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**Space, Materiality and the Normative**  
Series Editors: Andreas Philippopoulos-Mihalopoulos and  
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# Animals, Biopolitics, Law

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## Lively Legalities

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Edited by Iruş Braverman



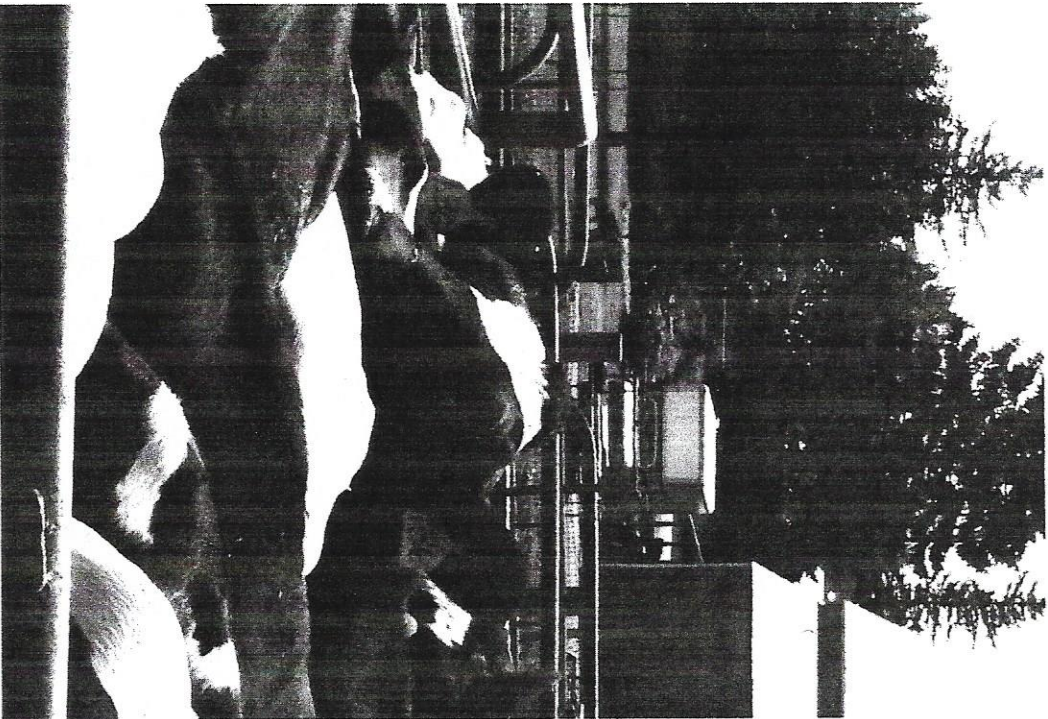
## Chapter 6

# Nonhuman Animal Resistance and the Improprieties of Live Property

Kathryn Gillespie

I sit in the bleachers at a Washington State auction yard and wait for the dairy market auction to begin. The sale is starting late, and I soon learn that the reason for the delay is an escaped steer who was confined in a holding pen behind the auction yard. He had leapt the six-foot fence and had taken off running down the country highway. A group of auction workers and attendees had jumped into their pickup trucks to go after the steer with rifles. When they finally cornered him on the highway, they shot and killed him. Returning to the auction yard, the men loudly lamented the fact that the steer had escaped because it meant a not-insignificant economic loss. A mother cow and her calf are herded into the auction ring. The calf comes into the ring easily, but the cow resists mightily. She kicks and bellows and repeatedly moves her body in between her calf and the human herder. The herder grows increasingly aggressive in response to the cow's resistance, yelling loudly and hitting her. Finally, exhausted, she comes running into the ring with her calf. At this moment, an audience member sitting next to me comments, "I would have bid on this pair—they're real beauties. But the way that cow is resisting, it's clear she's psychotic."

These stories are not unusual. My notes over nine months of multispecies ethnographic fieldwork on dairy production in the Pacific Northwestern United States are filled with these kinds of incidents: moments of everyday resistance by farmed animals. I did not approach my research with the topic of nonhuman animal resistance in mind; rather, moments of resistance emerged as somewhat of a surprise, populating the spaces and places of farming animals in the dairy industry. As I noticed these acts and recognized them as resistant, I paid more attention to the stories farmers and workers told about nonhuman animal resistance: farmed animals escaping,





kicking, biting and refusing to eat or work. Farmers, sanctuary workers, industry workers, and agricultural community members shared stories of resistant farmed animals from their own cross-species encounters.

