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Nonhuman animals' property status: contesting the Western approach

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Introduction

Every year, more than 80 billion land animals are slaughtered for meat worldwide, the majority of them confined in overcrowded, filthy spaces, often unable to move, turn around, or see sunlight. Their lives are extinguished without ceremony, their suffering absorbed into a system that feeds on violence and calls it necessity, but the suffering does not end there. In the United States alone, for example, 1.6 million animals are subjected to scientific experimentation and testing, while an estimated 6 million wild animals languish in captivity for human entertainment around the world. These staggering numbers are not exaggerated, they reveal the scale of systematic violence inflicted on nonhuman animals under human supremacy. Yet, despite growing recognition of animal sentience, this exploitation continues unchecked across every sector, from agriculture, to science and entertainment, sanctioned by legal frameworks that reduce animals to mere property, commodifies them and renders them invisible for the fulfilment of human interests. In fact, Western legal systems, whether based on a common law or a civil law structure, are not neutral arbiters of justice; they are active instruments of oppression. They codify and enforce rigid boundaries between persons and objects, human and animal, legitimizing the domination of nonhuman life. By classifying animals as property, the law facilitates endless violence while shielding itself from critique. In this, animal welfare laws, framed as protections, only reinforce animals' legal status as commodities, regulating exploitation without challenging its foundation.

Drawing from different cases, this thesis critically examines the conceptual and structural limitations of Western legal frameworks in addressing nonhuman animals' interests. It investigates the ideological foundations of speciesism and anthropocentrism that sustain the property status of animals and explores alternative legal and ethical perspectives that could lead to genuine liberation. The thesis argues that liberation is impossible without rejecting Western concepts of property and legal personhood, which are designed to exclude nonhuman animals while maintaining colonial and speciesist power structures. By adopting an intersectional, antispeciesist, and decolonial framework, this work argues for dismantling the colonial roots of animal oppression and reimagining law through relational, non-anthropocentric models found in Indigenous legal traditions and epistemologies. These traditions challenge the human/animal and culture/nature binaries embedded in Western legal thought and offer alternative frameworks that recognize animals not as objects but as kin and subjects with agency. Ultimately, true justice requires the dismantling of colonial legal

structures that uphold both anthropocentrism and speciesism, suggesting how a decolonial ethic is essential for multispecies liberation.

The first chapter focuses on the legal status of animals and how anthropocentrism and speciesism underpin their classification as property. It explores the contradictions within Western animal welfare laws, exposing how they claim to protect animals while ultimately reinforcing their commodification. The chapter argues for an abolitionist approach, rejecting welfarism and challenging the legal foundations of animal exploitation. A critical analysis of U.S. and European Union legislation highlights these systemic shortcomings.

The second chapter addresses how human-nonhuman and nature-culture binaries serve as the foundation for speciesism and anthropocentrism while intersecting with other forms of human oppression. The chapter discusses how "animality" historically functioned as a criterion for legal property status, justifying the treatment of certain human groups such as enslaved people, Indigenous communities, and women as property. Drawing on different cases, it highlights the relevance of the "dreaded comparison" in animal advocacy and argues for an intersectional antispeciesist approach as essential for dismantling anthropocentric logic in Western legal systems.

The final chapter shifts to decolonial perspectives on animal liberation, arguing that challenging speciesism requires dismantling colonial legal structures. It traces the historical roots of domestication and the property status of animals, rooted in Western ideologies. In this respect, reimagining human-animal relationships through Indigenous epistemologies offers a path toward justice. While recognizing the diversity of Indigenous traditions, the chapter emphasizes shared principles of animal agency, kinship, and interdependence. Rather than integrating Indigenous legal systems into Western law and perpetuating colonialism, it advocates for decolonization to dismantle structures that erase both Indigenous and animal bodies. The chapter also discusses Indigenous veganism as a return to plant-based practices disrupted by colonialism, arguing that decolonial food systems must prioritize animal perspectives and reject the logic of industrialized farming.

In conclusion, this thesis argues that the legal status of animals as property is not a mere legal fiction but a violent manifestation of colonial and speciesist ideology. Genuine justice for nonhuman animals requires a radical paradigm shift, one that dismantles rigid boundaries between persons and property, human and animal, culture and nature. By engaging with Indigenous and non-Western perspectives, this work aims to reimagine legal systems rooted in relationality, kinship, and liberation for all beings. A decolonial place-based approach that

centers animal perspectives is essential for achieving justice for both human and nonhuman beings.

Chapter 1: Overcoming nonhumans' property status: anthropocentrism and animal welfare laws

1.1 Nonhuman animals' condition in Western society

1.1.1 Animal exploitation and the speciesist ideology

Humans have lived alongside nonhuman animals since ancient times, forming with them strong bonds of kinship, relying on their help for various activities and overall integrating them as essential parts of our cultures, histories, and societies. Even today, animals remain cherished life companions and protected vital members of the Earth's ecosystem, as humans keep depending on them for different purposes. For example, in Western societies especially, the practice of keeping pets is extremely widespread, with animals offering not only companionship but also emotional support, therapeutic benefits, and assistance for medical or protective needs. As a matter of fact, more than half of the US households currently owns at least a pet (86.9 million homes), a number which is up 56 percent from the 1980s, where domestic animals have become actual members of the family (Forbes, 2024). Yet, animals are, also, in the things we eat, we wear, and we use, not companions anymore but products we sell, buy, kill, hurt and use for human benefit and wealth. Currently, it is surprising how much Western society, politics and economy are entangled with and depend on the life of millions of nonhumans. For example, according to the Food and Agriculture Organization of the United Nations (FAO), more than 80 million land nonhuman animals are slaughtered for meat every year worldwide, a number that has been exponentially increasing in the last 60 years (FAO, 2022). On top of this, over a trillion of individual fish are estimated to be caught each year at the global scale, a statistic that is so large that is usually calculated in tonnes, making both the meat and fishing sector a billion-dollar industry (FAO, 2022). In general, human exploit 92.2 billion individuals of land animals as livestock every year, this is if counting all nonhumans that are also kept and used, not yet killed, in farming for not only meat but also dairy production (The Humane Society of United States, 2018).

These few facts prove how much animal exploitation is an extremely significant part of Western society, not only making up a major part of its economy, but also being extremely intertwined with Western cultural practices, customs and traditions, where nonhuman animals are industrially used in countless of ways, giving rise to an actual animal industrial complex. This system, that includes all animal uses such as animal agriculture but also scientific research, zoos, transportation, hunting, pets, medicine etc., imposes different forms of institutionalized

violence on nonhuman animals, capitalizing on their suffering for the overall benefit and advantage of humanity. In this respect, Nicole Shukin denounces, what she calls, the "rendering" logic of modern capitalism, described as the timeless practice aimed at the maximization of profit through the sacrifice of innumerable nonhuman lives and the capitalization of every possible part of the animal body. This absurdly reaches the point of recycling animal remains for different purposes in order to extract every possible economic value from nonhumans' dead or pained bodies, even forcing animal cannibalization to reduce the sustenance costs of livestock and the dismantling costs of carcasses. Such violent and dehumanizing practices, are very common not only in the meat industry but also in all other industrial animal practices, functioning through invisibilization to continue to maximize stakeholders' interests over animal uses (Shukin, 2009). In this regard, Shukin explains how the concepts of capital and animality are deeply intertwined in a fetishistic relationship that obscures and disrupts embodied and relational ways of being. The very term 'capitalism' itself derives from caput, meaning livestock, positioning nonhuman animals as the very foundation and guarantee of an economy from which they could never benefit (Shukin, 2009).

As denounced by Greta Gaard, the same logic can be seen in the "gift" economy of milk and dairy products. Here, the industry operates as a "free rider", exploiting female animal bodies, female cows as well as women and female caregivers, who offer reproductive labor in return for little to no compensation. Not only are the cows forced to be artificially inseminated in order to acquire profit from their milk and calf, but also their bodies are being strained by the too much pressure resulting from the different practices. In fact, because of the enormous quantity of hormones, dairy cows are producing more milk than ever, suffering at the hands of the endless cycle of lactation and forced pregnancy that leads to continuous infections and mastitis, to then having to endure the emotional pain of being separated to yet another calf (Gaard, 2013).

In connection to this, Hayley Singer introduces the concept of the "pharmaco-carnist regime", referring to the millions of nonhuman animals and animal body parts used as raw material for research, sacrificed in the name of human progress, particularly in relation to the human body, its hormones, and its functioning. According to the US Department of Agriculture (USDA), 1.6 million nonhuman animals were used in scientific experimentation and testing in the United States in 2023 alone, kept in cages or losing their lives for the advancement of human knowledge and wealth (USDA, 2023). The pharmaco-carnist regime thus operates as a techno-eco-political arrangement between the pharmaceutical industry and animal agriculture, effectively creating a global wet market of animal bodies and body parts, socially constructed

as essential resources for scientific experimentation and medical development. In this framework, animals are not only harmed and killed for the benefit of humanity but are also used to produce and reinforce human gender categories, including sex and race, ultimately fueling systems of human oppression and social injustice (Singer, 2017).

Sadly, animal suffering continues also in other economic sectors and human life domains. Every year in the world more than a billion animals are killed by the leather and fur industry for their skin (PETA 2024), and 300 million working animals are used worldwide in the forms of traction animals, service dogs and military animals (World Animal Net, n.d.). As far as entertainment, those same majestic animals that we adore are confined in approximately 10,000 zoos worldwide, which hold more than a million of birds and mammals unfairly imprisoned in questionable living conditions (Born Free Foundation, n.d.), 800,000 individuals only in AZA (Association of Zoos and Aquariums) accredited facilities (AZA, 2021). R. Acampora characterizes zoo displays as a form of pornography, describing them as "visive violence" that subjects nonhuman animals to captivity. Confined within cages, these animals are forced to re-present either their entire species or, more broadly, the exotic and wild, exploited under the guise of both conservation and entertainment (Acampora, 2005). In general, an estimated 6 million wild animals live in captivity for human entertainment, hundreds of which are exploited in circuses and rodeos (Born Free Foundation, 2024).

1.1.1.1 Speciesism

Naturally, many people would consider morally wrong to kill or hurt a nonhuman, especially knowing the suffering that animals endure in the animal industrial complex, yet, it is also true that those same people may routinely eat other nonhuman animals, use their skin for clothing, make use of drugs and products that have been tested on them, and even visit the zoo a couple of times a year, unconsciously and ignorantly continuing by force of habit to foster animal exploitation. The reasons behind this moral confusion, or “moral schizophrenia” as Francione defined it, are of different natures: as already mentioned, historically we’ve been exploiting nonhumans for a very long time, and, economically speaking, animal exploitation is a billion-dollar industry, but most importantly humans are able to justify the countless nonhumans deaths, sufferings and offenses with the underlying belief that nonhuman lives are simply not as valuable as humans’ (Francione, 1996). In this sense, Western culture and belief systems are inherently anthropocentric and rooted in speciesism, the discrimination based on species that places humans, particularly white men, at the top of a hierarchical system. This framework promotes human superiority and prioritizes human interests, facilitating the invisibility of

institutionalized forms of violence, such as animal agriculture, and ultimately legitimizing the status quo of animal exploitation (Weitzenfeld et al., 2014).

The concept of speciesism was introduced by Richard Ryder and popularized in 1975 with the publication of *Animal Liberation* by Peter Singer. In this work, Singer defines speciesism as discrimination based on species, rooted in anthropocentrism, where the interests of nonhuman animals are disregarded or deemed less important than those of humans (Nocella et al., 2014). As a result, everyday speciesism, intended as a system of oppression and violence, causes the killing and exploitation of countless of nonhumans, fueled by anthropocentrism and human exceptionalism. This last ideology is actually the direct product of the rise of humanism in modern times which considers humans as the ultimate source of knowledge and value, ontologically free through reason and intellectual capabilities. This, in turn, leads to the marginalization and subordination of nonhuman perspectives, interests and beings, considered as inferior and valueless, and ultimately functioning to maintain the centrality and priority of humanity (Weitzenfeld et al., 2014). Whether centered around the ideas of Dominionism, which asserts that God gave humans dominion over nature; stewardship, which frames it as humanity's responsibility to manage nature; or evolution, which suggests humans have gained ascendency through natural competition, anthropocentrism is defined as the privileging of humans over nonhumans. This privilege is based on and reinforced by species, leading to the belief that animals, as inferior species, can be exploited to serve the interests of the most intelligent and superior species, thereby giving rise to speciesism. In other words, speciesism is the systemic and structured actualization of anthropocentric notions of human exceptionalism and animal subalternate status, specifically allowed by anthropocentrism's rationalization of a human-nonhuman (or culture-nature) separation (Nocella et al., 2014). In fact, in order for anthropocentrism and then speciesism to function, humanity (again, particularly in reference to white men) needs to be completely detached from animality that, because of its social construction as inferior, degraded and depraved, can be objectified, oppressed and exploited. This works because of the existence of a continuous process of Othering that particularly differentiates humanity from animality, culture from nature, human superior capabilities from animal rational inferiority, giving shape to the dichotomy that enables anthropocentric thinking and speciesist oppression (Weitzenfeld et al., 2014).

But what exactly differentiates humans from animals? This is a question that is never fully answered by the Western imaginary, where the idea of 'animal' is used as a fundamental counterpart in the definition of 'human', that, as a consequence, becomes everything that is not 'animal' or 'animal-like'. According to Keith Thomas humans attributed to animals all the

impulses that they are afraid of in themselves, that is ferocity, gluttony, sexuality, actually providing more of a comment about human nature than animality itself. Nevertheless, the search for the single trait that finally distinguishes us from nonhumans has been unsuccessful, since neither reason, language, self-consciousness or a sense of the time and future, have been found to be the key factor that defines humanity. This means that humans have been asserting their superiority over nonhumans based on an ambivalent and unsecure foundation of where the difference lies and what forms of mastery it can authorize. Actually, the very fact that the notion of animal has been extended in Western society to dehumanize other humans as well for different reasons and purposes, as will be explored in the next chapter, contradicts the essentialist claim that "animal" has fixed and universal foundations. In other words, by separating humanity from animality, humans have perpetuated the false notion of human superiority, defining nonhumans as inferior based on qualities that are, in fact, widely shared among our own species; all to justify the subordination of nonhumans and to continue exploiting their labor for our benefit (Kim, 2015).

At this point, speciesism and anthropocentrism are the very foundations of Western society, dictating the way we interact with both nature, other species and even among ourselves. This can be easily seen even in the way we treat different categories of nonhuman animals. In fact, as already suggested, some nonhumans are surely better advantaged than others, placing farm animals and pests in the lowest hierarchical level, while pets and wild animals are favored and privileged. The reason behind this is to be looked for in speciesist ideologies, especially in the anthropocentrism that leads in the favor of humans and human perspectives. In fact, as a consequence of the anthropocentric bias that always places what it is like to be human, or human characteristics and preferences, at the basis of the value of life, our society, advantages the so considered "beautiful" animals, "lovable" animals, "valuable" animals, "non edible" animals, "safe" animals etc. instead of those regarded as "value-less" (Woodhall, 2015). So, for example, species deemed "bothersome" or "infesting" by human standards are treated as pests, while those regarded as "edible" become farm animals, and those seen as "lovable" are turned into pets. At the same time, this anthropocentric bias also manifests in the value humans assign to certain species based on their perceived "human-like" traits, such as communication skills, intellectual capabilities, or social structures. For example, apes and marine mammals are often better protected precisely because of their resemblance to humans, granting them an "elevated" status as more "humanized" animals, reflecting the anthropocentrism and human exceptionalism inherent in Western cultures. In other words, as long as humans impose a specific value onto a group of animals, their treatment will align with that assigned value,

underscoring the anthropocentric framework under which Western society operates (Woodhall, 2015) (Joy, 2010).

Nevertheless, despite the varying treatment of different species, nonhuman animals are consistently regarded as inferior to humans, as, in one form or another, all categories of nonhumans are exploited for the benefit and enrichment of human society. As already discussed, the animal position at the very bottom of the social hierarchy ultimately reinforces the notion that nonhuman lives are expendable and their value measured only in terms of their utility to human interests. Whether as labor, food, entertainment, or companionship, nonhumans are commodified and subordinated, their existence framed as a resource to be managed, controlled, and consumed. This systemic devaluation reflects not only human dominance but also the deeper cultural mindset, that is speciesism, that, extending in every aspect of Western society, perpetuates the commodification of those deemed "other" and maintains the unequal power dynamics that define our relationship with the more-than-human world (Weitzenfeld et al., 2014).

1.1.2 Nonhuman animals' legal status as property

More practically speaking, speciesist ideas of nonhuman subordination and subsequent exploitation have been facilitated and legitimized by nonhuman animals' legal status under Western law. In fact, most Western legal systems divide entities in two different categories: 'person' or 'property', using the concept of 'legal personhood' to specify its object. While legal persons are considered subjects, that count for the purpose of the law and are holders of fundamental rights, the term 'property' refers to the objects of such rights. In this way, rooted in the idea of human superiority, the majority of Western common-law and civil-law traditions operate under the same anthropocentric and speciesist framework of Western culture, revealing their dualistic nature through the distinction between persons and property, humans and animals, considering one superior to the other (Francione, 1996). In fact, even if organizations, corporations, associations etc. are usually granted legal personhood despite being nonliving entities, nonhuman animals are still treated as chattel under the law, subjected to the property rights of their human owners. Ultimately, fueled by the speciesism and anthropocentrism of Western culture, the legal status of nonhuman animals legitimizes and justifies their exploitation and commodification in all industrial practices, since, as objects they can be used according to the needs of their owners (Stucki, 2020).

Specifically, as "things" or property of persons, nonhuman animals cannot have rights or duties, be bound by or recognize rules since, because of the way Western law defines its objects, there

simply cannot be a legal relation between a person and a "thing" or between two "things" (Francione, 1996). In this way, animal property status renders meaningless any human claim that considers nonhumans as beings and not things, worth of morally significant interests. In fact, nonhuman animals are legally owned exactly as inanimate objects such as cars or furniture, having no other value other than the one that we, as humans and property owners, give to them. This means that humans, as owners, are entitled to the complete possession of the animal, pet or farm animal, the use of the animal for economic and other gain, and the right to make contracts in respect to the animal. Wild animals, on the other hand, are considered to be owned by the state in trust for the benefit of the people, unless the nonhuman individual is hunted, confined, or tamed, in which case it becomes the property of a particular human (Francione, 2004).

Again, nonhuman animals don't have fundamental or constitutional rights, whether of freedom, autonomy or life, condition that is dictated by their formal status and allows for their exploitation and subjugation for the human benefit. Regardless of moral beliefs, we put billions of animals into existence annually just for the purpose of killing them, we assign them market prices, we sell them in pet stores, exactly as we do for any other inanimate good. Basically, being property means that every interest a nonhuman has represents an economic cost, ignored for the overall wellbeing and wealth of human society (Francione, 2004).

Again, whether it is for meat, entertainment, scientific experimentation or emotional support, nonhuman individuals continue to be sold, bought, used, bred, imprisoned, hurt, killed and disposed of in Western society, demonstrating a fundamental gap in Western animal welfare law, that, if it maintains the same basic dualistic classification, will forever be flawed and unfair (Stucki, 2020). In fact, nonhumans' legal protection is extremely limited by their legal status. Whenever there is a human-nonhuman conflict, human benefits from animal use are favored over animal interests, exactly because of their inferior importance on the legal scale. It is impossible to fairly balance human interests, protected by claims of right, and specifically the right to own property, against nonhuman interests as property, which only exist as means to the ends of persons (Francione, 1996). In other words, there will always be a clash between property owners, who want to use their property, and their animal property, simply because, in Western legal terms, the "suffering" experienced by property owners of not being able to use their property counts more than the suffering of the property (Francione, 2004).

In Western society, 'property' becomes the very synonym of animality, an animality that must be dominated and exploited, giving origin to the very legal concept of 'person' that has to own it, constructed to coincide with the notion of human. In this, the differentiation of humans from

animals goes hand in hand with, and ultimately shapes, the one of persons from property, revealing not only the underlying speciesism at the base of Western law, but also the importance of human-animal relationships (often of exploitative nature) in the creation of legal definitions and postulates that have been regulating human activities for decades (Deckha, 2023). Actually, cattle, or domesticated livestock, is the first private property, demonstrating the link between capitalism, property and nonhuman animals (Ficek, 2019). In this context, Shukin (2009) describes how the notion of capital and the modern concept of "man" give shape to a process of animalization towards other species, one that works in tandem with the law to differentiate between bodies that have a body (habeas corpus) and are thus recognized as persons, and bodies that are bodies, living corpses, treated as products and property (Shukin, 2009). This is exactly the human-animal hierarchy at play, where the legal and social recognition of personhood is reserved for humans, while animal bodies, are rendered killable, commodifiable, and devoid of inherent rights (Francione, 2004).

In this, Western legal systems are profoundly anthropocentric, created by humans and for humans, with the notion of rights constructed around human standards and characteristics. Rights and legal personhood are rooted in humanist ideals that center specific traits, self-governance, rationality, cognitive ability, and language, as prerequisites for recognition and protection. These traits are considered markers of full moral worth, drawing sharp boundaries between those who qualify as legal subjects and those relegated to the status of property, objects, or resources. This framework inherently excludes nonhuman animals, beings who challenge rigid human classifications because they do not meet these narrow, anthropocentric criteria. In such legal systems, sentience alone is insufficient for the conferral of rights; it is intelligence, narrowly defined and often framed in human terms, that becomes the ultimate gatekeeper. Ultimately, by valuing this attribute over sentience, these legal systems reinforce a hierarchy in which human superiority is taken as a given, and all other beings are measured against the human standard. Nonhuman animals, despite possessing rich emotional, social, and communicative lives, are systematically excluded from protection because they do not fit the mold of the rational, self-governing subject (Deckha, 2023).

In the end, regardless of our moral beliefs that nonhumans are sentient and can suffer, if an animal serves some human purpose there is nothing that can prevent their suffering or even death, simply because Western law officially treats them as good without rights and does not protect them from industrial violence (Francione, 2004).

1.2 The problem with Western animal welfare: an abolitionist approach

1.2.1 "Unnecessary suffering" and the 'humane treatment principle'

Up until the 17th century, it was common belief to consider animals not much different to moving machines, soulless and insentient entities to which humans had no moral obligations towards, and they could use however they liked. As a matter of fact, the idea that nonhumans were not rational or self-aware as humans are, was a good enough reason to consider them as solely and exclusively existing for human benefit and having barely any value in themselves. This is why, it is very difficult to find traces of legal animal protection in Western law before the 19th century, apart from the safeguarding of humans' property interests, reinforcing the idea that cruelty towards animals should be avoided as an obligation, not to the nonhuman themselves, but to other humans (Francione, 2004). It really was Descartes in the 1600s that really played a critical role in the ultimate separation of humans from animals. For the philosopher, embodiment was a sign of imperfection, "any being that is wholly corporeal is of the lowest order of being. ... Nature is taken in its essence to be pure corporeality", while humans were defined by soul, mind and thought with the saying *Cogito, ergo sum* (I think therefore I am), different from the pure machines that were animals, bodies without thought or soul (Kim, 2015, p.34). Nevertheless, in the last 200 years, Western culture has made a distinction between inanimate objects and nonhuman animals, as a reflection of the common moral belief that any action causing nonhumans' suffering is in itself morally wrong, suggesting that, despite not being self-aware in the same way humans are, nonhuman animals have just the same interest in not being hurt (Francione, 2004). Here, the question is not whether or not animals can think or reason or talk, but whether or not they suffer, and, if they do, such harm should be avoided. Still, nonhumans are inferior in intellect, but they share with humans the capacity to feel, therefore they should be spared of pain if possible (Kim, 2015). In other words, even though, human interests, as a superior species, of animal exploitation usually prevail, Western society generally believes that, because animals can suffer, humans have a moral obligation to not subject them to any suffering that is unnecessary, giving origin, in this way, to the 'humane treatment principle' (Francione, 2004).

This notion was first introduced by Jeremy Bentham in the 19th century, representing the first ever rapture from the cultural tradition of considering nonhumans as beings without sentience or interests, uncapable of feelings and suffering. He, in fact, rightly suggested that humans and animals are similar in the way that they both suffer, and that their difference in capacity of speech and reason is not required for animals to matter morally and have legal protection. In

other words, no other attributes should be much important or relevant other than sentience when contemplating the difference between "things" and "beings" and therefore questioning the existence for nonhuman animals of morally significant interests. In particular, Bentham encouraged the creation of laws protecting animals from suffering, arguing that we have a moral obligation in regulating how we treat nonhumans in our activities as to avoid them gratuitous harm (Francione, 2004). As a result, the 'humane treatment principle' was introduced in Western law through general regulations, such as anticruelty laws, and through specific standards that apply the principle to a particular animal use, such as experimentation, farming and hunting (Francione, 2004). The principle specifically involves balancing the interests of nonhuman animals in avoiding suffering with human interests in using the animal. This process determines whether the suffering is justified, assuming that harm is deemed necessary when there is a conflict of interests, and that the minimum amount of pain should be imposed only when required to achieve a particular goal. Suffering, therefore, is then prohibited for amusement, pleasure or convenience, encouraging the pursuit of an alternative to the use of animal if possible (Francione, 2004).

The very notion of the 'humane treatment principle' and "unnecessary suffering" currently makes up the basis of animal welfare and animal protection laws in Western countries, somehow limiting the extent and scope of animal suffering in human activities. Yet, the idea of "unnecessary suffering" and "humane" treatment doesn't condemn the exploitation of animals in any way, and it doesn't aim at limiting their employment in human activities either: it is solely a methodology that guides the process of killing, hurting and using animals for human profit, serving the intention of hiding the systemic oppression of animals, alleviating consumers' guilt, and legitimizing the atrocities of the animal industrial complex (Francione, 2004). This makes the ideology behind the "unnecessary suffering" or the 'humane treatment principle' deeply problematic and utterly biased, implying by definition the exploitation of nonhuman animals, whose suffering is considered "necessary" and justified in the case it means overall benefit and profit of humans. This principle, in fact, despite recognizing the immorality of harming an animal, allows that same harm to occur in the case of necessity or purpose, indicating that nonhumans shouldn't be killed and used unless it serves humans. Again, the unveiling of speciesism is extremely evident: humans, and human interests of profit and avail, are placed on top of the hierarchical system, even above the life and death interests of nonhuman animals. Even by the phrase "unnecessary suffering" it is clear that suffering to a

certain degree cannot be avoided for nonhuman animals employed in human activities (Francione, 1996).

On top of this, the concept of “humane” killing in animal agriculture is fraught with ethical contradictions and obscures the inherent harm of slaughtering sentient beings. While "humane" implies a process free from pain and suffering, this framing primarily focuses on minimizing immediate physical distress, such as through stunning methods, while neglecting the broader harm of depriving animals of future positive experiences. This oversight creates a narrative that prioritizes human comfort and consumer satisfaction over the intrinsic value of animal lives, perpetuating systemic exploitation under the guise of ethical progress. Efforts to improve welfare conditions at the point of slaughter, while reducing observable suffering, fail to address the deeper injustice of commodifying sentient beings for profit. The framing of "humane slaughter" serves as a moral smokescreen, legitimizing a system where animals are treated as property rather than individuals with intrinsic worth. This language not only desensitizes consumers to the realities of animal agriculture but also perpetuates the notion that ethical consumption can coexist with industrialized killing (Browning, 2020).

Furthermore, the use of “humane” reflects a moral inconsistency in society’s treatment of animals. It masks the structural violence inherent in animal agriculture, allowing the continuation of practices that prioritize human convenience over ethical accountability. Actually, given that animal exploitation is a human creation, the term “humane” is very fitting in highlighting the contradiction and the cruelty of the act, even though it is used to humanize the animal at the time of death. Absurdly, this also promotes the anthropocentric idea of human superiority and the speciesist discrimination of animality as an inferior condition, serving to provide a biased and problematic consolation that nonhuman individuals are “elevated” at the human level when they face human cruelty (Browning, 2020).

1.2.1.1 Cultural frameworks behind the principle

It is obvious that the “unnecessary suffering” logic is also dependent on what is considered “necessary” and what is not, that is how much is worth the life of a nonhuman animal, which, currently, is certainly expendable in order to acquire food, clothing, knowledge, labor and entertainment. As long as a particular animal use is considered socially legitimate, then the animal suffering or death that is lost will definitely be defined as “necessary”, meaning that as long as we find socially acceptable different forms of animal exploitation Western law will not intervene in the defense of nonhuman rights (Francione, 1996). Yet, most of humans’ animal uses can be explained only through habit, convention, amusement and convenience, implying

that most of the suffering that is inflicted on nonhuman animals is, in fact, unnecessary. For example, the use of animals in sport hunting and entertainment cannot be considered purposeful, yet these activities are regulated in every Western country with specific and lengthy standards. Similarly, no animal should die in order to produce yet another fur coat, when there are synthetic alternatives, or to test yet another cosmetic product. But most importantly, it is not strictly necessary to eat meat and other animal products, when a large number of health issues have been associated with meat consumption, and farming and agriculture are the main drivers of climate change (Francione, 2004).

In this, the influence of cultural and social ideals and doctrines on the legal domain is extremely evident, from the underlying speciesism to the related and more complex belief of carnism. This, specifically, is the ideology in which the relentless consumption of animal flesh is considered natural, normal and necessary, functioning through the invisibility of slaughter to allow meat consumption to be regarded as the baseline and not a choice like vegetarianism. This ideology also divides nonhuman animals in different categories based on edibility, safety and value, creating specific labels such as "farm" animal, "wild" animal, "pet", "laboratory" animal, "pest" etc. that are crucial in the definition of human-animal relationships in Western countries. The notion is, in fact, Western-centric, that is based on Western food traditions of production, privileging domestic animals and defining eating the "wrong" animals as deviant (Muller, 2021). As a result, the ideology of carnism allows the exemption of animal agriculture from anticruelty regulations, simply because of the strongly ingrained belief that eating farm animals is normal and "necessary" suffering. On the other hand, other animals that are categorized as "special" for different reasons, such as pets and wild animals, are usually better protected and spared from industrialized animal uses. The reason behind this is because their suffering is rarely defined as a necessity, that is, of course, until they are held captive for some sort of institutionalized facility such as experimentation, conservation, or entertainment (Joy, 2010).

Similarly, a key issue here pertains to the *public* nature of animal cruelty, where it becomes a concern when acts of cruelty are performed in public, usually towards "special" animals, risking the sensibilities of human spectators. This focus gives rise to a process of invisibilization, relegating animal cruelty deemed as "necessary" out of the public eye and explaining why people can love their pets while simultaneously consuming other animals. Farm animals, whose suffering is "necessary" are less visible than pets or wild species, which allows their suffering to persist unnoticed. In this, the site of harm is crucial in determining the perceived legitimacy of violence: shooting a cow in public is deemed wrong, yet the same act

in a slaughterhouse is accepted because it occurs in a designated space. Societies establish culturally acceptable sites for torture, killing, and abuse, making it possible for acts of cruelty to be condoned when they are out of sight and for "necessity", while the same acts may be criminalized when committed elsewhere to otherwise "special" animals (Morin, 2016). This is, in fact, another problem with the notion of "necessity". Not only nonhuman animals aren't granted full legal protection because of their liminal position as both beings and property, but some individuals are clearly more property and less beings than others, their suffering treated as more normal and necessary. This logic always follows economic interest, that is the extrinsic value that humans with their activities make out of that particular category or species of animals, demonstrating again the anthropocentric bias of Western culture and legal systems (Joy, 2010). In this, "currency" and "species" are linked concepts, where animal subjects of any species or category are rendered more or less as products depending on their species, yet remain fundamentally tied to capital logic and its reproduction, with their very bodies transformed into sites of commodification and value extraction (Shukin, 2009). In fact, even so-called "special" animals, though sometimes favored over other species, cannot escape their legal status, which ultimately nullifies their perceived privilege and reduces them to specimens and natural resources managed through conservation and ecosystem protection (Francione, 2004).

In the end, as long as nonhumans remain classified as property, all categories of nonhuman life are denied fundamental rights to freedom, autonomy, and, most importantly, the right to live. This legal status renders the principle of "humane treatment" meaningless, allowing the exploitation of animal bodies to persist in the service of human economic interests. If not for pleasure or entertainment, there are virtually no limits on how animals can be treated when exploitation is deemed economically "necessary" and socially and legally legitimized by their status as property (Francione, 2004).

1.2.2 Animal welfare laws and nonhumans' "weak" rights

In general, animal welfare seeks to protect animals from harm, even so that many animal welfare laws, especially anti-cruelty regulations, are criminal laws, protecting animals against "unnecessary" killing, crushing, neglect, abandonment, dogfighting and overall unjustified abuse. This seemingly suggests that we take nonhuman animals' interests seriously enough to punish humane treatment violations with criminal penalty (Francione, 2004). Yet, anticruelty laws and animal welfare standards currently create a certain degree of uncertainty regarding animal rights, which are protected until a certain point, that is when the animal legal status

comes into question. This means that, by not being properly "things" but not entirely persons yet, animals are placed in a liminal position that lacks full legal protection and solely gives them "weak" rights (Francione, 2004).

More specifically, following the logic of unnecessary suffering, if most Western animal welfare laws condemn general animal cruelty, they actually exempt most institutionalized forms of animal use where the most abuse is inflicted upon nonhuman animals, namely farming, scientific research, entertainment, hunting and other animal employing industries (Francione, 2004). Obviously, as previously discussed, following speciesist and carnist ideologies, this creates a real difference in the level of legal protection that is granted to different species of nonhuman animals. in fact, most of the statutes that regard animal welfare in Western countries are usually directed to the protection of wild animals, considered as national natural resources, and pets, individuals to which people have an emotional attachment. This is to prevent cruelty and harassment to be performed on these "special" animals, to which harm is rarely socially accepted, protecting in this way humans' moral beliefs. But the condition is much worse for the nonhuman individuals for which a certain degree of suffering is accepted and even considered normal and necessary, that is in the case of farming, research, fur and leather production, zoos etc., resulting in a real discrepancy and inconsistency in the way different species' welfare is achieved. Since institutionalized forms of violence and exploitation are exempted from animal protection and limited in animal welfare, some categories of nonhumans will always be more advantaged and "special" than others, even sometimes spared from normalized killing logic reserved for other species, giving origin to an unfair and absurd situation. While wild animals are protected by different acts regarding endangered species, valued not only as integral parts of the global ecosystem but also as intelligent animals who form complex social bonds and who constitute a cultural, other than only natural, resource, farm animals or laboratory animals, destined to contribute to human wealth with their life, are granted bigger cages, less invasive treatments and supposedly painless deaths (Joy, 2010). This is the case for instance of the Marine Mammal Act in the US, the Birds Directive in the EU or the Ending the Captivity of Whales and Dolphins Act against cetaceans' captivity in Canada (F-14 Fisheries Act. 28.1). Even with the few cases of animal rights, where nonhumans are recognized as sentient beings deserving of legal personhood, "humanized" and "special" animals, following the anthropocentric bias of species categorization, are exceptions to the rule and granted with fundamental rights. This is the case of the Proclamation of the rights of the southern resident orcas in the US, or, to cite a European case, the Romania Law for the Recognition of Dolphins as Nonhuman Persons (Ecojurisprudence, n.d.).

