**A Decolonial Feminist Approach to Violence Against Animals**

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**Abstract**

In this chapter, I draw upon feminist conceptions of ‘violence’ as a way of framing or understanding animal rights claims. I draw upon feminist, posthumanist, and decolonial literature which has critiqued the hierarchies of power that position some humans (typically the white, heterosexual, able-bodied Western man) above others—and how the human/non-human divide is part of this hierarchy. I reflect on the oppression and exploitation of humans and non-human animals to highlight how the shared aim of ending or fighting violence connects animal rights to broader issues of social justice, and is therefore of concern to feminist legal studies. My chapter concludes by exploring the how a decolonial feminist approach to violence against animals might proceed, taking account of the limitations of legal, human rights, and carceral mechanisms for advancing justice and overcoming structural violence for human and non-human animals.

**Keywords:** animal rights; decolonial feminism; structural violence; posthumanism.

*‘The construction of the human is vitiated through and through by its intimate relation with violence.’ – Maria Lugones (2010, 752).*

**Introduction**

Violence shapes our relationships with nonhuman animals. It is, as Nilbert puts it, a violence which is ‘entangled’ with capitalism, colonialism, and human oppression (2013, 91), and with gendered and racialized violence (Deckha 2012). This chapter explores these entanglements through the theoretical framework of structural violence. In the first section, I offer a critique of feminist approaches to animal rights which fail to account for intersectionality and colonial systems of power, and establish a decolonial and posthuman feminist perspective on human and nonhuman liberation. The second section then introduces structural violence and the way that the terminology of violence has been used politically within feminist activism and scholarship. In section three, I apply this expansive approach to violence in the context of nonhuman animals across two overarching themes: the killing of animals, and the keeping of animals. I address the ways in which violence against animals is entangled with violence against humans across these two themes. Finally, I offer some reflections on current and proposed legal approaches and argue that the recognition of animal rights ought to be structured around the concept of violence. This does not, however, mean reliance on the criminal justice system; I instead look to prison abolitionist perspectives, and the role of social movements in changing our relationship to nonhuman animals. In doing so, this chapter seeks to contribute a critical feminist perspective to animal rights scholarship by drawing links between intersectional and decolonial feminist approaches to animals, violence, and law.

**Feminism, Animals, and Colonial Violence**

Feminist thinkers writing about animal liberation in the 1990’s sought to establish a conceptual link between the oppression of women and the exploitation of animals. Gruen (1993, 61), for example, argues that the ‘role of women and animals in postindustrial society is to serve/be served up; women and animals are the used’. Similarly, Adams (1990) argues in her influential book *The Sexual Politics of Meat* that the ‘animalization’ of women and the ‘sexualization’ of meat created an association between masculinity and meat-eating, with the extension that women are treated ‘like meat’. To highlight this, links have been drawn between pornography and hunting (Comninou 1995), sex work and animal use (Adams 1994; Adams 2003), and between the reproductive oppression of women and the exploitation of female reproductive systems in the egg and dairy industries (Adams 1990, 21; Jones 2011, 53). The argument was that feminists, therefore, ought to concern themselves with the treatment of animals.

This approach, of attempting to identify a shared oppression between women and animals, has been critiqued for its essentialist woman/man binary and its lack of intersectionality (see, for example, Hamilton 2016). An alternative approach is to view animal and human oppression through the concept of interlocking systems of oppression, first advanced by the Combahee River Collective (1979, 362) to articulate Black lesbian women’s experiences of invisibility within political spaces and advocate for struggle against ‘racial, sexual, heterosexual and class oppression’. This concept preceded the theories of intersectionality (Crenshaw 1989) and the ‘matrix of domination’ (Collins 1991) which similarly articulate how the social relations of race, class, gender, sexuality, disability, nationality, religion, and others overlap, intersect, and compound. These theories recognize connected struggles while avoiding the homogenising or universalising of lived experience, typically that of white, middle-class women in Western feminist thought.