This chapter asks: if we take as a starting point that nonhuman species engage in resistant acts, what might be gained from taking this resistance seriously? How might those of us dedicated to creating more liberatory legal frameworks for nonhuman animals imagine our role as scholars and scholar-activists in *resisting with* animals through first trying to understand their resistance on its own terms? In order to theorize nonhuman animal resistance, it is necessary to move away from the anthropocentric assumption that humans are the only species that resists. Taking nonhuman animal resistance seriously presents an opportunity for reconceptualizing how we think about other animals, how they are positioned in our current legal structures, and how they live and die in service of capital accumulation.

Farmed animals resist from within their legal status as live property. Farmed animals are owned outright, the property of the humans who farm them, and this status creates and maintains certain conditions for them. For example, bovine animals used for dairy are subjected to everyday forms of gendered violence for commodity production (Gillespie 2014): female cows are annually impregnated via artificial insemination and milked intensively for 300 days out of every year until their productivity wanes and they are slaughtered at 3–7 years of age and many male calves are slaughtered at approximately 4–6 months of age for veal. By contrast, the natural lifespan of a dairy-breed cow is more than 20 years. Female calves born into the system are often raised as cows for milk production. A few male adults are kept to produce semen, a process by which they are forcibly ejaculated by human or machine. Since they are of limited use to dairy producers even on small-scale farms, male calves are often either slaughtered for veal or auctioned off at the auction yard for beef. These animals are also subjected to other routine forms of bodily modification and appropriation that signal their status as property: branding, ear-tagging, tail-docking, nose-ringing, castration without anesthetic, and artificial insemination. Their status as property serves as the central physical and legal context for their resistance.

Multispecies ethnography is the primary method I employed in my research on the dairy industry. This is an emerging methodology in anthropology and the social sciences more broadly that is dedicated to recognizing the political and social worlds of many species (Kirksey and Helmreich 2010). In particular, “multispecies ethnography centers on how a multitude of organisms’ livelihoods shape and are shaped by political, economic and cultural forces” (ibid., 545). In this vein, I focused on the lived experiences of individual cows in the dairy industry as a way of understanding how economic and political structures shape their lives. The result is a series of narratives and glimpses into the embodied lives of cows at different moments in the commodification process.

This chapter’s attention to bovine animals offers up a lens into the intimate worlds of other animals’ experiences and corresponds with other multispecies ethnographic approaches in this volume. Elan Abrell’s choice to center the effects of captivity on Tony the tiger and Lolita the orca whale and Eben Kirksey’s attention to the place of Maui the macaw in the multispecies family structure, for instance, emphasize the productive possibilities of centering partial or full life stories of nonhuman animals in multispecies ethnographies.

This chapter argues for a serious consideration of nonhuman resistance in the context of other-than-human animals’ status as live property in order to understand the violence of their property status. I also advocate a new legal standing for nonhuman animals. Whether and how nonhuman species have agency is a topic I will not address in this chapter; scholars elsewhere have dedicated much excellent work to establishing that nonhuman animals have agency and that this agency should be recognized as a starting point for our studies of others (e.g., McFarland and Hediger 2009). To begin, I will review the debate over the category of living property. Next, I will theorize nonhuman animal resistance and draw on examples of real, embodied bovine animals who are resisting their conditions to understand what this resistance looks like and how it can be understood. Finally, I will suggest pathways forward for responding to nonhuman animal resistance, with a particular attention to what this means for “more-than-human legalities” (Braverman 2015).

## Animals as Live Property

The debate over nonhuman animals’ status as property is varied and nuanced, a spectrum that includes those who have no problem with maintaining these nonhuman animals’ property status, those who suggest modest reforms, and those who advocate the abolition of property status altogether. Legal scholars David Favre and Gary Francione both find the current property status of other species to be problematic, but their proposed solutions are fundamentally opposed: Favre (2011) advocates the creation of a new category of property—“living property”—for other species; Francione (2000, 2004, 2008) argues for the abolition of other animals’ status as property and advocates for animal rights under the law. Following the abolitionist approach, my research leads me to believe that violence against cows is enabled in important ways by their status as property. However, I depart from the abolitionist approach where rights are concerned, as a rights framework is deeply anthropocentric and tied to the anthropocentric institution of human law.

