

“ALL CREATION GROANS”: The Lives of Factory Farm Animals in the United States

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Today, more animals suffer at human hands than at any other time in history. It is therefore not surprising that an intense and controversial debate is taking place over the status of the 60+ billion animals raised and slaughtered for food worldwide every year. To keep up with the high demand for meat, industrialized nations employ modern processes generally referred to as “factory farming.” This article focuses on factory farming in the United States because the United States inaugurated this approach to farming, because factory farming is more highly sophisticated here than elsewhere, and because the government agency overseeing it, the Department of Agriculture (USDA), publishes abundant readily available statistics that reveal the astonishing scale of factory farming in this country.¹

The debate over factory farming is often “complicated and contentious,”² with the deepest point of contention arising over the nature, degree, and duration of suffering food animals undergo. “In their numbers and in the duration and depth of the cruelty inflicted upon them,” writes Allan Kornberg, M.D., former Executive Director of Farm Sanctuary in a 2012 Farm Sanctuary brochure, “factory-farm animals are the most widely abused and most suffering of all creatures on our planet.”

Raising the specter of animal suffering inevitably raises the question of animal consciousness and sentience. Jeremy Bentham, the 18th-century founder of utilitarianism, focused on sentience as the source of animals’ entitlement to equal consideration of interests. Simply put, an interest is anything a being may want to do and strive for. Human and non-human animals have many interests in common, such as living, eating, drinking, sleeping, reproducing, being comfortable, avoiding pain and suffering, having their needs met, and the like. The moral principle of equal consideration of interests holds that one should both include all affected interests when calculating the rightness of an action and weigh those interests equally.³ In *An Introduction to the Principles of Morals and Legislation*, Bentham, in a long portentous footnote, asserted that “the question is not, Can they *reason*? Nor, Can they *talk*? But, Can they *suffer*?”⁴ In one sentence, Bentham challenges all those who would deny rights to animals based on reason, language, or any other morally irrelevant factor. Sentience, the ability to experience pleasure and pain, is the only morally significant factor, because that capacity is “a prerequisite for having interests at all,—at the very least an interest in not suffering.”⁵ Bentham’s footnote was a battle cry: our moral responsibilities to animals are neither different from nor less important than our responsibilities to

¹ “Upwards of 99 percent of all animals eaten in this country come from ‘factory farms.’” Jonathan Safran Foer, *Eating Animals* (New York: Little, Brown, 2009), 12. Factory farms are also called CAFOs (“confined animal feeding operations”) and factory farming is sometimes referred to as “industrialized farm animal production” (IFAP).

² Paul Waldau, *Animal Rights: What Everyone Needs to Know* (Oxford: Oxford University Press, 2011), 34.

³ See Peter Singer, *Animal Liberation* (New York: HarperCollins, updated edition, 2009), 5. Singer bases the argument of his book, and his entire ethical theory, on this moral principle. The principle opposes theories that either exclude some interests from the moral calculus or weigh certain interests differently from others. Where animals have a characteristic equal to humans, such as the ability to feel, for example, one must provide for an equal consideration of interests.

⁴ (Mineola, NY: Dover Publications, 2007), 311. This Dover edition is an unabridged republication of the edition published at the Clarendon Press, Oxford, 1907. It in turn was a reprint of “A New Edition, corrected by the Author,” published in 1823. The work originally appeared in 1780 and was first published in 1789.

⁵ Singer, *Animal Liberation*, 7.

human beings. His cry, silent for over two hundred years, was echoed by Princeton University Professor of Ethics Peter Singer in the book that has become the definitive classic of the animal movement.