Adams and Donoghue (1995, 3) recognize in *Animals and Women* that ‘all oppressions are interconnected’ but go on to focus on how women and animals have ‘shared these oppressions’ to the exclusion of other systems. This primary focus on gender within feminist scholarship on animal rights has been critiqued for the paradox of ‘implicitly prioritizing gender while hoping and claiming to address women’s and animals’ oppression in a way that stresses context, complexity, and multiple differences’ (Deckha 2012, 529). Deckha (2012, 536-539) argues that there is ‘the need to attend to the racial and cultural dimensions’ of this issue by paying attention to the ‘differentiating logic of animalization, racialization, and dehumanization’ that shaped gendered and racial categories under colonial power. While feminist writers have identified the use of animal metaphors such as ‘cow’, ‘bitch’, and ‘vixen’ to describe women (Dunayer 1995; Rodríguez 2009), these animal metaphors also have racialized connotations. Harris (2009, 21-22) highlights the common origins of racism and speciesism in colonial thinking which closely associated Black and Indigenous people with the animal world and set them apart from human ‘civilisation’.

Lugones (2007, 192-193) theorizes the coloniality of gender in how colonialism created racialized gender categories that were distinct from the gender system applied to the colonizers. This was a process of ‘active reduction of people, the dehumanization that fits them for classification, the process of subjectification, the attempt to turn the colonized into less than human beings’ (Lugones 2010, 745). Coloniality created dichotomies between human and nature, human and non-human, primitive and civilized (Lugones 2007, 192; Lugones 2010, 751). Thus, the reduction of some humans to the status of *animal* was central to this racialized gender system and the structures of violence it created. Lugones (2007, 202-203) argues that conceptions of womanhood not only excluded non-white women but marked them as animals ‘in the deep sense of “without gender,” sexually marked as female, but without the characteristics of femininity’. The systematic violences imposed upon colonized women were based upon the categorisation of ‘indigenous female-beasts-not-civilized-women’ (Lugones 2010, 753). Here, the language of ‘beast’ or ‘animal’ is not only a metaphor but the reduction to non-human status, where the non-human (whether dehumanized human, animal, or nature) can be dominated. Thus, scholars have increasingly recognized that the systems of race, gender/sex, and species are interconnected (see Gaard 2002; Deckha 2012; Kim 2015).

Posthuman scholarship ‘rejects the dialectical scheme of thought, where difference or otherness played a constitutive role, marking off the sexualized other (woman), the racialized other (the native) and the naturalized other (animals, the environment or earth)’ (Braidotti 2013, 27). A posthumanist view of animal rights requires looking beyond the human, which ‘is not a neutral term but rather a hierarchical one that indexes access to privileges and entitlements’ (Braidotti 2016, 15), many of which have also been denied to dehumanized humans. Jones (2023, 13) adopts posthuman feminism as a tool for exploring the interconnections between humans, nonhuman subjects and matter, while refusing ‘to side-line the issue of inequalities between humans when focusing on the nonhuman’.

Decka (2012, 357; 2013, 50) argues that animal studies and the animal rights movement must recognize these interlocking forces, while other social justice movements must pay attention to speciesism and animals if they are to be truly intersectional. Not only is species a productive site for exploring dynamics of human oppression and marginalisation, but it is also important for understanding how these dynamics shape human relationships with animals (Deckha 2013, 58-60). Gaard’s (2002; 2011) ecofeminist approach encompasses human relationships with the environment, as well as those with animals; the human domination of land and nature was and remains instrumental to the colonial power hierarchy. Gaard (2011, 32) thus highlights that an intersectional analysis inclusive of species and the environment is required to address, for example, ‘global crises of climate justice, food security, energy justice, vanishing wildlife, maldevelopment, habitat loss, industrial animal food production, and more’ which impact the human and non-human alike.

Emerging from these critiques of animal studies is therefore an intersectional and decolonial approach to species, which identifies the legacies of settler colonialism and capitalist economic systems as central to the problem of cross-species oppression. Wadiwel (2020, xvii) highlights colonialism’s role in converting ‘almost all non-human life into objects for capitalist accumulation, transforming pre-existing human animal relations, and altering food production and consumption’. These colonial forces shape global politico-economic systems, modes of production, and modes of *consumption* into a Westernized model – particularly where industrial agriculture and the consumption of animal products is concerned (Wadiwel 2020, xviii). Postcolonial feminist approaches therefore critique the dairy industry not only for its exploitation of the female reproduction system, but the broader issues with its production such as the grazing of dairy cows on stolen Indigenous land and the environmental damage associated with increasing dairy milk production (Gaard 2013, 597). While movements for animal rights and environmental justice may remain anthropocentric, posthumanism requires ‘a process of redefining one’s sense of attachment and connection to a shared world’ (Braidotti 2016, 26). To address these issues requires a focus on systems of oppression and exploitation which affect both the human and non-human, leading us towards common goals: a commitment to non-violence (Hamilton 2016, 126) and, as Torres (2007, 130) argues, to challenging ‘the processes of capital accumulation’ which ‘limit human potential, alter the ecosystem, and transform our relations with each other and the natural world’. In this chapter, I will explore violence towards animals through this decolonial, intersectional, and posthuman lens, and consider the extent to which the law is capable of responding.

