated from their calves bellow and appear to grieve for days afterwards, sometimes ramming themselves against their stalls in attempt to reunite with their calves – news articles report the ‘amazing’ feats of cows returning across miles of countryside in order to nurse calves from whom they were forcibly separated.

Cows are very nurturing and will go to incredible lengths to care for calves:

Belinda, a Holstein already desperately depleted from starvation and nursing her current calf, Octavia, was carrying another baby. [Belinda] was so exhausted that her body had stopped producing milk . . . . Thankfully, . . . another cow, Luna, had stepped in and . . . allowed Octavia to nurse alongside her own calf, Orchid. . . . Had [Luna] continued to nurse two babies without food or water, she surely would have died. . . . [F]acing starvation . . . the milk from Luna, and likely from Belinda until she stopped producing, kept the calves alive and strong. . . . Belinda and her children will all be able to spend the rest of their lives together. . . . Not only will they be able to live as a family, but they will also always know the security of being part of a herd.

Dairy consumption ensures that this reality will never end for the vast majority of cows who must repeatedly endure pregnancy and experience the pain of having their children almost immediately separated from them each time.

After birth, the dairy industry subjects female calves to the same short and brutal life as their mothers, whereas male calves, who are of no use to the industry, are often kept in tiny pens and purposely made anemic (so that their flesh remains pale as is desired by consumers) before they are sold for veal. Or they may suffer a fate such as Mario would have:

A rendering truck driver, who arrived at the dairy farm to pick up dead cows, was horrified and distraught to find [Mario] helplessly lying atop a stack of corpses, alive and healthy except for an injured leg. It was clear to the driver that Mario had been discarded not only due to the injury, but because, as a male calf, he was considered worthless by the dairy industry.

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145 See Stěhulová et al., supra note 59, at 145.
146 Id.
147 Gaard, supra note 92, at 121; see also Dave Rogers, Strange Noises Turn Out to be Cows Missing Their Calves, NEWBURYPORT DAILY NEWS (Oct. 23, 2013).
148 Susie Coston, We’re Expecting! Part 2, FARM SANCTUARY (May 18, 2012), http://farmsanctuary.typepad.com/sanctuary_tails/2012/05/were-expecting-part-2.html.
149 WELFARE OF COWS IN THE DAIRY INDUSTRY, supra note 142, at 1.
and undeserving of humane euthanasia. . . . After a total of 10 days in intensive care at the hospital, Mario was stable enough to make the trip home. . . . Now fully grown, Mario can buck and run, and wander our green pastures just like all his friends.150

Most stories of the billions of nonhuman animals that are exploited and killed each year for food will never be told or known and certainly do not have happy endings. Nonhuman animals are nameless, faceless, and – by the time they arrive on our plates – not even recognizable as animals. But nonhuman animals experience the discomfort of pregnancy, the pain of having their babies torn from them as infants, and the wear and tear of numerous pregnancies and births. Nevertheless, while “[w]e understand the frenzy of a human mother separated from her new infant, . . . our understanding and empathy seems to halt at the species boundary, since this involuntary weaning and the attendant suffering for cow and calf continues to be the norm.”151

Reproductive justice aims to be an inclusionary movement that addresses the reproductive oppression of all individuals; nonhuman females should not be excluded. If it is unacceptable to force a woman to bear a fetus who will not survive . . . or to remove her children from her without her consent at birth . . . or to impregnate her against her will . . . or to forcibly manipulate her normal reproductive cycles . . . or to steal her milk for other animals to drink, why are all of these things acceptable when done to nonhuman females?

But there are other ways in which enslaving animals for their flesh, eggs, and milk directly interferes with the aims of the reproductive justice movement. Animal agriculture and animal product consumption interfere with women’s ability to achieve healthy pregnancies and healthy families, core tenets of reproductive justice.

B. Nonhuman Animal Exploitation Undermines Women’s Health

Animal agriculture is the leading cause of climate change, which disproportionately affects the poor, women and inhabitants of the Global South.152 Climate change is leading to an increased number and intensity of hurricanes and other severe weather events, a spread of infectious diseases, and water and food

151 Gaard, supra note 92, at 121.
shortages, as well as escalating war and conflict. In addition, animal agriculture businesses, which tend to be situated in low-income areas, have a considerable negative effect on the surrounding communities. Animal agriculture pollutes the air, water, and land and creates acute health problems for local residents.

The direct health effects on workers, community members and consumers from chemical pesticides and fertilisers, antibiotic-resistant organisms, respiratory irritants and work-related injuries are increasingly attributed to IAP [industrial animal production]. Indirect environmental effects also have far-reaching implications. Unsustainable IAP use of resources includes degradation and loss of soil, consumption of fossil fuels and extraction of water from fossil aquifers. In addition, pollution of land, streams and underground water supplies with agricultural pesticides and fertilisers and with arsenic and other heavy metals from animal feed are environmental problems that will affect public health both now and well into the future.

The American Public Health Association has called for a moratorium on factory farms due to the devastating impact they have on workers and the surrounding communities.

Moreover, animal-product consumption is not only deadly for the animals themselves, but for the humans who consume animal flesh, milk and eggs. One medical expert maintains that of the top fifteen causes of death in the United States, only one of the causes, accidents, cannot be tied to animal product consumption.