Contemporary scientific evidence—supplementing what most people have understood, with plain common sense, since pre-history—proves that mammals and birds, among other species, do possess sentience and self-awareness.⁶ It must be said that since we cannot know some things with absolute certainty, we cannot claim knowledge of those things. So, because we cannot know with absolute certainty that some animals are sentient and aware of themselves, we cannot claim to know that some, or any, of them are not. The arguments of Bentham, Singer, and Linzey, among others, are supported by a 2008 report published jointly by the Pew Charitable Trusts and the Johns Hopkins Bloomberg School of Public Health. In “Putting Meat on the Table: Industrial Farm Animal Production in America,” the Commission found that “the present system of producing food animals in the United States is not sustainable and presents an unacceptable level of risk to public health and damage to the environment, as well as unnecessary harm to the animals we raise for food.”⁷ The Commission recommends the total phase-out of intensive confinement practices and asserts unequivocally that “the most intensive confinement systems . . . constitute inhumane treatment” and thus fall short of current ethical and societal standards.⁸

Sixty-plus years ago, the American countryside was studded with thousands of small, family-owned farms where one crop was grown and several species of livestock were raised. The growing demand for meat by a booming post-World-War-II population led to the gradual replacement of these small farms by large facilities housing 2000 animals or more. These operations were supported (and still are) by huge government subsidies for certain crops—corn especially—that were found to be cost-effective in feeding large numbers of farm animals. The aim of these large operations was to grow more animals more quickly in less space by using cost-effective food and by replacing human labor with technology as much as possible. The industry devised a series of discrete production processes connected down to the minutest detail by economic transactions.⁹ When the economic logarithms kicked in, farmers and consumers found themselves at the extreme ends of the spectrum of animal

⁶ “The Cambridge Declaration on Consciousness,” proclaimed on July 7, 2012, presents the conclusions of a prominent international group of neuroscientists, and validates the findings of numerous prior scientific studies. The declaration, as well as several of the seventeen talks and presentations of the Francis Crick Memorial conference, can be found at <http://www.fcconference.org>. On animal sentience, self-awareness, emotion, and suffering, see also Marc Bekoff, *The Emotional Lives of Animals: A Leading Scientist Explores Animal Joy, Sorrow, and Empathy—And Why They Matter* (Novato, CA: New World Library, 2007); Andrew Linzey, *Why Animal Suffering Matters: Philosophy, Theology, and Practical Ethics* (Oxford: Oxford University Press, 2009); Carl Safina, *Beyond Words: What Animals Think and Feel* (New York: Henry Holt, 2015); Frans de Waal, *Are We Smart Enough to Know How Smart Animals Are?* (New York: W.W. Norton, 2016); and Jennifer Ackerman, *The Genius of Birds* (New York: Penguin Press, 2016).

⁷ “Putting Meat on the Table: Industrial Farm Animal Production in America,” a report of the Pew Commission on Industrial Farm Animal Production, viii. <http://www.Pewtrusts.org>.

⁸ “Putting Meat on the Table,” 38. A longer version of my paper examines some of the sources of ethical standards in the Western world regarding the treatment of animals. The positions of Pythagoras, Plutarch, the Hebrew Bible, the New Testament, the hagiographical literature of medieval monasticism, Thomas Aquinas, the Catechism of the Catholic Church, and Pope Francis are briefly highlighted. The positions of many other philosophers, religious figures, and activists receive extensive treatment in Norm Phelps, *The Longest Struggle: Animal Advocacy from Pythagoras to PETA* (New York: Lantern Books, 2007).

⁹ In the industry these processes are called “vertical integration.” Matthew Scully, *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy* (New York: St. Martin’s Press, 2002), 250. Scully points out that “As in all forms of tyranny, management intensifies as knowledge [of], interest in, or even curiosity about the subjects passes away,” 272.

“production.” “The factory farm . . . succeeded by divorcing people from their food, eliminating farmers, and ruling agriculture by corporate fiat.”¹⁰

When profit is the only duty and efficient the only law, ethical standards are bound to fall short. How they fall short leads us to ask: “What happens to animals in such a system?” Are they able to express behaviors natural to them? Are they given food that their digestive systems are designed to metabolize? Are they subjected to physical alterations in the interest of their not harming one another or the humans who handle them? In other words, what is it like to be an animal living in such a system?¹¹

