

PERSONAL REFLECTIONS ON BEING A
POSTCOLONIAL FEMINIST ANIMAL LAW PROFESSOR

By
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The author reflects on her experiences in the field of animal law. A recurring theme throughout the Article is that the author's struggle to see herself being part of the animal law at all. This is because mainstream animal law writing has tended to take a liberal legal approach, while the author has focused her work around concepts of intersectionality, feminist, and postcolonial theory in a field she has self-described as "Philosophy, Critical Theory, and Animal Ethics." Consistent with her intersectional approach, the author highlights how her experience being Canadian, being female, and being 'radicalized' have all intersected to shape her experiences and perceptions working in animal law. Her conclusion is that, fundamentally, the animal law movement is a women's movement, given it is women who predominate in the membership and, as such, the success and future of animal law "depend on whether women's voices on behalf of animals will be listened to and respected."

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I. AM I AN ANIMAL LAW SCHOLAR?

Recently, I was asked by another unit on my campus to present an overview of my work during my academic career on animals. It was the first time I received such an invitation and it took me some time to consider how to begin preparing. Eventually, I decided to take my publications and organize them into themes. This method proved effective for the presentation but was also illuminating to me. When I went to categorize my work, I could see that I had assigned a considerable portion of my animal-related publications to the broad category I called "Philosophy, Critical Theory, and Animal Ethics." These articles did not address any specific law or statute but did discuss the legal status of animals as property in relation to pushing back against the anthropocentrism that qualified as critical theory in animal circles. In continuing to categorize my work, I also created the categories "Animals'

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Legal Subjectivity” and “Animal Law Reform”—categories that housed the majority of my scholarship throughout my sixteen-year academic career thus far.

However, despite the clear focus on questions of common law and statutory interpretation in my scholarship, at both abstract and specific levels of legal expression, animal law has often felt like an unusual disciplinary home for me. As with most areas of the common law, the prevailing framework for “animal law” is a liberal legal one. My approach to thinking about animals, while not completely delinked from liberal legalism, has largely deployed feminist, postcolonial, and other theories critical of liberalism as a pathway to combat animal oppression. Indeed, I came to think about animals through my first exposure to critical theoretical interventions during my postsecondary studies in the 1990s. These theoretical interventions deconstructed long-standing dualisms from Western Enlightenment epistemologies about purported naturalized differences between different types of human bodies and the resulting stratification from such thought. From these theoretical standpoints, I became interested in deconstructing the species barrier and the binary drawn between humans and animals, and, in particular, considering the androcentric and larger cultural forces animating speciesism in the first place.

Postcolonial feminist theory, which was formative to this undergraduate theoretical training, and feminist animal care theory, which I became familiar with in law school through directed reading, became the departure point from which I considered interspecies relations. I was fortunate at law school, in the mid-1990s, to find a law professor who could supervise a directed reading on animals and a wide-ranging critique of anti-cruelty laws. I was also fortunate when I entered academia as a new and untenured professor to be able to freely pursue these interests in my research and in my teaching. Since 2007, I have taught a seminar in *Animals, Culture, and the Law*. The seminar teaches students about animal law through the writings of major theorists situated in the liberal legal tradition and those who engage more with classic animal ethical philosophies. Yet, it is primarily a seminar that emphasizes the writings of critical theorists who largely operate in cognate disciplines of philosophy, political science, and cultural studies that today we might identify to be entirely housed under the growing interdisciplinary, anti-oppressive field of critical animal studies. After introducing students to this diversity of theoretical approaches, the seminar explores the conditions of animals in various normative industries and the various ways the law regulates or abdicates responsibility in regulating these industries. My research has also emphasized a critical animal studies approach to animal ethics and animal law.