According to the Centers for Disease Control and Prevention, seventy percent of deaths annually are due to chronic illnesses, with heart disease, cancer, and stroke alone accounting for more than half. Consuming animal flesh, milk and eggs affects women’s reproduction specifically. Pollutants commonly ingested through animal products have been tied to infertility issues. Animal product

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153 See, e.g., STEINFELD ET AL., supra note 152.
160 Germaine M. Buck Louis et al., Persistent Environmental Pollutants and Couple Fecundity: The
consumption is also linked with ovarian cancer, breast cancer, and other female-specific cancers.

Gaard has urged reproductive justice advocates to embrace a broader vision to address the damage that animal agriculture does, not only to nonhuman animals, but to humans as well:

Western systems of industrial animal production (“factory farming”) rely specifically on the exploitation of the female, harming the health of both nonhuman females and the human females who consume their bodies and their reproductive “products.” . . . [R]eproductive injustice exploiting nonhuman females is practiced for the economic profit of an elite group – first-world humans. Meanwhile, human females who consume the milk and eggs of other animals face higher risks in their own reproductive organ health. . . . An ecofeminist perspective on milk- and egg-production makes visible the ill health and suffering of females from all species.

But the interests of humans and nonhumans are not only linked because of the environmental and physical damage caused by the animal agriculture industry. Their interests are linked because they both exist within a political and economic system that works to undermine their needs and prevent them and their advocates from achieving their goals.

C. Fighting within a Stacked Political Process

The reproductive justice movement aims to raise the voices of marginalized women. At the same time, the animal advocacy movement aims to give voice to those individuals who literally have no voice – at least not one that is comprehensible to most humans. However, policymakers make numerous decisions that aim to silence these voices and undercut their interests. These efforts include both decisions about how public funds are spent and decisions that proactively undermine the free speech rights of advocates and deny individuals

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161 See Mette T. Faber et al., Use of Dairy Products, Lactose, and Calcium and Risk of Ovarian Cancer – Results from a Danish Case-Control Study, 51 ACTA ONCOLOGICA 454 (2012) (finding that “[total dairy intake was associated with ovarian cancer risk.”).
162 Candyce H. Kroenke et al., High- and Low-Fat Dairy Intake, Recurrence, and Mortality After Breast Cancer Diagnosis, 105 J. NAT'L CANCER INST. 616 (2013), http://jci.oxfordjournals.org/content/early/2013/03/08/jci. dj00727.abstract (concluding that “Intake of high-fat dairy . . . was related to a higher risk of mortality after breast cancer diagnosis.”).
164 Gaard, supra note 92, at 121-22 (internal citations omitted).
access to vital information. While social justice and animal advocates often see their struggles as being at cross-purposes, the same decision-makers are working against both.

While, as detailed above, the reproductive justice movement strives to expand the meaning of reproductive health to focus on all issues of reproductive oppression, that does not mean that access to abortion and contraception is not a key goal of the movement.\textsuperscript{165} Restrictions on abortion and contraception disproportionately impact low-income women and women of color.\textsuperscript{166} Congress and most state legislatures underfund family planning and women’s health programs, while refusing to fund abortions at all. The United States House of Representatives in 2011 voted to entirely eliminate the federal family planning program, Title X, which provides contraceptive and other preventive health services to five million low-income individuals across the country.\textsuperscript{167} At the same time, the House voted to completely eliminate all federal funds to Planned Parenthood and its affiliates.\textsuperscript{168} Planned Parenthood provides crucial health services to women and girls at no or reduced cost and, for many women, is their only health provider.\textsuperscript{169}

While these provisions were not enacted into law, every year Congress passes and the President signs restrictions on abortion coverage for women who rely on the federal government for their health insurance, including women enrolled in Medicaid, Native Americans, women serving our country in the armed forces,

\footnotesize{\begin{itemize}
\item \textsuperscript{165} See Leila Hessina et al., Abortion Matters to Reproductive Justice, in Briefing Book, supra note 75, at 79.
\item \textsuperscript{168} David Nather & Kate Nocera, House Votes to Defund Planned Parenthood, POLITICO (Feb. 18, 2011). While Congress has not succeeded in defunding Planned Parenthood, a number of states have passed laws to do just that. These attempts have largely been struck down by federal courts as violating federal law. \textsuperscript{See e.g.}, Planned Parenthood of Ind., Inc. v. Comm’r of the Ind. State Dep’t of Health, 699 F.3d 962 (7th Cir. 2012); Planned Parenthood of Kan. v. Brownback, 799 F. Supp. 2d 1218 (D. Kan. 2011); Planned Parenthood of Cent. N.C. v. Cansler, 877 F. Supp. 2d 310 (M.D.N.C. 2012); Planned Parenthood Ariz., Inc. v. Belsach, 899 F. Supp. 2d 868 (D. Ariz. 2012). However, Texas chose to end its Medicaid Women’s Health Program entirely rather than to allow federal funds to go to Planned Parenthood affiliates. \textsuperscript{See} Jordan Smith, Jumping the Shark on Women’s Health, AUSTIN CHRON. (Jan. 18, 2013) http://www.austinchronicle.com/news/2013-01-18/jumping-the-shark-on-womens-health/all/.
\end{itemize}}
federal employees, women in federal prisons, and more. That means that, for many women, accessing abortion comes at a considerable cost. At the same time, Congress significantly underfunds other programs designed to provide resources such as food, housing assistance, and other benefits to low-income women and children, and such programs are always being threatened with further cuts.