On factory farms, 98 percent of the 9 billion chickens (up from 1.6 billion in 1960) raised and slaughtered in a year in the U.S. are egg-laying hens the vast majority of whom live out their entire two-year lives in battery cages—tiny wire cages in which several hens are packed together, each one allotted the industry standard (set by United Egg Producers) of 67 square inches of space—less than a standard sheet of 8½ x 11” paper. Such limited space obviously interferes with a hen’s ability to express behaviors natural to her such as stretching her wings, taking short flights, and pecking on the ground or in the grass for food.¹² Furthermore, as a tiny chick, she will have her beak cut off without benefit of anesthetic by a specially designed machine so that as she grows, she will not peck at or cannibalize the other hens in the cage. “During beak trimming, workers . . . place each chick’s beak into a hot-iron guillotine-type machine, and when it snaps the tip [the front third to front half] of the beak off, the chick’s face smokes and the chick struggles.”¹³ Because a hen’s laying cycle is linked to light, egg barns are kept dark most of the time. The hens never experience sunlight, except on the day they are shoved into crates and trucked to the slaughterhouse. Moreover, by taking away light and food for as long as 14 days, producers trigger year-round unnatural but lucrative laying cycles. Artificially forced to produce at this rate, and kept relatively disease-free by antibiotics in her filthy, crowded cage until her immune system fails her, a hen will lay over 300 eggs a year, whereas the norm before factory farming was about one-third of that.

A typical battery cage is twelve by eighteen inches—the size of a file drawer—and holds no fewer than five hens. The barns that house the battery cages can be more than 450 feet long and 25 feet high. The air in the barns is dense with dander and dust and the smell of chickens and their ammoniac manure. Some cages are twelve feet long, four feet wide, and contain more than seventy-five hens.¹⁴ Excrement drops into pits below the cages, and piles can grow to be six feet high. After a year and a half to two years—their natural life span could reach at least ten years—the hens are “spent,” their egg production wanes, and they are sent to the slaughterhouse where, hooked by one leg (often broken in the process) to a quickly moving conveyor belt line, their throats are slit by a whirring blade, again without benefit of

¹⁰ Foer, *Eating Animals*, 237.

¹¹ Jacques Derrida is one of the few contemporary philosophers who has taken on these questions. He writes: “. . . no one can today deny . . . the *unprecedented* proportions of this subjection of the animal. Such a subjection . . . can be called violence in the most morally neutral sense of the term No one can deny seriously anymore, or for very long, that men do all they can to dissimulate this cruelty or to hide it from themselves; in order to organize on a global scale the forgetting or misunderstanding of this violence, which some would compare to the worst cases of genocide” *The Animal That Therefore I am*, ed. Marie-Louise Mallet, trans. David Wills (New York: Fordham University Press, 2008), 25-26.

¹² An adult chicken needs a minimum of 197 square inches to turn around, 138 square inches to stretch, 290 square inches to flap wings, and 172 square inches to preen—all basic biological activities. Karen David, *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry* (Summertown, TN: Book Publishing Company, 1997), 100.

¹³ Deb Olin Unferth, “Cage Wars: A Visit to the Egg Farm,” *Harper’s Magazine* (November 2014), 48. Research based on observation of their behaviors has shown that hens suffer chronic acute pain all their lives because of this procedure.

¹⁴ Unferth, “Cage Wars,” 45.

anesthetic. Government estimates suggest that about four million hens come loose from these lines in a year, and fall into a vat of boiling water meant to remove their feathers, while they are still alive.¹⁵

Hens receive no veterinary care. They suffer from untreated sores, cysts, infections, and uterine prolapses because care costs more than the bird is worth to the producer. Emaciated, featherless, and covered with the feces that drops from above, many hens die in their cages. Left there to decompose over several months, their bodies get pressed into the wire and stepped on by their cage mates who must fight for, literally, every square inch of space in order to survive. Workers rip dead hens, flattened to an inch, off the bottom of the cage, a practice referred to as “carpet pulling.”¹⁶ In a medium-size facility housing about two million hens, thousands of dead and moribund hens are carried off by bulldozers to landfills or incinerators. Such are the living conditions the egg industry considers suitable for these lively, curious, intelligent creatures¹⁷ possessed, ironically, of wings, the universal symbol of freedom. The barns, the battery cages, the de-beaking machines, the pits of excrement, the conveyor belts with their whirring, neck-slitting blades, the vats of boiling water, the hen-filled dumpsters—these are the monstrous, filthy things we have constructed, the hell we have created for hens because we eat eggs at a historically unprecedented rate, we want an unlimited supply of them at all times, and we want them cheap.