Much of the conversation around animals-as-property creates a dichotomy within a liberal rights framework: property versus persons. Within this context, Francione and other animal rights advocates identify the moral



issues with the legal status of property. Steven Wise (1996) argues that "there are significant moral issues" with assigning animals what he terms, "legal thinghood" rather than "legal personhood"—namely, that being categorized as "things" denies animals basic rights that are reserved for only those who have been granted "personhood." Further, he traces the history of the "legal thinghood" of animals, rooting this conception in ancient hierarchies of anthropocentrism (1996). It is precisely this deep-rooted anthropocentrism that reserves "personhood" only for members of the human species, Wise argues.

Indeed, as Maneesha Deckha teaches us, law is a fundamentally anthropocentric institution: "the product of human actors, it entrenches the interests of humans [and human-populated corporate entities] over virtually all others" (2013, 742). The reservation of personhood for only members of the human species is certainly one manifestation of this anthropocentrism, but we see anthropocentric priorities even in projects like Steven Wise's Nonhuman Rights Project (2015), which work to extend legal rights and personhood to certain other-than-human species: great apes, elephants, and dolphins. Wise's project aims to obtain the right to bodily liberty for these particular species precisely because they possess cognitive and emotional capacities that are similar to humans. The anthropocentric hierarchy that positions humans as the standard against which all other species are measured will, of course, prioritize those species who are more similar to humans. But what of the snail or chicken whose way of being in the world may be very different from a human's? Will they eventually be granted personhood, too, or will they be relegated to a lesser legal status because they do not share enough similarity with the human species?

We even see this anthropocentrism in the current legal overtures, which have been made in the form of welfare and humane treatment laws to try to discourage cruelty and regulate the treatment of other species by humans. For example, the United States' animal welfare and protection laws cover some species—namely, those that are closer in cognitive/emotional capacity to humans and who are more charismatic. Even when a particular species is legally protected, animal cruelty cases require proof of intent for cruelty to the animal and this must be proven beyond a reasonable doubt, which rarely happens (Francione 2004). Indeed, those legal protections that do exist for nonhuman animals remain notoriously lax and insufficiently enforced (e.g., Wolfson 1996; Wolfson and Sullivan 2004). Importantly, such laws entirely fail to cover certain less human-like species (poultry, rats, mice, fish, rabbits, etc.). In the context of agriculture, unsatisfactory welfare legislation also occurs because of legal exemptions at the state level, called "common or customary farming exemptions" (CFEs). These allow animal farming enterprises to engage in practices that would otherwise be considered cruel (e.g., tail-docking, beak-trimming, and castration without anesthesia, etc.) because they are "customary" in the industry (Wolfson and

Sullivan 2004). Drawing on my experience of researching cows used for dairy, I am convinced that, despite the strides that welfare legislators try to make, so long as some species are categorized as property (living or otherwise), their interests will frequently be compromised to the various interests of human "owners."

### The Animal-as-Commodity

Not all nonhuman animals are constituted as property in the same way that farmed animals are. The legal status of "wild" or "free-roaming animals" is theorized in different ways that are beyond the scope of this chapter (Braverman 2013). Although it is not a condition that all species experience, animals-as-property is a legal and material framework that reproduces a hierarchy of humans over other species. That a human can own a cow is a mode that enables the making of the cow as a "thing"—a thing to be commodified, reproduced, and eventually killed. But harm to the cow also relies, more generally, on her objectification—a point that is relevant also to the management of "wild" species. In other words, an animal does not have to be property to be the subject of violence and bodily appropriation, nor does a body have to be property in order to be commodified. Property, then, does not explain all conditions under which animals suffer and are commodified. However, that many of the nonhuman species with whom we are intimately connected suffer bodily violence and premature death-through human consumption of their bodies as food, clothing, or other commodity products—and that this is enabled, at least in part, by their property status—is an important insight for my argument here. The status of animals as property arguably makes it easier to objectify and commodify the cow and many other species for everyday use by humans and capital accumulation.