While lawmakers are unwilling to invest in women’s health and social services, they find plenty of money to undermine the interests of nonhuman animals. For example, while recent budget cuts reduced funding for education; health services; childcare, and education; and housing, nutrition, and home heating assistance between 7.6 and 16.3 percent, agriculture spending was cut only 1.5 percent. The federal government spent more than $3.7 billion of our tax dollars between 1995 and 2011 subsidizing the animal agriculture industry. As a result, animal products remain significantly cheaper than they would be in a free market system. This harms not only the more than nine billion land animals who are killed each year in the United States for food, but the health of individuals for whom these foods are more affordable and available than healthier options. Not only that, the federal government funds advertising campaigns encouraging the public to consume cow’s milk, hen’s eggs, and animal flesh.

At the same time that legislators are making funding decisions that radically impact the health of women and nonhuman animals, they are passing laws that aim...

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171 Boonstra, supra note 170, at 14.


173 See Covert, supra note 172.


to silence advocates or suppress vital information. During particularly conservative presidential administrations since 1984, the United States has implemented the so-called “global gag rule.”\textsuperscript{177} The global gag rule prohibits non-governmental organizations abroad that receive U.S. family planning funds from using separate funds to provide abortions or abortion referrals or advocate for reforms to existing abortion restrictions.\textsuperscript{178} Given that unsafe abortion is a leading cause of maternal mortality worldwide, this policy is detrimental to women’s health.\textsuperscript{179} While the global gag rule is not currently in effect, members of Congress are attempting to codify it, and a different presidential administration could easily reinstate it.\textsuperscript{180}

In 1988, the U.S. Department of Health and Human Services issued regulations prohibiting recipients of federal Title X family planning funding from providing their clients with information on abortion or abortion referrals.\textsuperscript{181} While this policy never completely went into effect due to court challenges and its subsequent repeal, the Supreme Court upheld its constitutionality.\textsuperscript{182} Considering the labyrinth of hoops women already have to go through to obtain abortions and the nationwide shortage of providers, prohibiting family planning providers from counseling their patients about abortion would similarly have a severe negative impact on women’s health.

At the same time, in numerous states, legislators impose restrictions on providers’ ability to give their patients complete and accurate information. Despite the lack of scientific evidence, twelve states require providers to tell women that a fetus can feel pain, five states dictate that women be told that life begins at conception, six states require providers to give women erroneous information about the impact of abortion on future fertility, women in five states must be told that there is a link between abortion and breast cancer, and providers in eight states must provide inaccurate information about the mental health implications of abortion.\textsuperscript{183} Moreover, several states have considered or passed laws that protect a doctor who withholds information about the status of the fetus to prevent a woman from learning something that might lead her to seek an abortion.\textsuperscript{184} These laws

\begin{itemize}
  \item \textsuperscript{178} See id.
  \item \textsuperscript{179} See id. at 10.
  \item \textsuperscript{180} See id. at 8.
  \item \textsuperscript{181} See Rachel Benson Gold, \textit{Efforts Renew to Deny Family Planning Funds to Agencies That Offer Abortions}, 5 GUTTMACHER REP. ON PUB. POL’Y 4, 4 (2002).
  \item \textsuperscript{183} GUTTMACHER INSTITUTE, \textsc{State Policies in Brief: Counseling and Waiting Periods for Abortion} (last visited Oct. 1, 2013), available at http://www.guttmacher.org/statecenter/spibs/spib_MWPA.pdf.
  \item \textsuperscript{184} See Kathy Lohr, \textit{Should Parents be Able to Sue for ‘Wrongful Birth’?}, NPR (May 15, 2012) http://www.npr.org/blogs/health/2012/05/15/152687638/should-parents-be-able-to-sue-for-wrongful-birth.
\end{itemize}
deny women access to crucial information necessary to preserve their health and allow them to make the best decisions for themselves and their families.

Lawmakers are similarly engaged in efforts to undermine animal advocates’ ability to expose animal cruelty. In 2006, Congress passed the Animal Enterprise Terrorism Act, which punishes and labels as terrorists individuals who engage in activities “for the purpose of damaging or interfering with the operations of an animal enterprise.” 185 Thirty-eight states have similar laws. 186 Meanwhile, thirteen states have so-called “veggie libel” laws – such as the law under which Oprah Winfrey was sued for discussing the dangers of mad cow disease on her show – that prohibit people from disseminating “false information” about food safety. 187

In 2012, three states passed so-called “ag-gag laws” and eleven additional states considered such laws in 2013. 188 Three other states already had laws on the books. 189 These laws criminalize gaining employment at animal agriculture establishments to document the abuses that occur there. 190 These laws have been pushed:

[In response to a slew of high-profile incidents where undercover footage captured livestock workers savagely mistreating animals. In Tennessee, farmhands were caught on camera burning the ankles of walking horses. In Wyoming, pig farm employees were seen beating pigs and throwing piglets into the air. At one of McDonald’s largest egg suppliers...ABC News’s clandestine footage found birds living among dead carcasses and chicks having their beaks snapped off and burned by farm employees. 191