What about the male chickens? According to the most recent USDA statistics, every year over 250 million male chicks are “rendered” on egg farms the day they are born because they are of no use. Deemed unfit to be fed because they lay no eggs and their flesh is of poor quality, the chicks are macerated alive in high-speed grinders, the slurry of their tiny carcasses disposed of as trash or fed to other chickens and farm animals.¹⁸ Chickens selectively bred as “broilers” on other farms, especially for breast meat, are fed growth hormones so as to get up as quickly as possible to a market weight of five pounds in seven weeks or less. (Pre-factory-farm chickens took twice as long to grow up to three pounds.) These chickens become too heavy to stand; their legs break under their weight, and they topple over onto their chests (“flip-over syndrome”). Some of them starve when they can no longer stand up to reach food or water. Or their organs shut down and their hearts stop beating, unable to cope with their body’s unnaturally rapid growth. For them, it’s about thirty-five days from birth to death. For the industry, the equation is simple: if the extra weight on birds who make it to slaughter brings in a greater profit than the loss in dead birds, then it’s good for business. The same equation applies to laying hens: increased total egg output outweighs the number of hens who die due to crowding, stress, and illness. A massive production rate pre-supposes, and factors in, a high attrition rate. In the war we humans wage on the animals we eat, these little chickens are just collateral damage.¹⁹

¹⁵ See Foer, *Eating Animals*, 299, note for page 133.

¹⁶ Unferth, “Cage Wars,” 49.

¹⁷ “They have complicated cliques and can recognize more than a hundred other chicken faces, even after months of separation. They recognize human faces too. They have distinct voices and talk among themselves, even before they hatch. . . . Adult chickens have at least thirty different categories of conversation, centered around, to name a few, mating, eating, nesting, rearing, and warning, each with its own web of coos and calls and clucks.” Unferth, “Cage Wars,” 45.

¹⁸ “United Egg Producers—the industry group that represents hatcheries that produce 95 percent of all eggs produced in the United States—announced Thursday that it would end this ‘culling’ of millions of chicks by 2020, or as soon as it’s ‘economically feasible’ and an alternative is ‘commercially available’ In a country that’s hardly famous for humane animal farming practices, this is a big deal.” Karin Brulliard, “Egg Producers Pledge to Stop Grinding Newborn Male Chickens to Death,” *Washington Post*, June 10, 2016, <https://www.washingtonpost.com/news/animalia/wp/2016/06/10/egg-producers>

¹⁹ For detailed information on what happens to broilers and egg-laying hens as well as pigs, calves, and cows in the factory farm system, see Peter Singer, *Animal Liberation*, 95-157.

What is life like for cows on factory farms? Dairy cows are kept tethered to a stall and artificially inseminated on what the industry calls a “rape rack” in order that the cow will continue to lactate and provide milk that will be denied to her calf, who will be taken away from her two hours after birth. (The milk denied the calf is sold to us humans who don’t need to drink cow’s milk. The calf, who does need its mother’s milk, gets “milk replacer,” a cheap, inferior nutrition.) If the calf is female, like her mother she too will be forcibly impregnated and injected with synthetic bovine growth hormone to increase her milk production. She will give birth to four or five calves in a four-to-five-year period, will develop udder infections, and if she hasn’t been literally milked to death, will become a “chopper cow,” slaughtered at a fraction of her natural life span. On the kill floor, she will be stunned into unconsciousness by a captive bolt gun (if she is among the fortunate few)²⁰ and hoisted upside down by one leg over rapidly moving conveyor belt lines where, within roughly 45 minutes, she will be bled, skinned, dismembered, and eviscerated until what was a large living animal is “processed” into several shrink-wrapped packages of hamburger. If her calf is male, he will either be killed on the spot if he is sickly, or chained by the neck and confined for life (about fifteen weeks) in a wooden crate in which he is unable to turn around. He will be fed an iron-deficient diet to make him anemic and turn his flesh pale because consumers prefer the taste and color of “veal” that comes from anemic calves.²¹