**The Feminist Naming of Violence**

Central to feminist scholarship and activism has been the explicit naming of certain acts, oppressions, and systems as ‘violence’. Frazer and Hutchings (2020, 199-200), reflecting on the feminist politics of naming violence, highlight that ‘[c]alling an action or its effects ‘political violence' challenges and reframes established distinctions between what is and is not violent, between what is and is not justifiable and between what is and is not political’. Feminist scholars and activists have adopted an expansive conception of violence, one which ‘links together experiences of threat, verbal abuse and physical attack, or which at a broader level connects experiences of gendered violence across contexts of peace and war’ (Frazer and Hutchings 2020, 201). Kelly’s (1988) notion of the ‘continuum of violence’ drew structural links between experiences of sexual violence, challenging the flat distinctions that the law draws between sexual offences. The naming of sexual and domestic violence as *violence* is not only about acknowledging the harms of acts encompassed by those terms, but the recognition of those acts as ‘an exercise of power, embedded in and reproducing patriarchal privilege and the subordination of women’ (Frazer and Hutchings 2020, 200).

It is important here to highlight the distinction between personal and structural violence, as articulated by Galtung. Galtung (1969, 168) defined personal violence as ‘*somatic* incapacitation, or deprivation of health, alone (with killing as the extreme form), at the hands of an *actor* who *intends* this to be the consequence’. Structural violence, however, can be more indirect or implicit – embedded within social structures and institutions, structural violence is normalized, routinized, and does not have an identifiable perpetrator (Galtung 1969, 171; Farmer 1996). Structural violence is that which ‘reproduces pathogenic social relations of exclusion and marginalization via ideologies and stigmas attendant on race, class, caste, sex, and other invidious distinctions’ (Scheper-Hughes 2004, 14). An act of personal violence, as with violence against women, can be underpinned by structural violence. Feminists have thus sought to highlight that such violence is not ‘a matter of individual pathology but is integral to the systematic domination of women by men’ (Frazer and Hutchings 2020, 201). The structures of racism, classism, and ableism compound to shape personal and structural iterations of gendered violence; for example, the term ‘misogynoir’ was coined in the 2010’s to describe the racist misogyny experienced by Black women on a structural level (Bailey and Trudy 2018).

As structural violence is entrenched within social, economic, political, and legal systems, it can ‘ripple out’ (Spence 2019, 157) across communities and generations. Spence (2019) highlights the routinized violence of settler-colonialism in the US, looking at how sexual violence against Indigenous women and girls was enabled by governmental policies, which has had inter-generational impacts. Scott (2023, 2) addresses the impact of historical and ongoing anti-Black violence, and the persistent collective traumas associated with it. Just as Frazer and Hutchings recognize that structural violence is an intentional part of gendered power hierarchies, Scott (2023, 3) argues that anti-Black violence is an ‘intention rather than an unfortunate outcome of the racial project trailing transatlantic slavery’. For Spence (2019) and Scott (2023), the naming of this violence is key step in addressing it; structural violence is a political language that can capture a broad scale of harm and its historical roots.

This terminology has been contested by those that see the language of violence as ‘strong and emotionally charged’ (Chervenak et al. 2024, 1138). As the common understanding of ‘violence’ is one ofpersonal violence, the term is taken to imply deliberate acts of physical force that are intended to harm. However, Chadwick (2021, 1902) argues these responses are ‘the product of a defensive and hostile machinery that reacts with incredulity, suspicion, and obfuscation’ rather than an inherent risk of using the framework of structural violence, which does not seek to identify individual perpetrators but cast light on hierarchical relations of socio-structural power. Frazer and Hutchings (2020, 209) similarly note the mainstream desire for sanitised and de-politicized terminology such as ‘equality’ as opposed to the naming of violence. It is a feature of structural violence that it is normalized, so it is unsurprising that the naming of this violence is met with hostility. However, the naming of structural violence, and its political force, is important and necessary to effect structural change.