In 2013, a woman was arrested under Utah’s ag-gag law for filming a slaughterhouse from the street, 192 and a photographer working for National Geographic was arrested for taking pictures of a feedlot while flying overhead in a paraglider. 193 The animal agriculture industry and its proponents push these laws to deny the public access to information and ensure that the animal on our plate remains the absent referent. These laws significantly chill animal advocates’ ability

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187 See Mallorie McCue, Note, Follow the Money: Insulating Agribusiness Through Lobbying and Suppression of Individual Free Speech, 6 PITT. J. ENVTL. PUB. HEALTH L. 213 (2012);
189 Id.
192 See id.
to call attention to activities to which they object and to urge action on behalf of the public.194

These efforts silence and undermine reproductive justice and animal advocates and strive to leave women and members of the public uninformed. Reproductive justice and animal advocates need to work together to ensure that public funding goes to support the health of women and nonhumans, and that lawmakers do not pass laws or implement policies that undermine our rights to free speech and access to information. Moreover, protecting and advancing the needs of humans and nonhumans requires questioning this system and finding new ways to protect the interests of all individuals.

III. MAKING THE CONNECTIONS: REPRODUCTIVE JUSTICE FOR ALL SPECIES

Above, I have attempted to demonstrate that the rationale for maintaining a strict dividing line between humans and nonhumans as a basis for consideration of interests is not supportable, that maintaining such a dividing line harms humans as well as nonhumans, and that the interests of nonhuman animals and of marginalized humans are linked in important ways, including through their reproductive oppression. As stated eloquently by Lee Hall:

Domination based on species and domination based on sex are interwoven, and it is impossible to unravel one without pulling at the other. Those who view any specific manifestation of the dominator mentality as a discrete thread might well find themselves working at the frayed ends of injustice; their interventions might well turn out to be far less effective than grasping the interwoven thread.195

In this section, I will address objections to accepting the interrelationship of the oppression of marginalized humans and of nonhumans. Secondly, I will explore how the reproductive justice movement can incorporate the animal advocacy movement’s emphasis on our complicity in exploitation as a means of addressing the oppression of females of all species.

A. Addressing Obstacles to a More Inclusive Reproductive Justice

Feminists and social justice advocates often respond to suggestions that the oppression and exploitation of nonhuman animals is anything but natural with reactions of outrage, offense, and incredulosity. Groups fighting for social justice find comparisons between the oppression of marginalized groups of humans and nonhuman animals to be offensive.196 Moreover, many social justice and

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194 See generally Dara Lovitz, Muzzling a Movement: The Effects of Anti-Terrorism Law, Money, and Politics on Animal Activism (2010); Will Potter, Green is the New Red: An Insider’s Account of a Social Movement Under Siege (2011).


196 See, e.g., Spiegel, supra note 10; Maneesha Deckha, Animal Justice, Cultural Justice: A
human rights proponents may believe that advocating for consideration of animal interests is damaging to more important human interests. Many others may not be able to envision a world in which humans and nonhumans are similarly owed dignity and consideration.

These objections serve both to maintain a distinction between the group in power and the group being oppressed, and to minimize the suffering and justify the oppression of the marginalized group. Comparisons between women and nonhuman animals are found to be offensive precisely because of the level to which nonhuman animals have been degraded and the resultant position they occupy in our psyche. Like women, rather than viewing their degradation as being imposed by us, we consider it inherent to their being. For example, a dairy cow kept perpetually pregnant and/or lactating is seen as “fat and dull.”

As most feminist theorists well know, these and similar arguments have been employed to deny rights and consideration to marginalized groups throughout human history. The presumption that these efforts are opposed to each other arises from the dualistic premise that humans and animals needs are in conflict. It also implies that human needs are paramount, reinforcing a status hierarchy that has favored neither women nor other animals. Spiegel details how various groups have been told to wait their turn because another group’s interests are more important as a way of delaying systemic change.

Considering how ideas of animal rights are maligned and ridiculed in progressive circles—including feminist circles—not to mention mainstream...
society, even feminists sympathetic to these arguments may fear that addressing the suffering of nonhuman animals will threaten the still tenuous gains achieved by marginalized humans. As noted in detail above, however, distinguishing nonhuman oppression relies on the same theories that have been used to marginalize and objectify human groups. “Reinscribing a humanist focus . . . is problematic not just for the animals who are Othered, but for marginalized human actors as well since the . . . binaries that are triggered in the process of animal Othering continue to inform human relations of power.” Addressing issues of interspecies oppression is not an option; it is a necessity.

Feminists may also be concerned that recognition of rights for nonhumans could open the door to personhood rights for fetuses, one of the main ways that opponents attempt to undermine the right to abortion. These concerns, however, ignore the ways in which patriarchy is present in all these forms of oppression. Neither humans nor nonhumans should be forced to bear children against their will. The state cannot . . . regulate abortion in the absence of a patriarchal intrusion of the law into a woman’s body, and we generally do not tolerate that sort of bodily intrusion elsewhere.

Both arguments in opposition to abortion and those in opposition to animal rights erase individuals with needs and interests in favor of much more tenuous claims:

Cartesian dualism . . . ratifies the women/fetus split. Just as we humans are animals, . . . the fetus is not separate from the woman; it is within her. . . . To separate the fetus from the pregnant woman . . . is disingenuous. It is dishonest. It is misogynist. . . . A fetus, if allowed to develop, may reach the stage at which it has interests; an animal has actual interests.