Nevertheless, even when anticruelty norms or animal welfare legislation aim to protect certain "special" animals, particularly pets, they often prioritize human interests and sensibilities over the well-being of nonhuman animals. in fact, many anticruelty laws, which are supposed to prevent and criminalize animal cruelty, do so primarily to protect human morality and sensibilities. In Europe, for instance, these laws emerged as part of a broader effort to regulate animal-related practices, particularly those performed by the poor, in order to construct a specific social and moral identity. In this context, the protection of human morals played a fundamental role in the limited legal protection afforded to nonhuman animals, illustrating how human interests, whether moral, religious, or philosophical, often take precedence over the lives and well-being of nonhumans (Renner, 2023). This is the logic behind anticruelty laws, which prioritize protecting human emotional discomfort from witnessing animal suffering while simultaneously obscuring cruel farming practices. Rather than eliminating animal suffering altogether, these laws prevent society from confronting it by shielding humans from being witnesses to it, thus revealing their anthropocentric and speciesist bias (Francione, 2004). This is particularly evident in Italy's Article 727 of the Penal Code, which, before its 2004 amendment, penalized cruelty only when it occurred in public spaces, aiming at the "protects...the ethical-social sentiment of humanity towards animals" ("tutela...il sentimento etico-sociale di umanità verso gli animali"). The intent was not to prevent animal suffering but to protect human observers from being disturbed by such acts. Even after the introduction of Articles 544 bis and ter, which criminalize the abuse and killing of animals, the concept of cruelty remains human-centered. What constitutes cruelty is measured through human perception, leaving the animal's experience as a secondary concern (Italian Penal Code, Article 727, 1997, as amended in 2004; Articles 544 bis and ter). Similarly, Regulation (EC) No. 1099/2009 on the welfare of animals during slaughter demonstrates how this anthropocentrism plays out in practice. While the regulation aims to reduce pain and suffering, many of its provisions focus on keeping violent practices hidden from public view through visual barriers, emphasizing the protection of human sensibilities rather than the animals themselves (European Parliament and Council, 2009). As we can see, anticruelty laws and animal welfare legislation, by prioritizing human sensibilities, over nonhuman animals' well-being, often perpetuate a speciesist framework that obscures the true extent of animal suffering and allows violence to persist in socially accepted, yet invisible, spaces.

In the end, animal welfare laws and standards do not do much more than regulate animal exploitation, without really questioning animal property status, but rather reinforcing it

(Francione, 1996). Not only this, but many animal welfare statutes are vague and left to interpretation, leaving the determination of "necessity" of animal use and levels of pain to the animal user, who will certainly act in accordance with their economic interests and not those of the nonhuman. This means that any cruel and pain inducing act will be tolerated if the animal user\owner will claim it has a legitimate purpose or that the level of treatment is appropriate, given the particular use of the animal. Even if anticruelty laws do not do it so explicitly, they have been interpreted to excuse even the most suffering inflicting acts if it is incidental to an accepted use of animals or customary practice on the part of animal owners. Especially in the case of meat production, most actions that would be regarded as cruel or even torture are unquestioned or even justified because animal agriculture is an exempted institutionalized animal use where massive economic interests are at stake. Plus, as criminal laws, anticruelty regulations prohibit actions performed with malice and cruel disposition, but criminal liability is extremely difficult to prove, especially if a defendant is inflicting suffering to a nonhuman animal as part of an accepted institutionalized animal use (Francione, 2004).

Again, as long as certain types of animal suffering, such as meat and dairy production, fur and leather industries, zoos etc., are socially accepted, neither the 'humane treatment principle' nor the "unnecessary suffering" ideology will ensure real animal welfare or protect nonhuman animals from exploitation (Francione, 2004).

1.2.2.1 Animal rights vs nature rights

Before continuing the analysis on animal welfare, it is important to make a digression on conservation and environmental policies, which, by often being directed to the population management of wild animals, still directly affect animal rights, being extremely relevant to our discussion. As already mentioned, it may seem that certain species or categories of animals, being considered as "special" or even in some way "humanized" and celebrated as wonders of nature, are more or better protected than others, such as farm animals, pests and laboratory animals. Les us think of protected areas networks, conservation programs, ecosystem preservation etc. or, most importantly, the Red List of endangered species, making activities like poaching illegal and constituting a fundamental tool for animal protection. This is, for example, the case of the Natura 2000 network in the European Union. However, it is important to highlight the fact that, even if these "special" animal species are safeguarded by the programs, policies or regulations, no direct right or protection is granted to individual animals, suggesting another significant point in discussing animal welfare and nonhuman rights. In this regard, it is extremely important to specify the difference between animal rights and nature

rights and explaining why protecting wild animals and ecosystems through conservation efforts is not enough to guarantee full protection to animals. If the first focuses on the interests of individual animals, relying on the idea of their sentience and intrinsic value as subjects of rights, the second concerns the protection of entire ecosystems and collective entities rather than individual plants or animals, influenced by the notion that nature has a right to exist outside of the extrinsic value it has for human or nonhuman animals. If both are fundamental in the path towards a more inclusive environmental policy and multispecies liberation, one doesn't substitute the other. There is a difference between recognizing the need to protect the intrinsic value and right to exist and not being damaged of a specific natural being or entity, as a mountain or a river, and directly granting rights to individual animals as subjects, free from their formal status as "things" (Epstein et al., 2023). In this, constitutional articles, environmental policies, species protection legislations, and even individual court cases, despite having often non-anthropocentric language, mostly seek to safeguard natural resources, ecosystems, or even, more generally, nature itself, rather than singular animals, considering the various species as integral parts, or representations, of nature (Levin, 2015). This holds true even in the most progressive cases of animal rights. For example, in Guerrero, Mexico, a court case regarding animal abuses at the Zochilpan Zoo condemned the practices as "nature rights violations." Similarly, in Ecuador, a man was prosecuted for killing a jaguar, an endangered species, with the act recognized as "a crime against nature" based on nature's right to exist (Ecojurisprudence, n.d.). While granting nature rights provides important protections for specific animals, which is undoubtedly positive, they still frame animals only as mechanical components of the natural system, without explicitly recognizing nonhuman individuals as subjects deserving rights. If, alternatively, there are conservation programs and species preservation project directed to specific animals, they only value nonhuman individuals as specimens for reproduction and units of their species, rather than actual subjects with their own unique individuality. This is, for example, the case of population management plans in protected areas or zoos (Levin, 2015).

Again, one thing is giving rights to natural beings and entities, another is granting nature rights to entire ecosystems, grouping together all species of animals and plants as serving a greater biological function. The problem with using nature rights to grant rights to animals is that nonhuman individuals stop being valued as subjects and become specimen that can be sacrificed for the overall benefit of the ecosystem in the name of conservation. That is, if a population of a certain species is becoming too numerous and allegedly damaging to the regional ecosystem, individual animals are then ruthlessly suppressed, the action justified by

the logic of nature protection and ecological preservation. Similarly, when a species becomes endangered, a few individuals are placed in conservation programs and forced to reproduce to prevent their extinction, again sacrificed for the supposed greater good of conservation. So, while the concept of nature rights may appear to protect all beings in a given area, nonhuman animals are still managed as "things." In this context, they are not treated as products but as specimens, once again objectified as property, with their emotions and individuality ignored for the noble goal of conservation. Once more, humans assume a godlike authority, managing populations and deciding who lives or dies, a particularly ironic role given that population declines or surges are often a direct result of human activity (Levin, 2015).

An example of this is the situation with bears in Northern Italy, where, despite the species being reintroduced through a conservation program, their rapid population growth caused significant cohabitation issues between the bears and local communities. This conflict escalated with the death of a hiker and the subsequent killing of the bear JJ4, responsible for the incident. In response, the Regional Administrative Court (TAR) of Bolzano modified local regulations on large carnivores, requiring the annual culling of eight bears to manage the population and ensure the safety of nearby villages (De Vivo, 2023). This conflict between individual and species is particularly evident in zoos, where animals are marketed to the public as "special" beings with their own individuality, yet they are treated, managed, and bred as specimens, mere biological samples administered solely for species-wide genetic goals or conservation purposes. For example, pandas in China’s conservation programs are forced to reproduce to save their species from extinction, even when the individuals show no interest in mating, whether due to captivity conditions or natural causes. Biologists and experts resort to artificially constructed methods to stimulate the pandas' libido and induce reproduction, even projecting videos to the animals, informally called “panda pornography”, revealing that conservation efforts are often driven more by human desires to preserve this "adorable" species than by genuine concern for the animals' well-being or autonomy (Martin-Wintle et al., 2019) (ABC News, 2017). On the other hand, at the Copenhagen Zoo, a giraffe named Marius was euthanized for being classified as "surplus" under European zoo population management protocols. This sparked significant controversy and ignited debates about how nonhuman animals are reduced to "units" in the context of population management (Levin, 2015).

Again, ecosystem protection, protected areas networks, or even nature rights do not ensure rights to individual nonhuman animals, whose complete protection will be granted only by the abolition of their legal status as property.

1.2.3 The problem with welfarism: towards an abolitionist approach

In general, animal welfare laws in Western countries follow the approach of welfarism, one that seeks to improve the welfare of animals within existing systems of exploitation. This means focusing on reducing animal suffering and ensuring better living conditions, without challenging the fundamental structures that allow for their exploitation. In general, welfarism aims to make the treatment of animals more humane, but it does not call for the abolition of practices like animal ownership or use for profit (Balluch, 2011).

This is the problem with animal welfarism, it is based on compassion and empathy, asking humans to be "nice" to animals, without being directly against killing and abusing nonhuman individuals if it is for a specific purpose. Specifically, this approach privileges pets and domestic animals, fighting against their abuse, without critiquing animal agriculture in the defense of farm animals. Welfarism is aimed at the improvement of animal living conditions in exploitative environments, that is bigger cages, less painful deaths and less distressing procedures, without rooting for animal freedom and life (Balluch, 2011). Again, nonhuman animals are still property under the law, to which property owners can use in all types of legally and socially legitimized ways, regardless of the "unnecessary suffering" postulate and anticruelty laws. In other words, animal welfare supposedly intends to protect animals from suffering, but it does so without any reference to their property status, generally centering around whether or not a particular practice is "gratuitous" or not. But, if anima welfarism actually never challenges the institutions of exploitation, simply because there is no legal mechanism to do so, animal interests are only protected up until they need to serve the goal of rational property use (Francione, 1996). Speciesism and animal exploitation will never cease if the animal legal status is left unchanged and a radical rethinking of the human-animal relationship is not put in place (Francione, 1996). In the failure to question human exploitation of nonhuman animals, welfarism has interiorized the speciesist ideology that makes humans the purpose for which every other being exists as mere tools to be used for our benefit (Best, 2010).

In this, animal rights theory stands in stark contrast to welfarism, as it is rooted in abolitionism and demands equal rights for nonhuman animals. While welfarism focuses on mitigating animal suffering within existing systems of exploitation, animal rights theory challenges these systems altogether, advocating for their complete abolition. At the heart of this ideology lies the recognition that nonhuman bodies possess intrinsic value, a value that exists independently of the use, profit, or purpose imposed on them by humans. Nonhuman animals are no longer

seen as objects, commodities, or things but instead as subjects and persons with their own lives, interests, and inherent worth (Balluch, 2011).

Unlike welfarism, which seeks to regulate and minimize harm, animal rights theory rejects the very premise that any form of institutionalized violence, suffering, or killing of nonhuman animals can be justified. Discussions about the necessity or extent of animal suffering become irrelevant within this framework, as the ideology fundamentally opposes any human-imposed domination that inflicts harm or denies nonhuman animals the autonomy to determine their own lives. In this view, nonhuman animals are not resources to be managed or improved under more "humane" conditions; instead, they are individuals deserving of fundamental rights that protect their freedom and well-being on their own terms (Balluch, 2011).

Abolitionism and animal rights theory are inherently political and reject all animal uses. They confront the human/nonhuman relationship at its core, challenging the structures of power, control, and exploitation that uphold speciesist hierarchies. This ideology critiques not just individual acts of cruelty but also the broader systems of injustice that normalize animal oppression and entrench species-based discrimination. By explicitly targeting the cultural, social, and legal frameworks that commodify and subordinate nonhuman animals, abolitionism calls for a radical transformation, one that dismantles the Western dualist legal paradigm of persons and property that underpins and perpetuates the exploitation and capitalization of animal bodies (Balluch, 2011) (Francione et al, 2017, p.11).

Only through the destruction of these patterns of animal oppression can full legal recognition and protection for nonhuman animals be achieved. Abolitionism envisions a world in which nonhuman animals are liberated from human control, where their lives are no longer subject to human domination, and where they are free to exist as autonomous beings, unburdened by systems that reduce them to resources or objects of utility. This dramatic reimagining of human-nonhuman relationships calls for nothing short of a collective, structural shift, a paradigm that prioritizes justice, equality, and liberation for all sentient beings. (Balluch, 2011).

1.3 The 'humane treatment principle' in action: the US and EU current legislations

1.3.1 US animal welfare

Animal welfare in the US does exist, both at federal and state level, for the employment of animals in a variety of different uses. Nevertheless, the regulations in place not only display all underlying issues already discussed but are also limited in definition and scope, ultimately

failing at guaranteeing full protection to nonhumans. In this section direct examples of the unsuccess of animal welfare laws in safeguarding animal health, life and freedom will be provided, focusing on the analysis of the fault logic of welfarism and its 'humane treatment principle' in order to support abolitionist claims.

1.3.1.1 Animal sentience in the US

First, although there are several pieces of legislation that recognize that nonhuman animals can suffer, at present day there is no actual recognition of animal sentience in the United States, neither at federal nor statal level. In particular, mentions of animal suffering can be found in the Humane Slaughter Act of 1958, now enforced as the Humane Slaughter Act of 1978, which directly states how humane methods of slaughter avoids needless suffering for animals and encourages to employ them as much as possible (7 U.S.C. s.1901). Similarly, the Animal Welfare Act of 1966 requires the minimization of pain during experimental procedures, as well as specifically demands dealers, exhibitors, and research facilities to ensure that the environment provided to nonhuman primates promotes the psychological well-being of the individuals (7 U.S.C. s.2143). As we can see, both acts recognize some aspects of animal sentience, such as capacity of suffering, being distressed and even mental suffering, but they fail to consider animals as sentient beings under the law. Clearly, both regulations follow the 'humane treatment principle', which, as already discussed, is deeply problematic and enables animal exploitation by allowing institutionalized violence, ultimately reinforcing animals' property status (Francione, 2004). Again, these two acts, seek to harmonize the interests of humans to use the animals to further maximize human benefits, with the conflicting moral belief of minimizing their pain and make sure the individuals are maintained in good health to continue to profit from them (Vigars, 2017).

1.3.1.2 The Humane Slaughter Act and the Animal Welfare Act

To continue with the analysis of the Humane Slaughter Act, this regulation specifically prevents needless suffering, ensures better and safer working conditions and benefits producers and processors as well as consumers, by requiring that "the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods" (Humane Methods of Slaughter Act, 7 U.S.C. § 1902, 2024). In particular, animals should be rendered "insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut" (Humane Methods of Slaughter Act, 7 U.S.C. § 1902, 2024). Nevertheless, the act does not apply to poultry or fish, and a later provision of 2019 enabled slaughter lines to be sped up and

allowed state inspector officials to be replaced by company employees, completely disregarding decent animal welfare. Sadly, this is the only protection that farm animals are able to have in the US, an act that specifically excludes poultry and fish from humane slaughter and transportation and doesn't mention rearing conditions for all species; this is because all other federal regulations and state-level anticruelty provisions, specifically exclude farm animals from their scope of jurisdiction (USDA, n.d.).

On the other hand, the Animal Welfare Act, the main legislation regarding animal welfare in the US, requires the avoidance and minimization of pain and distress in the use of animals "for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use", directly stating that these animals should be provided "humane care and treatment" even in transportation and commerce (Animal Welfare Act, 7 U.S.C. § 2131, 2024). Additionally, the AWA includes minimum requirements for "(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and (B) for exercise of dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary, and for a physical environment adequate to promote the psychological well-being of primates" (Animal Welfare Act, 7 U.S.C. § 2143, 2024). Nevertheless, the AWA defines the term animal very narrowly as "'any live or dead dog, cat, monkey (non-human primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet" excluding "birds, rats of the genus Rattus and mice of the genus Mus bred for use in research, horses not used for research purposes, farm animals such as, but not limited to, livestock or poultry" and all cold-blooded animals including fish, amphibians and reptiles (Animal Welfare Act, 7 U.S.C. § 2132, 2024). So, not only the animal welfare act doesn't fully protect nonhumans from "necessary" death and suffering by the hands of institutionalized violence, but it also excludes a wide range of species that are not even spared from "unnecessary" inflicted pain. This also includes farm animals, who are the majority of nonhumans present in the US, and mice and rats used in scientific research, who also represent 95 percent of the animals used in experimentation (The animal Protection Index, n.d.). Thankfully, laboratory animals are also protected by the Health Research Extension Act of 1985, which applies to all vertebrate animals used in research, including mice and rats, calling for their "proper" care and treatment (NIH, n.d.).

Linked to the AWA, the US Department of Agriculture sets out minimum care standards through an informal rulemaking process. These are specific regulations directed to the handling, care and transportation of specific animal species which include dogs and cats, guinea pigs and hamsters, rabbits, nonhuman primates, marine mammals, birds, and other warm-blooded animals apart from the ones cited. This is directed to exhibitors, such as zoos, dealers and research facilities. Not all species protected by the act are covered by the Minimum Standards, and as such they fall under the general guideline of "adequate" care. For example, polar bears have a specific section of the Minimum Standards dedicated to them, while other bears do not. Plus, as already mentioned, some are completely excluded, not only cold-blooded animals such as reptiles and amphibians, but also farm animals. On top of this, since we are discussing 'minimum' care, the standards do not require healthy and rich environments to be provided to the captive animal individuals, but just good enough conditions to survive. Apex predators, such as orcas for example, are not able to move and behave as they would in the wild, including an impediment to hunting behaviors so important for these types of species. Again, food and nutritional requirements are not specific and open to interpretation. Following with the example of orcas, the standards simply require "sufficient quantity and nutritive value to maintain marine mammals in a state of good health". Besides, AWA's regulations do little to preserve social bonds between individuals, such as mother and child, and establish no breeding criteria, leaving different facilities to enforce breeding programs without any federal oversight or limitation. Finally, the Minimum Standards and the AWA regulations are enforced by the Animal and Plant Health Inspection Service (APHIS), a division of the US Department of Agriculture, who has limited mechanisms due to the low number of federal inspectors. In fact, inspectors are criticized for failing to properly document violations and non-compliant facilities are rarely shut down. Finally, AWA does not include a provision for citizen enforcement and oftentimes plaintiffs' claims under this act are dismissed for lack of standing because they cannot show the requisite harm (Jodidio, 2020).

1.3.1.3 Other legislations and conclusions

Another federal legislation is the Endangered Species Act of 1973, which protects fish, mammals, birds and plants listened as threatened or endangered in the country. This act is certainly important as it prohibits any taking, harming, harassment and attempt at taking, harming and harassment of those individuals that are part of species listed as endangered, granting protection from anything that prevents them from engaging in natural behaviors. Nevertheless, the act doesn't include all species and is certainly limited in scope as it doesn't

extend to animals employed in standard captivity practices such as agriculture and scientific research (Vigars, 2017). Similarly, in favor of domestic animals, there is the Preventing Animal Cruelty and Torture (PACT) Act of 2019 that makes it a federal crime to engage in animal crushing defined as "actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury" (Preventing Animal Cruelty and Torture Act, 18 U.S.C. § 48, 2019). Again, there are exceptions to this, which include "customary and normal veterinary, agricultural husbandry or other animal management practice; the slaughter of animals for food; hunting, trapping, fishing or another sporting activity not otherwise prohibited by Federal law; medical or scientific research; necessary to protect the life or property of a person; performed as part of euthanizing animals" (Preventing Animal Cruelty and Torture Act, 18 U.S.C. § 48, 2019). These two laws are clear examples of the discrepancy of legal protection for different species of nonhuman animals, where carnist and anthropocentric views of "necessity" of suffering and "normality" of exploitation dictate the life and death of different nonhuman individuals, reinforcing their categorization and ultimate subjugation (Joy, 2010). On the same note, other federal level legislations are specifically directed at particular species, such as the Horse Protection Act of 1970, or the Marine Mammals Protection Act of 1972.

In general, state legislations in the US are limited in scope and vary across states, both regarding anticruelty legislations and species-specific protection. For example, in the state of New York there is the Elephant Protection Act of 2017, that prohibits the use of this species for entertainment purposes, as "elephants are complex, highly intuitive and intelligent animals", but this is an exception limited to this area and this particular type of animal (Elephant Protection Act, 16 U.S.C. § 4201, 2017). Also, some states have passed the Beagle Freedom Bill that allows the adoption of domestic animals used in experimentation instead of being euthanized after the ending of the experiment (Animal Protection Index, n.d.).

Most animal welfare measures are, in fact, enforced at state level, rather than at federal level, making animal protection very different from region to region. Regardless, animal welfare is very limited in the US, where the different regulatory provisions, like the ones cited, are not only displaying all the previously discussed issues by insisting on the biased welfarist logic of compassion and "necessary suffering", protecting the institutions and corporations' interests in continuing to exploit the animals and reinforcing animals' property status, but they are also inadequate and inefficient in ensuring minimal animal welfare. In general, the inconsistency

resulting from different state-level legislations and the limitations in scope and definition of the few federal regulations constitute a real impediment in the process of fighting animal exploitation and abolish animal property (Xia, 2023).

1.3.2 EU animal welfare

Similarly to the US, different member states of the EU have different country-specific legislations concerning animal welfare, some more complete than others. Nevertheless, the EU is much more involved in sustainability and animal rights than its counterpart across the ocean, enforcing the implementation of specific directives concerning animal protection and nature conservation and setting out standards for animal welfare (European Commission, n.d.). This last section aims at analyzing EU animal protection as the other big component of Western world and culture.

1.3.2.1 Animal sentience in the EU

First of all, contrary to the US, the EU recognizes nonhuman animals as sentient beings. The article 13 of Title II of the Treaty on the Functioning of the European Union (TFEU), introduced by the Lisbon Treaty in 2009, actually states: "In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are *sentient beings*, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the EU countries relating in particular to religious rites, cultural traditions and regional heritage" (TFEU, Title II, art. 13). This obviously demonstrates a clear step forward in the path towards animal rights and a very significant normative shift, where nonhuman animals' sentience is clearly stated in a legal document and individual animals are taken into consideration in the implementation of policies. But, as it is stated, animal sentience is not to be used as a key factor in limiting, let alone ending, animal exploitation in the agriculture and fishing sector, in research or even for cultural-religious reasons, it must simply be taken into consideration, suggesting that human interests of animal use unsurprisingly prevail over moral beliefs of animal suffering. This makes the article 13 of the TFEU not very different from the logic of the 'humane treatment principle'. In fact, even if the moral concern for animals is increasing in the European Union, so do the numbers of nonhumans employed in agricultural activities, demonstrating a real conflict in the way animals are not only valued but also treated, and giving proof of how far we are from an actual crisis of the industrial animal complex. If, on one hand, the EU is starting to value animals as

individuals who suffer at the hands of human activities, on the other hand, the formal status of nonhumans remains unchanged, products and agricultural goods sold and used for the wealth of European society. This conflict not only reinforces nonhumans liminal position and inadequate legal protection but also creates serious practical problems in the way animal welfare policies are created in the Union, where nonhumans are regarded as sentient beings in animal welfare and regulated as goods in economic policies. As a result, since economic interests get in the way of animal welfare, the EU fails to fully address the ethical implications of recognizing animal sentience, creating a fragmented regulatory framework that provides animals with varying levels of protection depending on their economic value. In other words, because of the legal status of nonhuman animals as property, article 13 is very limited, representing more a symbolic recognition than actually having a practical impact (Sowery 2018).

1.3.2.2 Protected areas and other legislations

Moving on from animal sentience, despite the growing interest in animal welfare at both country and Union level, the EU legislation is deeply anthropocentric and focuses on human interests, following the welfarist logic of the 'humane treatment principle' and the minimization of "unnecessary suffering" (Epstein et al., 2023). Regarding farm animals, Council Directive 98/58/EC is dedicated to the protection of animals of all species kept for farming purpose, such as in the production of food, wool, skin or fur, particularly the ones in intensive stock-farming systems, including fish, reptiles and amphibians (European Commission, n.d.). The rules are based on the European Convention for the Protection of Animals kept for Farming Purposes, setting standard for animals' conditions in housing, food and care, and aim at guarantying the avoidance of "unnecessary suffering" or injury and the imposition of inspections on the state and health of animals (European Commission, n.d.). Additionally, if Council Regulation (EC) No 1/2005 provides new standards for animals' transport, Council Regulation (EC) N° 1099/2009, a review of Directive 93/119/EC, protects animals at the time of killing, requiring the use of approved methods that minimize the pain and suffering (European Commission, n.d.). In 2020, the EU Commission adopted the Farm to Fork Strategy to improve animal welfare in accordance with new scientific evidence. Again, all issues discussed above can be seen in the approach of these regulations.

Similarly, other conventions protect animals for different reasons. For example, there is The European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes regarding accommodation, conduct of experiments, humane killings,

control of breeding etc., or The European Convention for the Protection of Pet Animals regarding the approach to have in respect to pet ownership (European Commission, n.d.), displaying the problematic logic concerning the notion of "humane" killing and the favoring of pets over other categories. It is also important to mention the Eu Commission Directive 1999/22 regarding the management and care of animals in zoos that aims at minimizing distress and straightening the role of these facilities in their objective of conservation of biodiversity (European Commission, n.d.). Unfortunately, the definition of zoo is too vague, causing hundreds of unlicensed and unregulated, but operational zoological collections (Turner, 2014).

As far as wild animals, different nature conservation directives ensure the protection of fauna and flora. The most important one is certainly the Habitats Directive (Council Directive 92/43/EEC) that provides a legal framework to EU member states to protect their most valuable and threatened biodiversity, that together with the Birds Directive (Directive 79/409/EEC) constitute the Nature 2000 network, the largest coordinated network of protected areas in the world (European Commission, n.d.). These nature protection laws also demonstrate EU superiority regarding species and ecosystem conservation, recognizing the intrinsic value of biodiversity, even containing a language that suggest a non-anthropocentric perspective. Yet, as already discussed, guaranteeing protection to ecosystems or even entire endangered species doesn't equate to granting rights to individual animals, representing another step back in animal welfare in the EU. In this, the European legislation is much more advanced in the sphere of nature rights, rather than animal rights. Actually, apart from the recognition of animal sentience in the art. 13, even if it doesn't directly grant rights to nonhumans, there is no mention of animal rights in the EU, while there is plenty of language that implicitly hint at nature rights, to which both the Habitats and Birds Directive refer to (Epstein et al., 2023). Single member states of the EU also show great advancements in terms of nature rights. An honorable mention goes to Spain where in 2022 the senate passed a law officially making the Mar Menor lagoon and its basin a legal person, the first ecosystem in Europe to be enshrined with legal rights under a Western system of law (Ecojurisprudence, n.d.). Generally, this is true also in other countries outside the European borders, where it is much easier to find cases of nature rights rather than animal rights (e.g. constitutional rights to nature or Pachamama in Ecuador, 2009), whose only examples usually don't concern all nonhuman individuals but specific species of "special" animal, again proving the weight of the speciesist and carnist ideology in the categorization of nonhuman beings (Joy, 2010).

1.3.2.3 Conclusions

Despite EU laws treat animal welfare as a public interest, there is still a long way to go as, for how it is now, they primarily address human-related concerns, leaving industrial practices underregulated (Epstein et al., 2023). Obviously, this general analysis of EU legislation concerns the general regulations regarding animal protection at Union level, meaning that there are differences in the way the member states apply the directives cited, some being stricter and other less strict in ensuring animal welfare depending on the country. Apart from this, countries also have national legislation concerning animal protection, making the EU a varying landscape in relation to animal welfare standards. For example, according to the Animal Protection Index, countries like the United Kingdom, the Netherlands, Austria, Denmark, Switzerland or Sweden are overall better than other EU states such as Germany, France, Spain, Poland or Italy (Animal Protection Index, n.d.). The art. 9 of the Italian Constitution, for example, states "The Republic protects the environment, biodiversity, and ecosystems, also in the interest of future generations. State law regulates the ways and forms of protection of animals," which is a positive step and shows EU leadership in animal protection. However, it still regulates animal exploitation rather than challenging the problematic "necessary suffering" principle, which allows harm under the guise of regulation without addressing the ethical issues of exploitation (Italian Constitution, Art. 9, 2022).

In general, most EU countries seem to be more involved in animal welfare and show more interest and moral concern regarding discussions of the intrinsic value of nonhuman animals and the path towards their liberation (Animal Protection Index, n.d.). Already the recognition of animal sentience in art. 13 (TFEU) by the EU represents a huge milestone in fighting for animal rights, demonstrating that the Union is on promising path towards animal liberation and the ending of exploitation.

Despite the various differences, both the EU and US have similar issues in respect to their approach to animal welfare, displaying all the underlying concerns already discussed. Both legal systems are based on the 'humane treatment principle' and the logic of the "necessity" of suffering that, as previously demonstrated, don't question animal exploitation but actually reinforce it, continuing to employ animals in industrial practices and legally protecting all types of institutionalized violence towards nonhumans, simply because it serves human purposes. This kind of welfarism perpetuates the legitimization of animal suffering in industrial practices, categorizing a pain inflicting act as socially acceptable violence when it happens in a farm and intolerable cruelty when it involves a pet. The situation of nonhuman animals is not going to

be affected by an extension of their cages or any other improvement in their living conditions, if their destiny remains the same, that is if they continue to be murdered or be captive slaves by the hands of Western capitalism. The status of animals as property or goods controlled by their property owner, needs to be abolished, as a result of a radical change in the way humans view and interact with animals. This is why it is important to lead with an abolitionist and antispeciesist approach, one that decenters humans and their interests with the aim of fighting for multispecies liberation (Deckha, 2010). The next chapter will further explore the structure of speciesism that underpins animal property status, examining its interconnections with other hierarchical systems of oppression. By analyzing the ideology of human superiority and the devaluation of animality that justifies the exploitation and subjugation of nonhumans, this chapter will critically assess the effectiveness of various animal rights litigation strategies with the goal of identifying tools for advancing animal justice without reinforcing harmful narratives of animal inferiority.

Chapter 2: Antispeciesism and animal law reform: beyond the human-animal divide

2.1 Intersectionality, animality and legal property status

2.1.1 The intersectional nature of oppression

Nowadays, it is common to conceptualize forms of inequality as interconnected in a series of interdependent and mutually reinforcing hierarchies of sexism, racism, ableism, classism etc., making the concept of intersectionality fundamental to acquire a holistic understanding of power dynamics in Western society. Specifically, the notion of intersectionality was first coined by black feminists in order to explain the reason behind the drastic different experiences of sexism between women of different racial groups and social classes, suggesting that, because of the general intersection of sexism with racism and classism, there is no unique way of facing gender oppression (Fitzgerald et al., 2014). In particular, black feminist scholars criticized the problematic tendency of treating race and gender as mutually exclusive categories of experience and analysis, in this way severely limiting the scope and efforts of feminist and antiracist discourses (Crenshaw, 1989). In fact, in the real world no woman is only defined by her gender, since all aspects of her social and political environment simultaneously have a more or less significant impact on her standard of living, especially her race and social class (Fitzgerald et al., 2014). So, by thinking about gender oppression on a single categorical axis and therefore taking into consideration only the discrimination faced by otherwise-privileged members of the group (white women), the real-world experiences of those affected by the intersection of race and sex oppression (black women) are completely invisibilized, in this way perpetuating the same injustices these discourses try to eradicate. To explain it further, if in race discrimination cases we consider only sex- and class-privileged blacks, and in sex discrimination cases we overview only race- and class-privileged women, black women are completely erased from inquiry, making racism all about black men and sexism all about white women (Crenshaw, 1989). Again, by focusing only on the most privileged members and marginalizing and excluding those who are multiply burdened by different sources of discrimination from feminist and antiracist discourses, we create a distorted depiction of the different forms of institutionalized violence experienced by these marginalized groups, especially how the different forms of discrimination interact with each other in one's daily life (Crenshaw, 1989). So, expanding from the case of black feminism, it is important to conceptualize all types of discrimination as simultaneously existing and reinforcing each other

in a larger system of hierarchies, only in this way we can really understand and accurately represent the complexity of power structures and dynamics without perpetuating the same violence and invisibilization. In other words, since conditions determined by race, social class, sexuality or physical impediments, all interconnect and make up one's experience of everyday life, it is impossible to separately discuss one single type of discrimination, like discrimination of gender, without taking into consideration all the ways in which it is reinforced, limited or influenced by other forms of oppression (Fitzgerald et al., 2014).