**Violence Against Animals**

Through a posthumanist lens, the domination and exploitation of the non-human can and ought to be considered violence. Braidotti (2013, 48) highlights the ‘epistemic and physical violence over the structural “others”’ involved in humanist thinking. Jones (2023, 36, 38) considers the slow violence involved in environmental destruction, and how law contributes to this violence by xxx. However, there has been limited engagement with the concept of structural violence within the animal rights literature. Where violence against nonhuman animals has been recognized, it tends to be in relation to personal violence against individual animals (Ann 2000) or industrial animal agriculture and meat-eating (Worsham 2013; Cudworth 2015; Stucki 2023). While these are examples of structural violence, violence against animals can also be see beyond issues of physical violence: in zookeeping and the pet industry; in our broader relationships with non-human animals; and in the institutionalized state approaches to non-human animals. In this section, I explore how structural violence is present across two key themes (killing animals and keeping animals) and demonstrate how it interconnects with different forms of structural violence against humans, particularly with regard to gender, race, and coloniality.

Killing Animals

Personal violence against animals is criminalized in numerous countries, including the UK. This legislation is usually referred to as animal *cruelty* or animal *welfare* legislation, terminology that somewhat distinguishes it from its human counterparts. Moreover, this legislation does not apply to all animals, nor all acts of violence toward animals. The UK’s Animal Welfare Act 2006 makes it an offence to cause ‘unnecessary suffering’ (s.4) to domestic or wild animals. The word ‘unnecessary’ allows for the causing of legitimate suffering, provided that it is proportionate to the aim – and accepted aims include protecting a person, property, or another animal from harm (s.4(3)). This legislation therefore does not prevent the injuring or killing of an animal, provided that they do not suffer unnecessarily. Human interests – including property interests – are sufficient for such injuring or killing.

Much animal welfare legislation is geared towards minimising the suffering caused by animal farming and slaughter, while allowing those activities to go ahead. The Welfare of Animals at the Time of Killing (England) Regulations 2015, for example, in conjunction with the EU Council Regulation (EC) No 1099/2009 (which was retained when the UK left the European Union), regulates the slaughter of animals to avoid prolonged pain, injury, or discomfort. Stucki (2023, 191) has likened legislation aimed to improve animal welfare within industrial animal agriculture to the laws of warfare, as both aim to ‘govern inherently violent and inhumane institutions’. Animal ‘abolitionists’ (those advocating for the abolition of animal property status) similarly critique the animal welfare position for justifying and legitimising harmful practices under the guise of making them more humane. Francione (1995; 2008), for example, argues that welfare legislation does not ultimately improve the position of nonhuman animals who continue to be owned and exploited by humans.

In other words, this legislation does not address the structural violence inherent in industrial agriculture (and other harmful uses of animals such as animal testing), which is ‘routinized and naturalized’ (Cudworth 2015, 2). Industrial agriculture is not only violent because of its mass killing, but because, as Stucki (2023, 199-200) summarizes:

Violence is embedded in everyday practices of exploitative animal use, which cannot do without, minimally, constraining or controlling, hurting or depriving, or eventually killing animals. This is best exemplified by agricultural animal production and its paradigmatic spaces of factory farms and assembly-line slaughterhouses, where animals experience a wide range of systemic harms. These regularly include intensive confinement and overcrowding; invasive procedures (often performed without anesthesia) such as tail-docking, dehorning, debeaking, and branding; reproductive control, for example castration and artificial insemination; chronic health problems arising from unnatural feeding, breeding, keeping, and stress; the deprivation of animals’ ability to exercise species-specific behaviors, such as foraging, grooming, nesting, and caring for offspring; and finally, slaughter (i.e., the cutting of major blood vessels, gassing, shooting, maceration, or electrocution).

This violence is carried out structurally, in a global economic system which promotes a Western model of meat consumption, profits from the killing of animals, and is state-sanctioned across the world. In the book *Meatonomics*, Robinson Simon (2013) explores how meat producers control consumer choices by setting low prices thanks to government subsidisation, through mass marketing (including messaging that links meat and dairy consumption with health), and by lobbying governments to influence animal welfare regulations. Torres (2007, 45) similarly highlights how meat consumption is heavily influenced by big business in some countries in particular – such as the US, which is the world’s largest consumer of beef. It is not only animals that are subjected to violence because within capitalist meat production the meat industry is heavily supported by exploitative labour. Torres (2007, 45) notes that slaughterhouse work in the US is dangerous, poorly paid, and is often carried out by underage, undocumented migrants. Those working in slaughterhouses are likely to experience mental health issues as a result of their job, particularly those directly involved in the slaughter (Slade and Alleyne 2023, 436).