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204 See Deckha, supra note 29.
205 Id. at 53; see also CARY WOLFE, ANIMAL RITES: AMERICAN CULTURE, THE DISCOURSE OF SPECIES, AND POSTHUMANIST THEORY 7-8 (2003) (“It is understandable, of course, that traditionally marginalized peoples would be skeptical about calls by academic intellectuals to surrender the humanist model of subjectivity, with all its privileges, at just the historical moment when they are poised to ‘graduate’ into it. But the larger point . . . is that as long as this humanist and speciesist structure of subjectivization remains intact, and as long as it is institutionally taken for granted that it is all right to systematically exploit and kill nonhuman animals simply because of their species, then the humanist discourse of species will always be available for use by some humans against other humans as well, to countenance violence against the social other of whatever species – or gender, or race, or class, or sexual difference”).
206 See also Zipporah Weisberg, Animal Repression: Speciesism as Pathology, in CRITICAL THEORY AND ANIMAL LIBERATION, supra note 36, at 192; Sorenson, supra note 95, at 232.
207 It is also important to note that there is no evidence that fetuses are sentient, which is the main criteria used to argue that animals interests should be considered. See Stuart Derbyshire, Can fetuses feel pain?, 332 BMJ 909 (2006); Ralston H Lee SJ, Fetal pain: A systematic multidisciplinary review of the evidence, 294 JAMA 947 (2005); Lisa Corrigan, Navigating the Junk Science of Fetal Pain, SCIENCE PROGRESS (Apr. 29, 2013), http://scienceprogress.org/2013/04/navigating-the-junk-science-of-fetal-pain/. I have chosen not to focus on that because that does not affect whether a fetus could undermine the woman’s rights and interests.
209 ADAMS, supra note 19; at 58, 60.
But more importantly, an unwillingness to grant “rights” to fetuses has not stopped pregnant women from becoming the absent referent and the interests of fetuses taking precedence over the rights of women. Lynn Paltrow has identified at least fourteen constitutional rights that are violated through forced interventions on pregnant women including the rights to life and liberty. Rather than being in conflict, recognizing the interests of human and nonhuman females validate the interests of the other. Fetal rights – in whatever form – exist because of the way in which women are degraded by society. It would be more difficult to undermine the rights of women if dominance, hierarchy, and violence were attacked in their entirety and the interests of all beings were considered important. While the living, breathing mother becomes the absent referent when we eat her pain and suffering, the pregnant woman is also the absent referent when she is erased and the entire focus is on the fetus.

Sometimes social justice advocates condemn suggestions that humans should not exploit other animals as vestiges of colonialism and domination. Feminists have argued that promoting veganism attempts to dictate what women do with their own bodies and that animal consumption is a matter of personal choice. Moreover, because meat-eating has historically been associated with power, and there are significant class and sex disparities regarding who is entitled to animal protein worldwide, feminists may feel that animal product consumption is their right as equal members of society. As stated by Adams, “Rather than being seen as agents of consciousness, raising legitimate issues, ecofeminist vegetarians are seen as violating others’ rights to their own pleasures.”

These arguments erase the existence of the other individuals whose bodies are being exploited and consumed for the pleasure of humans and they perpetuate the same philosophies that the reproductive justice movement aims to deconstruct and combat. According to Adams:

[P]atriarchal ideology establishes the cultural set of human/animal, creates criteria that posit the species differences as important in considering who may be means and who may be ends, and then indoctrinates us into believing that we need to eat animals. Simultaneously, the structure of the absent referent keeps animals absent from our understanding of patriarchal ideology and makes us resistant to having animals made present. This

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211 See also Adams, supra note 19, at 58.
213 See Kemmener, supra note 21, at 29; Carol Adams, *The Feminist Traffic in Animals*, in *WOMEN, ANIMALS, NATURE*, supra note 95, at 195.
214 See Bailey, supra note 196, at 46.
means that we continue to interpret animals from the perspective of human needs and interests: we see them as usable and consumable. Much of feminist discourse participates in this structure when failing to make animals visible.\textsuperscript{216}

While many people view racism and sexism as being the reasons that oppression occurs, other theorists posit that racism and sexism and other -isms are developed to justify oppression and impositions of power and violence that are already occurring in order to protect privilege.\textsuperscript{217} The same is true of speciesism.\textsuperscript{218} And there is no greater privilege than human privilege. We justify our oppression of nonhuman animals because we are socialized to enjoy eating their flesh, milk and eggs and can continue doing so if they do not matter morally. Susanne Kappeler details how the ability to benefit from oppression is utilized to keep exploited groups from banding together: “It is . . . the possibility that most oppressed groups have of sharing (however unequally) in the profits from the oppression of others that is designed to break the solidarity between different oppressed groups and to corrupt our will to join in resistance against all oppression.”\textsuperscript{219}