This discourse is valid for all hierarchical systems of inequality, including speciesism, which, as a major axis of injustice, works exactly like all other forms of human discrimination by marginalizing nonhuman perspectives to pursue the interests of humans. As a matter of fact, many feminist, black or Indigenous scholars (Harper, 2010) (Adams, 1990) (Gaard, 1993) (Kimmerer, 2013) (Kim, 2015) have frequently compared their struggles with the ones of nonhuman animals, demonstrating how speciesism too reinforces, and is reinforced by, human injustices. Actually, the conceptual basis of species discrimination is extremely influential in all other forms of institutionalized violence, being the driving force of all hierarchical systems and a useful tool to be reminded of the intersectionality of inequality (Fitzgerald et al., 2014). In fact, similarly to other forms of oppression, all rooted in problematic dichotomies of Western culture and society, such as man-woman, white-black, heterosexual-homosexual, colonizer-colonized, and so on, speciesism is based on the separation between culture and nature, an opposition that actually links all forms of discrimination together, representing the ultimate dualism (Fitzgerald et al., 2014). This dualism, indeed, has been frequently employed in narratives that seek to degrade specific human categories and minority groups, justifying their oppression and perpetuating systems of gender, racial, and other forms of discrimination (Fitzgerald et al., 2014). By associating marginalized groups with nature, they have been historically constructed as "less human" or "animal-like", perceived as closer to nature than humanity, and therefore inferior to the "civilized" white man. More specifically, rooted in Enlightenment thought, this dichotomy frames 'culture' as the domain of rationality, progress, and human achievement, while 'nature' is associated with instinct, chaos, inferiority, and animality (Fitzgerald et al., 2014). Within this framework, white men were positioned as quintessentially human, progressive, civilized, and evolved from animality, while nonhumans, along with female or animal-like humans, were characterized as inferior in intellect and reason, incapable of civilization and progress. Here, the idea of animality is not only degraded and rejected but also becomes synonym with depravity, inferiority, and, most importantly, property, a construct wielded to position these groups as lesser. As a result, while speciesism operates on

the same dichotomy to exploit and objectify nonhuman animals, marginalized groups, including women, Indigenous peoples, and racialized communities, have been excluded from power and privilege, subjected to oppression, exploitation, and even violence in Western society, precisely because of their association with nature and animality. In the end, by dehumanizing both humans and animals, the negativity surrounding the concept of animality reinforces hierarchical power structures, creating a foundation for marginalization and exploitation. Whether it is directed at humans or nonhumans, the "bad animality" ultimately serves as a core criterion of discrimination, not only illustrating the historical significance of the nature-culture dichotomy in dehumanizing minority groups but also highlighting how the notions of nature and animality are fundamentally intertwined with the construction of racial and gender differences (Kim, 2015) (Fitzgerald et al., 2014). As long as it remains institutionalized and socially accepted that it is legitimate to systematically kill and exploit an animal solely based on species, some humans will continue to weaponize this species discourse against other humans, justifying violence toward the "other" across lines of species, gender, race, class, or sexual difference (Wolfe, 2003, as cited in Shukin, 2009, p. 10).

Ultimately, the fact that the construct of animality is used to degrade and diminish other humans, further underscores the entrenched speciesism of modern Western culture, one that, as already discussed, disparages animals, animal cultures, and behaviors as inherently inferior and abject. To refuse "humanness" to black, Indigenous and racialized people is a speciesist rendering of animality, not only perpetuating the injustice of re-locating racialized bodies at the margin of Western settler society as nonhumans but also performing epistemic violence by denying animality its own subjectivity, further objectifying and degrading its conception (Belcourt, 2015). Again, this derogatory framing of animality not only shapes social and cultural perceptions but also underpins the political and economic systems that maintain and enforce power imbalances. Analyzing the interconnections that speciesist ideologies share with other discrimination narratives can be a useful tool to dismantle the system of oppression that marginalizes, subjugates and persecutes both humans and nonhumans together. Instead, resisting only one form of marginalization only strengthens the nature-culture divide that grounds patriarchal and colonial thinking, exactly because of the intersectionality of linked oppressions, demonstrating the necessity of using a framework of total liberation. In other words, as already suggested, taking into consideration speciesism without accounting for all the ways in which it reinforces, and especially how it is reinforced by, other forms of injustice, would result in an incomplete depiction of the interdependent realities of hierarchies of power and structural inequalities. This ultimately leads to a fragmented understanding of oppression

that fails to address the interconnected systems of dominance, thereby undermining efforts toward comprehensive liberation and justice for all species (Fitzgerald et al., 2014). Specifically within animal rights discourse, recognizing all the links between the denigration of nature and animality, and how it affects different categories of humans and nonhumans, especially with an historical understanding, can be fundamental in order to formulate strong and powerful arguments that effectively move forward the discourse about animal legal recognition, and actually challenge the speciesist and problematic legal definition of property (Deckha, 2023).

Obviously, while recognizing these links can provide a powerful foundation, it is equally important to also adopt a cautious and nuanced approach when comparing human and nonhuman injustices. In fact, although they share similarities rooted in systems of exploitation and the denigration of nature and animality, these forms of injustice are not identical and must be contextualized within their unique historical, cultural, and social frameworks. Failing to account for these differences risks oversimplifying complex dynamics and alienating human struggles from the broader fight for justice. This caution, though, does not diminish the value of aligning efforts to fight for animal rights with broader movements for liberation. As already explained, by rejecting the nature-culture divide and the systems of exploitation it perpetuates, advocates can challenge speciesism in a way that acknowledges and respects the interconnectedness of all forms of oppression. This approach not only strengthens the moral and ethical case for animal rights but also fosters solidarity across struggles, offering a more comprehensive critique of the hierarchies that sustain oppression in its various forms (Deckha, 2023).

Hereafter, a more exhaustive analysis of how some of the major forms of oppression interconnect and are reinforced by speciesism will be offered, drawing on historical and cultural contexts. Nevertheless, given the impossibility of encapsulating such an extensive history, only some examples of such interdependencies will be provided. Therefore, it is important to be aware that the analysis presented here necessarily simplifies complex, multifaceted phenomena shaped by centuries of historical events, cultural dynamics, and social processes. But while this simplification is aimed at fostering clarity and coherence, it does not diminish the seriousness or depth of the issues discussed, nor does it seek to overlook the intricacies and nuances inherent in these interconnected forms of oppression.

2.1.1.1 Racism

In general, in colonial contexts, the nature-culture framework positioned black people and other racialized groups closer to animals than humans, reinforcing their exclusion from moral and social considerations. Specifically, European colonists portrayed African people as embodying raw physicality, emotion, and instinct, attributes associated with nature, while reserving rationality, intellect, and morality for themselves. In this way, while white people transcended the body and nature, moving forward through progress by having civilization and history, the taxonomy of race created a borderline space between humanity and animality where all nonwhites (and also the most human-like animals) were placed, inferior in intelligence and immobilized through time and space. Representations of blackness during this era frequently likened African people to animals, including apes and other "lesser" creatures, further embedding their status as nonhuman in the colonial imaginary. As it will be more expanded below, this construction justified cruel practices like slavery by casting black people as animal-like beings, incapable of self-governance, thereby legitimizing their subjugation as both necessary and benevolent (Kim, 2015). This concept can easily be summed up by Syl Ko ‘s extension of Achille Mbembe’s critique on how Africa is often framed within a discourse that reduces it to a "meta-text about the animal" (Mbembe, 2001, p. 136), arguing that racial hierarchies are marked not only by race but also by the imposition of "animality" on marginalized groups (Wadiwel, 2020).

Actually, the dualism of nature and culture also underpinned scientific racism, a pseudo-scientific doctrine that classified racial groups hierarchically according to their supposed proximity to animals, specifically apes. Here, racial difference was nailed down as an immutable biological fact, proven by comparative studies of cranial capacity, facial angle, cranial folds and more. In this way, white men were placed on top, defined as “evolved” from animals and described as the ultimate step of human evolution, while black African men were classified as beings more similar to apes than humans, closing the evolutionary interval between the lowest man and the highest beast; all other races were placed in between depending on their blackness. As a result, Chinese were seen as less human than whites, but at the same time more human than blacks and Indians (Indigenous people). Anthropometric studies and visual representations, such as those in *Types of Mankind* (1854) by Nott and Gliddon, graphically illustrated this racial taxonomy, using physical traits to "prove" the inferiority of black people and other racialized groups (Kim, 2015).

Moreover, it was common to think that the black color of the skin was a condition or an illness in which the actual skin would become whiter through the progression of civilization, or again,

a more sexist view considered black skin a sexual transmitted disease carried by black prostitutes. Similarly, in the 1850s Arthur de Gobineau wrote his *Essay on the Inequality of Human Races* (1853) where he classified races depending on their proximity to animals and the female sex, demonstrating the intersection of sexist and racist ideologies. In fact, during these times, the nature-culture dichotomy also reinforced gendered and racialized narratives of labor and reproduction. Enslaved black women, for instance, were depicted as hypersexual and physically robust, suitable for breeding and labor but undeserving of intellectual or emotional autonomy. It was speculated, for example, that black women were having sexual intercourse with primates, perpetuating a perverse and depraved view of black female sexuality. Such portrayals fueled animalization narratives and racist depictions of black cultures, underscoring the logic of commodification by treating black people not as individuals with inherent worth but as resources to be exploited for economic gain. In other words, by associating racialized bodies with animality and aligning whiteness with culture and humanity, colonial powers used racist discourses and scientific beliefs to legitimize systemic exploitation and the denial of rights to racialized groups (Kim, 2015).

Currently, this same framework extends to contemporary forms of racism, where blackness and animality are still linked in cultural narratives and stereotypes of Western societies. For example, the characterization of black men as "beasts" or "savages" continues to rationalize police violence and mass incarceration, as these narratives frame black bodies as threats that must be contained or controlled. As a matter of fact, at the moment, the 70 percent of people incarcerated in the US are from marginalized and racialized communities, leading some scholars (Morin, 2016) to describe incarceration as a racialized strategy in order to manage the black urban population and ensure the criminalization of black bodies through social, judicial, political, and economic policies. In this way, prison inmates are purposedly bred by a socially constructed criminalization that is generated by the violence of economic and social structures to maintain state security and the functioning of market economy, all justified by the trope of the “dangerous black man” (Morin, 2016).

Similarly, the denial of humanity to migrants, often depicted as inherently tied to nature and thus antithetical to modernity, continues to shape exclusionary policies and practices in many Western countries. In the end, the entanglement of race and species within the nature-culture dichotomy not only enforces hierarchical distinctions but also sustains the very systems of domination it seeks to justify. By relegating marginalized groups to the domain of nature, these logics rationalize their oppression while obscuring the constructedness of these categories. This process reveals the interconnectedness of speciesism and racism, as both rely on the same

ideological tools to maintain power dynamics. In doing so, it underscores the urgency of dismantling these binaries to achieve a more inclusive and equitable framework of justice (Kim, 2015).

2.1.1.2 Colonialism

Before exploring the role of speciesism and the nature-culture divide in driving colonial violence and reinforcing colonial stereotypes, it is important to note that this section will only briefly address the intersection between colonialism and animal exploitation, serving as a concise illustration to highlight the intersectional nature of violence, including speciesism. A more extensive examination of these themes will be provided in the next chapter, which will focus specifically on decolonization and animal liberation, delving deep in the mutual reinforcing relationship of these two systems of oppression.

In general, similarly to the system of racism, colonial powers often depicted Indigenous communities as "primitive," "savage," or "animal-like" in contrast to the "civilized" and "cultured" European societies. This constructed dichotomy cast Indigenous ways of life as inherently inferior, necessitating transformation through colonial systems such as displacement, forced assimilation, or legal restrictions. In particular, colonial narratives often romanticized Indigenous peoples as “noble savages,” idealizing their connection to nature while simultaneously denying their capacity for governance and civilization (Gonzales, 2023). This dehumanizing portrayal, which positioned Indigenous people as less than fully human, was frequently used to legitimize the appropriation of their territories and the exploitation of resources, including the animals they shared these spaces with. This is because, the framing of Indigenous peoples as “natural” or outside of culture rendered their lands, bodies, and resources exploitable under colonial extraction. In other words, by tying them to the "natural world," colonial powers erased their personhood and justified human and animal oppression, leaving a legacy of environmental and cultural devastation (Belcourt, 2015). Beyond economics, colonialism imposed European values and governance structures, often erasing Indigenous systems and dismissing their environmental knowledge in favor of resource exploitation. This is the result of the enduring narrative of Indigenous incapacity to manage resources or sustain cultures, a discursive trope that facilitated their systematic marginalization. In this respect, the reservation system and genocidal violence against Indigenous peoples were enabled by this very view of them as expendable and subhuman, akin to animals within the colonial framework (Gonzales, 2023). Ultimately, by relegating Indigenous peoples to a subhuman status and

reinforcing a racialized and speciesist hierarchy, colonial powers placed Europeans at the pinnacle of civilization, justifying exploitation and domination (Belcourt, 2015).

In present times, the same discourse continues to affect Indigenous peoples. In many countries, for example, colonial-era legal frameworks persist, which categorize Indigenous peoples as "backward" or as part of "primitive" cultures, hindering their rights to self-determination, land, and resources (Gonzales, 2023). For example, the animalization of Palestinian people of the Gaza strip has been used as a conceptual war tactic by the Israeli government and its sympathizers since the beginning of the genocide in 1948, often associating them with parasites such as rats, cockroaches and ants that need to be exterminated. This narrative is used to strip Palestinians of their humanity, and in this way legitimize the countless systemic killings and land dispossessions by reinforcing, at the same time, Zionist ideologies of Jews' supremacy (Maalej et al., 2024).

The simultaneous extermination and confinement of both categories demonstrates the strong parallel between the struggles between Indigenous people and the one of nonhuman animals. As it will be further expanded in the next chapter, in the past the land disposition and displacement process of the colonial project went hand in hand with the rise of animal exploitation. David Nibert, particularly, describes this as "entangled violence", reflecting about the deep interconnection between colonial expansion, the remaking of nature, and the commodification of non-human animals (Muller, 2020). Similarly, Belcourt emphasizes that speciesism today cannot be understood apart from "the historic and ongoing elimination of Indigenous peoples and the theft of Indigenous lands for settler-colonial expansion" (Belcourt, 2015, p. 5). This systemic dispossession facilitated the transformation of nearly all non-human life into commodities for capitalist accumulation. In this, the rise of animal agriculture is the main driver of colonial expansion, as well as the tool of domination. Grazing animals we sent out by settlers to de facto colonize Indigenous lands, killing native species and disrupting entire ecosystems and land relations (Belcourt, 2015). As a consequence, the "colonial food regime" emerged as a symbol of Western control, the first global system consolidating institutions and practices that reshaped food production, distribution, and consumption, often privileging meat production as a marker of Western political and cultural dominance. Here, meat consumption and industrialized practices of animal agriculture are actual instruments of colonialism, reshaping Indigenous practices, land relations and food cultures. In this respect, Muller introduces the concept of 'Carnistic Colonialism', discussing how the carnist ideology that favors the consumption of specific kind of animals, that is farm animals, has a colonial tonality. This discourse of edibility privileges Western, industrialized, capitalistic modes of animal

production and consumption, situated within transnational histories of coloniality, heteropatriarchy, and white supremacy, over Indigenous practices and cultures, demonstrating how colonialism has been fundamental to the construction of contemporary industrialized agricultural systems, whose carnist and colonialist notions come specifically alive during zoonotic pandemics. In this way, not only colonialism contributed to the creation of the animal industrial complex but Western food traditions and cultures, together with Western agricultural systems and industrial animal practices, have been driving colonial violence, becoming other ways of colonization and racialization of Indigenous communities (Muller, 2021). Together, these dynamics reveal colonialism's role in entwining racial oppression with the subjugation of non-human life (Wadiwel, 2020).

In the end, the colonial view of both Indigenous people and animals as inferior created a dual oppression that continues to have lasting consequences. The domination of both human and nonhuman animals became a foundational aspect of colonial expansion and exploitation, and the legacy of this interlinked oppression persists today. The systematic marginalization and dispossession of Indigenous peoples, as well as the ongoing exploitation of animals, are intertwined struggles, rooted in a colonial worldview that sought to maintain dominance over both by deeming them "other." These colonial attitudes continue to shape legal, cultural, and economic systems, maintaining a framework that devalues both human and animal lives, perpetuating inequality and injustice across generations (Belcourt, 2015).

2.1.1.3 Sexism

In the case of sexism, women have been historically linked to nature through associations with reproduction, emotionality, and physicality. While hegemonic conceptions of masculinity have been associated with culture, and are therefore considered superior, women and subordinated masculinity, have been associated with nature instead, inferior to culture and close to animality. In other words, the difference between humans and non-humans reinforces manhood, as features like rationality and reason that define humans different from animals, are the same used to differentiate men from women. Women are emotional, sensitive and unpredictable, they are governed by the natural cycle, breastfeed their children and possess the gift of creation, all attributes that make the female gender close to the sphere of nature and preserve the primordial instincts of animality that humans (men) have lost through civilization (Fitzgerald et al., 2014). Similarly to the other forms of oppression, these ideas lead to the marginalization and exclusion of women from society as this framing has been used to justify patriarchal systems that prioritize male rationality and leadership over perceived female irrationality and subservience.

At the same time, the same ideology has justified the coercion and control over women's bodies and choices by both individual men, like fathers and husbands, and society through sexist policies (Fitzgerald et al., 2014).

As already mentioned, these examinations, while comprehensive, are necessarily a condensation of the far-reaching and complex history of social, cultural, and power dynamics, showing how racism, colonialism, sexism and speciesism mutually strengthen each other, employing the nature-culture divide and the denigration of animality as driving narratives to subordinate and exploit nonhumans, black-racialized Indigenous groups and women (Fitzgerald et al., 2014). In other words, by collocating the colonized, nonwhite and female bodies between the borderlines of what is humanity and what is animality, speciesist ideologies and animal exploitation has always supported oppressive or colonialist practices and unequal relations of power, in the past as well as in today's Western society (Kim, 2015).

2.1.2 Animality as the criteria for the legal property status

The legal status of nonhuman animals as property under Western law is not an unprecedented instance of an entire category of beings being classified as chattel. Historically, women, Indigenous people, and people of color have been systematically reduced to property within settler legal frameworks, their personhood and rights denied to justify exploitation and control. In these systems, the concept of animality serves as a tool of dehumanization, whereby marginalized humans associated with animal traits are stripped of their humanity. This transformation relegates them from the position of 'person,' a legal subject with rights, to that of 'animal,' a being reduced to property and denied protection (Kim, 2015, p.24). Animality, in this context, becomes synonymous with property, constructing the legal notion of 'person' as its direct opposite, one who is neither property nor animal. More specifically, the person-property dichotomy that reinforces anthropocentrism and speciesism within Western legal frameworks directly aligns with the humanity-animality dichotomy, where animality is not only used to oppress nonhuman animals, but it also serves to marginalize and erase humans categorized as "animal-like" (Kim, 2015, p.24). This reveals how the notion of legal personhood is not only speciesist but also deeply intertwined with colonial, patriarchal, and racial hierarchies, with each reinforcing the other in a structure of exclusion and control. In other words, any group defined through the Western lens of animality, whether nonhuman animals or human groups deemed "animal-like", is automatically relegated to the legal status of property. This status deprives them of fundamental rights reserved for humans or those

deemed the most “fully human”. Here, speciesism and other systems of oppression operate in tandem, working to exclude women, minorities, and nonhuman animals from the social and political landscape dominated by the white man, where legal frameworks serve as powerful tools for reinforcing these oppressive hierarchies. Again, the law, structured around the rigid property and person dichotomy, becomes a mechanism for marginalizing and erasing those marked by animality. The resulting legal order not only entrenches speciesist thinking but also sustains a broader regime of domination and exclusion that defines social value and legal rights in opposition to animality (Weitzenfeld & Joy, 2014) (Kim, 2015, p.24).

As previously mentioned, although minority groups such as women, black people, and Indigenous people are now recognized as legal persons with fundamental rights in most Western countries, they were historically classified as property or semi-property and denied moral consideration (Weitzenfeld & Melanie, 2014). Here, it follows a more in-depth analysis of the similarities between these past cases and the condition of nonhuman animals today, with a focus on the legal property status of these groups. The aim of this section is to show the deep interconnection between animal exploitation and past forms of human subordination, all enforced through, and defined by, the legal conceptual dichotomy of person-property, ultimately demonstrating the influence of the notion of subjugated animality in the construction of the legal definition of property. In fact, as it will be further explained below, understanding the historical and conceptual origin of how the person-property divide has subordinated entire groups of humans, is crucial in the fight to abolish the property status of animals. Such an understanding allows for a more comprehensive grasp of its implications and provides a solid foundation for effectively directing efforts toward animal justice and liberation (Fitzgerald et al., 2014).

Nevertheless, it is crucial to recognize that the association of animality with certain human categories as a means of defining them as property is an ensemble of many historical processes that cannot be fully explained within the scope of this analysis. As a result, the following discussion necessarily simplifies a complex and deeply entrenched history of dehumanization, colonialism, and exploitation that spans centuries of social, political, and cultural processes, providing only some significant examples to explain the main point. This simplification, while necessary due to constraints of space and the need to maintain focus on the central argument, does not diminish the gravity of the issue. It is therefore important to be aware that the realities of how certain groups have been objectified and treated as property based on these associations

are profoundly intricate, shaped by overlapping systems of race, class, and colonial power, and cannot be entirely captured in a brief examination.

2.1.2.1 African American slavery and animal exploitation: the zoo, the farm and the laboratory

The physical, mental and cultural inferiority of blacks, who came just above the apes in scientific ranking, caused their treatment in society to be exactly like every other animal, that is as object and good. Like nonhumans today, African American slaves were sold, bought, used and bred for the economic benefit, practical use and necessity of labor of the white man. In particular, as a consequence of the belief that blacks were closer to animals than they were to humans (Europeans), inferior in intelligence and civilization, emerged the notion of slavery as a way to transform their primitive and savage nature into a "domestic animal", that serves as the white man's tool like another beast of burden (Kim, 2015). Here, the legal definition of slavery specifically means the holding of a person as property, a condition that not only refers to black slaves in the ante-bellum African American slavery but also is perfectly fitting to nonhuman animals now (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012). In fact, a similar idea of subjugation is also behind nonhuman animals kept in zoos, circuses and rodeos for entertainment: the massive wild and vicious animals are tamed and "improved" by the trainer to play tricks; both cases allowed and justified by the animal and the animalized's property status (Szczygielska, 2017).

Actually, even if they are not the same, there are countless of parallels that can be drawn between African American slaves and nonhuman individuals' chattel status, suggesting their similarities. The zoo, specifically, is the perfect dimension to highlight the intersectionality of African American past property status and the current one of nonhuman animals. As we know, in the zoo nonhuman animals are kept confined in small cages for the general entertainment of humans, treated as objects of inspection and used to satisfy our interest and beliefs about the wilderness and the natural world. At the same time, nonwhite humans too were, at some point, part of the zoological exhibition, as they were also kept and confined inside the same cage, as a way to please white bourgeois' perverse curiosity and scientific inquiry about the "exotic" and "freaky" black body. In fact, the zoo's history is strongly interconnected with the colonial and imperialist project, finally culminating in the anthropological show of black people that went on till the mid 20th century. Actually, the institution of the human zoo was preceded and shaped by the exhibition of famous Saartjie Baartman as the Hottentot Venus, a Khoikhoi woman who was captured and displayed in Britain and France as a freak show attraction for her pronounced bodily features, sexualized, exoticized and compared to nonhuman animals.

This gave rise to the flourishing of scientific racism and the popularity of human and ethological expositions that represented Indigenous and nonwhite populations in their natural habitats, blurring the boundaries between human and other animals inside the zoo. People were put in cages together with nonhuman animals, wearing traditional clothes and hunting equipment, as to show the "primitive" and "natural" stages of human development. In particular, the German animal dealer Carl Hagenbeck's anthropological show was specifically popular; it was called "Ceylon Caravan", and it was made up of more than sixty Ceylonese men, women and children accompanied by twenty-five elephants. This phenomenon of the human zoo peaked with the "Negro Village" colonial exhibition presented at the 1889 world's fair, the same that brought the iconic Eiffel Tower to Paris, which displayed 400 Africans as its major attraction (Szczygielska, 2017) (Silberstein, 2023).

While the following analysis inevitably simplifies complex historical and social processes, another parallel between black slavery and nonhuman exploitation can be recognized in the way that running away slaves were punished in antebellum America, a practice very similar with the destiny of so many farmed animals that are now kept for meat production. In fact, mutilation, performed by either a human or canine, was frequently performed in the plantations to remind the slave that she or he was, unlike the dog, a farmed animal. And, like a farmed animal, the slave was defined not only by his or her chattel status (property) but also by his or her edibility. When the slave runs away, the master needs to symbolically reassert his domination through a ritualized act of flesh cutting. In this regard, Derrida introduces the term 'carno-phallogocentrism', connecting carnivorism with virility, where men need to be carnivorous to assert their masculine domination. Using dogs and mutilation to punish the slave also enforces a strategy of domination through a rethoric of edibility. Here, with a racially invested kind of 'carno-phallogocentrism', the male domination of the white master over the black slave is reinforced through the notion of edibility, where the act of consuming meat, and therefore being virile and superior, is enacted by the dogs eating the slave's flesh. In other words, through the dog the master enacts the symbolic act of eating the slave and imposing his superiority as a white man, just as he would with the flesh of a farm animal as a human (Boisseron, 2018).

Remaining in the context of the farm to make another parallel with African American slavery, there have been cases during this time of some masters that were actively raping their female slaves, or force intercourse between slaves, in order to establish a farming practice of slaves, this with the aim of cutting on the costs of the exportation of black people from Africa. At some point, this phenomenon turned into a real slave-breeding economy, where slaves were

systematically bred through black women's sexual exploitation to keep up the labor force demand, similarly to what the meat and dairy industry does with nonhuman animals now (Smithers, 2012).

Furthermore, black slaves were very important in the scientific discourses and discoveries of the ante-bellum period, as their bodies, especially the one of black women, were used in scientific experimentation, mutilated in the name of research. For example, Marion Sims, considered the father of gynecology, tortured countless of black female slaves to use them as test subjects to find a cure for vaginal infections (Washington, 2006, 61–64). By relying on the nearby plantations for the supply of "patients", he used to operate on them without anesthesia. Similarly, Henrietta Hacks became an unaware donator after her death from cancer, her body was cut up for scientific purposes and her cancer cells replicated. Now they are called HeLa cells and are still used in laboratories today (Washington, 2006, 382–387).

As we can see by these few distilled examples, the history of slavery is profoundly linked to human-animal relationships and animality, demonstrating not only the reinforcing interconnection between animal exploitation and racism but also the importance of animality in the social and legal definition of slavery (Wadiwel, 2020). The same mentality is clearly represented in the Mitchel v. Wells case (1859) in the US, where the suing of a freed slave was considered as unreasonable as extending judicial rights to chimpanzees and orangutans (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012), again, demonstrating the animalization of black people and the speciesist idea of animals' inferiority. Similarly, the satirical cartoon published during the 1867 California gubernatorial race, called *Reconstruction*, summarizes this section perfectly. It reveals the popular opinion at the time about black suffrage. The idea was found so absurd as to ask: "what's next?", Indian suffrage? Women suffrage? Ape suffrage? Each step more unthinkable than the one before, not only dangerous but also destabilizing like pulling the thread that holds civilization together. Again, women, animals, blacks, Indians (Indigenous people) are out of civilization, only men can vote, but who counts as a man enough to be citizen? Only the white man (Kim, 2015, p.29).

2.1.2.2 Indigenous peoples' history in North America: genocide, land dispossession and reservation systems

Again, as mentioned before, it is important to note that this section will only offer a brief overview of the intersection between colonialism and animal exploitation, serving as a succinct illustration of the role of animality in denying Indigenous peoples the recognition of

personhood. A more comprehensive exploration of these themes will be presented in the next chapter.

In general, the genocide of Indigenous people in North America during colonial times is maybe the most well-known and evident example of Indigenous people being regarded as “things”, whose dehumanization has justified countless deaths for the overall economic benefit and territorial expansion of Euro-American countries. As a matter of fact, from the European discovery of the new world to the beginning of 1900, the Indigenous population in North America lowered of about 4 million people by the hands of colonizers, the majority being exterminated as pests through a variety of different genocidal practices depending on time period and ranging from diseases, colonial violence, force displacement and government policies. As mentioned before, since Native Americans were considered “savages”, stuck at the primal stages of human development, they were framed as impediments to the "progress" of European and American advancement, and their lands as untapped resources ripe for exploitation. At the same time, government policies that systematically treated them as obstacles to territorial expansion were implemented to rationalize acts of genocide and land theft (Maalej, 2024) (Madley, 2015). In this regard, in 1622 the Mayflower’s passenger Robert Cushman explained the reason behind colonization with: “Our land is full . . . their land is empty. […] their land is spacious and void, and they are few and do but run over the grass, as do also the foxes and wild beasts. They are not industrious, neither have [they] art, science, skill or faculty to use either the land or the commodities of it” (Madley, 2015, p. 2). As it is clear from this statement, the similitude with nonhuman animals, and their “animal-like activities”, is enough to justify their systemic killing and displacement. One of the clearest examples of this logic lies in the implementation of the Indian Removal Act of 1830, which forcibly displaced tens of thousands of Indigenous people, including women and children, from their ancestral lands to areas west of the Mississippi River. The brutal journey, known as the Trail of Tears, resulted in the deaths of thousands from exposure, disease, and starvation (Madley, 2015).

Yet, the clearest proof of the systematic denial of Indigenous peoples’ fundamental rights is the legal framework under which Native populations were managed, especially considering the strong connection and relationship between local communities and their ancestral lands. In fact, the establishment of reservations under the federal trust system positioned Indigenous lands as commodities under federal control, effectively reducing entire nations to wards of the state and relegating and confining whole populations to separated and enclosed areas. In particular, this legal arrangement deprived Indigenous communities of autonomy and economic opportunities,

reinforcing their dependency on a government that simultaneously marginalized them. In other words, the federal trust system exemplified the dehumanization of Indigenous peoples by reducing their lands, and, by extension, their societies, to federally controlled assets. Specifically, after the passage of the Dawes Act in 1887, communal lands were divided into allotments for individual Indigenous families, with "surplus" land sold to settlers. This policy facilitated the loss of nearly two-thirds of Indigenous-held land between 1887 and 1934. Plus, the land parcels were managed under the federal trust, effectively removing decision-making power from Indigenous people (Madley, 2015). Here, the relegation and confinement of Indigenous communities to reserves is widely legitimized by their association with an animal-like status, a connection that persists today in the field of conservation through the creation of protected areas for the safeguarding of nonhuman species. Notably, the endangered narrative is applied to both Indigenous peoples and nonhuman animals alike. In fact, siding along with the dominant narrative of the displacement of Indigenous communities to create the "uninhabited" wilderness areas of national parks, is an equally problematic one regarding the incorporation of Indigenous people as integral parts of these conservation spaces, both humans and nonhumans perceived as "at risk of extinction". Again, the dehumanization and the animalization of indigeneity are more apparent than ever with the idea of "inhabited" wilderness, where Indigenous ways of life are romanticized just as uncontaminated nature and Indigenous people likened to endangered animals in need for conservation in order to preserve their "authentic" and "primitive" essence (Rashkow, 2014).

Ultimately, the cumulative impact of these actions, forced removals, cultural erasure, and legal dispossession, constitutes a clear pattern of animalization narratives that relied on the systematic dehumanization of Indigenous peoples and their portrayal as obstacles, objects, or property rather than human beings with inherent rights (Madley, 2015). This phenomenon is not confined to North America; Indigenous peoples around the world share similar experiences, especially regarding the animalization narratives used to legitimize violence and colonization. In Australia, Aboriginal communities were driven off their ancestral lands through violent colonization and confined to reserves, while narratives depicting them as "wild" or "uncivilized" were used to justify their exclusion from legal personhood (Brighten, 2011) (Probyn-Rapsey & Russell, 2022). In Brazil, Indigenous groups face ongoing displacement in the name of environmental conservation and economic exploitation, with protected areas often established on their lands under the guise of preserving biodiversity, mirroring the treatment of nonhuman animals (Monteiro, 2019). Similarly, in India, Adivasi communities have been labeled as backward and primitive, resulting in forced relocations from forests designated as

wildlife sanctuaries, stripping them of their cultural and physical connection to their territories (Sen, 2018). In each case, animalization narratives have served as a powerful tool for dehumanization, casting Indigenous people as closer to nature and animals than to the colonizer's notion of "civilized" humanity. At the same time, legal systems have legitimized dispossession, erasure, and control, stripping them of rights and autonomy. These laws erased their personhood and subjected them to the same control and management imposed on nonhuman animals, perpetuating their exclusion from legal and political recognition (Kim, 2015).

2.1.2.3 Women as quasi-property in Western legal traditions

Similarly, the legal concept of quasi-property highlights significant parallels between the historical treatment of white women in European society and the current status of animals as property. Historically, white women were often denied the full legal personhood, rights and autonomy granted to men, not yet legally defined as property but instead treated as quasi-property, or quasi-persons, under the control of fathers or husbands. This framework reduced Western women to objects of ownership, granting them limited rights only within patriarchal systems that primarily served male interests. For centuries, they were excluded from participating in political life, including the right to vote, stand for office, or even engage in public discourse on governance. Economically, married women in many Western jurisdictions could not own property independently, as their legal identity was subsumed under that of their husbands in a system known as coverture. For example, rights to inheritance or dowries were frequently structured to benefit male relatives or reinforce familial control. Under this doctrine, these women were barred from signing contracts, initiating lawsuits, or holding their wages, with all financial control resting with their husbands. For example, in common law systems, through the policy of coverture, a married woman's legal existence was completely merged with the one of her husband, forcing her to lose her separate legal identity through the institution of marriage (Fernandez, 2024).

Additionally, women's reproductive capacity positioned them as objects of patriarchal control, ultimately leading to the objectification and sexual exploitation of female bodies for the benefit of society, reducing women's identity to their role in species reproduction. In fact, women were consistently denied autonomy over their own bodies, with Western legal systems granting men control over decisions related to marriage, reproduction, and divorce (Fernandez, 2024). Specifically, with the end of the Middle Ages and the rise of capitalism, the need for the dominion of women's bodies and sexuality started to increase as a way to control the immense

reproductive power of these two forces. For this reason, female sexuality was perpetually degraded and made to be diabolic, as a tactic to channel female desire towards utilitarian goals such as the satisfaction of men's sexual needs and the creation of a numerous labor force. In this way, women's sexuality was domesticated through different policies, made into an instrument at the service of procreation that only exists within the boundaries of marriage. Cultural narratives regarding women's biological destiny started to circulate in European societies to support this state-level coercion, discourses that are wildly present even today, turning the female body in a baby-making machine and ultimately boiling down women's existence to the sole purpose of reproduction (Federici, 2015).

More practically speaking, this is the case of the right to abortion, that is denied in many Western countries even today, forcing women to give birth even in the case of rape. In this regard, since, historically, women were socially considered property, rape was not seen as a crime until the last century, but rather as a violation of a man's property rights as husband or father of the victim. Plus, marital rape was not legally recognized as a crime in many Western jurisdictions until the late 20th century (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012). In Italy for example, rape was first considered a crime against a person, rather than against morality, only in the 1990s. Similarly, in many European civil law countries the honor killing was not punished up to the 20th century, giving the right to men and fathers to punish their wives with death if a doubt of cheating was raised (Fernandez, 2024).

In the end, by being relegated to the domestic sphere and limiting their sexuality to the sole realms of procreation and marriage, women were legally set off to be tools to be used for the productive benefit of capitalist society, demonstrating more than ever the objectification and exploitation of their bodies and the total disregard for their bodily autonomy. Again, the analogy with farm animals and breeders is very easy to make, where female nonhumans are forcedly impregnated to keep up the supply of animal bodies for meat, dairy or other animal uses, even the demand for pets. Likewise, it is possible to compare the population control of ecosystems' species with the biopolitics of governments over women's bodies, one more time showing the similar experiences of oppression shared by nonhuman animals and women (Federici, 2015).