Pigs also suffer in ways hard to imagine. For 124 days (her gestation period), a sow is confined in a “gestation crate” in which she cannot turn around or roll over or lie down comfortably.²² After she gives birth in a “farrowing crate,” her piglets are torn away from her just a few days later instead of the natural few weeks. She is then artificially re-inseminated and the cycle repeats itself as many as eight times until she dies or is sent to slaughter.²³ Female piglets, when grown, are put into gestation crates in which, like their mothers, they will live out their two-year lifespan completely immobilized. If they die in their crates before slaughter, they are buried in a “dead hole,” a mass grave of thousands of sows, each one in an airtight bag, or “rendered”—ground into feed for other sows.²⁴ When artificially grown to industry standards (about 250 pounds, half their adult weight), male pigs are slaughtered. “Since uniform size is so important to packers, piglets who don’t grow quite fast enough . . . are quickly weeded out. Picked up by their hind legs, thousands are swung and then bashed headfirst onto the concrete floor. This standard practice used by mega-farm workers is called ‘thumping.’”²⁵ Then their intestines are ground up and fed to their mothers.

²⁰ Animals in U.S. slaughterhouses are routinely beaten, skinned, dismembered, and scalded while fully conscious. See Gail A. Eisnitz, *Slaughterhouse: The Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Meat Industry* (Amherst, NY: Prometheus Books, 2007), 300. Eisnitz has interviewed individuals who, having spent a combined total of more than two million hours on kill floors, speak publicly about what’s really taking place behind the closed doors of America’s slaughterhouses. No work of investigative journalism on this topic is as comprehensive as her exposé.

²¹ A word like “veal” helps us forget what we are eating. The words “pork” and “beef” do the same thing. “Even the wooden stalls and neck chains are part of the plan, as these restrictions keep the calf from licking his own urine and feces to satisfy his craving for iron.” Jim Mason and Mary Finelli, “Brave New Farm?” *In Defense of Animals: The Second Wave*, ed. Peter Singer (Oxford: Blackwell, 2006), 110.

²² “The pregnant pigs . . . must lie or step in their excrement to force it through the slatted floor. . . . The system makes good welfare practices more difficult because lame and diseased animals are almost impossible to identify when no animals are allowed to move.” Foer, *Eating Animals*, 184, and note for page 184 on page 316. Sows suffer from “sores, tumors, ulcers, pus pockets, lesions, cysts, bruises, torn ears, swollen legs.” Scully, *Dominion*, 267.

²³ Over 90 percent of large hog farms use artificial insemination. See Foer, *Eating Animals*, 157, and note for page 157 on page 306.

²⁴ Scully, *Dominion*, 261 and 266.

²⁵ Eisnitz, *Slaughterhouse*, 220.

In the U.S., there are only two federal protections for farm animals. The first, “the 28-hour law,” originally passed in 1873 when trains were the predominant method of animal transport, stipulates that animals being transported to slaughter or for any other reason must be let out of the transport to be fed, watered, and rested for at least five hours before transport is resumed. This law was enacted not for the sake of the animals but to prevent heavy losses before they could be slaughtered for market.²⁶ The second law, the Humane Methods of Slaughter Act, originally passed in 1958, stipulates that the animal must be rendered insensible to pain, i.e., unconscious, before being slaughtered.²⁷ The USDA exempts chickens from the protective provisions of these two laws. Chickens, who outnumber pigs and cattle in the U.S. nine to one (nine billion to one billion) have no protections whatsoever. It needs also to be noted that these two laws cover the animals only on the way to, or at, slaughter, where they may spend only minutes before being dispatched. No federal laws exist to protect any farm animals from living conditions on the farm or from the horrific practices to which handlers regularly subject them: beatings, sexual assault, kicking, bashing their heads in with pickaxes and sledgehammers, and other acts of unspeakably sickening cruelty. Furthermore, farm animals are specifically exempted from the protections of the Animal Welfare Act. As for state laws, the anti-cruelty statutes of most states exempt “accepted,” “common,” “customary” practices considered to be “industry standards.” Fifty states now have animal anti-cruelty statutes carrying felony penalties, but in only seven states do they apply to farm animals. Thus, no farm activity can be deemed cruel by either federal or state standards, no matter how painful or unnecessary it is—as long as enough workers are doing it.²⁸