Feminists may also argue that the exploitation of nonhuman animals is an important part of many cultures and that calls to end nonhuman animal exploitation are essentialist.\textsuperscript{220} However, “[s]uch a position assumes that because a practice is culturally crucial it is irreproachable.”\textsuperscript{221} That is a position feminists are generally unwilling to accept in other contexts.\textsuperscript{222} But more importantly, these arguments frequently ignore the reality of various cultures. The consumption of animal products, especially in the quantity and manner in which it is done in the United States, is primarily a Western phenomenon. Members of many other cultures, including those in the Global South,\textsuperscript{223} as well as certain indigenous cultures in the United States,\textsuperscript{224} eat primarily plant-based diets. African-American culture, which is largely associated with meat eating, also has a long history of veganism.\textsuperscript{225}

\begin{footnotes}
\item[216] Id. at 136.
\item[217] See Nibert, supra note 34, at 9.
\item[218] Id.
\item[219] Susanne Kappeler, Speciesism, Racism, Nationalist . . . or the Power of Scientific Subjectivity, in ANIMALS AND WOMEN, supra note 94, at 323.
\item[220] See Deckha, supra note 196, at 199-200; Bailey, supra note 196, at 50; Adams, supra note 9, at 152-53.
\item[221] Deckha, supra note 196, at 223.
\item[223] See Bailey, supra note 196, at 52; Sheri Lucas, A Defense of the Feminist-Vegetarian Connection, 20 Hypatia 150, 164 (2005).
\item[224] See Linda Fisher, Freeing Feathered Spirits in SISTER SPECIES, supra note 21, at 115.
\end{footnotes}
2014] COMBATING REPRODUCTIVE OPPRESSION 299

Certain black religious adherents such as Rastafarians and Hebrew Israelites eschew the consumption of animal products. Most cultures teach respect and consideration of nonhuman animals. Moreover, “flesh obtained from mass-produced, warehoused, terminal animals’ is a part of no one’s cultural tradition.”

These arguments also overlook the fact – as detailed above – that consumption of animal products is detrimental to human health, with the impacts falling most heavily on low-income communities of color. Healthy food is inaccessible to many urban – and even rural communities – in the United States. While numerous commentators have tied the lack of healthy foods to poverty and structural racism in the United States, few have tied the human oppression to the nonhuman animal exploitation. Attempts to address issues of food justice should focus on these interlinking oppressions.

Animal advocacy organizations also sometimes seem to forget that humans are animals and to similarly ignore the reality of intersecting oppressions and the need to end the exploitation of all marginalized groups. People for the Ethical Treatment of Animals (PETA), for example, purposefully uses sexualized women in their campaigns. Not only does PETA perpetuate the sexism and misogyny that is part of the patriarchal system it should be trying to dismantle, these efforts alienate potential allies in the struggle for nonhuman animals. The popular blog

228 See, e.g., Endre Szilcs et al., Animal Welfare in Different Human Cultures, Traditions and Religious Faiths, 25 ASIAN-AUTRALASIAN J. ANIMAL SCI. 1499 (2012); Fisher, supra note 224, at 112; Bailey, supra note 196, at 49.
230 See Michelle Loyd-Paige, Thinking and Eating at the Same Time: Reflections of a Sistah Vegan, in SISTAH VEGAN, supra note 36, at 6; Andrea Freeman, Fast Food: Oppression through Poor Nutrition, 95 CALIF. L. REV. 2221, 2244 (2007).
233 For example, many Caucasians and nearly all non-Caucasians have difficulty processing cows’ milk, despite the fact that this is provided as a staple to low-income children involved in school breakfast and lunch programs. See Patricia Bertron, Neal Barnard & Milton Mills, Racial Bias in Federal Nutrition Policy, Part I: The Public Health Implications of Variations In Lactase Persistence., 91 J. NAT’L MED. ASS’N 151 (1999).
234 See, e.g., Albright, supra note 23, at 930; Deckha, supra note 196, at 213; Maneesha Deckha, Disturbing Images: PETA and the Feminists Ethics of Animal Advocacy, 13 ETHICS & ENV’T. 35 (2008); but see Lesli Pace, Image Events and PETA’s Anti Fur Campaign, 28 WOMEN & LANGUAGE 33 (2005).
feministing.com, for example, has a series of posts attacking PETA for their ad campaigns. These reactions not only alienate the reproductive justice community from PETA, but from the broader animal advocacy movement – and its vulnerable and innocent victims – as well. “Both feminist and animal liberationists would do well to reflect upon how their inclusion of certain ‘others’ is often accomplished at the expense of other ‘others.’”

All of these obstacles have stood in the way of animal advocates and reproductive justice proponents finding common ground, but both groups face additional obstacles impeding their overarching objectives. Efforts to protect the interests of humans and nonhumans have largely focused on securing ever-increasing civil, human, and other legally protected rights for marginalized groups. However, a system of rights is unlikely to prove adequate at any time in the foreseeable future to protect the interests of marginalized women or of nonhumans. The next section explores the limitations of formal rights and what other methods are available to advance the interests of marginalized individuals in a patriarchal society.

B. Combatting Oppression of Females of All Species through Resistance to Exploitation

While formal recognition of rights is important to both the reproductive justice movement and the animal liberation movement, both movements recognize that rights have significant limitations. While there have long been laws protecting nonhumans, these laws have been wholly inadequate to address the considerable suffering humans impose on animals for trivial reasons. Farmed animals are only protected by federal law when they are transported to slaughter and slaughtered, and these laws are woefully deficient. Moreover, most state anti-cruelty statutes exempt farmed animals entirely or provide exceptions for...

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237 See Property or Persons?, supra note 28, at 36-7.

238 49 U.S.C. § 80502 (2006) (The “28-Hour Law” prohibits confining “animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.” Includes a number of exceptions and was not interpreted to apply to trucks until 2007).