As we can see by this analysis, the treatment of women as quasi-property echoes in the contemporary framework of nonhumans' formal status, demonstrating how both women and animals have historically been seen as subordinate beings, stripped of agency and autonomy, to serve the interests of their "owners", reflecting how legal systems historically uphold hierarchies by commodifying sentient beings (Fernandez, 2024). This point is further illustrated

by a historical example: after the publication of Mary Wollstonecraft's *A Vindication of the Rights of Woman* in 1792, an anonymous work appeared titled *A Vindication of the Rights of Brutes* by Thomas Taylor. This satirical response sought to ridicule Wollstonecraft's arguments for women's emancipation, suggesting that advocating for women's rights was as absurd as granting rights to animals. By drawing this comparison, Taylor not only dismissed the idea of women's autonomy but also reinforced the entrenched belief in hierarchical binaries that placed both women and animals in a position of inferiority and subjugation. This historical moment encapsulates the interconnected denigration of women and animals within Western patriarchal thought, further underlining the importance of addressing these parallels in contemporary discussions of justice and liberation (Singer, 2023, p.21). Obviously, as already mentioned, this analysis is necessarily an abstraction of the deeply intricate and multifaceted realities that have unfolded over time, but it accurately points out the historical implications of property and its complex reality in linking women's fight for emancipation and animal rights.

2.2 Bridging the divide: intersectional advocacy beyond human exceptionalism

2.2.1 The "dreaded comparison": why linking human and nonhuman oppression is key

In light of everything that has been discussed, the importance of comparing human and nonhuman injustices lies at the heart of understanding and dismantling interconnected systems of oppression. By dedicating portions of this thesis to human oppression, such as racism, sexism, and colonialism, within a discourse on animal rights, the intention is not to deviate from the primary focus but to highlight how deeply intertwined these struggles are. The concept of intersectionality underpins this discussion. As already illustrated, oppression does not exist in isolation; rather, it is a web of interconnected hierarchies that sustain and reinforce one another. Fighting solely against speciesism while neglecting how it intersects with other forms of discrimination would mean perpetuating a fragmented and ultimately ineffective approach to liberation (Fitzgerald et al., 2014) (Kim, 2015) (Weitzenfeld et al., 2014).

In this respect, Belcourt critiques mainstream animal advocacy for its lack of intersectional analysis, highlighting how the movement frequently overlooks the interconnectedness of animal exploitation with structures of race, settler colonialism, and other forms of systemic oppression. He argues that dominant animal rights discourses often frame animal suffering in isolation, failing to recognize how animalization has historically served as a tool for racial and

colonial violence. Ultimately, by ignoring these intersections, animal advocacy risks reproducing colonial logics and erasing the experiences of marginalized communities, particularly Indigenous peoples whose lands and lifeways have been profoundly shaped by colonial practices of domination over both humans and nonhumans (Belcourt, 2015), Instead, the struggle must be seen as one, just as the system that enforces it operates as a unified structure. Only by addressing the entirety of these interconnections can we hope to achieve meaningful and holistic liberation (Fitzgerald et al., 2014) (Kim, 2015) (Weitzenfeld et al., 2014). In relation to this, Kim argues that, because of the intersectional relationship of species and racism, they "must be disassembled together in our efforts to meaningfully and radically rethink the category of the human" (Kim, 2015, p. 287).

Furthermore, examining these parallels enhances our understanding of the broader reality of oppression, allowing us to engage in the fight for animal rights more effectively. Without acknowledging the historical and conceptual ties between speciesism and other forms of discrimination, any advocacy risks being limited and unable to move the discourse forward. For example, understanding how speciesism has reinforced gender and racial stereotypes equips advocates with the tools to construct arguments that are not only inclusive but also resistant to perpetuating other forms of harm. This approach not only strengthens the case for animal rights but also ensures that the fight for justice is expansive and intersectional, rather than exclusionary (Deckha, 2023) (Fitzgerald et al., 2014). For example, according to Wever the fields of animal rights and Indigenous rights would benefit from an animal-inclusive intersectionality, suggesting that such connections are crucial for multispecies justice (Wever, 2018, as cited in Probyn-Rapsey & Russell, 2022, p. 45).

Another crucial reason for addressing these intersections is the need to challenge the foundational nature-culture divide, the dichotomy that lies at the root of all oppression. As already clarified, speciesism draws directly from this divide to devalue animals, animality, and nature, but its influence extends far beyond nonhuman animals. It has historically been used to construct and reinforce hierarchies of oppression, marginalizing women, racialized communities, and colonized peoples by associating them with nature and animality. As will be demonstrated through examples and evidence in a later section, in advocating for animal rights, it is essential to remain aware of these dynamics to avoid perpetuating the very stereotypes and systems of oppression that contribute to speciesism in the first place (Deckha, 2023).

Equally important is recognizing how legal systems have historically treated certain beings as property based on their association with animality, thereby linking human injustices to the fight for the abolition of nonhuman animals' property status. Once again, the concepts of animality

and the nature-culture divide link everything together, making the conceptualization of the human-animal boundary fundamental in defying legal definitions of person and property. By understanding the history of these constructs and their far-reaching implications, advocates for animal justice can more effectively contest the current property status of animals using arguments that directly tackle the derogatory view of animality and the hierarchical dynamics that underpin human-nonhuman relationships. In this way, learning from past struggles against the commodification and objectification of marginalized human groups, and developing a clear understanding of how these groups were impacted by anthropocentrism and speciesist thinking, provides critical insights for dismantling the legal structures that bind nonhuman animals. This historical perspective not only contextualizes the fight for animal liberation but also equips activists with strategies to confront deeply rooted systems of exploitation within the law, attacking oppression at its very foundation (Deckha, 2023) (Deckha, 2018).

Obviously, while these comparisons can be illuminating, they must be approached with caution. Recognizing similarities between human and nonhuman struggles does not mean conflating them. Each form of oppression is distinct and must be understood within its specific historical, cultural, and social contexts. Drawing comparisons without this nuance risks minimizing the unique experiences and struggles of marginalized human groups. Therefore, a cautious approach is necessary to ensure that these discussions are respectful and do not inadvertently reinforce the hierarchies we seek to dismantle (Deckha, 2023).

In general, despite these challenges, when done thoughtfully, such comparisons can be profoundly useful. It is true that some may consider insulting to compare the suffering of nonhuman animals to the one of humans, but this further proves the negativity surrounding the concept of animality, such that the comparison to an animal becomes a slur, demonstrating the need for such juxtapositions (Armstrong, 2002). Fiona Probyn-Rapsey and Lynette Russell stress "the connected problem of anthropocentrism, where whiteness makes the 'animal' its foil" (Probyn-Rapsey & Russell, 2022, p. 45). To fight this vision, human-nonhuman comparisons allow for the promotion of a positive view of animality, challenging its long-standing association with inferiority and degradation. As it will be further explored in other sections, by reframing animality as something valuable and worthy of respect, we undermine the narratives that uphold both speciesism and other forms of discrimination (Deckha, 2023) (Deckha, 2010). Similarly, the category of human should be readdressed and reimagined within a more relational framework of interdependence, so that it is no longer perceived as "superior to" but embedded within a connected ecosystem. In this respect, Kim suggests an intersectional

approach that addresses both species and race taxonomies that underpin these Western notions of animal and human, reinforcing their separation (Kim, 2015). This shift not only benefits nonhuman animals but also contributes to the broader fight against oppression by challenging the very foundations of hierarchical thinking. In this way, the exploration of human and nonhuman injustices is not only relevant but indispensable to the pursuit of justice and liberation for all beings (Deckha, 2023) (Deckha, 2010).

Surely, the path towards abolishing the property status of nonhumans is tortuous and long. Even in animal rights litigation cases, conceptual and psychological barriers rooted in anthropocentrism and speciesist thought hinder progress, shaping and ultimately limiting human advocacy for animal liberation. By interrogating these limitations with a comprehensive and intersectional understanding of animal exploitation, it is possible to uncover the pathways toward a more inclusive and affirmative view of animality and successfully fight for animal rights.

2.2.2 Humanizing the nonhuman: a strategic discourse for animal rights?

Despite the animalization and injustices that persist to this day, nonwhite, Indigenous peoples, and women are now legally recognized as holders of fundamental rights, whose status has been promoted from "animalized" humans, valued as property, to "humanized" humans, subjects that counts for the purpose of the law (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012). While it is true that these human categories are no longer regarded as property in Western societies, where equality and freedom are cornerstones of legal systems, systemic marginalization endures. Nonwhite, racialized groups and women remain oppressed through exclusionary politics, institutionalized discrimination, and cultural frameworks that reinforce their subordination and restrict opportunities for true equity. This persistence of inequality arises because the process of humanization, hard-won through countless struggles for emancipation, though it has certainly offered a certain degree of protection, has failed to challenge the deeper structures of social hierarchy, where animality continues to be demeaned, along with all those associated with it (Fitzgeral et al., 2014). In this respect, Watego, a Munanjahli and South Sea Islander, argues that any strategy based on "convincing them of our humanness" has failed in Australia, as it "relegates our needs and aspirations as a people to the very bottom, the same place we occupy on the racial hierarchy…we remain enslaved in domestic service to those damn colonizers" (Watego, 2021, as cited in (Probyn-Rapsey & Russell, 2022, p. 45). By maintaining animality as a marker of inferiority, society implicitly upholds a binary framework that positions 'humanity' as the ideal, while simultaneously

reinforcing racialized, gendered, and speciesist systems of oppression; those once deemed less-than-human remain precariously situated on the margins of this constructed hierarchy, their humanity conditional and their emancipation incomplete. As long as the root devaluation of animality itself is preserved and speciesist ideologies remain, the same logic that enabled their historical oppression persists, subtly legitimizing new forms of exclusion and inequality (Fitzgerald et al., 2014).

In order to achieve animal liberation, along with helping human injustices, the same faith of humanization must be avoided for nonhuman animals as well. This means avoiding humanization discourses in fighting for animal rights and the abolition of their property status. This discourse, in fact, as it happened for marginalized groups and women, promotes the same negative idea of animality which, even if momentarily helps the cause for specific animals, ultimately reinforces the inferiority and subordination of nonhumans, allowing the continuing of their exploitation (Kim, 2015).

Yet, the narrative of the "humanized" animal is wildly used by animal rights organizations, who try to replicate past successes and elevate the nonhuman status to the human level. Arguments relating to the intelligence and capacities of certain species of nonhuman animals are usually raised, using the same strategy of humanization to move the rank of animals to the same level of humans (Kim, 2015). In fact, animal advocates can be often criticized for a tendency to follow species hierarchies on the base on sentience, resulting in the diminishing the importance of "less complex" creatures as well as individualizing animals from the connection they have with other natural entities as rocks, microbes or plants (Probyn-Rapsey & Russell, 2022, p. 47). It is not a coincidence that all animal rights litigation cases that have been issued in the US concern the liberation of zoo captive animals, most of them from usually "humanized" species like chimpanzees, marine mammals and elephants, certainly demonstrating the speciesist and anthropocentric bias of sparing "special" and wild animals from the otherwise normalized killing logics reserved for other categories. Specifically, there is a trend in these types of cases to ask courts to recognize nonhumans' instrumental interests of freedom on the base that these animals possess apparent "human features", with arguments that stress, for example, chimpanzees' genetic proximity and resemblance to humans, and orcas' complex social structures and caring familial relationships (Deckha, 2018). These discourses are so pervasive because they are embedded within broader narratives in Western society surrounding animal welfare and rights. For instance, in the New Yorker article covering the NhRP's case on behalf of Happy (more on this below), an elephant held at the Bronx Zoo,

the author highlights the animal's intelligence, stressing multiple times the surprising and impressive ability of Happy to recognize himself in a mirror (Wright, 2022, p. 11-12, p. 20). All these arguments rely on the dominant culture's acceptance of scientific evidence that these species are intelligent, not like humans, but certainly more than other animals. Yet, as already stated, this reinforces the idea that the only attributes that make a specific being worthy of life, autonomy and freedom, are the ones of self-awareness and intelligence, perpetuating the superiority of humans and suggesting that those who are different "deserve" their property status (Deckha, 2018). In other words, much like human oppression, addressing the exploitation of nonhuman animals and other marginalized groups solely through the lens of "humanness" reinforces a colonial and anthropocentric denial of animality, ultimately undermining the very intention of resolving the issue in the first place (Probyn-Rapsey & Russell, 2022, p. 48). Again, this narrative isn't certainly helpful to the animal rights' cause and the pursuit of animal liberation, but, because of the reinforcement of the ideology of a "bad" and subordinate animality, it also isn't beneficial to black, nonwhite, Indigenous and feminist issues who depend on the dismantling of the nature-culture divide to end their discrimination (Deckha, 2018).

To provide an example of how the humanization discourse is used to elevate certain species, the NHRP (Non-Human Rights Project) filed three different lawsuits in 2013 in the name of four different chimpanzees, Hercules, Leo, Kiko and Tommy, explaining how they deserve to be legal persons because they are self-aware, autonomous, and cognitively akin to humans, advancing the same argument in all cases that denying an autonomous being the right to bodily liberty solely because they are not human violates the principle of equality (Deckha, 2018).

Again, this strategy is counterproductive as, by trying to endorse human hegemonic norms, not only enacts the marginalization of species who cannot fit into these norms, but it also sustains human superiority, in this way perpetuating the same ideology that fosters animal exploitation and the subordination of all nonhuman species. In other words, the humanization discourse perpetuates the notion of human exceptionalism and the inferiority of animality, maintaining the nature-culture divide that is at the core of not only speciesism but also the other forms of oppression. Despite the good intentions of granting fundamental rights to at least some species of nonhuman animals, this type of discourse makes the realization of total liberation impossible to achieve for all animal species, including humans (Deckha, 2018). Actually, nonhuman individuals should be considered as subjects not because they are *similar* to humans, or they share our attributes, but because they are intrinsically deserving of freedom and autonomy *as animals,* in this way promoting a "good" and liberated animality (Armstrong, 2002, p. 417).

On the other hand, stressing the human resemblance of these "boundary" animals only strengthen the human-nonhuman divide that separates persons from property, ultimately sabotaging the reason for which the lawsuit was issued in the first place (Probyn-Rapsey & Russell, 2022).

The humanization discourse and language should, therefore, be avoided in animal rights litigation cases, especially for the purpose of dismantling the anthropocentrism of legal systems and encouraging an antispeciesist mindset when discussing animal rights. Essentially, adopting an antispeciesist framework that emphasizes a positive and virtuous view of animality in contemporary cases, even if unsuccessful at present, may pave the way for the abolitionist goal of eliminating the property status of nonhuman animals to gain greater acceptance and support among courts and justices in the future (Deckha, 2018)

In this regard, as one of the first attempts to challenge the nonhumans' property status in the US, the 2012 case Tilikum v. SeaWorld, though ultimately dismissed, is a good example of how to fight for animal legal recognition without making humanization or anthropocentric claims. The case was brought forward by the animal rights organization PETA (People for the Ethical Treatment of Animals), which sued the well-known American theme park chain on behalf of Tilikum, a male orca, alleging that his captivity constituted slavery in violation of the Thirteenth Amendment of the US Constitution (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012). Tilikum was held captive at SeaWorld Orlando since 1992, where he was forced to perform in the park's One Ocean show under distressing conditions, including confinement in a small tank, isolation from peers, and severe physical and psychological stress. In 2011, his involvement in a trainer's death brought attention to his plight and led to the lawsuit, which was unfortunately dismissed, leaving Tilikum at SeaWorld until his death in 2017 at the age of 36 (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012).

During the trial, PETA was extremely good at emphasizing the animal's vulnerability to suffering and relationality, without invoking the idea that orcas should be legal persons because they are like humans. As previously mentioned, PETA accused SeaWorld of violating the Thirteenth Amendment, which abolished slavery, by perpetuating it on captive animals in the aquarium (here regarded as objects and not subjects of rights). Specifically, Tilikum's defenders argued that, since servitude is generally defined under American law as a relationship of domination involving the possession of a person as property, the conditions imposed on animals in entertainment, and beyond, constitute a form of subordination and submission equivalent to human slavery, where the total control and coercion by the master (SeaWorld) were legitimized by Tilikum's legal status as property. Furthermore, PETA continued, the Thirteenth

Amendment does not explicitly limit its protections to humans, potentially allowing its scope to extend to non-human animals if they were recognized as subjects rather than property. The amendment itself states: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction" (US Const. amend. XIII, Sec. 1). By this logic, Tilikum's capture, imprisonment, forced labor, and the physical and psychological trauma he endured as an individual at SeaWorld represent clear evidence of subjugation and servitude, conditions that could be seen as violations of the Constitution. In fact, PETA argued that if such conditions were inflicted upon a human being, they would undoubtedly and unhesitatingly be recognized as slavery, thereby underscoring the speciesist ideology that differentiates the legal status of non-human animals from that of humans, legitimizing their servitude and subordination (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012).

As we can see by these points, the strategy used by PETA, doesn't encourage human exceptionalism, but on the other hand suggests the comparability of human slavery and animal slavery, giving the same importance between human and nonhuman struggles and ultimately rejecting the nature-culture divide. It is true that, to support this claim, the plaintiffs described various aspects of orcas' social structures and cognitive capacities, but this was not aimed at making arguments for their humanization, but rather at emphasizing the suffering and psychological stress caused by captivity, which deprives orcas of their health and social needs. In doing so, PETA aimed to expand the scope of constitutional protections, drawing parallels between zoo captivity and the historical enslavement of African Americans. In light of this, apart from various criticism to PETA's strategy and campaigns, the rejection of anthropocentrism makes this case the example of how animal rights organizations can advocate for animals without keeping alive human exceptionalism (Deckha, 2018).

In comparison with the earlier cases by NHRP, PETA's lawsuit against SeaWorld is a much better example of an effective model for animal advocacy, one that effectively opposes the anthropocentrism of common law and successfully contributes to the abolition of animal property status in the long run. Again, since sadly all lawsuits mentioned were dismissed by the jury, as it is expected with the pathbreaking nature of the claims, PETA's arguments were notably less anthropocentric, advocating for a "boundary" animal such as orcas in a way that enables their legal recognition not because they are "like humans" but because they are intrinsically worthy of freedom as sentient beings (Deckha, 2018).

This discussion is also relevant outside of the US, where even if the humanization discourse is sometimes more successful, still eventually leads to the reinforcement of human superiority.

An example is, for instance, the Argentinean case regarding Sandra the orangutan. Here, the federal criminal cassation chamber of Buenos Aires declared Sandra a “non-human person”, celebrating her cultural and genetic similarities to humans. But the lawsuit didn’t demonstrate to be that victorious as the ruling only demanded for better captivity conditions for the animal (Ecojurisprudence, n.d.). Again, despite the “humanized” status, animality remains a synonym of property, and property means being owned, enslaved and used for someone else’s benefit (Francione, 2004).

2.2.3 Human exceptionalism and racial anxiety as limits for animal liberation

Legal systems, as human institutions, inherently mirror the cultural and social values of the human societies that create them. Consequently, Western legal frameworks are deeply rooted in Western ideologies of property and capitalism, regulating human relationship to the nonhuman according to these same principles. As already discussed, this makes Western law extremely anthropocentric, prioritizing human interests and experiences while systematically excluding nonhuman animals from meaningful legal recognition or protections. This bias can be easily seen in the way Western law protects pets and wild animals through, for example, anticruelty laws, antipoaching and wild animals trafficking regulations, while at the same time exempting animal agriculture. Similarly, many countries have banned cetacean breeding programs and captivity but haven’t done so for other species. However, all these beliefs essentially boil down to the coincidence of animality with property and vice versa, leading to animal exploitation, along with perpetuating human injustices, and ultimately indicating that legal tools, postulates and definitions are exclusively dedicated to humans, whoever may be considered as human in that instance. In fact, regardless, of moral beliefs about nonhuman animals and their welfare, there is a resistance in the legal realm to believe that the law is for nonhumans as well. This is despite the fact that we recognize corporations, that are even nonliving entities as legal persons (Deckha, 2023) (Francione, 2004). According to Fiona Probyn-Rapsey and Lynette Russell, nonhuman animals are continuously neglected as political subjects simply because of the anthropocentric belief that animal issues are not as important as human issues, risking becoming a distraction from more urgent matters. However, due to the intersectionality of human and nonhuman oppression, when forced to choose between addressing an animal or human issue, we are confronted with a “false choice”. This choice ultimately reinforces human superiority and perpetuates both speciesism and human injustices, once again demonstrating the anthropocentric logic of prioritizing human interests and perspectives over those of nonhumans (Probyn-Rapsey & Russell, 2022, p. 45).

Ultimately, nonhuman individuals' treatment under the law reflects the relationship of human Western society with nature and more-than-human beings, a relationship based on speciesist and anthropocentric views and aimed at the capitalization of animal bodies as property of humans. As a consequence, nonhuman animals are again excluded from actual legal protection, simply because there is an economic interest in their subordination and invisibilization. Yet, even if legal systems are human-created institutions for humans, nonhuman animals and our relationship with the nonhuman shape our society, culture and economy, suggesting that animals are significant parts of our Western civilization, and as such should be recognized (Francione, 2004).

This human exceptionalism is also starkly evident in the Tilikum v. SeaWorld case described above, where the judge ruled that slavery, even if not explicitly stated in the Thirteenth Amendment, is a "uniquely human activity", thereby implying that the scope of the Constitution, or any other legislation not explicitly aimed at animal welfare, is exclusively limited to humans. This is despite the fact that the conditions of captivity for orcas at SeaWorld closely mirror, if not replicate, the oppressive and exploitative conditions characteristic of human chattel slavery (Kerr, Bernstein, Schwoerke, Strugar, & Goodman, 2012). Such rulings reinforce anthropocentric interpretations of the law, effectively excluding nonhuman animals from broader legal protections and perpetuating systemic inequities in how different forms of suffering are recognized and addressed. Plus, this narrow interpretation not only underscores the deeply entrenched human exceptionalism in legal systems but also highlights the unwillingness of courts to confront parallels between human and nonhuman oppression, thereby maintaining the status quo of animal subjugation. The ruling, in fact, suggests that the belief that the juxtaposition of African American slavery with the animal condition in zoos is not a reasonable point, again rejecting the possibility that humans and animals might be equal. Affirming that not only legislations but also slavery is something exclusively affecting humans, means implying that human and animal suffering are on different importance levels, reinforcing the species hierarchy such that the two are not even comparable (Deckha, 2023). Once more, legal systems reflect the human exceptionalism that is generally present in modern society, a bias that is very hard to overcome, especially in common law systems that are conservative by nature. Nevertheless, it is actually contradictory how no legal disposition has ever been emanated with the aim of interrogating the sharp legal divide between human-nonhuman that maps into, and so strongly dictates, the dual structure of personhood and property, despite the continuity of species being so wildly accepted (Deckha, 2023)

2.2.3.1 Racial anxiety

According to the University of Victoria professor, M. Deckha, even if the animal cause for fundamental rights could seem valid by different judges in the US, they might be resistant to change because of dehumanization and animalization concerns regarding black and Indigenous Americans. In fact, this could be the cause of refraining from considering legal recognition for nonhuman animals, even for those judges that may even be open to challenge the human exceptionalism of Western legal systems. As already discussed, the process of animalization is not unknown to humans as well, especially marginalized and racialized groups, constituting a long history of dehumanization and discrimination towards Indigenous, black and nonwhite people, in the US but also globally. For this reason, courts and judges often express concern that acknowledging comparisons between the issues faced by racialized groups and nonhuman animals might risk diminishing the gravity of black and Indigenous struggles (Armstrong, 2002) (Deckha, 2023). Yet, the aversion to the "dreaded comparison" is an attitude inherited from imperialistic humanism, which has historically imbued the concept with negative connotations by using it to dehumanize and objectify racialized communities, thereby justifying violence and oppression. In many non-Western cultures (with some exceptions), such a connection is not seen as diminishing; in fact, it can even be viewed as an honor. This highlights that the insult tied to comparisons with animals is specific to Western society, further emphasizing the need to dismantle the ideologies that perpetuate both animal exploitation and human injustices (Armstrong, 2002, p. 413-414). Ignoring the interconnections between the oppression and racial violence faced by these communities and the subjugation of nonhuman animals, both shaped by narratives of animalization and dehumanization, means overlooking the deeply entrenched structures of domination that perpetuate both human and nonhuman suffering, reinforcing systems of colonialism, white supremacy, and speciesism. This means that, humans rights and racial equality are actually threatened by the same claims of human exceptionalism and supremacy affirmed in order to avoid dehumanization, and they much rather benefit from the human-nonhuman comparison (Deckha, 2023).

This race-related concern described so far, can be demonstrated by the case filed by the NHRP on behalf of Happy, the female Asian elephant held captive for more than half a century at the Bronx Zoo in New York. The organization petitioned the lower courts of New York through the Habeas Corpus, an ancient common law tool of securing freedom for someone unlawfully detained, arguing that her confinement in the zoo was violating her right to bodily integrity and asking for her release in a sanctuary. Additionally, the NHRP stated that Happy was deserving of freedom as a sentient being capable of intelligence, self-awareness and ability to suffer. Even

though initially unsuccessful, the organization received leave to appeal from New York's Court of Appeals, but the court unfortunately dismissed it (Nonhuman Rights Project, n.d.). Here, the dissent by Justice Wilson, despite being a strong critique of the human exceptionalism and anthropocentrism in legal systems, ultimately demonstrates the racial anxiety of making connections between animal rights and human injustices. In particular, he examined the historical and contemporary challenges of comparing animal rights to the struggles of racialized groups, acknowledging the dangers of drawing such parallels, given the historical animalization of black and Indigenous peoples, which was instrumental in upholding slavery and marginalization. This history, Wilson argued, necessitates extreme caution when advancing legal arguments that could inadvertently evoke or perpetuate these oppressive frameworks. Wilson underscored the necessity of acknowledging these oppressive histories when discussing animal rights, highlighting how some contemporary advocacy efforts, like those of PETA, have unintentionally perpetuated racial stereotypes by making insensitive analogies, risking dehumanizing racialized groups. He even went on in defining these human-nonhuman parallels "odious", a sentiment shared by all his colleagues in the jury. To address this concern, Wilson proposed moving away from framing animals as "persons" within the legal system. He argued that such framing might blur the lines between human and animal experiences in ways that are racially insensitive, particularly in light of ongoing systemic racism and the legacy of dehumanization. By doing so, he sought to prevent the risk of undermining the dignity and humanity of racialized groups, whose personhood has historically been contested (Wright, 2022) (Deckha, 2023). However, Justice Wilson's dissent, while strongly critiquing human exceptionalism, ultimately reinforced the human-animal divide, perpetuated by his concern about the harmful racial coding that could arise from comparisons between animals and marginalized human groups. In fact, his cautious approach created a paradox: while Wilson critiqued human exceptionalism and recognized the suffering of animals, his insistence on maintaining a clear legal and symbolic separation between humans and animals reinforced the very hierarchy he critiqued. Again, the species hierarchy perpetuates the notion of animals as fundamentally "other," a status that underpins their ongoing exploitation and exclusion from legal protections. So, in trying to protect marginalized human groups from the harmful effects of dehumanization, Wilson's dissent inadvertently upheld the structures of anthropocentrism, which subordinate animals and indirectly uphold systems of domination that interlink human and nonhuman oppressions (Deckha, 2023).

The racial anxiety and dehumanization concerns that are evident in this case, and others, not only suggest how racism and racialization can be huge factors to consider when discussing

animal rights, but they also demonstrate the strong interconnection of race and animality, again proving the intersectionality of speciesism and racialized violence. For this reason, the comparison between human oppression and nonhumans' property status is not only accurate but also a more helpful strategy for animal rights, indicating that a more intersectional approach can be far more effective in dismantling the human supremacy at the root of human and nonhuman injustices together (Deckha, 2018). In this respect, studies have shown supporting animal advocacy with critical race theory is beneficial to reimagine equitable approaches that advance both human and nonhuman liberation. Thus, the intersectional approach to race and other oppression, including speciesism, are fundamental in building frameworks for justice-based support for humans and animals, suggesting that animal advocates should combine efforts with human rights organizations to achieve justice for all. Even the environmental justice movement have shown to improve when interconnected to race, class, sex, disability and animal welfare work (Jenkins & Rudd, 2022). In this context, organizations like CARE (Companions and Animals for Reform and Equity), the first national animal welfare organization led by Black, Indigenous, and people of color in the United States, play a crucial role in advocating for both human and animal well-being by centering marginalized voices (CARE, n.d.).

2.2.4 An antispeciesist and intersectional approach for animal rights

As previously established, the concept of property, deeply rooted in Western traditions, has long been entwined with a perception of animality as inferior, degraded, and even morally suspect. This framing has already been examined as a pivotal means by which the legal category of personhood derives its significance through its opposition to property, an opposition that is not neutral but profoundly shaped by its association with animality. In this sense, the legal imagination renders property and animality almost synonymous, perpetuating a hierarchical worldview that fuels both speciesism and intersecting systems of oppression, including racial and gendered exploitation, particularly within the framework of colonial power structures. This intricate entanglement between human and nonhuman binaries, as well as between nature and culture, has been previously discussed as a central axis through which domination is exercised and normalized. The persistence of this dichotomy reinforces an artificial separation that has not only underpinned the exploitation of nonhuman animals but has also justified the subjugation of marginalized human groups by relegating them to the realm of the "other" closer to nature, and thus further from personhood (Fitzgerald et al., 2014) (Kim, 2015) (Weitzenfeld et al., 2014). In this respect, Belcourt suggests that anthropocentrism should

be the target of both decolonial and animal studies (Belcourt, 2015). In this, overcoming the entrenched nature-culture divide is essential to challenging these systems of domination. But, dismantling this binary necessitates a broader shift in how we conceptualize relationships between human and nonhuman beings (Fitzgerald et al., 2014) (Kim, 2015) (Weitzenfeld et al., 2014).

A relational and embodied approach, as suggested by thinkers such as Deckha and Haraway, offers a novel pathway forward. This perspective recognizes the inherent interdependence of all species and challenges the dualism that sustains oppression. It invites us to envision legal and ethical systems that are not merely inclusive but fundamentally transformative in their acknowledgment of shared existence and mutuality (Deckha, 2023) (Haraway, 2016). In this regard, encouraging a positive conception of animality is essential for this transformation. A vision of animality that is not based on degradation but on reciprocity, embodiment, and relationality challenges the current system. This reframing sees animals not as objects for human consumption or symbols of moral inferiority but as beings with inherent worth. Reimagining animality as something positive rather than inferior or degraded requires a shift away from Western utilitarian, instrumental views of animals and towards a more relational understanding that acknowledges their inherent value. Animality, in this sense, is not defined by hierarchical structures, where humans are above animals, but by reciprocal relationships, shared experiences, and mutual interdependence. Recognizing animal culture allows us to see animals as active participants in shaping their worlds, thereby undermining the dehumanizing notion of animality as a marker of moral or intellectual inferiority. Similarly, humans should be seen as part of the same continuum, animals among other animals (Deckha, 2023).

In this respect, Kim suggests rethinking the category of the human through an intersectional approach that tackles both species, racism and colonialism (Kim, 2015, p.287). Such a perspective fosters more ethical and compassionate human-animal relationships, grounded in mutual respect and shared existence, rather than in domination or hierarchy (Kim, 2015). To do this, it is necessary to look beyond Western ontologies, reshaping the way we think and imagine human-nonhuman relationships. This vision, that will be further explored in the next chapter, aligns with recent philosophical and ecological discussions on the need to overcome Western anthropocentric worldviews. Again, authors like Donna Haraway highlight how humans can build more ethical and sustainable futures by fostering relationships of care, empathy, and respect towards nonhuman beings (Haraway, 2016).

Finally, the Western nature of species oppression and binary thinking, together with the strong interdependence of colonialism and animal exploitation, calls for decolonization practices that

critique the Western ideologies of control and mastery based on anthropocentrism. As explained above, animality is conceivable only through settler epistemologies and has been used as a concept by colonialism to not only subjugate human populations but also impose exploitative relationships on the nonhuman world, colonizing both Indigenous and animal bodies (Wadiwel, 2020). Decolonization, therefore, is essential in the fight against speciesism, as it requires the acknowledgment of non-Western worldviews, such as Indigenous perspectives, which do not draw strict boundaries between humans and other animals (Belcourt, 2015). In fact, many Indigenous cultures view animals as kin, emphasizing mutual respect and reciprocity in their relationships. Incorporating these worldviews into modern frameworks can offer valuable insights into how to build a more just and inclusive future, where both human and nonhuman animals are treated with dignity (Deckha, 2023). In this respect, the following chapter will also delve deeper in Indigenous knowledge and cosmologies, examining the possibilities for these non-Western views to inspire a different approach to animal rights and human-nonhuman relationships.

Chapter 3: Decolonization and animal liberation: an Indigenous placed-based approach to animal rights

3.1 Decolonization across species: bridging Indigenous and nonhuman struggles

3.1.1 Domestication and the making of animal property in Western thought

Before exploring pathways to overcome the anthropocentrism and speciesism of Western legal systems through non-Western ideologies, it is crucial to first examine the origins of animal exploitation and its narrative in Western culture. This is because understanding the historical and ideological roots of humanity's exploitative relationship with nature and other species, reveals the foundational structures and key factors that sustain these oppressive systems today. For this reason, an excursus on the origin of domestication will be provided below, as it offers essential insights into how anthropocentric and speciesist Western narratives were historically constructed, highlighting the need to look beyond this human-centered and exclusionary perspective in advocating for animal rights.

As already discussed in the previous chapters, Western binary thinking of nature, together with other dualisms regarding animals such as wild-domestic, edible-nonedible and trust-domination, shape how Western society conceptualizes and engages with nonhumans, reducing the Western attitude towards nonhuman animals to a relationship based on subjugation, exploitation and abuse. Yet, despite the roots of such relationship are often presented as a story of human advancement and proof of human superiority, the origin of Western domestication over animals is part of a more encompassing tale of how humans have desperately sought to bring nature, and inevitably humanity's own animality, under control (Ingold, 1994).