Violence against animals in this context is therefore heavily linked to broader global structures of power, violence, and exploitation. The appetites of consumers in the US are fed by exports from lower-income countries, particularly Brazil – the world’s largest exporter of beef – which has had significant impacts on the environment and on marginalized groups. Brazil’s cattle ranches have been associated with deforestation in the Amazon (Skidmore et al. 2021) and JBS, the world’s largest meat processing company, has been connected to illegal ranching, threats towards Indigenous people, and seizures of their land (Amnesty International, 2020). Modern slavery is prevalent on cattle ranches, particularly those located in remote parts of the rainforest, and those subjected to these conditions are usually extremely socio-economically disadvantaged, or are undocumented migrants forced into labour to avoid being reported to the authorities (Phillips and Sakamoto 2012, 295-296). Gender issues are also present in the processing and packing of slaughtered animals; in 2013, a study found that women undertaking slaughter-related activities in Brazil’s pork and poultry sector were almost five times more likely to experience pregnancy-related problems than the average worker (Reporter Brasil 2013). Here we see structural violence resulting from interlocking systems of oppression: capitalism, colonialism, border control, patriarchy, and human domination over non-human animals and the environment.

Keeping Animals

As noted above, physical violence is not the only means of violence faced by non-human animals (nor by humans). One of the key critiques levied by abolitionist scholars is of the property status of animals. As Francione (2000, 50) explains, ‘animals are explicitly regarded as economic commodities that possess no value apart from that which is accorded to them by their owners—whether individuals, corporations, or governments’. For animals, commodification occurs in two huge industries: in zoos and aquaria, and in the pet industry. Animal rights activists have long critiqued the keeping of animals as exhibits for human entertainment, including in zoos. Francione (1996, 442) argues that to ‘imprison them for their entire lives in cages so that we can be amused at zoos’ is antithetical to even basic rights for non-human animals.

While the welfarist approach to animals has led to improvements in the keeping of animals in zoo enclosures, these environments can be nonetheless harmful. The documentary *Blackfish* (Cowperthwaite 2013) exemplified this in relation to the keeping of orca whales at SeaWorld, detailing the inappropriate living conditions and abuses faced by the whales, as well as their lowered life expectancy compared to orcas living in the wild. The stress levels of animals kept in zoos and aquaria can lead to behavioural changes and health problems – worsened by the actions of visitors who shout at the animals or bang on the glass of enclosures (DeMello 2012, 106). Behaviours such as pacing, rocking back and forth, pulling their hair, self-biting, and even attacking visitors can be linked to the stress conditions that animals are kept in (Marris 2021). Elephants, for example, walk up to 30 miles a day in the wild and are social in nature, and yet in zoos they are often isolated and kept in holding cages, when not on display, with some only ‘about twice the length of the animals’ bodies’ (Hamilton 2012). Unsurprisingly, this means that the premature deaths of animals in captivity are common.

Similarly harmful practices can be found within the pet industry. Cudworth (2015, 9) highlights that as with zookeeping, the culling of unwanted companion animals is common. Animal rescue shelters cannot always cope with the volume of animals surrendered to them, and animals with behavioural or health problems that cannot be rehomed will often be euthanized. In the UK, several breeds of dog are prohibited by the Dangerous Dogs Act 1991, and animal rescue organisations are not lawfully permitted to rehome them. In 2023, the XL Bully was added to this list, requiring owners of this breed of dog to apply for a certificate of exemption (which requires various conditions to be met) or surrender the dog to be euthanized. Cudworth (2015, 10) notes that the breeding of these kinds of dogs is associated with a ‘popular culture of machismo in which bull-breed dogs were implicated as weapons or trophies’ and are therefore subjected to systematic cruelty, rather than being viewed as a beloved companion.