239 Humane Methods of Slaughter Act, 7 U.S.C. §§ 1901-1907 (2002) (Requires that “the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.” Includes exceptions and does not apply to birds, the vast majority of animals slaughtered for food).

“standard industry practice.” Therefore, no matter how horrific a practice is, as long as it is widely utilized, animal agriculture enterprises are legally allowed to continue it. Moreover, even if animals had greater rights, issues would remain that rights could not solve:

While creating a non-property status or affording other rights to nonhumans might better protect them from human exploitation, this approach will not disrupt the subhuman/human boundary zones that enable violence in the first place. As feminists know very well, a mere extension of rights with nothing more does not interrogate the logic of exclusion contained within traditional moral/ethical categories.

Right now, certain animal advocates are attempting to use the rights framework to move the line dividing humans and nonhumans, so as to recognize some nonhuman animals as “persons” under the law. For example, in a claim brought against SeaWorld on behalf of several orca whales under the Thirteenth Amendment to the U.S. Constitution, PETA pointed out that, “[t]he orca brain is highly developed in the areas related to emotional processing (such as feelings of empathy, guilt, embarrassment, and pain), social cognition (judgment, social knowledge, and consciousness of visceral feelings), theory of mind (self-awareness and self-recognition), and communication.” Advocacy efforts that would give personhood rights only to certain animals, such as great apes, dolphins, and whales similarly fail to attack the existence of a hierarchy and would simply allow a greater number of beings into the “human” group. Moreover, as Francione has pointed out, past efforts have shown that nonhuman animals are never similar enough to humans for their interests to truly be considered worthy of recognition.

While human females technically have protection and equal rights under the law, many feminists convincingly argue, that is not enough. While women have long had constitutional rights to abortion and contraception, for example,
these health services are not necessarily available to those who need them. Moreover, as detailed above, having a right to be free from shackling or from forced interventions during pregnancy does not stop these things from happening.

Continuing to advocate within the political and legal systems for greater recognition of rights for all beings, as well as for enforcement of existing rights is vitally important. Reproductive justice and animal advocates can find common ground on opposing the policies detailed in Part II. However, it is also important for activists to work outside of the established systems to create change and to identify ways in which we are contributing to maintaining the systems that we are trying to dismantle. While animal advocates devote time and energy to changing the legal status of animals through legislation, regulation and litigation, they also devote a considerable amount of time and effort to changing the behavior of individual humans and urging them to abandon practices that harm nonhuman animals. Implicit in these efforts is the idea that we are complicit in oppression, and that we have the power to address oppression through our own actions. This idea has been central to numerous social justice struggles including the movement launched by the United Farm Workers in California, Gandhi’s efforts for independence in India, and the civil rights movement in the United States.249

In addition to its impact on nonhuman animals, United States industry has a considerable impact on marginalized humans. One of the worst offenders is the animal agriculture industry. In *Fast Food Nation*, Eric Schlosser explores in detail the dangers of working in the industry, and the marginalized humans that this industry exploits.250 Adams also points to the deplorable conditions of workers in animal agriculture and ties those conditions to the animal bodies that are being dismembered:

> [E]ating (a dead) chicken is disassociated from the experience of black women who as “lung gunners” must each hour scrape the insides of 5,000 chickens’ cavities and pull out the recently slaughtered chickens’ lungs. Both women workers and the chickens themselves are means to the end of consumption, but because consumption has been disembodied, their oppressions as worker and consumable body are invisible.251

Agribusinesses “prefer to hire workers who have had little opportunity for quality education, as well as migratory workers and immigrants who are more likely to accept low wages and to tolerate deplorable conditions and less likely to organize into unions, become whistle blowers, or otherwise make trouble.”252

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251 Adams, supra note 215, at 130-31.
252 NIBERT, supra note 34, at 112.
Women are routinely sexually harassed and assaulted. Schlosser describes some of the most dangerous jobs, done largely by undocumented immigrants:

> When a sanitation crew arrives...it faces a mess of monumental proportions. Three to four thousand cattle, each weighing about a thousand pounds, have been slaughtered there that day. The place has to be clean by sunrise...Although official statistics are not kept, the death rate among slaughterhouse sanitation crews is extraordinarily high. They are the ultimate in disposable workers: illegal, illiterate, impoverished, untrained. The nation’s worst job can end in just about the worst way. Sometimes these workers are literally ground up and reduced to nothing.

Just like the nonhumans who are processed through these plants.

Other commodities also entail abuses. Children sold into slavery in the Ivory Coast produce most chocolate. Clothing is produced in maquiladoras in Mexico and sweatshops in the Northern Marianas Islands, where women are commonly subject to sexual violence and forced abortions. Bottled water from water privatization and electricity from coalmines in West Virginia are only available through the devastation of entire communities. These are just a few examples.

As elaborated in detail in Part II, the fates of humans and nonhumans are closely linked. There are numerous ways in which reproductive justice and animal advocates should think about ways that their own actions harm, not only nonhumans, but humans as well. In seeking event venues, advocates should consider the cruelty involved in the food, but also whether employees are unionized and given benefits such as health insurance and paid sick days that are crucial to

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253 SCHLOSSER, supra note 250, at 176.
254 Id. at 177-78.
259 See also Harper, supra note 36; Harper, supra note 255.
raising healthy families. Other considerations include under what conditions merchandise is manufactured and whether t-shirts and tchotchkes are necessary at all. The rampant consumerism that is part of Western culture fuels the capitalist system and perpetuates the oppression of humans and nonhumans. According to hooks:

One form of power women exercise in the economic sphere is that of consumption. Boycotts have been used often as a strategy, successful in educational if not economic terms. If women all around the United States turned off their television sets for an extended period of time and purchased no products other the very basic necessities to protest exploitation of women . . . these actions would have significant political and economic consequences.