Over the past 60 years, people in the U.S. have had less and less access to farm animals. When they used to be outdoors much of the time, cows, pigs, and chickens could easily be seen by passersby. But that is no longer the case. Our almost complete lack of exposure to farm animals makes it much easier for us to push aside questions about how our actions might affect their treatment. Hidden away from public view on large factory farms laid out on thousands of acres that have been bought up by big

²⁶ *United States Code*, Title 49, Transportation, Subtitle X: Miscellaneous, Chapter 805, Miscellaneous. <https://www.gpo.gov>, 1994. See also Michigan State University College of Law. Animal Legal and Historical Center, <http://www.animallaw.info>. This web page is more readily accessible than the U.S. Code, and contains a summary as well as the full text of the statute. The 28-hour law was amended in 1994 to cover other methods of animal transport such as trucks. The law is rarely enforced, and the maximum penalty is only \$500.

²⁷ The Humane Methods of Slaughter Act (HSA) of 1958, 1978, 2002; Pub. L. 87-765, Aug. 27, 1958, 72 Stat. 862. See *United States Code Annotated*, Title 7, Agriculture, Chapter 48, Humane Methods of Livestock Slaughter. <https://www.gpo.gov>. The USDA mandates the enforcement of HSA regulations. But both slaughterhouse workers in their affidavits and USDA meat inspectors, blowing the whistle on their own agency, have stated that due to faster production speeds and industry deregulation, they did not abide by or enforce the HSA. One inspector explains that “there’s a specific problem with enforcing the Humane Slaughter Act. That’s because these large slaughtering operations are primarily concerned with productivity and profit. They don’t care about the effects on the animals.” Dave Carney, former USDA meat inspector and chairman of the National Joint Council of Food Inspection Locals, quoted in Eisnitz, *Slaughterhouse*, 188. Enforcement of the law has been so lax that in 2002 Congress passed a resolution entitled Enforcement of the Humane Slaughter Act of 1958. In February 2004, the government’s General Accounting Office [GAO] reported that the Act was still not being adequately enforced. See Mason and Finelli, “Brave New Farm?” 120.

²⁸ Common Farming Exemptions (CFEs) make legal any method of raising farm animals as long as it is common practice in the industry. CFEs are enacted state by state. Undercover investigations have consistently revealed that slaughterhouse workers, laboring under what Human Rights Watch calls “systematic human rights violations,” let loose their frustrations on farmed animals or keep the slaughter lines moving at all costs in order to keep their jobs (many of them are very poor or undocumented) because that’s what their supervisors demand. *Blood, Sweat, and Fear: Workers’ Rights in US Meat and Poultry Plants* (New York: Human Rights Watch, 2004), 2. www.hrw.org. Workers’ wages are low, union organizing is virtually non-existent, worker injuries are extremely common, and dying on the job is a real possibility. Human beings can be neither human nor humane under the conditions of a factory farm or a slaughterhouse.

corporations like Cargill and Tyson and ConAgra, farm animals today have been removed from visibility and access. Ordinary citizens cannot just stroll onto these factory farms as if they are tourist attractions, open doors, and take a look at what actually goes on. That is called trespassing, and it carries fines or imprisonment.²⁹ The agriculture industry has received much bad press in recent years due to the release of photos and videos taken by undercover investigators, some of whom apply for jobs as farmhands. These investigations have led to plant closures, numerous recalls regarding food safety issues, citations for environmental and labor condition violations, criminal convictions, and civil litigation.