Indeed, if we look at the lived experience of nonhuman animals under capitalism—in the food system, in entertainment, in experimentation, and in fashion—we can see that economic interests often dictate their lives and, even more often, their deaths. Within capitalist regimes, the cow used for dairy, the hen raised for eggs, and the chickens, pigs and steers raised for meat are commodities in life and in death. Animals are also commodifiable in wildlife trade and entertainment industries, where their liveliness, "wildness," and encounterability are prized (Collard forthcoming; Collard 2012; Whannore and Thorne 1998), making the animal a "lively commodity" whose value emerges from their status as a living being (Collard and Dempsey 2013). Similarly, other industries, too, commodify nonhuman species to advance human interests: biomedical research and product testing use animal lives and bodies in service of scientific experimentation and new biomedical technologies (Collard and Gillespie 2015; Haraway 1989). Animal bodies used in the fashion industry are another site of animal use



that has yet to be explored by academics. Animals are widely wild-caught and captive-bred for fur, leather, feathers, wool, and silk around the world (Collard and Gillespie 2015). Together with an anthropocentric legal structure that subordinates nonhuman species through their property status, the drive for capital accumulation under capitalism creates conditions whereby animal bodies and lives are commodified.

In the livestock auction yard, the relationship between the cow's property status and commodification becomes evident in spectacular detail. Nonhuman animals are literally bought and sold in this space. Certain qualities make them more or less sellable for different purposes: their skin is marked with various neon symbols to identify certain qualities important to buyers (e.g., whether they have been castrated, whether they were born sterile, etc.). Additionally, depending on the condition of the animal, they are either sold "per head" or "per pound." "Per pound" animals are generally destined directly for slaughter. The commodification of the cow's body at the auction is intimately intertwined with her status as property. The commodity form is reliant on an object or thing being ownable in order for it to be exchanged for money in a capitalist system of trade. Although property status does not guarantee violent treatment, in order to be bought and sold and subjected to the conditions of violence that this commodity status enables, she must be ownable in the first place.

### When Animals Resist

Resistance by animals laboring in the service of humans comes in many forms. As the property of farmers and/or food corporations, cows on dairy farms are a somewhat unique group because of the way their bodies' productive and reproductive capacities are used while they are alive (i.e., through milk, semen, and reproduction) and then commodified again in death (when they are slaughtered for meat). The cows' commodification in death relies on an additional form of objectification beyond being "mere" property. Although the cow is long dead, her property status lives on and enables further violence and abuse through the efficient dismemberment and the packaging of her body into tidy pieces of "meat" for sale and then through rendering what is left after the slaughterhouse into other new commodities.

Violence against the farmed animal body is not limited to industrial- and large-scale production practices. My fieldwork exploring various scales of production revealed that, while the industrial nature of contemporary production practices intensifies the effects on the cow's body, the appropriation of her life and body and everyday forms of violence occur even on small farms where her property status is maintained. Thus, my primary concern with the effects on animals of commodity production lies not with the scale of production, but with the violence that is enacted on their bodies

*because they are ownable.* New insights for legal scholars, critical animal studies scholars, activists, and others concerned with the legal and moral status of nonhuman animals might be gained from interrogating more closely the effects of property status of animals on the animals themselves. One way of exploring these effects is by looking at the trend of animal resistance—in other words, the way in which animals themselves oppose the conditions that their property status dictates.

Chris Philo (1995) argues that it is possible for nonhuman animals to transgress human social worlds and orders. He is cautious about projecting human notions of resistance onto animals—an anxiety I share, not because humans are the only species that resists, but because assuming that animal resistance takes a similar form as human resistance prevents us from potentially learning about the possibilities and potentialities emerging from acts of animal resistance. Chris Wilbert (2000) theorizes animal resistance in relation to intentionality, arguing against the problematic understandings of animal resistance that emerge from an assumption of the animals' "conscious intentionality" (Cresswell 1996) in acts of resistance. Instead, Wilbert suggests that we recognize these as intentional *acts*: "forms of resistance to human ordering" (Wilbert 2000, 250). Following Wilbert, I do not pretend to know whether animals demonstrate conscious intentionality when they resist and I do not use animals' resistant behaviors as metaphor; instead, I recognize the way other species act in response to conditions created by the uneven hierarchies of power between humans and animals. In particular, I focus on animal actions in the context of their commodification by humans, and humans' responses to them. What are the boundaries of such resistant acts? Without the need for intentionality, resistance could be defined more broadly than these individual acts: resistance *could* be theorized in terms of species going extinct as a result of anthropogenic climate change, or bacteria mutating as a result of heavy antibiotic use. However, in the context of my argument here, I have focused on a particular form of animal resistance: individual animals who physically struggle against their conditions through fighting back or escaping their captivity—acts that we can understand as resistant if we attempt to read nonhuman animals' own life-worlds.