Owners may not only be physically violent towards their pets but are nonetheless neglectful of the animal’s needs. In many countries, any adult can easily purchase a small animal such as a hamster, guinea pig, or rabbit at their local pet store. As prey animals, there kinds of animals become stressed easily, with implications for their behaviour and health, and they are often kept in enclosures too small for their needs. For example, the German Federal Ministry of Food and Agriculture sets the minimum size for a hamster cage at 800 centimetre squared, bigger than the majority of cages sold in UK pet stores where the enclosure requirement is much smaller, but a study published in *Animal Welfare* indicates that the welfare of hamsters is enhanced in cages of at least 10,000 centimetre squared (Fischer, Gebhardt-Henrich, and Steiger 2007). If a small animal dies due to stress, neglect, or even physical harm, they are cheaply and easily replaceable.

Many zoos and aquaria at least claim a conservationist purpose to the keeping and breeding of animals in captivity. Martha Nussbaum (2023, 280) highlights that important scientific research can come out of zoos, much of which promotes animal health – such as the curing of diseases affecting certain animal species. Nussbaum (2023, 281) also argues that zoos can be positive in terms of protecting endangered animals, as animals living in the wild may suffer from ‘devastating hunger, disease, fear, and torture.’ Nussbaum (2023, 282-283) is therefore supportive of animals being kept in captivity provided that they have access to their ‘characteristic form of life’ which may be possible within a reserve, sanctuary, or a well-managed zoo. However, captive breeding programmes rarely lead to the successful reintegration of endangered species, and animals bred and raised in zoo enclosures will be unequipped to survive in the wild (Marris 2021).

Moreover, it is human activities that have destroyed ecosystems and animal populations and therefore give rise to the need for conservation efforts. Scientists have commented on the ‘growing vulnerability of many species to the often-lethal combination of climate change, habitat degradation, emerging infectious diseases, and related threats’ (Minteer and Collins 2013, 48). Human activities have significantly shaped global ecosystems in ways that cannot be separated from the colonial extraction of land and nonhuman animals: some animals were removed from their natural habitats, whilst others were introduced into Western colonies, posing a threat to native species; zoos were (and still are) a function of imperialism in the keeping of ‘exotic’ animals as entertainment and as trophies; and certain animals, particularly dogs, were bred away from their wild origins to serve human interests. In the modern era, climate change has destroyed ecosystems from the melting of the Arctic icecaps to the global forest fires that now occur on an annual basis, and environments are degraded through other human activities. Thus, Minteer and Collins (2013, 41) note that ‘[i]nstead of a stark contrast between “wild” and “managed,” we now encounter a continuum of systems more or less impacted by human activity, a scale of degrees and increments (rather than absolutes) of anthropogenic influence’. There is a lack of genuinely wild space left for nonhuman animals, yet animals that have adapted to human environments are often met with hostility; Narayanan (2017) highlights how street dogs in Indian cities have been increasingly evicted and culled as they are viewed as a threat to human populations, whilst bears that grow accustomed to human communities in Canada are euthanized for the same reason (Simmons 2022). These issues complicate the picture, as structural violence is present within and outside of captivity.

The inability, or unwillingness, of commercial enterprises holding animals in captivity to support their characteristic form of life in terms of their environmental, social, and behavioural needs has led some scholars to theorize the epistemic injustice suffered by non-human animals. The concept of epistemic injustice was developed by Fricker (2007, 20) to account for the injustices or wrongs faced by a person in their capacity as a ‘knower’. This can include testimonial injustice, through practices of silencing, or hermeneutical injustice, which occurs when a group lacks the collective resources to interpret and understand their social experiences (2007, 1). It is the latter that is relevant to non-human animals; as Lopez (2023, 138) explains, captivity amounts to epistemic injustice as it hampers ‘nonhuman animals’ ability to acquire “answers” to “questions” they have an interest in answering: namely, acquiring true beliefs about conspecifics and their environment, acquisition of behaviors and skills that enable everyday successful coping, and accumulation of information for the distributed cognition involved in group decision-making’. This can be understood as a form of structural violence; scholars have identified epistemic injustice in both senses as obstetric violence (Cohen Shabot 2021; Guijarro 2023), and Spivak (1988, 283) used the terminology of epistemic violence to describe the silencing of the marginalized other where the dominant group assumes that they can speak to and know their conditions. As Braidotti (2013, 30) argues, ‘epistemic violence goes hand in hand with the recognition of the real-life violencewhich was and still is practised against non-human animals and the dehumanized social and political ‘others’ of the humanist norm.’The epistemic and structural violence of captivity falls within the continuum of violence that animals (and humans) experience.