In particular, in *From trust to domination. An alternative story of human-animal relations*, British anthropologist Tim Ingold explains how the evolution of Western human-animal relations can be understood not as a natural progression from "wilderness" to "domestication", as it is often presented in Western imaginaries, but as a shift from relationships based on mutual trust to those rooted in domination, moved by a desperate human attempt to subdue the unpredictable and overwhelmingly chaotic natural world in order to benefit from its exploitation. In fact, the very definition of domestication always implies human control over the growth and the reproduction of animals and plants, making "civilized" and "evolved" Western societies producers of their food rather than collectors. But, again, while the Western narrative frames human superiority as a progression from "wild" hunters to "civilized"

domesticators, mirroring the perceived evolution of humans from animality, this framework is fundamentally flawed, using the misconception of human exceptionalism to justify exploitation and domination and define them as markers of progress and control over nature. Domestication, indeed, is not merely an organic or inevitable process that proves human evolutionary superiority over nonhumans, but rather a calculated act of manipulation, "an engineering feat" reducing animals to resources shaped by human intention (Ingold, 1994, p.5). This dynamic perfectly reflects the belief within Western culture that the proper destiny of human beings is to transcend the condition of animality, a state to which the existence of all other species is confined, underscoring a desire to assert human exceptionalism by sharply distinguishing humanity from animality and separating human society from the natural world. In the end, the ultimate goal of this ideology is to enforce domination by manipulating nature to align with human desires, along with domesticating nonhuman animals for human benefit. Such capabilities are then framed as markers of superiority, further justifying humanity's perceived god-like authority over nature (Ingold, 1994).

Therefore, while hunter-gatherer societies often built relationships with animals founded on mutual trust, cooperation, and respect, the rise of Western pastoralism and agriculture, that is the first Western attempt to conquer and domesticate the natural world, introduced systems of control and hierarchy. As a consequence, under these systems animals were stripped of autonomy and agency, subjected to coercive instruments of domination such as whips, harnesses, and enclosures. These agricultural practices replaced the pre-existing co-dependent, reciprocal relationships of hunter-gatherer societies within ecosystems with structures of ownership, coercion, and exploitation. It is within this context that animals came to be treated as property, living beings reduced to objects, easier to subjugate than to engage in respectful and meaningful relationships with, ultimately consolidating the perception of animals as commodities to be owned, controlled, and exploited. In this, domestication is the way through which animals become integrated as objects within the socio-economic systems of human society, they become property that can be owned, inherited and exchanged. This shift solidified the association of property with animality, where animals were no longer seen as sentient beings with inherent value but as mere goods, devoid of rights and reduced to their utilitarian function in human systems of production. Here, property is the relation between person and object, that is humans as social persons owning animals as natural objects that are ownable. This logic then progressed into more modern times where domestication parallels the broader structures of Western society, which are characterized by hierarchical governance and an undaunted drive to dominate anything associated with animality, instinct, or the natural world.

In the end, this transformation from kindred being to property reinforced the belief that animals exist solely for human use and exploitation, erasing any recognition of their inherent worth beyond their utility. Again, as animals became mere property, the ethical and moral considerations afforded to them were increasingly disregarded, laying the foundation for the widespread objectification and dehumanization of nonhuman beings, which continues to underpin modern practices of animal exploitation in agriculture, industry, and beyond (Ingold,1994).

In this respect, in her book *Caccia alle Streghe, Guerra alle donne* (2015) Silvia Federici identifies another pivotal shift in human and nonhuman relationships, one that consolidated the commodification of nonhuman animals and the exploitative and hierarchical aspect of human-nonhuman relationships. In the book, she argues that the witch trials marked a profound socio-cultural and economic transformation, signaling the end of the Middle Ages and the rise of modern capitalism, where, the practices and beliefs of pre-capitalist rural Europe, deemed as dangerous to the emerging economic order, were systematically destroyed alongside the persecution of witches. This shift entailed more than the privatization of land and the creation of what Federici calls "enclosures"; it also enclosed knowledge, particularly certain forms of knowledge, and bodies, especially women's bodies, not only reshaping human relationships with nature and others but also foreclosing alternative ways of engaging with the world beyond Western capitalist frameworks. More specifically, human-nonhuman relations were radically altered by this change, further embedding property-based views of animality and human and nonhuman exploitation. In fact, with the rise of capitalism, a new ethics emerged, one that valorized the repression of animalistic instincts in service of productivity, emphasizing self-control and further underscoring humans' separation from animals. In fact, before this transformation, a continuity between species was widely accepted, with nonhuman animals often regarded as accountable beings, even capable of speech. In the sixteenth century, it was even common across Europe for domestic animals, particularly dogs, to be present in courtrooms, accused of crimes or even serving as witnesses for their owners, believed to be able to prove their own or their owner's innocence of culpability. This historical reality stands in stark contrast to contemporary struggles to establish legal subjectivity for nonhuman animals; what is now seen as a radical proposition was once an ordinary acknowledgment of their sentience. Actually, it was really the seventeenth century that keeping animals as companions became suspect, as nonhuman animals came to symbolize the uncontrollable instincts that capitalist society sought to repress in order to produce disciplined workers. As a result, living with an animal became taboo, and women who engaged in this practice were often

branded as witches, believed to be gifted by the devil with a "familiar," a demonic companion in animal form. Familiars became central to witch trials, serving as evidence of both the witches' irrationality and bestiality, as well as the supposed inherent danger of all women. Ultimately, the rise of capitalism further entrenched property-based views of animals, transforming them from sentient beings into commodified objects, a shift that continues to shape Western legal and ethical frameworks today, irreparably damaging our relationship with animality (Federici, 2015, pp. 36–39).

In addition, the Western dualistic and evolutionary framing of human superiority described so far, also has significant implications for how Western historical accounts depict hunter-gatherer communities, which, as already showed in the previous chapter, are often conflated with Indigenous and colonized peoples. Once again, these groups are portrayed as "living like animals", surviving exemplars of the “natural condition of mankind”, lacking control over their environment and, by extension, themselves. This framework not only diminishes Indigenous cultures, societies and ways of living, but it also positions domestication as a triumph of civilization over savagery, reinforcing the idea that hunter-gatherers are trapped in an inferior, "natural" state, incapable of transcending their animality by associating a more sustainable and biophilic standard of living as “backwards”, underdeveloped and ultimately wrong; this once more proving the interconnection of colonialism and animal exploitation. As a matter of fact, the ability of producing its own food, rather than collecting it, meaning the skill of domestication of natural beings or resources for sustenance, became the marker of distinction between human and animal. As Marx and Engels write, men “begin to distinguish themselves from animals as soon as they begin to produce their means of subsistence” (Marx and Engels, 1977, as cited in Ingold, 1994, p. 3), not only suggesting that the human-animal divide is really a domesticator-non-domesticator distinction but also allowing to place non-domesticating humans on the side of animals. Essentially, exactly because of their capability to thrive by controlling and dominating nature, humans, at least the Western “civilized” portion of it, are perceived as distinct from animals, the essence of their humanity literally transcending nature. On the other end, the few of them that remain within nature, unable to control it through domestication, are reductively seen as “an undifferentiated amalgam of animal characteristics” (Ingold, 1994, p. 4). In other words, “human beings, uniquely among animals, live a split-level existence, half in nature and half out: they are conceived as biological and cultural beings, organisms with bodies and persons with minds” (Ingold, 1994, p. 4). From here comes the belief that Indigenous hunter gatherer societies, as collectors of food unable to subdue and

domesticate the natural world, cannot own natural resources as property, thus justifying land dispossession and colonization (Ingold, 1994).

Nevertheless, these narratives that link supremacy with the dominion over ones' own animality, tell us more about the anxieties of their Western narrators than they do about the actual lives of nonhuman animals or Indigenous communities, demonstrating Western society's discomforting sentiment around the most animalistic, yet natural, instincts of human nature. Actually, the Western obsession with control reflects a profound fear of nature, instinct, and the animality within humans, an aversion that fuels the relentless attempt to dominate and distance humanity from its own biological and ecological roots. Thus, as humans began to domesticate nonhumans, the concept of animality became associated with inferiority, marking it as inherently negative and further leading humans to distance themselves from it. In the end, by justifying their separation through the belief that their ability to "control" and dominate nature set them apart from nonhuman animals, Western societies eventually used this divide to enforce violence on anyone, human or nonhuman, that was marked by the natural world and animality (Ingold, 1994).

3.1.1.1 From creation myths to animal justice

For the purpose of comprehensively understanding the origin of Western human-animal relationships it is impossible not to refer to the European religious background by mentioning its foundational text. This is because religion profoundly shapes the identity of communities and nations, inspiring art and culture, and especially dictating how humans interact with their environment and other species. In this context, religious movements play a pivotal role in addressing both the climate crisis and the animal question. By influencing culture, religion inspires governments and institutions which ultimately design legal and regulatory systems. Analyzing European cultural and religious frameworks can reveal the foundational principles and ideologies, already explored in previous chapters, behind Western legal concepts. At the same time, as it will be expanded below, examining different cultural beliefs provides insight into alternative views on human-animal relationships and how these can be regulated through inclusive legal frameworks. (Ghosh, 2016). From this perspective, before exploring non-Western beliefs systems, the Bible, not only Christianity foundational canon but also the most pivotal text in shaping Western civilization, has played an extraordinarily influential role in establishing and perpetuating the narratives of domination and domestication that underpin Western culture. In particular, the Genesis creation story is central in shaping the tone of Western human relationships with nature, where God creates nature for humanity, emphasizing

its utilitarian purpose as a resource for food and shelter. This framing reinforces the notion of nature's extrinsic value, portraying it as existing solely to fulfil human needs. Furthermore, God explicitly ordains humanity to exert control over nature, presenting it as humanity's possession to govern and exploit at will. Specifically, this directive is articulated in passages such as: "Be fruitful and increase in number; fill the earth and subdue it. Rule over the fish in the sea and the birds in the sky and over every living creature that moves on the ground" (King James Bible, 1611/2008, Genesis 1:28). Similarly, the New International Version states: "Let us make mankind in our image, … so that they may rule over the fish in the sea and the birds in the sky, over the cattle and all of the earth, and over all the creatures that move along the ground" (New International Version, 2011, Genesis 1:26). These passages are central to constructing a worldview where humanity's dominion over nature is both divinely sanctioned and absolute. This theological framework, in opposition with other ontologies that will be analyzed below, not only justifies but also valorizes the subjugation and exploitation of nonhuman beings and ecosystems, contributing significantly to the already discussed anthropocentric narratives that have historically underpinned Western attitudes toward the natural world. As previously demonstrated, such interpretations have profound implications, as they inform cultural, ethical, and ecological discourses, perpetuating practices that prioritize human supremacy at the expense of ecological balance and interspecies equity (Gosh, 2016). This analysis further demonstrates the complex and nuanced roots of Western binary thinking and anthropocentrism, once more suggesting the need to distance ourselves from Western frameworks and to look at different ontologies and worldviews to inspire animal advocacy.

In relation to this, while Western narratives about the origin of animal exploitation seek to universalize themselves as objective truths, they are, in reality, cultural constructions deeply rooted in specific historical and philosophical contexts, meaning that they are neither inevitable nor unchangeable. In other words, domination and exploitation are not the only ways in which humans can relate to other animals. Again, this reality highlights the necessity of looking beyond Western frameworks, since, as demonstrated by the complex history and intricate conceptual origins of domestication and human attempts of asserting control over nature, these worldviews are inherently incapable of fostering meaningful challenges against exploitative systems. In other words, as long as Western ideologies of domination and nature-culture separation persist, meaningful deconstruction of these systems will remain impossible. Alternative frameworks, grounded in trust, mutual respect, and interdependence, exist and have been practiced by many societies, past and present. These approaches question the supposed "naturality" of Western human-animal relationships and open the door to reimagining more

equitable, compassionate, and sustainable ways of coexisting with other species (Ingold, 1994). In this, Indigenous cosmologies and ontologies, as opposed to Western and settler-colonial frameworks, emphasize interconnectedness among humans and the environment; they are far distant from the Western ideologies of property and anthropocentrism, opposed to the colonial hierarchies of humanities to instead honor the agency and sovereignty of animals, that are recognized as relatives and co-creators of the world (Belcourt, 2015).

Going back to animal rights, an inquiry into non-Western human-animal relationships, Indigenous cosmologies, and creation myths is essential to specifically address the entrenched anthropocentrism, speciesism, and also white supremacy embedded within Western legal systems, the ones that justify and perpetuate animal exploitation (Belcourt, 2015). As it was discussed in the previous chapters, the very concepts of property and personhood are deeply problematic, as they mirror the Western dualism of human and nonhuman, placing human beings at the center of legal consideration. Consequently, as already explained, the concepts of legal personhood and fundamental rights that underpin Western civil law and common law systems are constructed specifically by humans and for humans, based on standards and criteria rooted in a distinctly human perspective. This means that they are definitions based on human attributes, specifically thought to fit a human being with specific characteristic. As a result, as they are understood within Western cultural frameworks, these constructs are inherently unsuitable for nonhumans, whose difference is not taken into consideration exactly because of the Western belief that completely separates humanity from nature. In fact, these legal structures are not only limited by cultural biases but also fail to accommodate the needs and realities of nonhuman beings, whose sentience and wellbeing is deemed unimportant and therefore irrelevant. In other words, by granting rights and personhood solely based on human-centric notions of cognitive capability, reason and moral agency, criteria not universally applicable to all nonhumans, Western legal systems fail to recognize the subjectivity, fundamental rights and autonomy of nonhuman animals, exactly because of their perceived inability to fit within human-defined categories. If otherwise these categories were constructed to be more inclusive, based on criteria common to all animal beings and inspired by a positive idea of animality, such problems wouldn't arise (more on this below) (Deckha, 2023). In this respect, animal advocates and abolitionist approaches to animal rights, together with Indigenous perspectives, both condemn the property-based view of animals, that ultimately lead to their industrialized exploitation. In fact, Indigenous ontologies and Indigenous legal structures, that often reflect a deep interconnection between humans, animals, and the natural

world, can unearth alternative ethical frameworks and legal subjectivities that mirror an idea of coexistence over exploitation and recognize animals as sentient beings with intrinsic value and agency, equal to every other human being. The ultimate goal of this exploration into Indigenous worldviews is to reimagine a multispecies justice system that transcends the narrow boundaries of Western thought. This would entail advocating for the legal and moral recognition of all species, moving toward a paradigm of animal liberation that challenges the commodification of life. By incorporating the wisdom of Indigenous cosmologies and honouring their relational ontologies, we can pave the way for more equitable and sustainable futures for all beings, human and nonhuman alike (Belcourt, 2015).

3.1.2 A decolonial ethic for animal justice: the role of animal rights

Before exploring Indigenous cosmologies and their distinct understanding of the natural world and humanity's role within it, it is important to emphasize that turning to non-Western approaches to foster a positive reimagining of animality and human-nonhuman relationships, particularly in the context of redefining nonhuman legal status within human political and legal systems, carries far more complex implications than simply drawing inspiration for new ways of thinking about animals. In fact, such a turn necessarily calls for a critical reflection on decolonization practices within animal advocacy, since not only speciesist ideologies are historically and conceptually intertwined with colonial logics but also because of the crucial part that animal agriculture had in the colonization of Indigenous lands and cultures. It is precisely the deep and complex interconnection and mutual reinforcement of animal exploitation and settler colonialism that make it impossible to discuss one without addressing the other (Belcourt, 2015). This following section will serve the purpose of defying animal advocacy within a decolonial ethic, demonstrating how animal rights have a fundamental role in enforcing decolonization across species (Deckha, 2021).

3.1.2.1 From land to livestock: a case for decolonization

As it was already introduced, colonialism and animal exploitation are historically intertwined in a mutually reinforcing relationship that sets one process as inseparable from the other. In fact, while the concept of the inferiority of animality, associated to colonized communities, has been used to justify colonial violence and cultural erasure, the colonial project of land dispossession has also paved the way for the rising of the animal industrial complex. Actually, acquiring grazing land for animal agriculture in settler colonies was a primary driver of territorial expropriation and ecological disruption, both of which were integral to the capitalist

project (Ficek, 2019). With the aim of transforming Indigenous lands into resources for livestock farming and expanding the availability of "edible" animals to advance imperial ambitions, settlers reinforced their control over both the environment and the Indigenous people, eroding Indigenous sovereignty and ways of life. The fence and the plow, often seen as devices of progress, were used to assert ownership of the land by converting Indigenous territories into land property for agriculture. Here, the very concept of property, completely unknown to Indigenous people, was yet another aspect exploited by Europeans to seize Indigenous lands for settler control and use (Probyn-Rapsey & Russell, 2022). Ultimately, cattle and sheep became central to settler-Indigenous conflicts, as they were used to justify massacres, such as the Appin Massacre of 1816, and to perpetuate both direct and indirect violence against Indigenous communities (Probyn-Rapsey & Russell, 2022, p. 43).

Yet, animal agriculture was not only the underlying motive of colonization but also an actual strategy or mechanism through which colonization was enacted. European species of sheep and cattle were introduced in the Americas as "advanced guards" or "shock troops" that supported the colonial project by actively transforming Indigenous territories in grazing lands destined to animal agriculture (Probyn-Rapsey & Russell, 2022, p. 44). These grazing animals ultimately aided the European expansion by occupying spaces inhospitable to settlers, destroying native environments and transforming relations of property over the land. By wandering freely in the Americas, wild cattle ate local vegetation, transforming fields into pastures, which created favourable conditions for European plant species, introduced by ships, to replace the native species. Even if these effects were not always intentional (sometimes it was wild herds, sometimes actual domesticated and controlled flocks), cattle ultimately modified the Indigenous environment in ways that benefited the colonization (Ficek, 2019, p. 115-116).

Ultimately, not only cattle literally replaced Indigenous peoples, creating and then thriving in places where Indigenous people were exterminated, but also destroyed and then occupied territories through their grazing (Ficek, 2019, p.117). As Fiona Probyn-Rapsey and Lynette Russell explain in *Indigenous, Settler, Animal: A Triadic Approach*, "where cattle went, colonists followed, re-asserting their rights to 'property'" over Indigenous ancestral territories (Probyn-Rapsey & Russell, 2022, p. 43). Indeed, in the late 16th century, administrators began granting "estancias" to colonists, private plots of land designated for farming in livestock resting areas. These grants provided grazing rights that eventually evolved into rights to the land itself, transforming into private ranches sanctioned by the government. As cattle spread, occupying increasing amounts of land, a growing European landowning class emerged, reshaping the landscape with farms and fences. In other words, "conquest worked indirectly

through bodies of cattle taking up more and more space" (Ficek, 2019, p. 117). Yet, the role of cattle in colonization does not end there. Actually, the sale of cattle was instrumental in funding the colonial project, as it facilitated the organization of operations and provided the finances necessary for expeditions (Ficek, 2019).

In this context, livestock animals became actual agents of colonization, directly contributing to the displacement of both Indigenous stewardship and knowledge over their ancestral lands (Probyn-Rapsey & Russell, 2022). In fact, it was not only the fact that grazing animals disrupted ecosystems by consuming native vegetation but also the fact that by doing so they undermined Indigenous practices by altering the ecological balance and introducing new hierarchies of land use (Ficek, 2019). As a result, Indigenous social, economic, and cultural systems were destroyed, as their survival and traditions were deeply connected to their profound understanding of the land, an understanding that was irreparably altered by the introduction of European grazing species. Bruce Pascoe highlights this disruption, explaining how grazing livestock consumed "epistemes," the accumulated ecological knowledge of Indigenous people, erasing millennia of sustainable land management practices (Probyn-Rapsey & Russell, 2022, p. 42). In other words, by disrupting entire ecosystems, these invasive grazing species severed Indigenous peoples' deep connection to their ancestral lands, depriving them of the ecological knowledge essential for their survival, and substituting it with Western agricultural practices (Probyn-Rapsey & Russell, 2022, p. 42). In this sense, colonialism did not just import animals, but it also imported ideas about animals that were entirely foreign to the Indigenous communities of colonized territories. By introducing Western agricultural practices, principles of 'breeding', and pastoralism, framed as markers of progress and civilization in contrast to hunter-gatherer social structures, colonialists disrupted Indigenous land tenure and transformed how Indigenous land was understood and used. At the end, Indigenous people were working within industries constituted by Western agriculture and pastoralism, enabling, in this way, "a conditional and continual occupation of their own land" through animal exploitation (Probyn-Rapsey & Russell, 2022, p. 44).

Again, animal agriculture was not just a consequence of colonialism but a deliberate tool for asserting settler control (Ficek, 2019). Livestock, particularly cattle and sheep, were introduced not only to transform the land into grazing areas for settler use but also to reinforce the settlers' claims to Indigenous territories. This process redefined land as property, privatized and controlled by settlers, while simultaneously undermining Indigenous custodianship and ecological knowledge. Animal agriculture thus became both a symbolic and literal instrument of settler control, a "weapon in the war against nature", that harnessed animals to dismantle

Indigenous stewardship, converting land into private property for settler exploitation (Probyn-Rapsey & Russell, 2022, p. 43).

Even today, animal agriculture continues to play a role in maintaining settler colonial dominance as the majority of earth landmass is used for farming purposes, perpetuating ecological destruction and sustaining narratives of settler identity tied to the pastoral industry. This reality limits the possibilities of decolonization since land returned to Indigenous communities comes with requirements to maintain colonial agricultural practices (Probyn-Rapsey & Russell, 2022). Not only this, but colonialism's offspring, globalization and neo-liberalism, continue to reinforce settler colonial structures and control over land, people and nonhumans (Armstrong, 2002). This situation calls for both a deeper critique of animal agriculture within decolonial thought and, more relevant to this thesis, a decolonial approach that recognizes the influence of colonialism in shaping human-animal relations. Again, anthropocentrism underpins both speciesism and racism, being the foundation of white supremacy and, consequently, of the colonial project that colonized both nonhuman animals and Indigenous peoples' bodies (Probyn-Rapsey & Russell, 2022). Meaning that, the supremacy of the notion of the human that centers upon rational individual self or ego was fundamental to the practice of European Enlightenment colonialism as a "civilizing" mission, involving the subordination of both savage cultures and savage nature. Actually, as previously discussed, the very definition of the animal according to Western epistemology is inextricably tied to the notions of "the human", "the natural" and "the cultural", which were concepts fundamental to the work of colonialism (Armstrong, 2002). As said by Philip Armstrong "several of the most potent and durable intellectual paradigms produced by European cultures at the height of their imperialist arrogance owe simultaneous debts to the colonial and animal worlds". This can be seen, for example, with the Evolutionary Theory that never could have been formulated without Darwin's participation to colonial exploratory and cartographic voyages, resulting in not only one of the main ideologies that redefined the human relationship to the animal, but also underpinning social Darwinism which gave ideological force to a new century of imperialist activity and colonial violence (Armstrong, 2002, p. 414). For these reasons, we cannot address animal exploitation and oppression without aiming for the dismantling of settler colonialism, as these mechanisms are inherently intertwined in requiring the simultaneous exploitation and erasure of both animal and Indigenous bodies. In other words, the deep connection between the establishment of industrialized animal agriculture and the advancement of the colonial project, calls for a re-orientation of decolonial thought towards

animality, suggesting the idea that decolonization can be reified only through a total disruption of those settler-colonial infrastructures and anthropocentric ideologies that exploit Indigenous communities and nonhuman animal species (Belcourt, 2015).

3.1.2.2 Decolonization and animal rights: centering indigeneity in animal advocacy

Animal advocacy that fails to center settler colonialism risks perpetuating the same colonial violence of settler logics, where indigeneity is invisibilized. This is because, as stated by Eve Tuck and K. Wayne Yang, internal colonialism involves "the biopolitical and geopolitical management of people, land, flora, and fauna within the "domestic" borders of the imperial nation" (Tuck & Yang, 2012, p. 4), underscoring the need to challenge settler colonialism and re-theorize domesticated animal bodies as colonial subjects to dismantle speciesism and reimagine human-nonhuman relationships. In this context, considering Indigenous cosmologies can not only inspire new ways of imagining human-animal relationships, but also contribute to this area by offering a decolonial ethic that prevents us from reverting to the same anthropocentric and speciesist logic. This goes both ways since, as already seen, speciesism and animal exploitation wouldn't be possible without the continuous erasure of Indigenous bodies and the expropriation of Indigenous lands for the colonial expansion. Just as discussions of animal liberation must address colonialism, decolonization must be central to the movement for nonhuman liberation. In fact, the very insertion of animal bodies into industrialized and "vacated" spaces that they have been "emptied" of Indigenous lives, cultures and knowledge, makes nonhuman animals intricately bound to the colonial project and imagination. Therefore, as such they are inseparable from the colonized spaces in which they are subjected and labored (Belcourt, 2015).

In the end, decolonization will require re-imagining animality altogether. As Belcourt asserts, "the falsely naturalized relationship between the animal body and colonized spaces must then become a point of decolonial intervention" (Belcourt, 2015, p. 4). It would be deeply anthropocentric to ignore animality if the aim of the politics of decolonization is to liberate all colonized subjects and dismantle colonized spaces, since animals too are both colonized individuals and tools of colonization. In this sense, decolonization cannot occur without centering animality, and animal liberation cannot be achieved without addressing indigeneity. As Belcourt eloquently puts it, "if settler colonialism and white supremacy mobilize through anthropocentrism (and they do) and capitalism requires the acquisition of Indigenous lands for animal agriculture (and it does), then decolonization is only possible through an animal ethic that disrupts anthropocentrism as a settler-colonial logic" (Belcourt, 2015, p. 5).

In light of this, a new re-imagining of human-animal relationship through a decolonial framework is needed and necessary. Indigenous cosmologies and epistemologies can re-center and re-imagine animality within a decolonial animal ethic, challenging settler-colonial logics and infrastructures that exploit animal and Indigenous bodies. Just as Christian and Western religious narratives reinforce the sacredness of human life and uphold anthropocentrism and speciesism, Indigenous ontologies can inspire anti-speciesist and anti-colonial narratives, initiating a process of "desubjectification" of animal bodies (Belcourt, 2015, p. 9). In this sense, revoking the representation of animals in Indigenous cosmologies and creation myths and casting speciesism as a "colonial mentality" can be useful in doing exactly that. Again, decolonization is not possible without centering an animal ethic, and animal liberation is unattainable without a decolonial ethic (Belcourt, 2015).

This approach is particularly relevant to the fight for animal rights, as Western legal systems, like other settler-colonial infrastructures, reinforce colonial logics and uphold settler sovereignty. In fact, as Western legal systems ultimately function as colonial systems by marginalizing Indigenous perspectives through the assimilation of Indigenous nations within settler states, while simultaneously enforcing animal exploitation through the property status of nonhumans, they necessarily call for decolonization in any efforts to address them, especially when discussing animal advocacy and nonhuman rights. If, as demonstrated above, nonhuman animals are both passive and active, integral parts of colonial projects, inseparable from the spaces where they have been used and exploited, and if animal agriculture has been both a driver and a consequence of colonialism, with nonhuman animals themselves being colonized, then we cannot aspire to abolish their property status without also addressing the colonial infrastructures and ideologies that enabled their exploitation. At the same time, if the same anthropocentrism that justifies speciesism and animal exploitation also underpins Indigenous cultural erasure and violence, we must recognize that failing to understand this interconnectedness would result in a fundamental misunderstanding of the complex web of processes at stake and would ultimately be ineffective (Probyn-Rapsey & Russell, 2022).
Therefore, while addressing animal justice, it is important to lead with a respect for Indigenous sovereignty, so that such collaborations can challenge settler colonial structures. In this respect, Fiona Probyn-Rapsey and Lynette Russell propose a triadic approach that underscores the necessity of including animals as active participants in decolonial narratives to challenge binary thinking by prioritizing Indigenous epistemologies in understanding complex relationships between settlers, animals and Indigenous communities (Probyn-Rapsey & Russell, 2022).

Again, Western legal systems, deeply embedded in Western culture, are grounded in ideologies that perpetuate settler colonialism and violence, where the concept of property and property rights plays a central role in the subjugation of both Indigenous land and communities, as well as animals. By prioritizing ownership and commodification, these systems reinforce anthropocentric hierarchies that diminish the intrinsic agency of animals and the land, with the classification of animals as property mirroring the colonial logic of control and domination that facilitated the dispossession of Indigenous territories (Armstrong, 2002). Thus, challenging these legal structures through decolonial thought is critical. By questioning the foundational narratives of property and ownership, it becomes possible to dismantle the systems that perpetuate violence against both human and nonhuman beings (Deckha, 2021).

Moreover, reconciliation efforts by settler states, which aim to systematically address the effects of colonialism through the acknowledgment of Indigenous nations, can significantly contribute to developing new subjectivities for animals that transcend their property status. Through an interspecies justice framework to decolonization practices within legal frameworks, it is possible to aim at both animal liberation and the recognition of Indigenous sovereignty. In fact, since colonialism has enforced Western ideologies and cultures about animals that ultimately colonized Indigenous cultures, questioning the Western imaginary of animality and granting legal subjectivity to nonhumans means actively engaging in the decolonization of the animal as a colonial subject, thus advancing reconciliation efforts for Indigenous peoples (Deckha, 2021, p. 78). For example, decolonization initiatives in Canada, as documented by Deckha, have led to the elevation of Indigenous legal traditions, recognizing them as effective and acknowledged legal systems within Canadian law. Such transformations open the possibility of making Indigenous law, along with Indigenous understandings and conceptions of animality, binding in Western countries, a reality that would contribute to decolonization and benefit nonhuman animals as well. In the international human rights context, scholars have already recognized that granting rights to natural beings through the implementation of Indigenous legal systems has advanced Indigenous rights, particularly given the way Indigenous peoples often conceptualize subjectivity and relationality. The same could be argued for nonhuman animals as well, further suggesting that not only are nonhuman rights fundamental to the decolonization of settler legal systems and the granting of Indigenous sovereignty, but also that nonhuman animals' status can benefit from reconciliation efforts. (Deckha, 2021, p. 84-86). In this regard, Article 27 of the United Nations Declaration on the Rights of Indigenous Peoples, stating “establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process,

giving due recognition to the Indigenous peoples' laws, traditions, customs, and land tenure systems", already implicitly extends the rights to nonhuman animals who are considered legal subjects in Indigenous legal systems (Surrallés, 2017). In the end, since colonial violence against Indigenous peoples is essentially "anthropocentric violence" that killed, exploited, and weaponized countless Indigenous and non-Indigenous nonhuman lives, while also erasing Indigenous norms and cultures, reconciliation must necessarily include the recognition of nonhuman subjectivities. At the same time, animal advocacy must inherently call for decolonization practices through an interspecies approach. Neither can truly be addressed by legal systems without the other (Deckha, 2021, pp. 86-87).

In conclusion, decolonization offers an essential pathway for reimagining animal rights and human-animal relations. It involves not only rejecting the ideologies of domination inherent in settler colonial systems but also embracing Indigenous cosmologies that honor interconnectedness and mutual respect. These cosmologies, rooted in relationality rather than hierarchy, provide a transformative framework for dismantling the property status of animals, which results in the decolonization of Western thinking through the recognition of Indigenous worldviews, long since colonized. As said by Fiona Probyn-Rapsey and Lynette Russell, in order to appropriately enact decolonization practices, "it is not only that 'animality and racism' are interconnected, but that 'the animal' (and human) is to be rethought along the lines of, and with respect to, Indigenous epistemologies" (Probyn-Rapsey & Russell, 2022, p. 48). Recognizing animals as sovereign beings rather than commodities necessitates a profound shift in legal and ethical paradigms, one that aligns with Indigenous ontologies. By substituting Western ideologies with Indigenous perspectives, we can challenge the colonial hierarchies embedded in legal systems and create a foundation for a more equitable and sustainable coexistence. This approach underscores the importance of integrating Indigenous knowledge into broader rights discourses, paving the way for a decolonial future where animal justice and Indigenous sovereignty are inextricably linked (Belcourt, 2015).

3.2 Indigenous cosmologies and animality: rethinking human-animal relationships outside of Western paradigms

Indigenous worldviews are often regarded as sources of inspiration for more harmonious ways of living with nature and nonhuman animals, ways that do not inherently rely on violence and exploitation, as is common in many Western practices (Probyn-Rapsey & Russell, 2022). In fact, as already introduced, before the transformative disruptions of European colonization, many Indigenous communities were structured around hunter-gatherer systems, largely

unfamiliar with domestication and the agricultural practices that characterized settler societies. Although colonialism disrupted Indigenous lifeways and forced their integration into global political and economic systems, ultimately leading to the decline of hunter-gatherer structures, many Indigenous communities continue to preserve pre-colonial perspectives on nature and humanity's role within it. Rather than viewing the environment as a mere repository of resources, these societies recognize nature as a living entity, imbued with agency and personal power (Ingold, 1994). In this context, humans are places *within* and not *above* the natural world, rejecting the view of nature as Other or the Lesser and existing outside the Western opposing categories of culture and nature (Noske, 1997). Within this framework, maintaining a reciprocal relationship with the land is essential for survival and prosperity, much like the relationships nurtured among human communities. This entails a profound ethic of care, one that extends not only to the land but to all beings within it, acknowledging the interdependence of all life forms within an ecosystem (Ingold, 1994). Such views may be perceived as mystical by Western epistemologies, but they are, in fact, simply other pragmatic approaches to understanding the world, regarded as "mystical" only because they fall outside the quantifiable frameworks of Western knowledge systems (Wright et al., 2009, as cited in Probyn-Rapsey & Russell, 2022, p. 50). In fact, Indigenous perspectives, often seen as "out of step" with modern thought, are, in reality, far more "progressive", offering a more holistic and accurate understanding of the interconnectedness of life; they are grounded in a profound respect for the earth and an awareness of the natural cycles. These perspectives not only emphasize the importance of living in balance with the land but also advocate for a mutual responsibility between humans and the environment, something often overlooked in Western thought.

Ultimately, the deep interconnectedness between humans and other-than-human beings is shared across many Indigenous traditions, each expressing it in unique ways. The Koyukon Peoples of Alaska believe that humans should move in harmony with the forces of their environment rather than attempting to control or alter them. Humanity's role, in their view, is to serve nature rather than dominate it, for "human existence depends on a morally based relationship with the overarching powers of nature". Thus, rather than seeking to master nature, they are called to confront it with reverence while ultimately yielding to its greater forces (Nelson, 1983, as cited in Ingold, 1994, p. 11).

Instead, according to the Kondh tribes of Odisha, India, Dharani Penu, the forest itself or Mother Earth, possesses personhood and will, ensuring balance in the universe by spreading disease and misfortune when taboos are broken. These disruptions occur when humans fail to show respect for the forest and its many inhabitants, including nonhuman animals sometimes

regarded as gods, trees seen as spirits, and other natural entities, all of which are integral to the sacred order of the world (Beggiora, 2020). In the forests of Odisha, India, spiritual entities are deeply woven into the fabric of existence, where culture itself forms a real ontology that interconnects humans, villages, nonhuman animals, plants, and the land (Beggiora, 2015). This profound relationship is reflected in the Kondh oral epic of Kui Gāni, passed down through generations, which narrates the origins of creation and underscores the inseparability of villages and the forest. According to the myth, all beings, human and nonhuman, emerged from the depths of Niyamgiri, the womb of Mother Earth, making this sacred site inaccessible to anyone who is not a shaman. Then, following the emergence of life, Dharani Penu, Mother Earth and goddess of both disease and healing, sent an omen to the first humans, guiding them to establish the first village and preventing them from aimlessly wandering the forest. As a result, the land is consecrated for the Kondhs, who hold the right to cultivate it under the condition that each year they perform a ritual sacrifice to honour the goddess. In this ceremony, a buffalo whose blood carries an ancient connection to humanity is offered, reaffirming the sacred bond between the people, the land, and the divine. In their view, a vital life force flows through all beings, human and nonhuman, binding them together and shaping a universe that exists in a constant state of equilibrium, again reinforcing the idea of the deep interconnectedness of all life (Beggiora, 2015).