In 2011, news broke about a six-year-old cow named Yvonne who escaped from a dairy farm in Germany. Just before Yvonne was to be collected and sent to slaughter, she broke through an electric fence and fled the farm where she was being kept. She hid in the forest and eluded capture for several months before she was caught and returned to the farm. During her period of freedom, she had become a national icon and the public travelled across the country to try to spot a glimpse of her living in the forest. Yvonne was labeled by media sources as a "freedom fighter for the animal-loving republic," "an incandescent symbol of freedom and animal



dignity" (Chappell 2011). In the end, the public rallied to save her from slaughter and an animal sanctuary purchased her for 600 euros so that she could live out her days at the sanctuary.

A similar news story had broken in the United States more than a decade earlier when Emily, a three-year-old cow, had escaped from a slaughterhouse in Massachusetts. She evaded capture for 40 days and, in that time, drew national attention as a "folk hero" and a symbol of animal resistance against oppression (Hribal 2007). Due to the outpouring of support for her resistance, Emily was sold by the slaughterhouse to an abbey for 1 dollar, where, upon her capture, she was allowed to live out her days in sanctuary. When she died in 2004, the abbey buried her onsite and erected a bronze statue of her to sit atop her grave (Roadside America 2014).

Human recognition of the resistance of other species extends to spaces of enclosure and captivity beyond the farm. For example, the documentary film *Blackfish* (2013) swept mainstream media with its exposé of the plight of marine mammals in captivity. In particular, the film tells the story of Tilikum, a captive orca at SeaWorld who killed trainers on three separate occasions. Tilikum's story, and the film in general, illustrate the emotional and psychological consequences of captivity for orcas. The public response to *Blackfish* has been significant, with dozens of musicians canceling shows scheduled at SeaWorld, various boycotts and targeted actions taken against the park, and revenues being impacted by the film (Zimmerman 2014). Individuals who saw the film connected with the story of Tilikum and the fact that baby orcas are frequently captured from the wild to live lives of service in marine parks around the world (Blackfish 2013).

On this subject of animal use in spaces of entertainment, Jason Hribal, in his book *Fear of the Animal Planet* (2010), documents individual acts of resistance by animals used in entertainment (zoos, circuses, marine parks). Tatiana, a Siberian tiger at the San Francisco Zoo, escaped her enclosure and passed by numerous bystanders to kill and maim three teenagers who had teased, taunted, and thrown things at her. She was hunted, shot, and killed by park security. Janet, an elephant at the Great American Circus, chased down and tried to injure abusive circus employees while she had a group of children riding on her back. In the middle of the chaos, she stopped, let someone remove the children safely from her back, and then continued to chase the employees. She grabbed the bullhook which they had often used to beat her, and smashed it repeatedly against a wall. A group of baboons in Northern Africa resisted the slaughter and capture of members of their community by chasing a group of animal traders all the way to the train station. They launched raids on the train cars to try to free the captured baboons. These are just a few examples of individual and collective acts of resistance by animals used by humans.

Hribal's (2010) aim is to show that acts of animal resistance are numerous and varied. In his work on the labor history of animals (2003), he writes:

Most owners, managers, or observers of laboring animals—whether through their written word or through their counteractions—fully admitted to the presence of such resistance. These acts could be maliciously violent in form. Horses "bucked." Cattle "charged." Cows "kicked." Pigs "bit." Chickens "pecked"—all with the recognized intent that is recognized by the employers themselves, to harm or kill the employers. Or it could be nonviolent in form, such as refusing to work or, at least, work hard. . . . As the exploitation increased, so did the resistance to it—both by laboring animals and concerned humans (2003, 449, 452).