I always felt that this was a productive way to teach and research because it related to my core personal and professional interests in bringing critical theory, especially feminist and postcolonial theory, into conversation with animal law. But because I identify animal law

as involving doctrinal investigations of legal issues involving animals or normative explorations of how the law should treat animals from a liberal perspective, I rarely felt that animal law included the type of critically-oriented approaches that I took to the subject. I presumed my work was too theoretical and thus not doctrinal, or too feminist or postcolonial and thus not liberal, to fit under the purview of “animal law.”

At the same time, I appreciated invitations and efforts from core animal law contributors, lawyers or academics who worked primarily within doctrinal or liberal traditions, to speak at clearly demarcated animal law events where attendees were largely not familiar with the critical theories I used. There always seemed to be interest for the critical theories I discussed, which were usually housed under “race and gender issues” in animal law. While it is possible to conceive of this compartmentalization as problematic given that speciesism is always already informed by gender (consider feminized farmed animals and feminized protein) and race (consider the mutual imbrication of the history of these terms), I understand why the organizers organized panels specifically focused on race and gender given their absences in other conversations in animal law generally.

II. BEING A RACIALIZED FEMALE ACADEMIC FROM CANADA

I was invited to contribute to this twenty-fifth anniversary issue because the editors were interested, commendably so, in hearing from women about their experiences contributing to the development of the field of animal law. From what I have said above regarding the liberal nature of what I have always understood as “animal law,” and my contrasting critical theory focus, I was both surprised and pleased to have been identified as a contributor to the field. But for intersectional reasons, my experience as a woman in this field has been shaped by a variety of forces working in tandem with gendering dynamics. And while I will talk about these forces below in a compartmentalized way for the sake of ease of communication, I do wish to reiterate the intersectional insight that they are not so neatly delinked from one in another in practice or in theory.

Being Canadian: The number of law schools in Canada, at just twenty-two, pales in comparison to the United States. Thus, when I started teaching animal law in 2007 there were just a handful of academics among English-speaking law faculties who taught or wrote about animals. It was thus an isolating experience to some extent, teaching a subject for which there are only a handful of colleagues elsewhere who share your interest and almost none who approach the subject matter the way you do. Although I would not expect anyone to teach or write about animal law through the particular constellation of theories that I did, simply knowing the topic was as prevalent at Canadian law schools as it was in American ones would have felt encourag-

ing. While the media interest I received when I first offered the course and the national coverage it briefly generated provided me with external validation for what I was doing, at the same time, it also underscored the novelty of having an animal law course at a Canadian law school. Receiving a new course award from the Humane Society of the United States in 2006 also helped, but again, that cemented the American association with animal law that I already drew given the location of the early conferences that took place, the scholars associated with the field, and the law schools that were teaching it. My location as a Canadian in Canada was thus another reason that I felt like an animal law outsider looking in.

Being Female: As we know, the animal advocacy movement, at least in its Canadian and American iterations, is, as Jessica Eisen says, “a women’s movement” given that women predominate in the membership.¹ While the gender imbalance might not be as prominent in animal law as in other fields, when I think of the audience at the annual animal law conferences at Lewis & Clark Law School that I have attended, the students in the seminar I teach, and the scholars in Canada who teach and research in this area, I would argue that women constitute more of our animal law community than men. What implications does demographic composition have for female academics in the area and, for me, specifically in my journey in this field?

Well, for one, I think the feminization augmented the marginalization of the field in relation to other doctrinal areas given patriarchal logics wherein academic fields lose importance or status the more they are associated with women. At the same time, not being in a male-dominated academic field created opportunities for connection for someone like me, who approaches the work through a feminist lens and has long identified as a feminist scholar. Meeting the core cluster of women leading the Animal Law Clinic and Center for Animal Law Studies at Lewis & Clark Law School, getting to know the other handful of female academics in the field, and interacting with the students in my class, I felt a community developing that is open rather than closed, where women’s voices are present if still subject to the systemic sexism that makes women’s voices less audible or compelling to audiences of all kinds.

