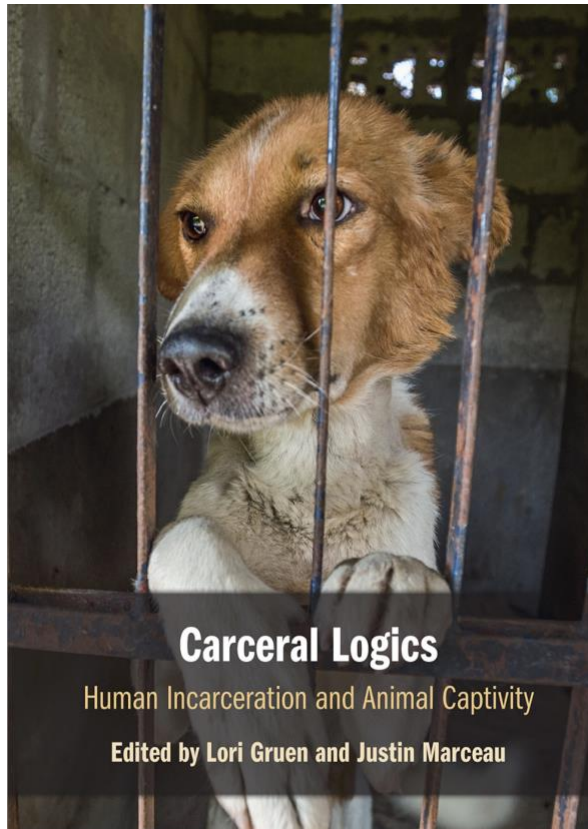


Carceral Logics: Human Incarceration and Animal Captivity, Edited by Lori Gruen and Justin Marceau

From [Marc Bekoff, Psychology Today / Animal Emotions](#)

June 2022

Caged humans and nonhuman animals lose countless freedoms when incarcerated. The goods that animals value stand in stark relief against the lives that we force on them.



Lori Gruen and Justin Marceau are two of the world's leaders in the [ethics](#) of captivity (Lori) and prison reform (Justin). I've previously written about their seminal work, and now they've joined forces to produce a highly original and important open-access edited [book](#): *Carceral Logics: Human Incarceration and Animal Captivity*.^{1,2}

In this transdisciplinary volume of 19 essays, we learn about the intersection between what happens to caged humans and nonhumans, why caging doesn't work for either group of individuals, and why animal law is a "hot field." *Carceral Logics* sets the standard for what is needed now and in the future for reforming and ending captivity both for caged humans and nonhumans. I'm pleased Lori and Justin could answer a few questions about their landmark book.^{3,4}

Marc Bekoff: Why did you edit *Carceral Logics* and how does your book relate to your backgrounds and general areas of interest?

Lori Gruen and Justin Marceau: We've been working on a range of legal and philosophical issues that arise in the context of animal protection, emerging punitive legal strategies, and mass incarceration for many years.

We wanted to bring together a variety of people who work on these issues, including you Marc, to deepen the discussion about the role that the law can play specifically in addressing animal cruelty and animal neglect. There is a growing trend within the animal movement to respond to harms committed against animals, usually dogs and other companions, by working to “lock up” people who engage in animal cruelty. While we share the emotional reactions many animal advocates have when animals are subjected to violent treatment by humans, we don't think sending people to prison is necessarily the wisest response. In fact, in many cases, we doubt that the criminal system will help more than it hurts when it comes to animal protection efforts. We need solutions that are as expansive as our [empathy](#) for animals if we want to help animals.

The book focuses on the connection between our complicated, contradictory views about [crime](#) and [punishment](#) and our complicated, contradictory views about non-human animals. The majority of Americans tend to overlook, abuse, and cage non-human animals. We cage them for our entertainment because they are deemed a nuisance or because we plan to eat them or otherwise use their bodies.

Animal suffering is often invisible under the law and animal dignity is usually ignored within ethics. Scholars and activists have sought to improve the status of animals in law and society in a variety of ways.

But one of the central tactics for promoting justice for animals in animal “law” is the use of the criminal law as a cudgel to make an example out of certain forms of animal cruelty and abuse. Through prosecution and policing, these advocates imagine that violence against animals can achieve an appropriate level of social condemnation. We aren't convinced this is true, but would like more [attention](#) directed to these issues.

MB: Who is your intended audience?

LG and JM: We hope that animal lawyers, law students, advanced undergraduates and graduate students in animal studies courses, as well as activists, will be interested in the volume. We made it open access so that anyone with a computer can read the book.

MB: What are some of your major messages?

LG and JM: We aim to provide readers with a variety of views about the criminal legal system. Some of the authors in this book have only worked on animal protection issues and have very little involvement in the law or in criminal law. Other chapters are by experts on topics of law, such as immigration or [domestic violence](#) or drug crimes, who have never previously engaged with the field of animal studies. This array of backgrounds and perspectives will, we hope, provide a larger context for examining carceral logics in animal law.

Animal advocates and animal lawyers can learn a lot from the history of other social justice movements that have tried to use carceral strategies to solve social problems or elevate the status of the “victims” of certain crimes.

There are often unintended consequences and limitations of carceral strategies. Social justice activists, including animal activists, and cause lawyers, including those who work to elevate the status of animals,

have often worked within the logic of the law and legal system to try to gain more expansive and inclusive results. But there is always a danger that tinkering within the system creates a sort of release valve that diffuses pressure to fundamentally re-imagine the system. In the realm of animal confinement and human imprisonment, there is a risk that litigation efforts aimed at celebrating the potential of the legal system will tend to legitimize and confirm the very hierarchies and problematic systems that lead to violent oppression against animals.

MB: How does your book differ from others concerned with some of the same general topics?

LG and JM: This is the most comprehensive examination of these topics and it is unique insofar as it gives voice to the varying perspectives and debates. We sought out thoughtful commentators on all sides of these issues and are proud of the range of perspectives presented. We hope that the range of perspectives will provoke more conversations and debates among activists and funders, because at the end of the day this is really not just an abstract, academic topic. This is about how the law can or should be deployed to help animals.

MB: Are you hopeful that as people learn more about the downsides of incarceration, they will change their minds about our current penal system?

LG and JM: Above all else, we hope to stimulate debate and further research. We point out contradictions in longstanding animal law dogma, and we challenge under-studied assumptions. We don't think we have all the answers, but we think that the promise of serving animals in law through a set of flawed or under-researched premises is unlikely.

For example, we take on the antiquated idea that a presumed "link" between human and animal violence justifies more prosecutions or longer sentences for animal law. And we challenge the assumption that animal maltreatment has decreased in the wake of the supposedly successful war on animal crime. Likewise, we push back on general assumptions about the way that labelling animals as victims of crime, or advocating for them in court will reduce animal crime.