The media coverage and public relations discourse present various acts of resistance as isolated incidents, as "animals gone wild," as individual animals being a "bad seed," or simply as accidents (Hribal 2010). Hribal presents these stories in a different light—if looked at not as isolated incidents but as a rich and varied history of animals resisting their conditions, these individual and collective actions can be read as a new kind of social movement. He writes, "Captive animals escaped their cages. They attacked their keepers. They demanded more food. They refused to perform. They refused to reproduce. The resistance itself could be organized. Indeed, not only did the animals have a history, they were making history. For their resistance led directly to historical change" (29). Only a fraction of these kinds of stories make it into public view, and yet those that do often motivate reflections on issues relating to agency, welfare, captivity and domestication, as in the case of *Blackfish*.

Unlike the steer, cow, and calf from the auction yard mentioned at the beginning of this chapter, Yvonne and Emily became symbols of resistance: stories of extraordinary individuals with a will to live and the ingenuity to escape their impending slaughter. The telling and retelling of Yvonne's and Emily's stories in the media perpetuated the notion that they were exceptional and encouraged the public to rally around them.<sup>1</sup> Even as the public continues to believe that farmed animal resistance is infrequent and unique to a few individuals, many workers I encountered in animal agriculture know that instances of animal resistance happen frequently and become part of routine material human-animal encounters on the farm.

Unlike Yvonne and Emily, most cases do not end in animal celebrity and sanctuary. More typically, animal resistance is met with repression. Indeed, the majority of animals who resist are not granted sanctuary or freedom from captivity. Spaces of animal use, like the farmed animal auction yard, are designed to subdue animal resistance: the pens and chute are constructed to move animals easily through the space with as little



opportunity for resistance as possible. The auction also facilitates the efficient commodification (through sale) of the animal and reproduces the status of animals as property to be bought and sold in the process. At the auction, animal resistance is also violently repressed. During the course of my fieldwork, I observed animals being beaten, yelled at, kicked, shocked and crushed against the wall or floor for trying to escape or fight back against humans who were herding them through the space. I saw piglets body-slammed against the wall, cows beaten repeatedly on the head with steel rods, and bulls shocked with electric prods. In the most extreme cases, like the steer who escaped the auction yard, animals are killed for their resistance.

Resistance is a highly undesirable trait in farmed animals. As a result, farmed animal management practices aim to anticipate and quell resistant behaviors *before* they happen. Even at the point of breeding and birth, farmers try to manage and prevent resistance. Breeding practices on the farm have long sought to breed resistant qualities out of animals: dairy breeds are bred for docility and even temperament, in addition to prolific milk production, milk taste and quality. Nose ringing is a practice used to dominate the bull's body (nose rings allow for significant control of the bull in that the farmer can lead the animal around using the sensitivity of the bull's nose; nose rings are also primary tools of discipline for the bull). Bulls, along with other animals who resist on the farm (especially those who resist on multiple occasions), are routinely killed because they are perceived as dangerous or as simply too much trouble. One motivation for "culling" cows used for dairy, for instance, is that their dispositions have worsened after the repeated seizure of their calves away from them. Recall the cow at the auction yard who was conceptualized as "psychotic" for attempting to protect her calf: the woman in the audience defined the cow's desire to protect her offspring as a psychological disorder and dismissed it as such. Finally, some spaces of slaughter have famously been redesigned by animal scientist Temple Grandin to improve animals' experience of the slaughterhouse leading up to their deaths. While these new slaughterhouse designs have been developed around responses to the things cows fear (e.g., certain lighting, movements or sounds), they can also be read as efforts to prevent moments of resistance (e.g., a cow trying to escape, refusing to move forward, or kicking) and are touted as ways to help the slaughterhouse operate more efficiently.