**Law and Violence Against Animals**

Many scholars argue that the scale of harm perpetuated against animals ought to be addressed through the recognition of rights for non-human animals (see Regan 1983; Donaldson and Kymlicka 2011; Stucki 2020; Fasel 2024). Translating the concept of animal rights into practical law, however, raises numerous questions: which animals are granted rights, what kind of rights, to what extent, on what basis, and how would conflicts between animal rights, or between animal and human rights, be addressed? The granting of rights could be species-specific (Fasel 2024) or be tied to a threshold of agency requiring self-awareness for an animal to be a rights-holder (Jowitt 2020). These approaches would grant certain animals, such as elephants and apes, greater freedoms than others, such as rats and snails. This is a pragmatic approach as well as a moral one; people are more likely to accept the rights of animals that they viewed favourably than they are to accept the rights of animals considered to be pests. However, any proposal for granting rights to non-human animals which would interfere with human – and especially commercial – interests, is unlikely to find popular support. Current legal recognition for nonhuman animals, such as the UK’s Animal Welfare (Sentience) Act 2022 and the article offering protection for animals in Germany’s Basic Law (art. 20a) appear to be symbolic rather than substantive, as they do not allow claims to be brought on behalf of animals (see Jowitt 2022). Where direct and actionable protections have been included in some countries’ constitutions, these are not explicit rights; for example, the Swiss Constitution (art. 120) simply requires that the state ‘have regard’ for the dignity and safety of nonhuman animals, which leaves open the possibility for this to be overridden by other concerns.

There have, however, been some legal efforts to recognize the rights of individual animals or species. In 2022, the Swiss canton of Basel-Stadt voted to extend the fundamental rights to life, bodily, and metal integrity to non-human primates (Blattner and Fasel 2022). In the US, the Nonhuman Rights Project has attempted to advance animal rights by issuing habeas corpus writs on behalf of individual chimpanzees and elephants kept in inhumane captivity (Fasel and Butler 2023, ch. 6). However, the US has not yet granted habeas corpus to any nonhuman animal, leaving the issue of whether legal personhood should be extended up to Congress (Jowitt 2021). The requirement of legal personhood before nonhuman animals can be granted rights has been critiqued, however, for imposing a ‘residual humanism’ in requiring animals to demonstrate ‘human sensibility and cognition’ before their moral value can be accepted (Dayan 2024, 15). The requirement of the condition of being human-adjacent, rather than, for example, the ‘*condition of being dog*’ (Dayan 2024, 16) maintains the hierarchy between human/nonhuman and excludes many animals from legal protection. Animals that are ‘clever’ in displaying cognitive traits associated with human agency are more likely to be the subject of rights claims than those lacking, for example, evidence of self-awareness and communication. This issue has been critiqued by disability rights scholars such as Taylor (2017) for entrenching problematic attitudes around mental capacity and human rights; people with learning disabilities frequently have their autonomy overridden on the basis that they lack capacity or the ability to communicate. As a more inclusive alternative, Deckha (2021) proposes the category of ‘legal beingness’ as a way of protecting nonhuman animals from harmful practices and industries without falling into the anthropocentric trap of legal personhood. This matters for both non-human animals and the dehumanized human, as anthropocentric tropes seek ‘to centre objects alongside an unquestioned human subject, that subject being white, male, Eurocentric, heterosexual, and middle class’ (Jones 2023, 14).