In addition, there are many ways in which the reproductive justice movement can educate the public about its participation in an oppressive system and urge changes. Many industries besides animal agriculture benefit from reproductive oppression. Private prisons, which shackle and otherwise “dehumanize” pregnant women, are not only funded with our tax dollars but are largely publicly held and traded, meaning that individuals in this country are profiting from these businesses, but also can demand changes. Most other corporations that exploit human workers are also publicly owned and in many cases, subsidized by our tax dollars as well.

This is not to say that the market can be – or should be – utilized by itself to bring about the societal changes for which social justice advocates are striving. However, while individual choices are inadequate to transform oppressive systems, we should not be perpetuating and participating in the oppression and exploitation we are trying to combat. Considering our participation in an exploitative system and banding together to refuse to support that system should be a part of any social justice movement.

Reproductive justice and other advocates who work from an intersectional perspective know that it is important to look at social issues holistically in order to

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260 See also O’Loughlin, supra note 249, at 146 (discussing the United Farm Workers cross-cutting approach to farm worker justice).
261 Hooks, supra note 8, at 92.
266 See e.g., JILL LINDSEY HARRISON, PESTICIDE DRIFT AND THE PURSUIT OF ENVIRONMENTAL JUSTICE (FOOD, HEALTH AND THE ENVIRONMENT) 162 (2011).
achieve justice for all populations. Reproductive justice organizations should look for ways to partner with animal advocacy organizations that work from an intersectional perspective, such as Food Empowerment Project, which works on food and farmworker justice issues and to end slavery in the chocolate industry, A Well Fed World, which works to end global starvation through promotion of a plant-based diet, and the Kindness Collective, which works on the intersection of animal and human cruelty, by, for example, finding housing for companion animals, so that women can leave abusive relationships.

Evidence shows that efforts by the animal advocacy movement to raise public consciousness about the treatment of nonhuman animals are successful. Pushing ag-gag laws is evidence of this success. When videos of animal cruelty are made public, there is a noticeable impact on animal flesh consumption with researchers determining that “media attention to animal welfare has significant, negative effects on U. S. meat demand.” And, after growing for many years, total and per capita animal product consumption in the United States has been declining over the last few years. While there are undoubtedly many reasons for this, including a growing recognition of the human health effects of eating animal products, concern about animal welfare is not a negligible reason.

It is difficult to accept that we are both the oppressor and the oppressed. However, “[o]ne cannot claim to transcend the Power Paradigm while benefiting from the Patriarchy. It is not enough to give up materialism: if we do not deal with personal power and dominance relationships, we are part of the problem, regardless of our degree of empathy, political awareness, and transcendental purity.” The reproductive justice movement should think about how its efforts can change public behavior to address the oppression of all female animals.

267 See also Julian Agyeman & Bob Evans, ‘Just Sustainability’: The Emerging Discourse of Environmental Justice in Britain?, 170 GEOGRAPHICAL J. 155 (2004); HARRISON, supra note 266, at 185, 190.
CONCLUSION

As detailed above, exploitation of nonhumans is justified by the same arguments as those utilized to defend the exploitation of humans; the differences between humans and nonhumans are less than humans typically appreciate; and the maintenance of a socially constructed dualism between humans and nonhumans perpetuates the oppression of marginalized humans. Therefore, in order to be consistent and achieve its ultimate goals, reproductive justice advocates and organizations must address issues of oppression based on species membership and the exploitation of nonhuman animals. Particularly given the extent to which women and other marginalized humans have been placed on the nonhuman side of the divide, speciesism is a feminist issue. However, rather than demanding an end to the reproductive oppression of all female bodies, the responses to Terry England’s comments described in the introduction maintain “a special hierarchical status for human beings. . . . [B]y perpetuating commodification and species anxiety and a sharp divide between humans and animals when [lawmakers] threaten to blur them together.”

Nonhuman females suffer when agribusiness and consumers exploit and control their reproduction. They are endlessly exploited specifically because they are female and because of their ability to become pregnant, lactate, produce eggs, and bear young. Reproductive justice advocates and other feminists should recognize that a movement that does not address suffering and exploitation of all individuals is weaker, myopic, and incomplete. “For feminists to engage in this kind of denial, to support and participate in the oppression of the less powerful, is not only hypocritical; it is . . . a profound betrayal of our deepest commitments.”

The reproductive justice movement would be stronger, more effective, and more consistent if it expanded its vision to embrace the reproductive oppression of all species and if it directed its activities in a way that lessened its contribution to the reproductive oppression of both humans and nonhumans. Our obligations to promote reproductive justice do not end at grassroots organizing, litigation, advocating for policy changes, or working to raise public awareness about reproductive oppression; they extend to recognizing how Americans’ behavior fuels oppressions and how we can participate or refuse to participate.

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275 Deckha, supra note 29, at 51.
276 ANIMALS AND WOMEN, supra note 94, at 8.