Because these moments of resistance are seen as threats to the efficient accumulation of capital, they become practical problems to be prevented or mitigated through breeding and spatial or bodily management. It is partly this inability to see acts of nonhuman resistance as an agential rejection of the legal and economic structural conditions that make them first ownable and then commodifiable. And it is their property status, and the ability to profit from their commodification, that obscures human recognition of their resistance as more than isolated incidents of psychosis or bad

temperament. In fact, in order for their resistance to be successful, Yvonne's and Emily's freedom from commodity production and slaughter had to be bought (Yvonne for 600 euros and Emily for a symbolic one dollar)—a point that illustrates both the property status of farmed animals and the limits to their resistance. Farmed animals are so thoroughly dominated by humans that even their most direct forms of resistance (escapes, attacks, etc.) often go unremarked, and are repressed through mundane, everyday acts of violence (beating, shocking, killing, etc.). Even as they embody significant modes of appropriating and managing animal life, the everyday practices in industries such as the dairy industry are rarely seen as violence against the animals (Gillespie 2014). This "making mundane" is central to the continued commodification of animals and the hegemony of animal use. Acknowledging acts of animal resistance *as resistance*, however, creates fissures in the dominant order of human-animal relations and urges us to respond.

### Responding to Animal Resistance

The public outcry around Yvonne's and Emily's escapes, the woman's response to the cow protecting her calf at the auction, the auction workers' beating, kicking, shocking and yelling at animals moving (or refusing to move) through the auction yard, the breeding of resistant traits out of future animals—all are different responses to animal resistance. The public responded with concern and respect to Yvonne and Emily, who had the will to survive, and advocated for their pardon from slaughter. Embedded in the social and cultural conditions of animal commodification, the woman at the auction found the cow's resistance to be an undesirable trait and decided not to bid on the pair, although they were quickly bought by another audience member. The workers responded to animal resistances at auctions as actions that must be overcome and managed in order to facilitate the political-economic efficiency of dairy and animal agriculture. Seen as a problem to be fixed by genetic selection, resistant traits are attempted to be bred out of future cows, impacting breeding practices in the industry. Although such acts of resistance are dismissed or repressed, cows still resist and fight back against their conditions.

In the face of such resistances, I argue, it is our responsibility as scholars and activists to respond. In spite of and, indeed, perhaps *because* of the uneven hierarchies of power between human and nonhuman animals, we have the opportunity to do what we can to recognize, acknowledge, and change our behaviors in response to the unique features of animal resistance. Animal resistance is a grossly understudied subject in scholarship on human-animal relations, a trend that may be exacerbated by a perpetual fear of anthropomorphism. In spite of these fears, careful, critical empirical and theoretical studies of animal resistance are needed. Acts of animal



resistance may not mean or be the same as human acts of resistance—and we should not assume that they are. We have the potential to learn from the way animals resist *on animals' own terms*. This chapter makes a call for rigorous and thoughtful engagement with the subject of animal resistance, for further studies that take animal resistance seriously and explore what can be made of these acts of resistance for animals' lives and for humans' relationship with them.

## Concluding Thoughts

How might scholars interested in lively legalities respond to nonhuman animal resistance? Animal resistance has discursive, and potentially political, power as we consider the ways in which this resistance challenges animals' positioning as ownable bodies. I suggest here that confronting the legal implications of animal resistance means rethinking animals' legal status as property. That animals have agency and interests, and that these matter—that animals resist conditions that violate their bodies and interests—calls into question whether animals, as living, resistant beings who suffer as a result of their commodification should be owned. Jeffrey St. Clair writes, "Each trampling of a brutal handler with a bull-hook, each mauling of a taunting visitor, each drowning of a tormenting trainer is a crack in the old order that treats animals as property, as engines of profit, as mindless objects of exploitation and abuse" (2010, 16). The only adequate response by law, geography, anthropology, and other scholars to animal resistance would be to boldly advocate for the abolition of their property status. This would go a long way to challenging the political economic order that commodifies animals in the first place.