On the same note, Indigenous groups of the Andes share a similar perspective, commonly performing what are known as earth practices or offerings to Pachamama, an entity understood as Nature itself or as a form of Mother Earth. These rituals sustain a specific kinship between humans and the other-than-human beings that make up life in the Andes, including animals, plants, and the landscape itself, encompassing volcanoes, mountains, and rivers (De la Cadena, 2010). The landscape is specifically known as ‘tirakuna’ and is made of “a constellation of sentient entities” with individual physiognomies known by the individuals who interact with them. Central to this understanding is the concept of ayllu, a Quechua term indicating the relations between human and other-than-human beings in a specific territory: “It is a dynamic space where the whole community of beings that exist in the world lives; this includes humans, plants, animals, the mountains, the rivers, the rain, etc. All are related like a family…this place [the community] is not where we are from, it is who we are”. What emerges from this worldview is a mutual relationship of care that binds humans and earth-beings, making practices of respect and nurture essential to life in the Andes. Just as Pachamama nurtures all beings, the people, in turn, care for the seeds, animals, and plants, ensuring that the cycle of reciprocity continues. As De la Cadena states, “By feeding the mountain spirit, peasant

producers also ensure that the mountain spirit will feed them" (De la Cadena, 2010). Once more, this reflects a holistic understanding of nature, emphasizing the interdependence of all beings and the imperative of mutual care for collective survival.

As we can see from these examples, these worldviews often reject the property-based conceptualization of animals that dominates Western thought, opposing the industrialized exploitation of nonhuman bodies, which is grounded in speciesist hierarchies. From an Indigenous perspective, animals are not merely biological entities; they possess their own ontological, epistemological, and axiological foundations, all of which are rooted in relationality (Probyn-Rapsey & Russell, 2022). In general, Indigenous ontologies recognize animals as subjects with intrinsic value, acknowledging their agency in shaping human-animal relations (Probyn-Rapsey & Russell, 2022, p. 46). For example, in Bawaka Country, an aboriginal nation of Australia, animals are understood as actual "co-creators of the world", beings who, "like humans, know it, feel it, and sing it" (Wright et al., 2009, as cited in Probyn-Rapsey & Russell, 2022, p. 50). Similarly, the Rock Cree believe animals possess ahcak which is the seat of identity and intelligence, further demonstrating Indigenous beliefs in animal sentience and agency (Brighten, 2011). This perspective about animal agency is particularly evident also in Indigenous hunting traditions (more on this below), which challenge the Western imaginary of predator-prey relations as inherently antagonistic. In many Indigenous belief systems, animals are understood to voluntarily offer themselves to hunters, granting permission for their own killing (Ingold, 1994) (Probyn-Rapsey & Russell, 2022). This notion of animal consent further affirms nonhuman agency and sentience, a recognition largely absent from Western thought. Hunting, in this context, is often framed as a form of "gift exchange" in which the domination inherent in Western domestication is replaced by a relational dynamic (Nadasdy, 2007, as cited in Probyn-Rapsey & Russell, 2022, p. 54). For example, among the Cree Nation in Canada, it is believed that animals deliberately present themselves to hunters as part of a ritual of regeneration, reinforcing the reproductive cycles of both human and nonhuman communities. At the same time, animals do not return to hunters who have failed to show them respect, and they are offended by unnecessary killings, those not carried out to meet subsistence needs. This principle aligns with a broader ethic of environmental respect, advocating for limited resource use to maintain ecological balance, an approach fundamentally distinct from Western consumerism (Ingold, 1994, p. 9). This example fully encapsulates the view of nonhuman animal agency held by many Indigenous groups, particularly in the context of hunting and food consumption, which will be explored in further detail later. Again, this

underscores the recognition of nonhuman beings as sentient entities with their own will and distinct perspectives, challenging rigid hierarchies of agency and subjectivity.

3.2.1 Perspectivism and human-animal kinship

Of course, each Indigenous nation has its own distinct cultural and spiritual beliefs, and it is essential to acknowledge these differences rather than impose a singular, homogenized perspective. Nevertheless, a common thread among them is an ongoing dialogue with the environment and all its inhabitants, one that cultivates relationality with care and respect without drawing distinctions between species. Again, rather than viewing nature as a resource to be exploited or something to be kept at a distance, these perspectives recognize a holistic, undivided relationship with the land and its beings. In doing so, they challenge the conventional dichotomy between nature and culture, advocating instead for engagement rooted in reciprocity, respect, and coexistence. Yet, it is much deeper than a holistic understanding of nature: often these frameworks emphasize deep, personal, and affectionate involvement, much like the care one extends to kin (Ingold, 1994). The Yanyuwa people of the Gulf of Carpentaria, an Aboriginal nation in Australia, exemplify this worldview, recognizing all nonhuman kin as ancestors. Within their understanding, each group forms "a multispecies kinship group based on mutual life-giving bonds" (Bradley, 2022, as cited in Probyn-Rapsey & Russell, 2022, p. 49). In this way, the dingo is a paternal grandfather, the tiger shark a senior mother, and the green turtle the senior mother's mother (Probyn-Rapsey & Russell, 2022, p. 49).

On a similar note, in Māori traditions (New Zealand), a single species, for example whales, can be both literal and mythical ancestors, embodying an interspecies genealogy that collapses distinctions between human and animal. This is 'whakapapa', a term in Māori epistemology that refers to an intricate genealogical framework that maps relationships between all beings, humans, animals, plants, landscapes, and even celestial bodies. It is more than ancestry; it is a structuring principle that defines how different entities are connected across time and space. Within this worldview, Māori do not perceive themselves as separate from the environment but as enmeshed within an expansive network of kinship. This relational ontology disrupts Western notions of hierarchy, where humans dominate nature, by asserting that all beings, from mountains to rivers and nonhuman animals, have their own whakapapa and agency (Adamson, 2012).

Ultimately, when the surrounding environment is kin, it brings a profound sense of responsibility, respect, and mutual care. Understanding the interconnectedness of humans and nature means recognizing reciprocal roles in ensuring survival, it provides a way of knowing

that recognizes the land, water, and nonhuman beings as integral members of an extended family, rather than as resources to be exploited. However, this is more than a symbolic or spiritual framework; it is a "highly political enlivened way of knowing" (Probyn-Rapsey & Russell, 2022, p. 49). It is law, and it is simply reality (Probyn-Rapsey & Russell, 2022, p. 49). In this, one crucial aspect about many Indigenous cultures is their conceptualization of perspective and subjectivity, which is generally grounded on relationality and embodiment. All animals, as individual agential subjects, have their own stories, knowledge and cultures, separate from humans. As a consequence, "examining "animals" … needs to be framed as an ontological argument about fundamental ways of being in the world" (Wright et al, 2009, as cited in Probyn-Rapsey & Russell, 2022, p. 50).

In this respect, anthropologist Eduardo Viveiros De Castro explores the Indigenous conceptualization of nonhumans as subjects through his theory of perspectivism, referring to the multi-naturalist framework present in many Amerindian cosmologies. Similarly to other Indigenous groups, these communities envision the world as inhabited by different kinds of subjects, humans, animals, and spirits, each possessing their own point of view. Yet, unlike Western scientific thought, which differentiates humans and animals by attributing humanity solely to the former, Amerindian traditions often regard humanity as the shared condition of both humans and nonhumans rather than animality. Within this perspective, beings perceive themselves and others through the lens of their own subjectivity. Humans see themselves as human, animals as animals, and spirits as spirits, but animals similarly see themselves as human, perceive humans as animals often as prey, and see spirits in ways particular to their own ontology (De Castro, 1998). This relational framework dissolves rigid divisions between nature and culture, instead situating all beings within the same sociocosmic field. The foundation of this cosmology lies in the recognition that all beings endowed with a perspective are by definition subjects, where their subjectivity is not merely a matter of consciousness or cognition but is tied to a broader cosmological deixis. In this sense, in Amerindian thought, to have a soul is to have a perspective and thus a subject position. The soul is not understood as a transcendent or immaterial essence as in many Western traditions but rather as a relational capacity, the ability to adopt a viewpoint and interact as a subject within a network of relations embedded in the body. In fact, while all beings share the same fundamental subjectivity, their physical forms, their body, mediate the way they experience and engage with the world. A jaguar, for instance, sees blood as manioc beer, just as a vulture perceives maggots in rotting flesh as grilled fish. These differences do not stem from divergent cultures but from the distinct corporeal and affective dispositions that structure each being's reality. In other words, since

non-humans see themselves as people, the only distinguishing attribute between humans and non-humans is to find in animality, that is in the body. Humans and animals see things in the same way but, since the point of view is located in the body, the things we see are different. Basically, humans and non-humans just see in the same way different things because of the difference in our bodies. To quote de Castro's 1998 article: "the spirit or soul […] integrates, while the body […] differentiates" (de Castro, 1998). In this way, perspectivism does not merely challenge Western anthropocentrism; it reconfigures the very ontology of personhood, rendering subjectivity as something distributed across the cosmos rather than confined to the human species (De Castro, 1998).

When these perspectives are truly recognized and legitimized, they can become powerful decolonial practices, benefiting both Indigenous peoples and nonhuman animals in profound ways (as previously discussed). The theory of perspectivism, central to Amerindian communities and echoed in the other traditions explored, offers radical alternatives to Western conceptions of what it means to be human and what it means to be animal, reshaping the politics of nonhuman existence. If we are to genuinely reimagine animality and confront the meaning of being human in relation to it, a complete rupture with the colonial, Western knowledge systems that underpin our institutions and societies is essential. Indigenous worldviews present radically different conceptions of nonhuman subjectivity, exposing the deep inadequacy of Western animal rights frameworks and demanding that the fight against animalization and animal inferiority be fought on Indigenous epistemological grounds (Probyn-Rapsey & Russell, 2022, p. 47).

Ultimately, the perspectives outlined in this section reconfigure the very ontology of personhood, challenging the Western notion that subjectivity is exclusive to humans. Rather than seeing nonhuman beings as mere objects, property or resources, these worldviews recognize them as subjects, with their own agency and interconnectedness. This shifts the very foundation of how we understand relationships and interdependence, as well as we define legal concepts of property-person and human rights, calling for a more inclusive and holistic understanding of life and the law, one that transcends species. Indigenous worldviews reveal the narrow, oppressive limitations of Western thought, and consequently of legal systems, offering revolutionary potential and opening the door to new, liberatory ways of thinking about humanity, animality, and the very concepts of rights and personhood. Yet, this can never happen without the dismantling of the current colonial framework, therefore it is only through decolonization, by amplifying Indigenous voices and honouring the agency of all sentient beings, that this radical transformation can occur.

3.3 An Indigenous placed-based approach to animal rights

3.3.1 Indigenous law and animal rights: envisioning a legal subjectivity for nonhuman animals

Building on the previous discussion, it is evident that many Indigenous worldviews reject the notion of animals as property or natural resources, instead recognizing them as sentient beings with whom humans share reciprocal relationships. This perspective is not solely religious or cultural; it extends beyond ethics into Indigenous legal traditions, where animals are often regarded as legal persons to whom obligations are owed rather than passive objects of human law. Drawing on Indigenous perspectivism, these traditions emphasize relationality and reciprocity as core principles. In this respect, Andrew Brighten (2011) distinguishes between two dimensions of animal personhood in Indigenous cultures: social-ontological personhood and legal personhood. Social-ontological personhood affirms that animals are conscious, intentional beings who participate in social relationships, while legal personhood refers to Indigenous legal systems that recognize animals as rights-bearing entities within relational networks. These systems impose ethical and legal responsibilities on humans, challenging dominant legal frameworks by presenting an understanding of legal subjectivity that transcends species boundaries, already incorporating nonhuman agency and offering a relational view of human-animal politics (Brighten, 2011).

Recognizing how many Indigenous legal traditions enshrine nonhuman agency, care, and reciprocity as foundational principles is crucial in the context of animal rights and liberation. Rather than imposing external legal structures onto Indigenous perspectives, it is essential to engage with these existing frameworks that already acknowledge nonhuman rights and relational obligations. These legal systems are deeply rooted in the specific ecological, cultural, and historical contexts of the land, offering a holistic approach to relationships between humans, nonhumans, and the environment. They support the natural flourishing of human-nonhuman relations grounded in reciprocity, respect, and interdependence. In doing so, these frameworks empower Indigenous communities to reclaim their land and sovereignty. Revitalizing these practices strengthens both ecosystems and cultural ties to the land. At broader political and legal levels, the expansion of place-based Indigenous legal systems can challenge settler colonialism, disrupting Western modes of environmental governance and recognizing the legitimacy of Indigenous knowledge and systems of care (Probyn-Rapsey and Russell, 2022, p. 48).

A clear example of this is the Yuin Declaration for Kangaroos, which recognizes kangaroos' sovereignty in Yuin Country, Australia, and holds governments and citizens accountable (Probyn-Rapsey and Russell, 2022). The declaration states: "The kangaroo has inhabited the Australian continent for over 20 million years, living in peace and ecological harmony… Today we declare, from this day forward, all kangaroos shall be justly protected from all harms caused by human abuse and exploitation… This ancient iconic native animal therefore claims sovereign rights above and beyond any human claims of dominion over them... We declare that there exists a living ancestral relationship, uniquely bound between Indigenous Australians and kangaroos, which shall be preserved historically, spiritually, culturally, and environmentally for all time" (Harrison, Yuin Declaration). Similarly, the Mashpee Wampanoag Tribe in North America issued a Declaration of the Rights of Herring, recognizing the animal's right to thrive. Mi'kmaq stories, for example, regard animals as autonomous subjects with rights, wills, and freedom, further demonstrating that frameworks for nonhuman subjectivity already exist in Indigenous legal systems and narratives (Probyn-Rapsey and Russell, 2022).

Here, we must clarify that Indigenous legal traditions do not conceptualize rights in the same way as Western frameworks. The Western concept of rights is grounded in individualism and legal entitlement, emphasizing personal freedoms and protections within a codified system of law. These rights are often framed as universal and absolute, existing independently of relationships or context. In contrast, Indigenous legal traditions are not structured around individual claims or protections but rather around deeply rooted systems of obligation, reciprocity, and mutual care. These traditions emerge from relationships, among humans, animals, plants, and the land, forming a living, interconnected legal framework rather than a rigid, written code (Brighten, 2011). This is because, as previously discussed, nature is understood as a living entity, an interconnected ecosystem of relational beings with their own agencies and role. Animals, for example, are not merely hunted; they consent to being taken, offering themselves with the understanding that humans will reciprocate through respect, gratitude, and care. Humans are nurtured by nature and in turn carry the responsibility of nurturing all beings. Natural resources are viewed not as possessions or entitlements but as gifts, received with gratitude and responsibility. This relational perspective fundamentally reshapes the meaning of law and ethics (Probyn-Rapsey & Russell, 2022). Consequently, Indigenous law is not a set of individual rights in the Western sense but rather an intricate web of obligations that governs how relationships are maintained in the collective of the community. Nothing is simply taken; instead, everything given requires reciprocity. Animals are subjects worthy of care and respect, but not because of rights as defined by Western paradigms. Rather,

they are part of a balanced relationship where humans take only with permission and are bound by an obligation to give back within an interconnected system. Moreover, no obligation or "right" is focused on the individual, but it is rather understood in the collective sense of the community as a system. This is why advancing the case for animal liberation necessitates collaboration between Indigenous peoples and animal rights movements to rethink the concept of rights itself (Brighten,2011). Ultimately Indigenous epistemologies and approaches, together with animal studies and animal rights theory, must be applied in tandem to advance animal liberation. This approach must honor Indigenous epistemologies while dismantling colonial frameworks of personhood and rights. In fact, it is essential to recognize that Indigenous legal traditions cannot simply be inserted into Western legal frameworks. To do so would not only reinforce colonialism but also misrepresent and distort these traditions. Again, the very concept of rights as understood in Western law does not exist within many Indigenous traditions, where community, relationality and responsibility, rather than individual claims, form the foundation of law and ethics. Attempting to assimilate Indigenous legal systems into Western frameworks strips them of their meaning and integrity, risking being counterproductive in achieving animal liberation. It is not about translating obligations into rights but about reimagining the very foundations of personhood to develop a framework that aligns with a liberated animality and reflects reciprocal human-nonhuman relationships. A new subjectivity rooted in Indigenous thought offers a radically different vision, one that moves beyond the constraints of colonial frameworks and fosters more just and ethical relationships with all living beings, not as separate individuals but as an interconnected multispecies community (Probyn-Rapsey & Russell, 2022).

3.3.1.1 Indigenous cosmopolitics and nature rights

De facto, we are already moving in the right direction. Earth beings, natural elements, and Indigenous beliefs, stories, and interpretations are already embedded in the political landscapes of many settler countries with prevalence of Indigenous groups, particularly within the context of nature rights (whose difference from animal rights has already been explained in previous chapters). This is largely due to the efforts of Indigenous communities, underscoring how their spiritual and cultural concerns have become integral to the political discourse in various nations. For instance, in the already cited article *Indigenous Cosmopolitics in the Andes: Conceptual Reflections beyond "Politics"* (2010) anthropologist Marisol De la Cadena describes her experience at the political demonstration in Cuzco's Plaza de Armas, Peru, in December 2006. Here, in the Sinakara region, hundreds of peasants protested the proposed

establishment of a mine, a response initially seen as an economic concern over the loss of pastures. However, further exploration revealed that the protest was deeply rooted in a fear of angering Ausangate, a revered earth-being believed to be the source of both life and death. The locals' primary motivation was not just economic but spiritual: they feared that allowing the mine would invoke Ausangate's wrath, resulting in catastrophic events such as landslides, epidemics, and even death. The protest, therefore, was not only a fight for their livelihoods but also an effort to make Ausangate's voice heard, and preserve their sacred relationship with the mountain, demonstrating the relevance of Indigenous beliefs in settler political contests (De la Cadena, 2010).

On a similar note, on another part of the world, the already mentioned Indian Adivasi 'tribal' subgroup of the state of Odisha, the Dongria Kondhs, have been resisting the mining operations of Vedanta Resources and the state-owned OMC since 2009, which sought to transform the sacred hill of Niyamgiri into a massive bauxite mine. While the Indian Ministry of Environment and Forests rejected the project in 2013, citing the protection of tribal land rights, the environmental consequences of the mine continue to be examined. Of particular concern is the production of red mud, a toxic byproduct of bauxite mining, which has stained the rivers and streams of the forest. For the Dongria Kondhs, these waterways are vital conduits of life and energy, leading to the interpretation of the rivers full of red mud as bleeding wounds and making their contamination a profound violation of their sacred relationship with the land. They, in fact, fear the forest will cause terrible diseases and tragedies as a consequence of its suffering, not only showing how the Kondhs' spiritual beliefs are the motifs behind their involvement in politics but also making Niyamgiri the central character of the controversy (Beggiora, 2020).

As we can see from these examples, Indigenous perspectives, and by extension, nonhuman standpoints, are actively reshaping the global political landscape, gaining traction in many Western countries' political arenas, already giving shape to a dialogue between Indigenous communities, governments and environmentalists. Here, Indigenous worldviews challenge Western political thought by offering alternative political approaches that transcend the limitations of the human-nonhuman divide (De la Cadena, 2010). In fact, thanks to the effort of Indigenous communities defending their lands from ecological degradation, other-than-human entities are actively engaging with politics and making their way into dominant legal and political frameworks, where, for example, the Indian jungle raises environmental concerns, and a mountain becomes an active participant in political demonstration. In these cases, Indigenous religious practices and beliefs extend beyond the spiritual realm to penetrate

“historical, earthly, and political concerns of cohabitation”, ultimately disrupting dominant conceptual frameworks with the unusual presence of Nature in the political sphere (De la Cadena, 2010). This phenomenon is specifically defined by Stengers as ‘cosmopolitics’, the politics of the cosmos where humans and non-humans, living and unliving, coexist in a collective society and engage in political matters, ultimately advancing an ontological pluralism within politics that transcends species boundaries (Stengers, 2010). Not only this, cosmopolitics represents an actual paradigm shift in political, ecological, and ontological thinking, advocating for a relational worldview that acknowledges the agency of nonhuman beings (De la Cadena, 2010). As an emerging force, cosmopolitics compels an ontological pluralization of politics, redefining the boundaries of what is considered political and recognizing other-than-human entities as juridical subjects with inherent rights (De la Cadena, 2010).

Rooted in Indigenous epistemologies, cosmopolitics extends beyond human-centered governance, framing the world as a pluriverse, a space of coexisting realities (Adamson, 2012). This framework reveals how Indigenous groups understand interspecies relationships politically, asserting itself in Indigenous-government relations despite Western resistance (Stengers, 2010). In this respect, Blaser critiques Western political thought for assuming that disagreements arise from differing perspectives on a single reality, an assumption he calls “the trap of reasonable politics” (Blaser, 2016, p. 48). This limitation allows concerns rooted in Indigenous worldviews to be dismissed as unrealistic or irrelevant (Blaser, 2016) by interpreting them through Western epistemology and ontology, eventually leading to a distorted and mystical understanding of Indigenous relations with nature (Brighten, 2011). In contrast, Indigenous cosmopolitics engage with different “reals” rather than multiple perspectives of the same one, representing a fundamental difference in how life, nature, and humanity are understood (Blaser, 2016). Blaser envisions this as new form of multiplicity, one that is “more than one but less than two,” characterized by “mutually entangled but divergent worldings” (Blaser, 2018).

Currently, Indigenous cosmopolitics is an active global movement that seeks legal and ethical recognition of ecosystems as living entities with rights, already resulting in different indigenous-inspired regulations (Adamson, 2012). In fact, multiple cases show how environmental concerns and nonhuman perspectives voiced by local Indigenous communities have led to the recognition of rights and personhood for other-than-human beings in specific territories, with settler states passing legislations that aim to protect both Indigenous and

nonhuman rights. These efforts are typically framed within the context of nature rights rather than animal rights, aiming to protect entire natural entities, ecosystems, rivers, forests, or even Mother Earth herself, from ecological degradation and exploitation. Obviously, as noted earlier, this approach broadly differs from actually granting individual personhood to nonhuman animals. In fact, while it encompasses all living beings within the ecosystem, thereby including also nonhuman beings, animals are not directly recognized as individual legal subjects. Yet, unlike conventional nature protection laws, which focus on preserving natural resources for their intrinsic and extrinsic value, in indigenous-led initiatives actual personhood is recognized for the natural entities as a direct result of integrating Indigenous epistemologies into settler states' political and legal frameworks. This creates a distinctly different approach compared to Western-centric policies like the EU Habitat and Birds Directives or Article 13 of the TFEU, which, while adopting non-anthropocentric language, fall short of the Indigenous worldview that treats nature as a living entity with agency (Adamson, 2012; Brighten, 2011). A broader example of this indigenous-based approach is the Universal Declaration on the Rights of Mother Earth (UDRME, 2010), which parallels Indigenous ontologies by calling for the recognition of Earth as a living entity with inherent rights. In these worldviews, land, water, and animals are active and living participants in the social and spiritual order, not merely resources. Ultimately, this alignment between Indigenous cosmologies and international legal frameworks demonstrates how Indigenous concepts, such as the ayllu or the Whakapapa, have served as a bridge between local Indigenous struggles and global movements advocating for multispecies justice (Adamson, 2012).

In this context, Ecuador's 2008 constitution stands out as the first to recognize nature as a legal subject with inherent rights. Based on the Andean Indigenous concept of Sumak Kawsay (Kichwa for "buen vivir"), the constitution frames well-being as a collective ecological balance rather than individual accumulation, aiming for "a new form of public coexistence in diversity and harmony with nature". Nature, referred to as Pachamama (Mother Earth), is granted the right to exist, regenerate, and evolve, marking a radical departure from anthropocentric legal traditions. This shift is inseparable from Ecuador's recognition as a plurinational state, which affirms Indigenous sovereignty and multiple ontologies. By centering Indigenous worldviews, it challenges Western hierarchies of life and redefines the relationship between humans and the more-than-human world (Ecojurisprudence, n.d.). Bolivia (2010) and Panama (2022) have passed similar laws protecting Mother Nature as a living and sacred being from Indigenous perspectives, further illustrating how these indigenous-grounded frameworks offer an

alternative to the colonial and extractivist logic dominating global governance (Ecojurisprudence, n.d.).

In several cases, settler states have passed legislation recognizing specific natural entities as legal persons and sacred beings for local Indigenous communities. In this, Indigenous cosmopolitics are a step forward from the Western conservation approaches by offering place-specific approaches, that value the local ecological and cultural context of the place. Specific rivers have frequently been at the center of such initiatives. For instance, New Zealand's Te Awa Tupua (Whanganui River Claims Settlement) Act of 2017 recognizes the Whanganui River as a legal person with rights, a status the Māori community fought for over 140 years. Gerrard Albert, lead negotiator for the Whanganui iwi, explains, "we consider the river an ancestor and always have… from our perspective, treating the river as a living entity is the correct way to approach it, as an indivisible whole, rather than through the traditional model of ownership and management" (Ecojurisprudence, n.d.). Similarly, Australia's Yarra River Protection Act (2017) grants the Yarra River the status of a living legal entity and integrates the Wurundjeri people into its management. In addition, local laws in Peru and Brazil recognize the legal rights of rivers like the Llallimayo and Laje, reflecting Indigenous models of governance and protection (Ecojurisprudence, n.d.). These examples further show how the recognition of nature's rights, grounded in Indigenous cosmologies, reshapes legal and political frameworks, creating alternative pathways to counter colonialism and extractivism while fostering a more just and reciprocal relationship with the more-than-human world.

In general, when rights are granted to a natural entity, it is often the Indigenous community that assumes the responsibility of protecting it, serving as a proxy with guardians appointed to represent and uphold the interests and obligations of the ecological being. For instance, the Whanganui River Claims Settlement Act of 2017 in New Zealand recognizes the Whanganui River as a legal person with two guardians: one from the Māori community and one from the Crown. For the Māori community, defending the river means protecting it from further ecological harm caused by Western extractive practices that often disregard environmental and cultural consequences. As a matter of fact, the Māori tribe of Whanganui fought for the recognition of the river as their ancestor for 140 years, trying to protect it from the extractive projects of the Crown, enacted with little to no consultation with iwi (tribal groups). Ultimately, these activities degraded the river's ecological quality, destroyed fisheries, and diminished its cultural and spiritual significance. Here, the community interprets the river's desires as the desire to avoid ecological damage and preserve its ecosystem, ensuring the well-being of all

beings that depend on it. This is part of a broader effort to protect their culture and ancestral relationship with the river, reflecting the reciprocal understanding of interspecies and ecosystem relations rooted in Indigenous thought. This suggests that having Indigenous guardians exercise the natural entity's rights may be an effective method to limit environmental degradation and overexploitation, since Indigenous people can exercise the river rights in ways that respect its intrinsic value, prioritize ecological balance, and honor the interconnected relationships between humans, nonhuman beings, and the land (Ecojurisprudence, n.d.).

Similar to the Whanganui River case, the Uttarakhand High Court in India recognized the Ganga and Yamuna rivers as living entities with fundamental rights, aiming to protect them from illegal construction and encroachment. However, unlike the relational and ancestral approach of the Māori, who view the Whanganui River as a cultural and spiritual person, the recognition of the Ganga and Yamuna was driven primarily by human-centered concerns. The rivers were granted legal personhood not because they were seen as sentient beings with inherent rights but because of their cultural significance and crucial role as lifelines for over 500 million people in India. As one judgment noted, "The rivers are central to the existence of half of the Indian population and their health and well-being. They have provided both physical and spiritual sustenance to us from time immemorial." The appointed guardians were two senior state officials, not members of an Indigenous community. This anthropocentric approach framed the rivers' protection primarily as a measure to safeguard human interests rather than recognizing the rivers as autonomous beings with their own desires and rights. Later, the Uttarakhand state government challenged this decision in the Supreme Court, arguing that the declaration was legally unsustainable. The ruling was overturned, with the court determining that the rivers cannot be considered living entities (Ecojurisprudence, n.d.).

This raises the question of whether the lack of Indigenous involvement contributed to the decision being reversed. When these initiatives are led by Indigenous communities, the recognition of a natural entity's sentience is often more pronounced, as guardians act in alignment with their ancestral connection to interpret and represent the entity's desires. By contrast, state officials may be more anthropocentric, ultimately prioritizing human interests over those of the natural world. As seen in these two examples, Indigenous cosmopolitics offers a much more effective and holistic approach to environmental protection. It goes a step further by challenging anthropocentric legal frameworks and expanding the very concept of personhood to include natural entities. Unlike Western nature rights models and conservation policies, Indigenous guardians rely on their deep ancestral relationships with beings such as rivers, valuing their interests, desires, and well-being. This relational understanding, rooted in

reciprocity and mutual respect, adds an important layer to environmental stewardship. It recognizes the inherent agency of natural entities, offering a model that not only resists environmental degradation but also reconfigures our relationship with the more-than-human world in profoundly ethical and sustainable ways (Adamson, 2012).

In the end, Indigenous cosmopolitics provide a powerful starting point for collaboration between environmental and animal liberation movements and Indigenous communities, raising hope for a radical reimagining of animal legal subjectivity and rights, especially in how humans and nonhumans can interact politically (Adamson, 2012). As stated by Gerrard Albert, the lead negotiator for the Whanganui iwi in the 2017 Whanganui River Claims Settlement act, they "have fought to find an approximation in law so that all others can understand that from our perspective treating the river as a living entity is the correct way to approach it, as an indivisible whole, instead of the traditional model for the last 100 years of treating it from a perspective of ownership and management" (Ecojurisprudence, n.d.). In fact, Indigenous cosmopolitics not only challenge Western political frameworks but also offer a crucial pathway for reimagining animal liberation beyond anthropocentric constraints (Adamson, 2012). By recognizing nonhuman agency and advocating for ontological pluralism that includes animals, landscapes, and ancestral entities as political actors, Indigenous cosmopolitics mark a radical departure from Western traditions that marginalize nonhumans in political life. Importantly, they do not rely on integrating Indigenous ideas into existing legal frameworks. Instead, they engage with governments in ways that preserve Indigenous epistemologies without translating them into colonial terms, creating space for a new place-based understanding of politics to emerge. This shift is significant for dismantling speciesist structures and envisioning a world where liberation extends beyond human subjects to all beings in the pluriverse. In this sense, Indigenous cosmopolitics provide an essential foundation for interspecies justice, one that resists colonial impositions of a single reality and embraces the coexistence of multiple entangled worlds (Adamson, 2012).

3.3.1.2 Indigenous cosmopolitics and animal rights

As we can see from the past examples, natural entities or Mother Earth have been at the center of indigenous-led initiatives, where nature rights are prioritized over animal rights. Nevertheless, the same strategies can be applied to pursue animal legal subjectivity and fundamental rights, particularly with the goal of abolishing the property status of animals within Western legal structures. This moment of reconfiguration presents a crucial opportunity to challenge and decolonize existing legal systems by empowering Indigenous place-based

approaches, not only for the recognition of animal rights but also for the broader struggle for justice. Following the examples of nature rights cases, these Indigenous perspectives, which transcend the human-non-human divide, can reshape the way we understand legal subjectivity, placing animals in a context where they are viewed as active, relational beings with rights of their own. To exploit this moment, we must leverage these ontological shifts in legal spaces, particularly in litigation, to advance both animal liberation and Indigenous rights. As demonstrated by the examples above, this approach has brought successes in nature rights cases, suggesting that similar approaches can and must be applied in the context of animal rights. In this, Indigenous communities and animal advocates must come together to create new possibilities for the implementation of legal frameworks that respect the interconnectedness of all beings. This approach encourages an Indigenous-based, positive view of animality that advocates for full legal personhood for animals. By doing so, we can craft laws that regulate human-animal relationships in ways that honor animals' inherent subjectivity and value, dismantling the Western property-based approach that has historically defined both Indigenous lands and animals as exploitable objects (De la Cadena, 2010) (Probyn-Rapsey & Russell, 2022) (Adamson, 2012).

The same collaborative approach of Indigenous cosmopolitics for nature rights has to be maintained as well. As already explained, advancing animal liberation requires a dialogue between Indigenous peoples and the animal rights movement. In fact, Indigenous epistemologies, grounded in relationality and responsibility, cannot be translated to Western legal frameworks without distorting their meaning, as the concept of individual rights does not exist within many Indigenous traditions, where law is based on collective obligations and reciprocal care. For this reason, rather than imposing Western concepts of rights, it is necessary to encourage collaborations between animal rights movements and Indigenous communities to reimagine law and justice through an Indigenous relational, reciprocal and collective lens. This shift allows for a new subjectivity rooted in Indigenous thought, opening the way for the liberation of nonhuman beings and a more ethical and balanced relationship among all living beings. Such collaboration is essential not only to address the exploitation of animals but also to abolish the property status imposed upon them, aligning with a vision of a world where nonhuman and human can co-habit within a balanced and mutually sustaining community, and where all beings can live free from domination and exploitation (De la Cadena, 2010) (Probyn-Rapsey & Russell, 2022) (Adamson, 2012).

Place-based approaches are essential in this transformation, as they channel the local ecological knowledge of Indigenous communities, rooted in specific territories and land relations. In this

respect, much like in cases of nature rights, Indigenous communities could act as guardians, embodying and enacting the rights of nonhuman animals on their behalf by drawing on their ancestral connections and reciprocal relationships with these species (Adamson, 2012). This would provide a valid framework to abolish nonhumans' property status and grant them rights and personhood.

Moreover, in doing so we can simultaneously engage in decolonization: by reimagining animal personhood and rights through Indigenous perspectives, we are empowering Indigenous epistemologies and recognizing Indigenous rights (Brighten, 2011). At the same time, granting Indigenous communities full sovereignty over their lands and the freedom to practice their cultures inherently protects nonhuman animals and ecosystems. In this sense, simply integrating Indigenous perspectives into settler legal frameworks is not only ineffective for the reasons previously explained but also deeply problematic, as it often reinforces colonization by assimilating Indigenous knowledge into existing power structures. True decolonization demands the dismantling of colonial systems and the recognition and empowerment of existing Indigenous legal traditions and governance systems. Rather than co-opting Indigenous perspectives to solve ecological problems, decolonization calls for restoring Indigenous jurisdiction and centering their worldviews as the foundation for alternative futures (Probyn-Rapsey & Russell, 2022). This is why the collaboration between animal advocates, government and Indigenous communities is so important: not only it would allow to re-think animal rights in a way that does not distort Indigenous views and reinforce Western paradigms but also it simultaneously engages in decolonial practices.