If nonhuman animals were to be granted rights based on legal beingness, these rights must be framed around an expansive definition of violence against animals. As explored above, the language of ‘violence’ is more politically salient than that of cruelty or welfare, and feminist efforts to have gendered violence recognized by international human rights bodies has been successful; the terminology of gender-based violence and obstetric violence has been adopted by the Committee on the Elimination of Discrimination against Women (CEDAW 2017; CEDAW 2020). However, whilst current animal welfare and animal cruelty legislation is inadequate in protecting animal rights, attaching criminal sanctions to animal rights violations would also be problematic. Feminist scholars have recognized the limitations of criminal justice responses to gender-based violence, which fail to address its root causes and perpetuate harms against survivors (Loney-Howes, Longbottom, and Fileborn 2024; Davis et al. 2022). As Struthers Montford (2020, 289) argues, the projects of prison abolition and animal liberation are ‘necessarily decolonial projects’ which must come hand-in-hand. Marceau (2019) critiques the tendency of the animal protection movement to favour carceral solutions, highlighting that not only does criminalisation fail to act as a deterrent, but it also embeds social injustices, particularly on the basis of class and race, that have been well-documented in relation to prisons. Prisons are sites of racialized power; there are extreme racial disparities in who is stopped, arrested, and incarcerated, and Black people are, in particular, overrepresented in prison populations in Canada, the US, and the UK (Owusu-Bempah et al 2023; Nellis 2016; Bennett 2013). Black feminist scholars have highlighted the over-policing of Black women in the context of drug use and child welfare due to racist and misogynistic narratives present within communities and the media (Michalsen 2019; Goodwin 2020). Moreover, exploitation occurs within prisons at the intersections of race and gender, with invasive strip searching and sexual violence perpetuated by prison staff and justified by the hyper-sexualisation of Black women in the media (Davis 2003, 78-83). Anti-carcerality has therefore become central to Black feminist thought, and without adopting a prison abolitionist perspective, the animal protection movement puts itself at odds with movements for racial justice (Marceau 2019, 10). Gruen (2022, 413), informed by a feminist ethics of care, proposes a prison abolitionist ethics in relation to animal liberation; this frame allows for ‘analyses of the economic, political, racial, gendered, as well as the cultural underpinnings of systems of exploitation, commodification, and cruelty’ and the systems that contribute to these injustices.

In taking a prison abolitionist stance, Marceau (2019, 245-246) highlights the needs for innovative means of preventing animal abuse. Jones (2024) argues that the concept of queer kinship can advance the posthuman feminist project, by allowing ‘moral responsibility to be shifted towards all kinds of kin, human and nonhuman alike’ (at 37) and centring the non-human without losing sight of existing human injustices and inequalities (at 17-18). Addressing structural violence against animals is impossible without also addressing structural violence against humans, and vice versa. As discussed throughout this chapter, human and non-human animals are affected by the mutual concerns of climate change, environmental degradation and ecosystem collapse, food insecurity, and exploitation. Legal responses must recognize these as collective issues, requiring alternative food production systems, trade regulations, and workers’ rights; environmental protections and rights to land; and meaningful global efforts to tackle climate change.

Schapper and Bliss (2023) propose the inclusion of animal rights within the UN’s Sustainability Agenda and the Sustainable Development Goals (SDGs), as a way of strengthening animal protections within SDG funded projects. In 2023, the UN General Assembly and Human Rights Committee recognized the right to a clean, healthy, and sustainable environment, which encompasses the issues of climate change, biodiversity, nature loss, and pollution (UN Office of the High Commissioner 2023, 7). International environmental law in its current form has been critiqued for ‘centring the human subject and prioritising elite human interests’ in the way it focuses on environments that can support *human* life and futures, dismissing non-human rights and interests in a healthy environment (Jones 2024, 17, 23). In contrast, the Rights of Nature movement has sought to win rights and protections *for* the environment – such as the recognition of personhood for rivers – which Jones (2021) views as converging with posthuman legal theory (see also Braidotti 2019, 239). A posthuman conception of rights, extended to nature and nonhuman animals, would enable a collective rights-based approach to human and nonhuman animal protection, against the individualized, neoliberal, patriarchal, colonial powers that currently shape, control, and restrict human and nonhuman relations.

**Conclusion**

This chapter has explored the connections between violence against nonhuman animals and gendered, racialized, and colonial violence. Recognising these connections and the ways that they are entrenched by our social, economic, political, and legal structures highlights the need for solidarity and collaboration across social justice movements, and the need for species to factor into intersectional analyzes of systems of power. While I have advocated for the recognition of animal rights, or at least the recognition of nonhuman animals within international environmental rights, these legal frameworks are by no means perfect. There is a wealth of criticism of the current human rights system for its individualist and imperialist approach, and for its failures where systematic oppression is concerned   
(see, for example, Kapur 2006; Mutua 2009). International human rights are also heavily reliant on carceral mechanisms of enforcement and punishment (Mavronicola 2024). Animal rights scholars should pay attention to these issues, and advocate for law reform which takes account of feminist and decolonial critiques, recognizes ongoing human rights violations, and builds a posthuman framework of solidarity.

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