If animals were no longer property, how should they be categorized under the law? As I alluded to earlier, and as Elan Abrell explores (in this volume), the anthropocentrism of the law makes the property/persons dichotomy a problematic way forward because of the countless species who will be excluded from the category of personhood. At the same time, for those species who *are* granted personhood, their lives will likely change dramatically as they will experience increased bodily liberty and autonomy. These insights—the potential and problems associated with granting other species nonhuman personhood and the anthropocentrism of current legal structures—are instructive for how we think about the role of animals in law. As we imagine and present possibilities for more inclusive, less anthropocentric legal institutions that take seriously nonhuman life and body, eliminating the current frameworks that work efficiently to dominate other, as well as our own, species (e.g., the animals-as-property legal regime) is a critical first step in creating livelier legalities. This chapter has focused on animal resistance to illuminate the violence of animals-as-property and make a call for new legal regimes that would take seriously animal agency and autonomy that is made visible in their efforts to resist. This would

entail greater attention to the alterity of species and a deeper respect for, and attention to, what is meaningful and central to each species' flourishing at the scale of the embodied animal. Recognizing and responding to resistance can be a first step in building less anthropocentric legal regimes dedicated to rejecting law that reinforces the primacy of the human and advancement of human interests, and instead transforming law into a more fundamentally multispecies project.

But what of animals who do not resist? Does a lack of visibility of animal resistance mean that those animals are content and it is acceptable to commodify them? Animals may not resist for many reasons. For instance, resistant qualities may have been bred out of animals or animals may just have "given up." A dairy farmer informed me that some cows on his farm had resisted and become depressed initially after the removal of their first calf or two, but that once they realized this was a regular occurrence, they seemed to have "just given up." This is one site where animal resistance as a guiding frame has its limits. I would argue that we cannot use animal resistance as the *only* measure for the wellbeing and welfare of animals living, laboring and dying in service to capital accumulation. This is where multispecies ethnographic research is particularly useful in documenting the variability of animals' responses to captivity. Some animals resist to the point where they are killed for it, some resist a little but give up when they learn that their resistance does not improve their conditions, and some never resist. Just as humans respond with frequently radical variability in response to oppression or violence against our bodies, animals too respond in a variety of ways.

That some—no, *many*—animals do resist their commodification enabled by their property status, though, is important to note for the intellectual inquiry to move forward. Animal resistance reveals that there are conditions against which to resist; these instances show that animals may not want to be commodified or owned and that they have the agency to reject these structures of power and hierarchy. Animal resistance is thus a viable framework for enriching the scholarly understanding of nonhuman lives and lively legalities, and also offers another lens through which to understand the ethical and political dimensions of commodifying nonhuman life. Rather than seeing it as a potential measure of the legal and moral status of animals that replace other ethical measures, theorizing animal resistance would be most useful in conjunction with other ways of thinking about our effects on the intimate experiences of other animals. For instance, ethical considerations of the *suffering* of animals, championed by Jeremy Bentham and Peter Singer, correspond with documenting and responding to animal resistance. Thus, animal resistance can be productively read alongside other ethical measures of how other animals live and die in a multispecies world.

Finally, I would like to offer a speculative call for exploration going forward. What does animal resistance mean for thinking about social movements, becoming allies with animals, and activism and education geared



toward greater care in our relationships with other animals? Disrupting the status quo for how animals are, and should be, treated may suggest new ways of understanding the role of animals in social movements. Animal advocacy movements tend to frame their work for animals as "working on behalf of animals," "speaking for those who cannot speak for themselves," and "saving" or "rescuing" animals. But these are anthropocentric notions of advocacy, whereby humans remain in positions of power atop hierarchies of species ordering. Certainly there are ways in which farmed animals' ability to resist (and for this resistance to result in more liberatory conditions) is limited by their captivity and subordinate position to humans on the farm. Yet, rather than construct animals as "victims" in need of rescue, recognizing animals' efforts to resist opens the opportunity to view animals as more autonomous subjects in a movement for social change. Thus, animal resistance urges us to *resist with* animals, rather than *resist for* them. What possibilities emerge for interspecies social movements that address intersections of human and animal oppression? What might we learn from taking seriously this resistance on the animals' own terms? And what might these movements of (and with) animal resistance look like?

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## Note

1 Importantly, the notion that Emily and Yvonne were extraordinary (and that their resistance was exceptional) allowed the public to call for their pardon while simultaneously continuing to support industries that appropriate the bodies and lives of seemingly not-so-resistant individuals (other cows, pigs and chickens in the food system). This reflects what Francione terms our "moral schizophrenia" toward animals, whereby we can extend our moral circle to include some animals (in this case, those animals who are plucky enough to make national news with their resistance) while excluding others.

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