As stated by the lead negotiator for the Whanganui iwi, the purpose of the Whanganui River Claims Settlement Act of 2017 is "to record the acknowledgements and apology given by the Crown to Whanganui Iwi in Ruruku Whakatupua-Te Mana o Te Iwi o Whanganui" and "recognize, respect, and protect the special relationship of the iwi and hapū of Whanganui with the Whanganui River" (Ecojurisprudence, n.d.). In this, Indigenous cosmopolitics serves as a counterpoint to colonial ecological narratives that frame Indigenous peoples either as environmental stewards or as obstacles to modern development (Krech, 1999). Rather than conforming to these external stereotypes, Indigenous movements strategically engage with global institutions, such as the United Nations (UDRME, 2010), to assert sovereignty over land and nonhuman relations while resisting extractive industries (Adamson, 2012). While it may be easy to assume that this approach is not directly aimed at granting rights to nonhumans but rather at pursuing Indigenous cultural and sovereignty rights over their lands, such a perspective fails to recognize the interconnectedness of colonialism and animal exploitation.

In reality, the fight for Indigenous rights and animal rights addresses the same colonial system, making contemporary struggles for animal liberation and decolonization deeply intertwined. When Indigenous cosmopolitics claims Indigenous ontologies of interconnectedness, animal agency and perspectivism, advances simultaneously both Indigenous and animal or nature rights, positioning the defense of ecological protection as inseparable from the fight for Indigenous cultural survival and sovereignty. In fact, in many Indigenous cosmologies, natural or nonhuman beings are literal kin, which means that fighting for ecological protection having Indigenous worldviews and epistemologies at the forefront means also necessarily fighting for Indigenous cultural survival and sovereignty. This is demonstrated, for example, by the already illustrated Māori concept of whakapapa, the genealogical framework that connects humans, animals, and the land. Whakapapa is not only a way of knowing but also a powerful political tool used by Māori communities in legal and environmental struggles. In fact, the recognition of the Whanganui River as a legal person under Te Awa Tupua (Whanganui River Claims Settlement Act 2017) was the result of decades of Māori activism based on whakapapa (Charpleix, 2018). By asserting that the river is an ancestor with its own genealogy and relationships, Māori leaders challenged Western legal frameworks that categorize land and water as property, advancing nature rights through their perspectives while also demanding recognition and respect for their cultural views (Adamson, 2012).

In this respect, some Indigenous-led initiatives already advocate for animal personhood at the local level. For example, the He Whakaputanga Moana Treaty of 2024 enables Indigenous communities to engage in talks with governments across the Pacific to establish a legal framework for protecting whales. The declaration, signed by Indigenous leaders of Aotearoa (New Zealand), the Cook Islands, Tahiti, Tonga, Hawaii, and Rapanui (Easter Island), recognizes whales as legal persons with inherent rights, including the right to freedom of movement, a healthy environment, and the ability to thrive alongside humanity. Similarly, in 2016, more than 170 First Nations and Tribes across North America signed The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration, spearheaded by the Piikani Nation in Alberta. The treaty aims to safeguard the sacred grizzly bear and counter the U.S. Trump administration's efforts to remove the Greater Yellowstone grizzly from the Endangered Species Act (Ecojurisprudence, n.d.).

This is how Indigenous cosmopolitics operates; it reconfigures legal and political structures to accommodate Indigenous worldviews rather than forcing Indigenous peoples to conform to settler-colonial legal paradigms, allowing for new legal and political understandings of human-nonhuman relations to emerge (Adamson, 2012). In this sense, concepts like whakapapa align

closely with contemporary movements for Indigenous cosmopolitics and multispecies justice. Unlike Western environmental ethics, which often separate conservation efforts from human interests, this perspective recognizes that the survival of Indigenous communities is inseparable from the well-being of their nonhuman kin. For example, Māori resistance to deep-sea oil drilling is not framed solely as environmental activism but as an act of defending their extended whakapapa, which includes marine species and ecosystems (Charpleix, 2018).

In conclusion, Indigenous cosmopolitics offers a transformative approach to both legal and ecological frameworks, challenging colonial and extractivist narratives that have historically marginalized both Indigenous peoples and nonhuman beings. By centering Indigenous worldviews that recognize the interconnectedness of all life, these movements push for the recognition of nature, animals, and ecosystems as living entities with inherent rights. This demonstrates how Indigenous-led movements for ecological justice and animal liberation are inherently connected, as both challenge the same colonial systems that exploit Indigenous lands and animal bodies, emphasizing the need for their collaboration. While these nature rights efforts have yet to directly address animal rights, they provide a model for dismantling the colonial structures that exploit both Indigenous lands and animal bodies. This model lays the foundation for a new legal subjectivity for nonhumans, rooted in place-based Indigenous epistemologies and decolonization practices, and built through the dialogue between the animal liberation movement and Indigenous communities. Only through this combination can we pave a path to justice, where all beings, human and nonhuman alike, can thrive free from exploitation. By embracing radical Indigenous governance and dismantling colonial structures, we can create a world where all beings are liberated from exploitation and oppression.

3.3.2 Beyond edibility: the myth of the Ecological Indian

One of the immediate concerns of granting legal subjectivity and rights to nonhuman beings is directed towards the fate of agricultural and farming practices involving animals. Surely, if we implement Indigenous perspectives on animal subjectivity and nonhuman agency, recognizing their fundamental rights and protecting their interests, nonhuman animals would have no desire to be exploited in industrial practices. On the contrary, their interest would lie in not being killed or used in animal agriculture or any other form of exploitation, suggesting that recognizing their legal subjectivity would necessarily imply abolishing their property status and ending animal exploitation altogether. Yet, it is also true that Indigenous legal respect

towards animals doesn't preclude the killing or using of nonhuman beings, so much so that hunting is a widespread practice among Indigenous groups all over the globe (Deckha, 2020). At this point, one might argue that since Indigenous legal systems don't prevent the use or death of animals for human benefit, understood as a relationship founded on reciprocity and respect, killing and exploiting animal bodies shouldn't be forbidden in settler states' institutions either. In other words, if animals are still being killed in Indigenous societies, mainstreaming their perspectives and systems into Western legal frameworks would require a change in nonhuman legal status, but such a change would be merely symbolic, as it would not result in a practical or tangible impact (Deckha, 2020). At the same time, there is no denying that the scope and scale of Western animal exploitation can't be compared to the sustenance activities of Indigenous communities, practices that, furthermore, are done with an ethic of respect, appreciation and care (Deckha, 2020).

In this respect, Brighten suggests that one common Western assumption is that recognizing animal personhood through an Indigenous lens does not necessarily equate to animal rights in the Western sense. As already mentioned, this is because Indigenous legal traditions do not frame legal status in terms of rights but rather through obligations and reciprocity (Brighten, 2011). Actually, Indigenous knowledge is often extracted and inserted into Western paradigms, stripping it of its cultural and ontological context. This approach to Aboriginal rights jurisprudence reinforces a practice-centric perspective, where courts examine the activities of Indigenous peoples, such as hunting, without recognizing the broader ontological frameworks that give those activities meaning. This misinterpretation eventually results in the reduction of Indigenous animal-human relationships to mere economic or resource-management concerns, something that doesn't reflect Indigenous ways of engaging with other-than-human beings (Brighten, 2011). According to Brighten, this is evident, for example, in legal cases like R. v. Sparrow and R. v. Marshall, where Indigenous hunting and fishing rights of Canadian aboriginal people are framed by the court only in terms of resource use rather than as expressions of reciprocal relationships with animal persons. Ultimately, the failure to acknowledge the Indigenous ontological perspective leads to a one-sided imposition of Western legal standards on Indigenous communities, leading to a distorted understanding of Indigenous practices (Brighten, 2011).

As explained before, Indigenous perspectives and practices of taking an animal's life is radically different to the anthropocentric and instrumentalist dominant view of Western frameworks. These views are not founded on property-based ideas of nonhumans and do not, therefore, resort to industrialized and controlled means of animal exploitation. Instead, non-

Western animal practices such as hunting, for example, emphasize relationality, viewing animals as kin who willingly offer themselves to hunters through a process of mutual understanding and consent. If we were to contextualize Indigenous perspectives within the Western animal farming framework, the notion that nonhuman animals in Indigenous contexts participate in the decision to be hunted by understanding a moral contract between hunter and prey means that, just as they give consent, they can also revoke it. This ability to choose is exactly what justifies human consumption in Indigenous societies, making the animal "a body of accessibility without permission" (Watts, 2020, as cited in Probyn-Rapsey & Russell, 2022, p. 54). This stands in stark contrast to Western practices, where an animal's refusal is met with increased restraints, tools that maximize disrespect toward the animal rather than minimizing it at the moment of death. As a result, the issue of what would happen to animal farming if we were to implement and mainstream Indigenous legal frameworks isn't even relevant. Ultimately, if we were to apply the logic of animal consent present in Indigenous hunting practices to Western animal agriculture, such a system would not exist at all, suggesting that killing and consuming animal bodies is epistemically and ontologically different in Indigenous societies. In other words, Indigenous perspectives could never apply to the industrialization and exploitation of farm animals in Western animal agriculture, simply because Indigenous understandings of animal agency wouldn't even allow it. Again, the agency of the animal within the human-nonhuman interaction is key; if Indigenous animal practices are based on the choice of the nonhuman individual to accept the practice, animal farming is founded on the coercion and slavery of its products, that is farm animals. Exactly for this difference, the two practices are incompatible, making it impossible to implement Indigenous legal systems and ontologies while simultaneously maintaining animal agriculture as it is today (Probyn-Rapsey & Russell, 2022).

Moreover, Indigenous practices revolve around the idea of sustenance, meaning that they have been and still are necessary for Indigenous communities to survive. Their ecological impact is minimal compared to Western animal agriculture, which drives environmental degradation, biodiversity loss, and climate change. Ignoring this stark contrast between Indigenous subsistence traditions and Western systems of commodification and animal exploitation reflects a colonial mindset, further reinforcing settler control over Indigenous spiritual and cultural beliefs. Nevertheless, disputes regarding hunting and conservation are very common between settler states and Indigenous First Nations, revealing deeper colonial tensions where Indigenous practices are frequently misrepresented or scrutinized disproportionately under settler frameworks (Probyn-Rapsey & Russell, 2022). In this respect, as Fiona Probyn-Rapsey and

Lynette Russell argue, there is a tendency in animal advocacy of singling out a specific minority practice as animal cruelty, removing the attention from addressing the structural and systemic exploitation of nonhuman individuals of Western societies and resulting in an incoherent and often racist account of animal injustice. As a matter of fact, settler colonialism instrumentalizes these cases of animal cruelty to police marginalized communities and maintain settler control and power, imposing Western colonial "filters" on Indigenous practices without actually understanding their epistemology or ontology. For example, while Indigenous hunting practices may be labelled as "cruel," the brutalities of Western industrial animal farming and experimentation are largely ignored, instrumentalizing in this way animal welfare for the sake of racism (Probyn-Rapsey & Russell, 2022). In other words, as Kim argues, animal cruelty is made visible primarily through a racialized lens, an example of what she terms the "energizing" of species, race, and power taxonomies (Kim, 2015). A statement by Probyn-Rapsey and Lynette Russell encapsulate this idea: "The disproportionate coverage of animal cruelty cases that involve marginal communities does not reflect their numeric significance, but rather the disproportionate cultural significance attached to events where a dominant culture gains power by positioning itself as less cruel to animals than Others" (Probyn-Rapsey & Russell, 2022, p. 52).

Ultimately, these racialized narratives on animal cruelty reinforce the idea of the moral superiority of the West and its higher civilizational status, not only further demonstrating the necessity of a decolonial ethic in animal advocacy but also perpetuating the mistaken presupposition that animal rights are a Western belief; a perspective demonstrated as false by the many examples already discussed of Indigenous understandings of subjectivity and agency, and their legal traditions of interspecies mutual care and respect (Probyn-Rapsey & Russell, 2022). The concept of carnist colonialism aligns with this, in which Western industrial animal exploitation is both normalized and rendered invisible. As a result, animal practices in non-Western cultures are framed as "backward," "barbaric," and "uncivilized," despite often being rooted in more reciprocal and egalitarian human-nonhuman relationships. These practices are stigmatized not necessarily because of their actual treatment of animals, but because they are perceived as "different" and "strange" within Western cultural lens (Muller, 2021). Such a framework would explain why people are unmoved by the industrialized killing of livestock animals while at the same time are concerned about the cruelty of Indigenous hunting practices (Probyn-Rapsey & Russell, 2022). For this reason, the recognition of epistemic standpoints is essential to encourage "a greater attention to cultural self-reflexivity", especially when discussing Indigenous and marginalized cultures and beliefs (Probyn-Rapsey & Russell, 2022,

p.53). Again, this is something that it is rarely done by Western courts when discussing disputes over Indigenous hunting or fishing practices, where a "filtering" process occurs that reframes these practices through colonial legal frameworks, erasing Indigenous ontologies and reducing them to questions of legality or environmental management (Brighten, 2011).

Taking the example of Indigenous hunting, unlike Western law, which imposes external regulations to prevent cruelty, Indigenous legal traditions impose internal ethical obligations on hunters. Actually, many Indigenous nations have explicit rules about minimizing suffering, treating animals with respect, and performing ceremonies to acknowledge the animal's sacrifice. This means that the assumption that Indigenous hunting methods must be exempted from animal cruelty laws is based on a false premise; Indigenous traditions already incorporate their own cruelty prohibitions. On this point, Brighten referring to hunting and fishing disputes in Canada explained that if the Canadian legal system genuinely engaged with Indigenous legal traditions, it would recognize that obligations to minimize suffering are already present in Indigenous worldviews. Instead of granting exemptions that suggest Indigenous practices are inherently cruel, the law should recognize Indigenous governance over animal welfare as legitimate in its own right. According to his perspective, the tension here wouldn't exist as the assumption that Indigenous rights and animal welfare are in conflict is false, suggesting that Indigenous perspectives provide a more relational and ethical approach to human-animal interactions from the start (Brighten, 2011).

3.3.2.1 Animal cruelty controversies, colonial tensions and the Ecological Indian

There is no doubt that Indigenous hunting practices are drastically different from Western animal exploitation. This is proven not only by Indigenous understandings of interspecies relationships, their notions of subjectivity and agency, and their view of nature as an interconnected and living system but also by the scope and scale of their practices, which have minimal ecological impact compared to industrial livestock production. As already introduced before, Indigenous activities are usually of the gatherer-hunter type, not at all founded on the domestication and the possession of nonhuman animals. Plus, these practices are usually aimed at the sustenance and survival of the community, they are based on the notion of taking only what is necessary to live, avoiding any kind of waste or overexploitation by following and respecting the natural reproduction cycle of the ecosystems they depend on. Still, one cannot ignore that Indigenous communities today have been unfairly forced to integrate into the global economic and political landscape, meaning that these practices are no longer strictly necessary for survival but are preserved for cultural and traditional reasons, much like the far more

disruptive practices of Western animal exploitation. In fact, despite the deeper respect embedded in Indigenous perspectives and the immensely lower ecological impact, one might argue that the two ideas ultimately share similar consequences. This is because, even if animal deaths are framed within Indigenous worlds through consent, reciprocal logic and non-hierarchical thinking, it does not change the reality that nonhuman lives are sacrificed in hunting and fishing practices for the overall benefit of human communities. Indigenous people are still human, and their perspectives on "respectful" killing are rooted in human understandings of human-nonhuman relationships that cannot reflect how animals themselves experience being hunted, killed, or used for human purposes. In other words, while Indigenous communities may be more attuned to multi-species coexistence, their perspectives on hunting and fishing remain fundamentally human, distinct from those of the animals involved and ultimately beyond our capacity to fully comprehend. Following De Castro's theory of perspectivism, our human embodiment necessarily limits our capacity to grasp nonhuman experiences fully (De Castro, 1998). As a result, these practices, whether they are Indigenous or not, inevitably impose a degree of epistemic and imperial violence on nonhuman animals, an unavoidable consequence of their human origin (Deckha, 2020). As Womack (Creek Cherokee) argues in *There is no Respectful Way to kill* (2013), spiritual and cultural practices aimed at honouring the dying animal are often ways to comfort the hunter rather than actual care for the nonhuman individual. Ultimately, there is no amount of ceremony that can justify the act of killing, framing it as always and inevitably disrespectful. He states: "it will never be a matter of respect; it will be a matter of moderating disrespect" (Womack, 2013, p. 12).

In this context, Kim refers to the myth of "the Ecological Indian" as the idealization and romanticization of Indigenous cultures living in complete harmony with nature and other nonhuman beings, often framing them as true examples of sustainability and environmental stewardess. This stereotype fails to recognize the differences between diverse Indigenous cultures and how they have been transformed by their interactions with settler colonialism, flattening them into a singular image and imposing strict expectations on Native people to always act in ways that align with contemporary environmentalist values. Again, Indigenous people are still human, and as such, do not always act in ways that align with nonhuman or other-than human perspectives and interests. Yet, Indigenous communities are harshly criticized when they operate in ways that seem to contradict these expectations, portrayed as betraying their supposed role as stewards of nature. In this, the myth of the Ecological Indian falls in contrast to the colonial stereotype of the Indian hunter that is fully dependent in killing animals, serving colonial and racialized interests. Not only it essentializes Indigenous identity

and subjects Native peoples to settler expectations but it also denies them full personhood and sovereignty, making their cultural practices and political decisions illegitimate if they fall outside the narrow frame of the Ecological Indian. Ultimately, it ignores the historical realities of colonization, dispossession, and forced assimilation that have shaped Indigenous lives and choices, framing them as static societies in eternal harmony with nature (Kim, 2015).

These same ideas are fully encapsulated in the Makah whaling controversy analyzed by Kim in her book *Dangerous Crossings* (2015) in the chapter *The Makah whaling and the (non)ecological Indian* (Kim, 2015). The dispute began in 1999 when the Makah tribe in Washington state resumed traditional whale hunting after a 70-year pause, sparking protests from environmental and animal rights groups and revealing tensions between Indigenous sovereignty and environmentalist priorities. While the Makah saw whaling as an essential part of their cultural identity and treaty rights, many environmental groups viewed it as a breach of modern ecological ethics. Whaling, however, is central to Makah culture and was guaranteed as a treaty right in 1855. The Indigenous community felt it was unjust to impose ethical and environmental concerns on them, arguing that grey whale populations declined only after Europeans and Americans began commercial whaling. Furthermore, the tribe voluntarily ceased hunting when grey whales became endangered in the early 20th century, a decision that had significant economic consequences, contributing to poverty, unemployment, and social issues like alcoholism and drug abuse, and highlighting the transformative challenges they faced under settler control. For Makah leaders, the resumption of whaling represented a means of healing the wounds inflicted by colonialism, deeply tied to questions of sovereignty, collective self-determination, and community pride. In other words, they sought to reclaim the self-determination that colonialism had stripped away, even going so far as to organize an unauthorized hunt in 2007. This position underscores the strong connection between Indigenous rights and animal rights, illustrating how one is often intertwined with the other, even when they may appear in conflict. In fact, the public accused the Makah community of being “non-ecological”, selfish and opposed to the idea of the Indian in perfect balance with nature, suggesting that Makah should abandon their cultural traditions for the sake of whale conservation and turning the Indigenous community into villains in the eyes of mainstream environmentalism. This is obviously a racialized critique that demonstrates how environmentalism can sometimes be complicit in colonialism, framing Indigenous people as the enemies of nature and ignoring the ongoing impacts of colonialism on Indigenous communities. Kim specifically states: “it is the Indian embeddedness in nature, his quasi-animality, that makes him both attuned to ecological considerations and prone to barbarity”

(Kim, 2015, p. 235). Yet, while the Makah were portrayed as “barbaric”, “savage”, or “primitive” when they did not conform to settler moral codes, their desire to incorporate modern technology into the hunt was seen by the public as a departure from tradition, and therefore, inauthentic. This not only reinforced the idea that Indigenous cultures are static in time, perpetuating the myth of the Ecological Indian but also represents “the very definition of ecocolonialism”, that is going after Indians under the guise of environmental protection (Kim, 2015, p. 235). The Makah community too perceived these attacks as attempts to erase their historically and spatially embedded understanding of nature, imposing what are Western views and binary thinking onto the tribe. Instead, the Makah view themselves as deeply interconnected with nature, maintaining place-specific relationships with whales. They see whales not merely as beings with rights, but as literal kin who have shared the same sea for millennia. The whale offers herself to the worthy hunter, making it both respectful and consistent to revere the animal while also taking her life. According to this ontology, animals are respect-worthy and important but still edible, a perspective that simultaneously recognizes the whale’s kinship and the human right to hunt her for food (Brighten,2011).

Again, imposing Western perspectives on this framework would amount to engaging in ecocolonialism, grounded in the Western belief that one cannot both respect and kill/use an animal. This idea arises from the Western dualistic view, where animals are either exploitable objects, those we own for food, or respected companions, nonhumans we keep as pets (Kim, 2015). As Brighten explains, in Indigenous cultures this conflict doesn’t exist; their moral and legal systems already provide duties and obligations that regulate human-animal relations on the basis of reciprocity and co-dependency, producing a respectful framework of interspecies co-habitation (Brighten, 2011).

In addition, these indigenous-environmentalist disputes further demonstrate the widespread tendency to prioritize environmental concern for certain "special" animals, those deemed intelligent and worthy of higher moral consideration. This often invokes the principle of “unnecessary suffering,” suggesting that nonhumans like whales, due to their unique traits, are entitled to a "right to life" (Kim, 2015). However, this strengthens carnist colonialism, which categorizes animals based on their perceived edibility and frames Indigenous peoples as “cruel” or “barbaric” for hunting the "wrong" kind of animal (Muller, 2021).

In this respect, the Canadian seal hunt controversy reflects similar tensions between Indigenous sovereignty and mainstream animal advocacy, again demonstrating the carnist colonial mentality at play. Similarly to the Makah whaling dispute, animal advocates and environmentalists framed the seal hunt as inherently inhumane and unnecessary, demanding a

ban to be imposed on any type of sealing activity. Here though, no distinction has been made between commercial sealing done by non-Indigenous fishermen and Indigenous subsistence sealing, leading to a conflation that contributed to the stigma and the stereotypes of Indigenous communities. In fact, while Indigenous groups, especially Inuit, defended sealing as a vital part of their culture, livelihood, and food sovereignty, the global anti-sealing movement reinforced negative perceptions of Indigenous practices, contributing to ongoing marginalization and cultural erasure. Ultimately, the European Union's 2009 ban on the import of seal products, though it included an exemption for Indigenous sealing, led to a collapse in the global market, devastating Inuit economies. In this respect, Chang highlights how anti-sealing campaigns weaponize graphic imagery of seal slaughter, depicting Indigenous hunters as villains while ignoring the broader colonial structures that have endangered both nonhuman and human life in the Arctic (Chang, 2021).

The seal hunt controversy is yet another example that highlights how colonialism, Indigenous rights, and animal rights are deeply interconnected, even when they appear to be in conflict, ultimately reminding us of the necessity of an intersectional, anti-speciesist and decolonial approach when addressing these struggles (Chang, 2021). At the same time, these disputes highlight how deeply ingrained the stereotype of Indigenous people as the Ecological Indian is in Western culture, alongside other racialized and colonial narratives, calling for caution when discussing non-Western perspectives to avoid reinforcing such representations. This is particularly relevant in animal advocacy; while it is essential to approach with a decolonial mindset and recognize colonial dynamics, it is equally important to remember that Indigenous peoples are, above all, human, and to avoid romanticizing their cultures. Even with good intentions, such idealization can be harmful, reinforcing the very racialized and colonial ideologies we seek to challenge. Keeping everyone, including Indigenous people, accountable and aware of these dynamics is crucial to ensuring that efforts for justice do not inadvertently perpetuate the same systems of oppression (Kim, 2015).

Yet, one might ask: what is the perspective of animals? does it make a difference to the whale whether it is hunted by European commercial fishers or by Makah hunters following ritual practices? (Kim, 2015) Likewise, is the experience any different for a seal hunted by commercial fishers versus Inuit communities?

3.3.2 2 Animal agency, Indigenous sovereignty and mutual avowal: exercising animal rights

These Indigenous hunting controversies, along with the risks arising from the romanticization of Indigenous cultures, are significant not only in relation to the previously discussed issues of

animal agriculture and food consumption, but also in highlighting a more practical aspect of mainstreaming Indigenous perspectives on animal rights. How do we center animal perspectives and prioritize their interests? More specifically, drawing from Indigenous cosmopolitics in nature rights cases, when nonhuman animals are recognized as legal subjects, to what extent can Indigenous peoples take on the role of interpreting and enacting their rights? Here, the same arguments made regarding the conflict between continuing to use animals and simultaneously granting them legal recognition can be applied. In fact, while Indigenous worldviews, grounded in relationality and reciprocity, provide a strong ethical foundation for responsibility toward nonhuman beings, particularly as they do not conceptualize animals through the exploitative, property-based, or hierarchical frameworks characteristic of Western legal thought, this does not inherently position Indigenous communities as the sole arbiters of animal interests. Moreover, as already discussed, assigning Indigenous peoples the primary role in advocating for nonhuman animals carries the risk of reinforcing the colonial "noble savage" or the Ecological Indian stereotype, which portrays Indigenous communities as inherent ecological stewards. After all, as previously mentioned, while Indigenous ontologies often emphasize interspecies kinship, they do not grant indigenous people the innate ability to fully comprehend the desires or interests of nonhuman animals, particularly in circumstances where human survival is at stake and anthropocentric concerns may take precedence. In this sense, Indigenous hunting and fishing practices illustrate that Indigenous traditions, like all human societies, often prioritize human needs. Plus, nonhuman animals, unlike rivers or mountains, possess sentience, agency, and complex social behaviors, making their interests more intricate than those of static ecological entities that are recognized with nature rights and defended by the local indigenous community. Human-nonhuman relationships are far more complex and nuanced than those between humans and natural entities, making it more difficult for Indigenous people to always exercise nonhuman rights without being influenced by anthropocentric biases. As a consequence, to hold Indigenous communities alone solely responsible for the interests of nonhuman animals not only oversimplifies Indigenous practices but also perpetuates racialized narratives that absolve colonial and capitalist structures of their role in animal exploitation while reinforcing the Ecological Indian stereotype (Kim, 2015).

Addressing these challenges may necessitate a collaborative approach involving Indigenous groups, animal rights movements, scholars, and policymakers, all operating within a triadic framework that integrates these diverse perspectives and centers animal agency, culture, and resistance in meaningful ways (Kim, 2015) (Probyn-Rapsey & Russell, 2022). As Probyn-Rapsey and Russell argue, advancing animal liberation requires prioritizing the interests of

nonhuman animals above human-imposed interpretations of their needs (Probyn-Rapsey & Russell, 2022).

In this respect, Kim suggests an ethics of mutual avowal, as a way to move beyond the limitations of mainstream environmental and animal rights discourse, which often ignores the realities of colonialism and racial domination. For example, going back to environmentalist-Indigenous disputes over Indigenous animal practices, instead of framing the Makah whaling controversy in terms of whether their actions are ecological or ethical, Kim calls for an approach that acknowledges and confronts the power dynamics at play. An ethics of avowal requires openly recognizing and grappling with conflicting moral claims, such as animal protection and Indigenous sovereignty, without trying to erase or resolve those tensions in favor of one side. For Kim, this means rejecting simplistic, moralizing judgments and understanding that true justice must center Indigenous self-determination and historical context. In the Makah case, the ethical path lies not in condemning the tribe for hunting whales but in respecting their right to define and practice their cultural traditions, even when those practices challenge mainstream environmentalist or animal rights values (Kim, 2015).

At the same time, she calls for a recognition of animal agency, encouraging an understanding of what animals want and need, in this case whales, integrating their perspective in the debate (Kim, 2015). Similarly, Chang suggests recognizing nonhumans as political allies to open the possibility of more expansive solidarities, where human and animal liberation are intertwined. Chang's argument emphasizes the importance of understanding animal agency not as something isolated, but as part of a broader movement for justice that includes both human and nonhuman struggles. In this way, resistance is not just about human liberation; it involves recognizing and amplifying the voices and resistances of the nonhuman world. As such, the liberation of animals, like the liberation of Indigenous peoples, must be seen as interconnected, both resisting the systems of violence that oppress them and offering a vision of collective struggle for a more just and equitable world. This approach opens the door for solidarity across species lines, where mutual respect and recognition of each other's agency create a more expansive and inclusive understanding of justice, grounded in the belief that all beings have the right to live free from exploitation and domination (Chang, 2021). Again, Animals often resist in ways that challenge their subjugation, whether it is through acts of defiance in captivity, the refusal to cooperate with human demands, or even the physiological responses that disrupt human-imposed systems. Such resistance can also manifest in more subtle forms: in the ways wild animals evade capture or in how domesticated animals may reassert their agency through behaviors that subvert expectations. By acknowledging these acts, we move

away from seeing animals as passive subjects and instead recognize them as active participants in the struggle for their autonomy. This shift is crucial in creating an ethical framework that goes beyond human-centered perspectives, honouring not only the physical well-being of animals but also their innate capacity for agency and resistance to exploitation. Recognizing these forms of resistance also allows for a deeper understanding of the interconnectedness between humans and nonhuman animals in struggles for freedom, dignity, and the right to live without harm. Ultimately, by centering the resistance and autonomy of nonhuman animals, this approach can contribute to a more holistic and respectful vision of animal liberation, where their interests are acknowledged as fundamental to the conversation and not simply interpreted through a human lens. This would allow nonhuman individuals to exercise their rights in ways that are not limited by anthropocentric biases (Chang, 2021) (Probyn-Rapsey & Russell, 2022) (Robinson, 2013).

In the end, the tensions surrounding Indigenous hunting practices, such as the Makah whaling and the Canadian seal hunt, underscore the complexities of applying Indigenous legal traditions and ontologies to contemporary struggles for nonhuman rights, specifically in regard to industrialized animal uses and the hardships of valuing animal perspectives. As Kim highlights, the stereotype of the Ecological Indian has been weaponized both to romanticize Indigenous peoples as natural stewards of the environment and to vilify them when their actions do not align with settler expectations of environmental purity. This duality reinforces colonial control by selectively scrutinizing Indigenous practices while ignoring the far greater ecological destruction of settler-colonial capitalism, industrial agriculture, and commercial animal exploitation. However, while it is crucial to resist these colonial misrepresentations, it is equally important to acknowledge that Indigenous traditions are not universally predicated on hunting or animal use. Many Indigenous ontologies emphasize relationality, reciprocity, and deep ethical considerations toward nonhuman beings, perspectives that often align with plant-based foodways. These approaches ultimately center animal agency and interests, placing them on a more equal footing with human interests and representing a better alternative to ensure actual animal rights (Robinson, 2013) (Watts, 2020, as cited in Probyn-Rapsey & Russell, 2022).
In this respect, Womack acknowledges that while some Native communities advocate for reclaiming traditional hunting practices, it is equally valid for individuals to choose nonviolence. This is a legitimate tribal alternative, especially in a world dominated by factory farming and unnecessary animal suffering. Womack emphasizes personal sovereignty and the importance of ethical choices, pushing back against the romanticization of hunting as an

essential component of Indigenous identity. To the critique of potentially disregarding Native stories about hunters and prey, he argues that traditions should be open to reinterpretation and adaptation, especially in the context of modern challenges. A deeper contemplation of human relationships with animals is crucial to imagine the perspectives of animals and consider their suffering seriously, suggesting that unnecessary killing is essential for fostering empathy and connection with the natural world. This choice can become a powerful ceremony in its own right, not a rejection of tradition but rather a meaningful evolution of it (Womack, 2013).

According to Montford and Taylor, decolonizing food ontologies means critically interrogating the ways in which colonialism disrupted Indigenous subsistence patterns. While dominant narratives assume that Indigenous cultures have always been dependent on animal-based sustenance, historical evidence suggests that plant-based diets were central to many Indigenous food systems before European contact (Robinson, 2013) (Montford & Taylor, 2020). As Robinson argues, veganism can be a reclamation of Indigenous epistemologies, aligning with Mi'kmaq legends and broader Indigenous philosophies that recognize animals as kin rather than commodities. This challenges the colonial imposition of industrial animal agriculture, which fundamentally reshaped Indigenous relationships with land and nonhuman life. The return to plant-based diets can thus serve as an act of decolonization, resisting both the material and ideological structures of carnist colonialism (Montford & Taylor, 2020) (Robinson, 2013). Empowering these perspectives, rather than perpetuating colonial stereotypes and animal exploitation, is crucial for advancing multispecies liberation. This approach fosters dialogue between animal advocates and Indigenous plant-based practices, promoting a more inclusive and holistic vision for justice.

Furthermore, as seen in the Makah whaling case, Indigenous perspectives on animal use are not monolithic. While some members of the Makah nation viewed the revival of whaling as a form of cultural sovereignty, others opposed it, highlighting that even within Indigenous communities, ethical perspectives on hunting, animal use and animal desires are diverse (Kim, 2015). Many Indigenous groups, even those with a history of whaling, have chosen not to resume the practice, emphasizing that just because something is permissible within Indigenous legal traditions does not mean it is compulsory. This internal diversity underscores the importance of moving beyond static, essentialized views of Indigenous identity and recognizing the agency of Indigenous peoples in redefining their traditions in ways that align with contemporary ethical, ecological, and spiritual considerations (Chang, 2021) (Robinson, 2013).

Ultimately, an intersectional and decolonial approach is key. As Kim and Chang argue, the liberation of Indigenous peoples and the liberation of nonhuman animals must be seen as interconnected struggles, both resisting the systems of domination that oppress them (Kim, 2015) (Chang, 2021). A decolonial approach to nonhuman rights must therefore be place-based and relational, rejecting both the colonial imposition of industrial animal agriculture and the settler-state's instrumentalization of Indigenous hunting for its own political ends. Decolonization does not mean uncritically defending all Indigenous practices but rather recognizing the ongoing evolution of Indigenous legal and ethical frameworks, including those that reject animal exploitation in favor of plant-based subsistence (Montford & Taylor, 2020) (Robinson, 2013). The future of Indigenous sovereignty, environmental justice, and nonhuman rights must be built on a foundation of mutual avowal, where Indigenous self-determination and animal agency are not seen as competing interests but as part of a broader movement for justice and ethical coexistence (Kim, 2015) (Chang, 2021).

3.3.3 An Indigenous placed-based approach to animal rights

At this point in the discussion, considering the diverse Indigenous perspectives on nonhuman social agency and legal subjectivity, alongside the increasing recognition of environmental and animal rights, and the arguments surrounding animal consumption within Indigenous epistemologies, one might ask: why do Western legal systems continue to treat animals as property? But more importantly, how can they recognize nonhumans within the law in a way that respects animal agency and engages in decolonization?