Being Racialized: What was more challenging was to be a racialized female in animal law. Now first off, I think it is difficult, in general, to be a racialized female in North American academia, in any field. But to be someone whose academic formation and academic research emphasizes intersectional thinking, and to bring that intellectual commitment to animal law, creates a highly specialized field of academic inquiry into which even today not too many scholars fit. Given the anthropocentrism of intersectional approaches in general,

¹ Jessica Eisen, Assistant Professor at the University of Alberta Faculty of Law, Talk at the University of Victoria: Feminist Jurisprudence for Farmed Animals (Nov. 1, 2018).

attending conferences on intersectional feminist legal theory or critical race theory to present animal-related work were often sobering experiences, particularly when it came to presenting research critical of anti-speciesism or networking with colleagues in the midst of meals and catering centered on animal flesh and dairy. And while the animal law conferences I attended were always attentive to race and gender issues in their programming, the audiences were overwhelmingly white and many seemed new to academic discourse on gender, and, often, race. Hence, finding an intellectual home at annual conferences in either field was elusive, which as a junior academic can be dispiriting. I carried forward because of my passion for the work I was doing and the overall freedom I had and still have in my faculty to pursue this work, even if most of my academic colleagues might not properly understand it, dismiss it, or still classify it as peripheral or unimportant.

III. FUTURE INTERSECTIONAL AND DECOLONIZING DIRECTIONS

After almost seventeen years of doing this work, I do think demographics and familiarity levels with intersectional, non-anthropocentric, and anti-speciesist thinking have somewhat increased in both circles, such that it is now a little less isolating to be an intersectional feminist animal law scholar. Certainly, I am buoyed by the new generation of students and scholars coming into animal law and animal studies to pursue interspecies justice and nonviolent interspecies relations through multiple framings, as well as the burgeoning monographs, edited collections, and peer-reviewed articles that reflect this focus. I have seen this commitment in the students I have taught and those I encounter through my other animal studies research activities. Yet, it is more than perplexing when I encounter those who are otherwise critically-minded and passionate about social justice yet struggle to see the connections with animal law or animal studies, or worse, claim that animal advocacy or ethical veganism is a racist or elitist pursuit. Along with a cadre of critical animal scholars, I have written about this issue and the framings, assumptions, and reasons that so many critical thinkers on the left see conflict between animal rights and human rights despite all the interconnections.

As much as I think this penchant to assume a conflict between animal rights and human rights is shaped by anthropocentrism and misinformation, I believe those of us in animal law interested in structural analyses of speciesist violence can do more to make the complex interconnections and continuities among animal oppression, colonialism, and other forms of marginalization more visible to others. The need for this visibility is particularly pressing given the perceived whiteness of the activists and scholars who are the public face of what passes as the animal movement in Canada and the United States. This perception creates the misguided associations between challenging

animal exploitation, elitism, and privilege in the first place. The move to make connections between animals' exploitation and other exploitation more conceptually visible—so that people can better understand how 'animal' and 'animality' are subordinating concepts, and human exceptionalism a selective and destructive ideology that applies broadly across species—is ideal for several reasons. Primarily though, it is hoped that more people will come to regard speciesism, anthropocentrism, and concern for animals as part of a broader-based analysis of how violence operates. The effect for animal law would be positive as well, since this category of legal study would be seen to relate to a multitude of contemporary issues instead of being perceived as a marginal or obscure area of law or career choice.

But here I have to circle back to the fact that the animal movement is a women's movement. Given that women are at the core of the animal movement and disproportionately populate the ranks of animal law professors, the success of these initiatives and the future of animal law depend on whether women's voices on behalf of animals will be listened to and respected. Presently, it is men in academia and other corridors of power that more easily emerge as figures of authority even where women themselves are in formal positions of authority as professors, lawyers, and deans. For animal advocacy and animal law to flourish, sexism has to, at the very least, subside. And intersectionally and structurally-oriented, feminist-informed perspectives on what animals endure and how they are exploited, and how to encourage more compassion and empathy, need to grow.