According to Brighten, one major challenge to animal legal subjectivity is the Western legal assumption that it must entail individual rights. This assumption does not hold in Indigenous legal traditions, where obligations to others, including animals, are paramount. As already discussed, if the Western legal system were to recognize animal personhood in a way that mirrors Western rights-based frameworks, it might inadvertently threaten Indigenous practices that have long recognized animals as legal persons in a different way. In this way, Western societies must commit to serious engagement with Indigenous legal traditions in discussions of animal welfare and legal personhood. Rather than imposing a universalized Western notion of legal status onto animals, Indigenous traditions have already developed sophisticated place-based frameworks for ethical human-animal relations (Brighten, 2011).

Again, the assumption that granting animals a legal subjectivity means giving them rights (like humans) is a Western notion that does not apply to Indigenous legal frameworks, which focus on reciprocal obligations rather than individual entitlements, ultimately framing animal-human

relationships as reciprocal rather than hierarchical. This is crucial: by engaging with Indigenous epistemologies, it becomes clear that, even if Indigenous views offer a valid approach to achieve animal liberation, the concept of rights does not exist within Indigenous belief systems, making it impossible to grant them to nonhumans within those frameworks. This further underscores the importance of collaboration that fosters dialogue with Indigenous communities to develop an animal liberation framework that both respects and empowers Indigenous traditions while advocating for the rights and well-being of nonhuman animals. In this context, Indigenous cosmopolitics as an emerging movement offers a valid approach, one that transcends the limitations of rights-based frameworks by emphasizing relational and reciprocal responsibilities toward nonhuman beings. This approach fosters dialogue with animal rights movements, encouraging the development of new decolonial frameworks based on Indigenous knowledge systems to advocate for nonhuman interests (Brighten, 2011).

As already stated, this is also a matter of decolonization; true decolonization between Indigenous and settler legal systems requires acknowledging Indigenous perspectives on animal legal personhood, not as exotic beliefs but as sophisticated legal and moral systems that challenge the Western distinction between human and non-human beings (Probyn-Rapsey & Russell, 2022).

Furthermore, as already described in previous chapter, the problem of Western legal paradigms is not only limited to the Indigenous model. In this respect, Deckha entirely rejects the concept of personhood in its Western legal sense as a way to advance animal liberation, arguing that it reinforces human exceptionalism and superiority. As already introduced, personhood, as traditionally conceived, is built upon the idea of normative self-governance, an attribute deemed unique to humans and central to their legal recognition as persons. Because animals lack this characteristic, they are categorically excluded from personhood, despite having interests and capacities that warrant legal protection. However, the law operates within a rigid binary: one is either a person or property, leaving no space for beings that exist between these categories. As already discussed, liminal beings face systemic exclusion due to anthropocentric legal and cultural narratives. But these narratives shape the law in ways that make the inclusion of nonhuman animals, or any being outside the human-centered framework, an anxiety-inducing proposition. Essentially, personhood, as a legal construct, remains constrained by the imprint of the Western, white, propertied "reasonable man," making it an inadequate framework for addressing the legal status of liminal beings. Even efforts to reconceptualize personhood may fail to resolve this issue, as its very definition is shaped by its oppositional counterpart: property, which is so deeply imbricated with animality that to be an animal is, by default, to be

property. As an alternative, Deckha proposes the concept of "beingness," which offers the protective shield against instrumental treatment that personhood is intended to provide, without requiring animals to meet human-centered benchmarks to qualify for such protection. "Beingness" as a new subjectivity, is based on embodiment, relationality, and vulnerability, more animal-friendly constitutive features of animals' legal subjectivity than the paradigmatic human benchmarks of disembodiment, independent autonomy, and rationality that mark the vision of personhood tied to reason. This concept offers meaningful insights that, by engaging with Indigenous frameworks, can contribute to the path of animal liberation (Deckha, 2023).

On the same note, Deckha also warns that the concept of rights, when framed through Western legal paradigms, carries a cognitivist bias that inherently privileges human traits and reinforces anthropocentric assumptions. Yet, she considers rights as something recuperable in a way that personhood is not, demonstrated not only by the fact that the opposite of 'rights' is not 'property', but also because of the presence of similar concepts of rights that can be found in non-Western epistemological frameworks with a logic of their own. The combination of "beingness" and a reorientation of rights towards 'bodily vulnerability' and interdependence rather than self-reliance and rationality, can anchor a new subjectivity for nonhumans that can also be applied in litigation (Deckha, 2023). Again, in this, Indigenous cosmopolitics can be crucial by offering valid alternatives for reconceptualizing rights beyond Western frameworks, especially the ones rooted in Indigenous veganism and decolonial food traditions.

Ultimately, the goal of animal liberation in legal environment is to find a way to regulate our relationships with animals, not regulate animals; this is because legal systems are human institutions used to regulate human actions. In this sense, recognizing the distinction between human and animal societies is crucial. Rather than forcing nonhuman individuals into human society and subjecting them to the violence of conforming to conditions that do not suit them, we should acknowledge the diversity and legitimacy of each, striving to foster meaningful and respectful interactions between them. This is exactly the principle behind most Indigenous frameworks, legal systems aimed at reciprocal and interdependent human-animal relationships, based of mutual care and respect. Moreover, incorporating domesticated animals, or any animals, into settler-colonial legal structures risks perpetuating the same colonial violence that has historically been imposed on them, akin to the assimilation of Indigenous nations into settler governments, perpetuating colonial power structures predicated on the erasure of Indigenous and animal beings. In this respect, Tuck and Yang argue that settler citizenship, romanticized as neutral, is a tool of violent and racist hierarchies, where "everything within a settler colonial society strains to destroy or assimilate the Native in order to disappear them

from the land" (Tuck & Yang, 2012, p. 9). Likewise, Belcourt asserts that the animal citizenship framework reorients animal bodies into settler-colonial political discourses, reinforcing structures that erase or assimilate Indigenous peoples. By positioning domesticated animals as neoliberal subjects with rights under settler governance, this model legitimizes state violence and carceral systems that disproportionately harm Indigenous and black communities. Belcourt contends that true decolonization requires rejecting neoliberal animal citizenship and instead embedding human-animal relations within a politics that challenges settler colonialism and white supremacy while simultaneously recognizing the legitimacy of both human and animal cultures as distinctive, interconnected, and worthy of respect on their own terms (Belcourt, 2015).

In this respect, with the goal of achieving true animal liberation, centering animality and animal agency is essential. As previously explained, recognizing animal resistance and promoting decolonial food practices, such as Indigenous veganism, can be crucial in fostering a more effective Indigenous model for animal rights, one that does not seek to control animal bodies within our society but regulates our actions in respect to them. This approach allows nonhuman animals to actively exercise their rights and be genuinely protected by the law, as their interests are more centered in the conversation (Probyn-Rapsey & Russell, 2022) (Robinson, 2013). Moreover, such a framework would enable proxies to exercise rights on behalf of animals in ways that accurately reflect their desires, as already occurs in similar cases for other liminal beings. For example, children and persons with disabilities are recognized as rights holders, with their rights exercised by appointed representatives who act in their best interests. This precedent suggests that similar mechanisms could be applied to nonhuman animals, with the active involvement of Indigenous communities (Deckha, 2023). A parallel can be drawn from the framework of nature's rights, wherein local and Indigenous guardians serve as protectors of nonhuman entities. Obviously, as already suggested, placing this responsibility solely on Indigenous people would be neither fair nor effective; collaboration with animal rights advocates, scholars, and movements is essential. This would allow that in every decision or conflict concerning nonhuman lives, the perspective of animals should be present and grounded in Indigenous ontologies. Such an approach would regulate human-nonhuman relationships on the principles of reciprocity, respect, and care.

Once more, by integrating Indigenous ontologies that emphasize veganism with animal rights movements that are grounded in animal resistance, we can create a framework that not only acknowledges animal culture but also works toward true animal liberation. In the end, this model challenges anthropocentrism, respects the autonomy of nonhuman animals, and fosters

a holistic, decolonial approach to the protection of all beings, ensuring that animals are not merely subjects of human intervention but active participants in the reconfiguration of their own rights and freedoms (Chang, 2021) (Probyn-Rapsey & Russell, 2022) (Robinson, 2013). This would simultaneously enable Indigenous peoples to protect their culture and ensure their sovereignty by engaging with perspectives that align more closely with their own understanding of reciprocal relationships. It would also support the decolonization of their food cultures, allowing them to reassert control over their practices and beliefs in ways that honors their traditions while advancing a broader decolonial agenda (Robinson, 2013).

In conclusion, a decolonial ethic is essential in animal liberation as it provides a means to rethink animal subjects and human-animal relations through an anti-speciesist and interdependent model of animality grounded in Indigenous epistemologies. This approach challenges, rather than integrates into, the anthropocentric legal and ontological structures of settler colonialism (Belcourt, 2015). As Armstrong eloquently suggests, "encountering the postcolonial animal means learning to listen to the voices of all kinds of 'other' without either ventriloquizing them or assigning to them accents so foreign that they never can be understood" (Armstrong, 2002, p. 417). Central to this decolonial framework is recognizing animal agency, the active role that animals play in their own resistance, and their ability to shape their futures. True liberation cannot be achieved through frameworks that merely extend human-centric rights to animals; it must center animal agency and challenge the colonial narratives that have historically excluded nonhuman beings from meaningful participation in legal and ethical considerations. The goal is not to fit animals into settler colonial legal categories but to dismantle those very structures, replacing them with systems that reflect Indigenous ways of knowing and being, systems built on reciprocity, respect, and interdependence. The need for collaboration is critical in this process. Indigenous peoples, animal rights scholars, and movements, along with settler governments, must actively engage in the work of dismantling colonial legal structures that perpetuate harm against both human and nonhuman beings. Indigenous epistemologies have long embraced frameworks that recognize the personhood and agency of nonhuman beings, and these perspectives must be brought into dialogue with animal rights movements that seek to challenge human supremacy and animal exploitation. At the same time, settler governments must engage with these perspectives and be open to reforming legal systems that continue to operate within colonial ideologies. Only through such collaboration, grounded in mutual respect, care, and shared responsibility, can we create legal frameworks that honors the agency of animals, respect Indigenous knowledge systems, and

dismantle the colonial violence embedded in current systems of governance. This collaboration is not just about incorporating animals into existing legal frameworks, but about rethinking those frameworks entirely. True justice for animals and Indigenous peoples lies in working together to dismantle the colonial structures that continue to marginalize both. By embracing Indigenous epistemologies, especially the ones rooted in veganism, and recognizing the agency of animals, we can create legal systems rooted in reciprocity, respect, and interdependence, rather than in colonial and anthropocentric ideologies. This shift offers a hopeful future where the law works to protect all beings, human and nonhuman, creating a more equitable and just world for all species. Ultimately, leading with care and openness to learning from other-than-human beings is the key to fostering a more ethical, interconnected world (Robinson, 2013) (Probyn-Rapsey & Russell, 2022) (Deckha, 2023) (Womack, 2013) (Armstrong, 2002).

Conclusion

This thesis has argued that the legal status of animals as property is deeply entwined with colonial, speciesist, and anthropocentric ideologies that continue to shape modern Western legal systems. The commodification of animals, enshrined in law, upholds a rigid boundary between humans and animals, reinforcing a system of domination that allows for the exploitation of nonhuman animals in agriculture, science, and entertainment. Despite the increasing recognition of animal sentience, the legal framework remains a barrier to true justice, operating not as a neutral arbiter but as an active enforcer of colonial and capitalist violence. While animal welfare laws are framed as protective, they merely regulate the exploitation of animals, maintaining their status as property rather than challenging the foundation of their commodification.

A critical examination of Western legal frameworks reveals that the ideological foundations of speciesism and anthropocentrism are essential to the continued subjugation of nonhuman animals. These frameworks are built on colonial and binary logics, dividing persons from property, humans from animals, that erase the interconnections between all forms of life. This binary system not only justifies the oppression of animals but also sustains human hierarchies, especially those based on race, gender, and colonial histories. The legal treatment of animals as property parallels the historical and ongoing oppression of marginalized human communities, such as enslaved peoples and Indigenous nations, highlighting the need for a multispecies approach to justice that recognizes the interconnectedness of all forms of oppression.

This thesis advocates for the decolonization of law and ethics, drawing particularly on place-based and antispeciesist Indigenous epistemologies. Indigenous worldviews, with their emphasis on kinship, relationality, and the agency of nonhuman beings, offer profound alternatives to the rigid human-nonhuman binary that dominates Western legal thought. These traditions fundamentally challenge the colonial and anthropocentric legal systems that have long positioned animals as mere property, reducing them to resources for human exploitation. By recognizing animals as kin and acknowledging their subjectivity, Indigenous perspectives propose ethical frameworks that extend beyond human-centered concerns, situating all beings within an interconnected cosmological order. This thesis underscores how Indigenous legal traditions provide a model for reimagining human-animal relations in ways that affirm the dignity and agency of nonhuman beings while rejecting the colonial and speciesist legacies that continue to shape Western law.

However, achieving justice for nonhuman animals is not simply a matter of integrating Indigenous perspectives into existing legal structures. As this thesis contends, true decolonization requires more than symbolic inclusion; it necessitates a fundamental transformation of the legal and ethical frameworks that govern human-nonhuman relations. This transformation must be driven by meaningful collaboration between Indigenous communities, animal rights movements, and governing bodies, with a commitment to dismantling colonial structures that have historically erased both Indigenous and animal lives. The integration of Indigenous knowledge into legal and ethical discourse must be approached with care, ensuring that it does not become another tool of colonial appropriation. Instead, a decolonial approach demands a radical restructuring of law that prioritizes place-based, relational, and Indigenous-informed perspectives. This approach not only challenges speciesist hierarchies but also reconfigures our understanding of personhood, justice, and responsibility. Ultimately, the liberation of nonhuman animals is inseparable from the broader struggle against colonialism and the systems of domination that oppress both animals and marginalized human communities. An inclusive and decolonial framework, one that foregrounds Indigenous knowledge and prioritizes an ethic of care, presents a path forward. Crucially, this vision of justice cannot be realized without recognizing the agency of animals themselves. Nonhuman beings are not passive objects of human concern but active participants in the world, shaping ecosystems, forming relationships, and exercising their own forms of will and resistance. A truly just and decolonial future must not only dismantle structures of oppression but also affirm the inherent agency of animals, ensuring that their voices, interests, and perspectives are acknowledged in ethical, legal, and political considerations. Only through this recognition can we begin to build a world where all beings, human and nonhuman, are treated as subjects rather than objects, and where justice is no longer confined within the anthropocentric boundaries of colonial thought.

Bibliography

ABC News. (2017, May 24). *Pandas shown how to mate using footage of breeding animals in Chinese research program*. Retrieved from https://www.abc.net.au/news/2017-05-24/pandas-shown-breeding-animals-in-research-program/8551190

Adams, C. J. (1990). *The sexual politics of meat: A feminist-vegetarian critical theory*. Continuum.

Adamson, J. (2012). *Whale as cosmos: Multi-species ethnography and contemporary Indigenous cosmopolitics*. Revista Canaria de Estudios Ingleses, 64, 29-45.

Allen, J. S., Park, J., & Watt, S. L. (2008). The Chimpanzee Tea Party: Anthropomorphism, Orientalism, and Colonialism. *Visual Anthropology Review* (10(2)), 45–54.

Animal and Plant Health Inspection Service (USDA). (2023). *Research Facility Annual Usage Summary Report (FY2019-FY2021)*

Animal protection index. World Animal Protection | Animal Protection Index. (n.d.-a). https://api.worldanimalprotection.org/

Animal Welfare Act, 7 U.S.C. § 2131, 2024.

Animal Welfare Act, 7 U.S.C. § 2132, 2024

Animal Welfare Act, 7 U.S.C. § 2143, 2024.

Armstrong, P. (2002). The postcolonial animal. Routledge.

AZA. (2021). *Interesting zoo and aquarium statistics. Association of Zoos & Aquariums.* https://www.aza.org/connect-stories/stories/interesting-zoo-aquarium-statistics

Balluch, M. (2011). Riformismo e abolizionismo Quale tipo di campagna per i diritti animali? *Liberazioni– Rivista Di Critica Antispecista*, *II*(6), 47–68.

Blaser, M. (2018) Doing and undoing Caribou/Atiku: diffractive and divergent multiplicities and their cosmopolitical orientations. Tapuya. *Latin American Science,Technology and Society*. 1:1, 47-64.

Blaser, M. (2016). Is Another Cosmopolitics Possible?. *Cultural Anthropology* 31, no. 4: 545–570.

Beggiora, S. (2020). Shamanism, Magic, and Indigenous Ontologies: Eco-Critical Perspectives on Environmental Changes in India. In: Riboli, D. Stewart, P. J. Strathern A. J. Torri, D. (2020). *Dealing with Disasters. Perspectives from Eco-Cosmologies*. Palgrave Macmillan Cham.

Beggiora, S. (2015). Journey to the Center of the World Indigenous Cosmogony of

Kuttia Kondh in Odisha. *Internationales Asienforum*, Vol. 46 (2015), No. 1–2, pp. 59–80

Belcourt, B.-R. (2015). Animal bodies, colonial subjects: (Re)Locating animality in decolonial thought. *Society & Animals, 23*(1), 5–21.

Best, S. (2010). Welfarismo, diritti animali e liberazionismo Uno sguardo sul movimento animalista negli Stati Uniti. *Liberazioni – Rivista Di Critica Antispecista*, (3).

Boisseron, B. (2018). *Afro-Dog: Blackness and the Animal Question*. New York Chichester, West Sussex: Columbia University Press.

Born Free Foundation. (n.d.). *Global Zoos and aquaria*. Born Free Foundation . https://www.bornfree.org.uk/global-zoos/

Born Free Foundation. (2024). *Animals in the circus: Born free USA animal advocacy*. Born Free USA. https://www.bornfreeusa.org/campaigns/animals-in-captivity/circuses/

Brighten, A. (2011). Aboriginal peoples and the welfare of animal persons: Dissolving the Bill C-10B conflict. *Indigenous Law Journal*, 10(1), 39-75.

Browning H, Veit W. (2020). Is Humane Slaughter Possible?. *Animals* (Basel), 10(5):799.

CARE. (n.d.). *Our mission*. CARE. https://careawo.org

Chang, D. (2021). Tensions in contemporary Indigenous and animal advocacy struggles: The commercial seal hunt as a case study. *Journal for Critical Animal Studies*, 18(1), 1–25.

Charpleix, L. (2018). The Whanganui River as Te Awa Tupua: Place-based law in a legally pluralistic society. *Geographical Journal*, 184(1), 19-30.

Crenshaw, K. (1989). *Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory, and antiracist politics*. University of Chicago Legal Forum, 1989(1), 139–167.

De Castro, E. V. (1998). Cosmological Deixis and Amerindian Perspectivism. *The Journal of the Royal Anthropological Institute*, 4(3), 469–488.

Deckha, M. (2023). (FEMINIST) ANIMAL RIGHTS WITHOUT ANIMAL PERSONHOOD? In E. Cudworth, R. E. McKie, & D. Turgoose, *FEMINIST ANIMAL STUDIES*. Theories, Practices, Politics. (pp. 19-34). Routledge.

Deckha, M. (2023). Animalization and dehumanization concerns: Another psychological barrier to animal law reform. *Psychology of Human-Animal Intergroup Relations*, 2, Article e10147.

Deckha, M. (2018). Humanizing the Nonhuman: A Legitimate Way for Animals to Escape Juridical Property Status? In A. Matsuoka, & J. Sorenson, *Critical Animal Studies. Toward Trans-Species Social Justice* (pp. 209-233). Rowman & Littlefield International Ltd.

Deckha, M. (2010). The Subhuman as a Cultural Agent of Violence. *Journal for Critical Animal Studies,* VIII(3).

Deckha, M. (2021). *Unsettling anthropocentric legal systems: Reconciliation, Indigenous laws, and animal personhood.* McGill-Queen's University Press.

De la Cadena, M. (2010). Indigenous Cosmopolitics in the Andes: Conceptual Reflections beyond Politics. *Cultural Anthropology.*

De Vivo, M. (2023). Recent human-bear conflicts in Northern Italy: a review, with considerations of future perspectives. *EcoEvoRxiv*.

Ecojurisprudence. (n.d.). Retrieved December 2024. https://ecojurisprudence.org/map-2/?map-style=political

Elephant Protection Act of 2017, 16 U.S.C. § 4201, 2017.

European Commission. (n.d.). *EU animal welfare regulation.* https://food.ec.europa.eu/animals/animal-welfare/eu-animal-welfare-legislation_en

European Commission. (n.d.). *Animal welfare on the farm.* https://food.ec.europa.eu/animals/animal-welfare/eu-animal-welfare-legislation/animal-welfare-farm_en

European Commission. (n.d.). *Protection of animals during transport.* https://food.ec.europa.eu/animals/animal-welfare/eu-animal-welfare-legislation/animal-welfare-during-transport_en

European Commission. (n.d.). *Slaughter & Stunning.* https://food.ec.europa.eu/animals/animal-welfare/eu-animal-welfare-legislation/slaughter-stunning_en

European Commission. (n.d.). *Environment.* https://environment.ec.europa.eu/index_en

European Commission. (n.d.). *Revision of the animal welfare legislation.* https://food.ec.europa.eu/animals/animal-welfare/evaluations-and-impact-assessment/revision-animal-welfare-legislation_en

European Commission. (n.d.). *Welfare of dogs and cats.* https://food.ec.europa.eu/animals/animal-welfare/eu-animal-welfare-legislation/welfare-dogs-and-cats_en

European Commission. (n.d.). *Animal welfare proposals and Communication adopted by the Commission on 7 December 2023.* https://food.ec.europa.eu/animals/animal-welfare_en#:~:text=%22In%20formulating%20and%20implementing%20the,animals%2C%20while%20respecting%20the%20legislative

European Commission. (n.d.). *The Habitats Directive.* https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en

European Commission. (n.d.). *The Birds Directive.* https://environment.ec.europa.eu/topics/nature-and-biodiversity/birds-directive_en

European Parliament and Council. (2009). Regulation (EC) No. 1099/2009 of the European Parliament and of the Council of 24 September 2009 on the protection of animals at the time of slaughter or killing. *Official Journal of the European Union, L 303, 1-30.*

European Union. (2012). *Treaty on the functioning of the European Union* (Art. 13). Official Journal of the European Union.

Epstein , Y., & Kempers, E. B. (2023b). Animals and Nature as Rights Holders in the European Union. *The Modern Law Review*, *86*(6).

FAO. (2022a). *Crops and Livestock Products (Production).* Faostat. Accessed on October 22, 2024. https://www.fao.org/faostat/en/#data

Federici, S. (2015). *Caccia alle streghe, guerra alle donne: Storia di un'idea*. Edizioni Nero.

Fernandez, A. (2024). Animals as property, quasi-property, or quasi-person. *UVic Graduate Student Law & Society Research Group Publications*.

Ficek, R. E. (2019). Cattle, capital, colonization: Tracking creatures of the Anthropocene in and out of human projects. *Current Anthropology*, 60(Supplement 20), 115-130.

Fitzgerald, A. J., Pellow, D. (2014). Ecological Defense for Animal Liberation. A Holistic Understanding of the World in Nocella, II., Sorenson, J., Socha, K., Matsuoka, A. *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation*. eds., pp. 28-48.

Forbes. (2024). *Pet ownership statistics 2024*. https://www.forbes.com/advisor/pet-insurance/pet-ownership-statistics/

Francione, G. L. (1996). *Animal Law Review*, 2(1), i–vi.

Francione, G. L. (2004). Animals–Property or Persons? *Rutgers Law School (Newark) Faculty Papers*, *Working Paper 21*.

Francione, G. L., & Charlton, A. E. (2017). Animal rights. In L. Kalof (Ed*.), The Oxford handbook of animal studies* (pp. [specific page range, if available]). Oxford University Press.

Gaard, G. (1993). Ecofeminism on the wing. *Trumpeter: Journal of Ecosophy*, 10(2), 92–98.

Gaard, G. (2013). Toward a Feminist Postcolonial Milk Studies. *American Quarterly*, *65*(3), 595–618.

Global Federation of Animal Sanctuaries. (n.d.). https://sanctuaryfederation.org

Gonzales, Angela A., and Judy Kertész. (2023). Colonialism and the Racialization of Indigenous Identity in Maggie Walter, and others (eds), *The Oxford Handbook of Indigenous Sociology*. Oxford Academic.

Ghosh, A. (2016). *The great derangement: Climate change and the unthinkable*. University of Chicago Press.

Haraway, D. J. (2016). *Staying with the trouble*. Duke University Press.

Harper, A. B. (2010). *Sistah Vegan: Black female vegans speak on food, identity, health, and society*. Lantern Books.

Harrison, M. D. (2021). Yuin Declaration for Kangaroos. Yuin Nation. Retrieved from https://www.kangaroosalive.org/yuin-declaration

Humane Methods of Slaughter Act, 7 U.S.C. § 1901, 2024.

Humane Methods of Slaughter Act, 7 U.S.C. § 1902, 2024.

Hutchison, A. (2014). The Whanganui River as a legal person. *Alternative Law Journal*, 39(3), 179-182.

Ingold, T. (1994). From trust to domination: An alternative history of human-animal relations. In A. Manning & J. Serpell (Eds.), *Animals and human society: Changing perspectives* (pp. 1–22). Routledge.

Italian Constitution, Art. 9. (2022). Constitution of the Italian Republic.

Italian Penal Code, Article 727 (1997, as amended in 2004), Articles 544 bis and ter. Italy.

Jenkins, J. L. Jr., & Rudd, M. L. (2022). Decolonizing animal welfare through a social justice framework. *Frontiers in Veterinary Science*, 9, 809639.

Jodidio, R. (2020). *THE ANIMAL WELFARE ACT IS LACKING: HOW TO UPDATE THE FEDERAL STATUTE TO IMPROVE ZOO ANIMAL WELFARE.*

Joy, M. (2010) *Why We Love Dogs, Eat Pigs and Wear Cows*. Conari Press, San Francisco.

Kerr, J., Bernstein, M., Schwoerke, A., Strugar, M., & Goodman, J. (2012). *SYMPOSIUM ARTICLES A SLAVE BY ANY OTHER NAME IS STILL A SLAVE: THE TILIKUM CASE AND APPLICATION OF THE THIRTEENTH AMENDMENT TO NONHUMAN ANIMALS.*

Kim, C. J. (2015). Animals, nature, and the races of man. In *Dangerous crossings: Race, species, and nature in a multicultural age* (pp. 24–57). Cambridge University Press.

Kim, C. J. (2015). Makah Whaling and the (Non) Ecological Indian. In *Dangerous crossings: Race, species, and nature in a multicultural age* (pp. 205-253). Cambridge University Press.

Kimmerer, R. W. (2013). *Braiding sweetgrass: Indigenous wisdom, scientific knowledge, and the teachings of plants*. Milkweed Editions.

King James Bible. (1611). The Holy Bible, containing the Old and New Testaments: Authorized King James Version.

Krech, S. (1999). The ecological Indian: Myth and history. W. W. Norton & Company.

Levin, A. (2015). Zoo Animals as Specimens, Zoo Animals as Friends. *Environmental Philosophy*, *12*(1), 21–44. https://doi.org/10.5840/envirophil201552622

Maalej, Z. A., & Zibin, A. (2024). Metaphors They Kill by: Dehumanization of Palestinians by Israeli Officials and Sympathizers. *International Journal of Arabic-English Studies*.

Madley, B. (2015). Reexamining the American genocide debate: Meaning, historiography, and new methods. *The American Historical Review, 120*(1), 98–139.

Martin-Wintle, M.S., Kersey, D.C., Wintle, N.J.P., Aitken-Palmer, C., Owen, M.A., Swaisgood, R.R. (2019). Comprehensive Breeding Techniques for the Giant Panda. In: Comizzoli, P., Brown, J., Holt, W. (eds) *Reproductive Sciences in Animal Conservation*. Advances in Experimental Medicine and Biology, vol 1200. Springer, Cham.

Mbembe, A. (2001). *On the postcolony*. University of California Press.

Monteiro, J. M. (2019). Indigenous histories in colonial Brazil: Between ethnocide and ethnogenesis. In F. E. Sommer, J. M. Monteiro, & M. L. S. de Almeida (Eds.), *The Oxford handbook of borderlands of the Iberian world* (pp. 413–431). Oxford University Press.

Montford, K. S., & Taylor, C. (2020). Beyond edibility: Towards a nonspeciesist, decolonial food ontology. In K. S. Montford & C. Taylor (Eds.), *Colonialism and animality: Anti-colonial perspectives in critical animal studies* (pp. 129–156). Routledge.

M*ore animals than ever before-92.2 billion-are used and killed each year for food.* The Humane Society of the United States. (2018, November 2). https://www.humanesociety.org/blog/more-animals-ever-922-billion-are-used-and-killed-each-year-food

Morin, K. (2016). Carceral space: Prisoners and animals. *Antipode, 48*(5), 1317–1336.

Muller, S. M. (2021). Carnistic colonialism: A rhetorical dissection of "bushmeat" in the 2014 Ebola outbreak. *Communication, Culture & Critique*, 14(1), 1–19. https://doi.org/10.1093/ccc/tcab002

New International Version. (2011). The Holy Bible, New International Version. Zondervan. (Original work published 1973)

NIH. (n.d.). Office of Laboratory Animal Welfare. Health Research Extension Act of 1985. https://olaw.nih.gov/policies-laws/hrea-1985.htm

Nocella II, A. J., Sorenson, J., Socha, K., & Matsuoka, A. (2014). The Emergence of Critical Animal Studies. In *Defining Critical Animal Studies: An Intersectional Social Justice Approach for Liberation* (p. XXII–XXXII). introduction.

NonHuman Rights Project. (n.d.). *Happy*. Retrieved December 2024. https://www.nonhumanrights.org/client/happy/

Noske, B. (1997). Speciesism, Anthropocentrism, and Non-Western Cultures. *Anthrozoös*, 10:4, 183-190

PETA. (2024, October 2). *Leather: Animals abused and killed for their skins.* https://www.peta.org/issues/animals-used-for-clothing/animals-used-clothing-factsheets/leather-animals-abused-killed-skins/

Preventing Animal Cruelty and Torture Act, 18 U.S.C. § 48, 2019.

Probyn-Rapsey, F., & Russell, L. (2022). Indigenous, settler, animal: A triadic approach. *Animal Studies Journal*, 11(2), 38–68.

Rashkow, E. D. (2014). Idealizing inhabited wilderness: A revision to the history of Indigenous peoples and national parks. *History Compass, 12*(10), 818–832.

Renner, J. (2023). Animal protection as animal welfare and anti-cruelty: A genealogical re-examination of the EU seal products ban. *International Relations*, 37(3), 538–563.

Robinson, M. (2013). Veganism and Mi'kmaq legends. *Canadian Journal of Native Studies*, 33(1), 43–63.

Sen, A. K. (2018). *Indigeneity, landscape and history: Adivasi self-fashioning in India.* Routledge.

Shukin, N. (2009). Rendering's Modern Logic. In *Animal Capital*. (Ch.1).

Silberstein, E. (2023). Staging Sara Baartman: Between Animality and Civility. In Silberstein, E. (2023). *Animality and humanity in French late modern representations of Black femininity.* Routledge.

Singer, H. (2017). The pharmaco-carnist regime: Some notes on an era. *Lifted Brow*, (34), 17–21.

Singer, P. (2023). *Nuova liberazione animale* (Prefazione di Y. N. Harari). Saggiatore. (Original work published 1975)

Smith, A. (2003). Not an Indian Tradition: The Sexual Colonization of Native Peoples. *Hypatia*, *18*(2), 70–85.

Smithers, G. D. (2012). Breeding and bondage: The social reproduction of slavery. *American Nineteenth Century History, 13*(3), 247–273.

Sowery, K. (2018). Sentient Beings and Tradable Products: The Curious Constitutional Status of Animals under Union Law. *Forthcoming, Common Market Law*, 55(1).

Stengers, I. (2010). *Cosmopolitics I.* (R. Bononno, Trans.). Minneapolis, MN:University of Minnesota Press.

Stucki, S. (2020). Towards a Theory of Legal Animal Rights: Simple and Fundamental Rights. *Oxford Journal of Legal Studies, 40*(3), 533–560.

Surrallés, A. (2017). Human rights for nonhumans. *HAU: Journal of Ethnographic Theory*, 7(3), 211–235.

Szczygielska, M. (2017). Zoos. In *Gender: Animals.* Gale.

Tuck, E., & Yang, K. W. (2012). Decolonization is not a metaphor. *Decolonization: Indigeneity, Education & Society*, 1(1), 1–40.

Turner, D. (2014). EC Zoos Directive 1999/22: success, failure – or work in progress? In T. Gardocka, A. Gruszczyńska, R. Maślak, & A. Sergiel (Eds.), *The Welfare of Animals in Zoos and EU Legal Standards*: English Version. Dom Wydawniczy Elipsa.

US Const. amend. XIII, Sec. 1

USDA. (n.d.). Food Safety and Inspection Service. Humane Handling. https://www.fsis.usda.gov/inspection/compliance-guidance/humane-handling

Vigars, K. (2017). BIGGER THAN BLACKFISH: LESSONS FROM CAPTIVE ORCAS DEMONSTRATE A LARGER PROBLEM WITH ANIMAL WELFARE LAWS.

Wadiwel, D. (2020). Thinking "critically" about animals after colonialism in Struthers Montfort & Taylor eds., *Colonialism and animality*, Routledge, pp. XVIII-XXIV

Washington, H. A. (2006). *Medical apartheid: The dark history of medical experimentation on Black Americans from colonial times to the present.* Doubleday.

Weitzenfeld, A., & Melanie, J. (2014). An Overview of Anthropocentrism, Humanism, and Speciesism in Critical Animal Theory. In J. S. Anthony J. Nocella II, *Defining Critical Animal Studies. An lntersectional Social Justice Approach for Liberation* (pp. 3-27). Peter Lang Publishing, Inc.

Woodhall, A. (2015). Anthropocentrism and the Issues Facing Nonhuman Animals. In Daniel Moorehead (ed.), *Animals in Human Society: Amazing Creatures Who Share Our Planet*. University Press of America. pp. 71-91.

World Animal Net. (n.d.). *Working animals.*

Wright, L. (2022, March 7). The elephant in the courtroom: A curious legal crusade to redefine personhood is raising profound questions about the interdependence of the animal and human kingdoms. *The New Yorker.*

Xia, K. Z. (2023). A Comparative Analysis of the Animal Protection Laws in the United States and Switzerland. *Cardozo International & Comparative Law Review Blog*. 88.