We know what we know today about factory farms because of the brave actions of undercover investigators—whistleblowers, journalists, animal activists, advocates, protesters, sanctuary workers, rescuers.³⁰ They record what goes on daily in a system that enables and tolerates cruelty that goes unpunished not because of an absence of law enforcement but because of an absence of actual laws to enforce. They do the work that the federal and state governments are not doing. Over the past decade, advocates have tried to chip away at cruel, unsafe, illegal but “common” practices by promoting legislation prohibiting some of the worst abuses. In some cases, their efforts have met with success. Unfortunately, reforms don’t often reach the states where they are needed most, and where the farm industry and its lobby are most powerful.

Not surprisingly, the push for farm animal protection has led to a backlash from the agriculture industry. In an effort to stifle criticism, the industry has been aggressively pushing to criminalize undercover investigations on factory farms across the country by introducing bills into state legislatures that would make it a criminal offense for anyone to take photos or make videos of animals being treated cruelly or of conditions that are unsafe for animals and workers. At the moment, seven states have these “Ag-Gag” laws: Utah, Wyoming, North Dakota, Missouri, Kansas, Iowa, and North Carolina. In the past year, 14 other states have tried to put Ag-Gag laws on the books, and all but one have failed. In August 2015, a coalition headed by the Animal Legal Defense Fund (ALDF) argued a case before the U.S. District Court in Idaho. In a historic decision, the court threw out Idaho’s law banning whistleblowing and undercover investigations on factory farms, declaring it unconstitutional, violating the First Amendment³¹ and the equal protection clause of the Fourteenth Amendment.³² This was the first time a court declared an Ag-Gag statute in violation of the U.S. Constitution. It was a landmark victory for farm animals.³³ ALDF has since filed lawsuits against Utah’s, Wyoming’s, and North Carolina’s Ag-Gag statutes, challenging them as unconstitutional.

Rationally speaking, factory farming is so obviously unethical, so plainly wrong in so many ways. But what moves us to action are our feelings, the “moral sentiments” of empathy, regret, grief, and love.

²⁹ <https://signs.com/blog/state-by-state-guide-to-no-trespassing-laws-signage/>

³⁰ Some of these investigators work under contract for organizations like Mercy for Animals, Compassion over Killing, PETA, and The Humane Society of the United States.

³¹ Because it suppressed free speech concerning topics of great public importance, namely, the safety of the public food supply, the safety of agricultural workers, the treatment and health of farm animals, and the impact of business activities on the environment. The entire case of ALDF (Animal Legal Defense Fund) et al. v. Otter is found at <http://www.ALDF.com>.

³² Because it was motivated by hostility against animal rights advocates. “The now-defunct Idaho Ag-Gag law was originally written by the Idaho Dairymen’s Association after an undercover investigation by an animal rights group revealed workers beating, stomping and sexually abusing cows at an Idaho dairy farm. It was signed into law in February 2014 by Governor C. L. “Butch” Otter, a rancher.” “ALDF Ag-Gag Victory: Hope for Farmed Animals,” *The Animals’ Advocate* (Vol. 34, Issue 3, Fall 2015), 5.

³³ Senior attorney Matthew Liebman of the ALDF stated: “This is the first step in defeating similar Ag-Gag laws across the country, and should dissuade other states from considering similar laws. . . . People have the right to know how their diet is contributing to suffering—and how common industry practices could be making them sick.” “ALDF Ag-Gag Victory,” 5.

To allow ourselves to feel for the plight of farm animals is to push against a culture and against a food system that trains us to believe that non-humans are not fully subjective beings, and that therefore their lives and sufferings and deaths are not worthy of our consideration. The centuries of stories we have told ourselves about our superiority to and separation from animals—the speciesism³⁴ to which we have subscribed—these centuries of stories have sanctified our anthropocentric, tyrannical self-interest and created a world of barbaric atrocities, poisoned landscapes, and glaring human rights abuses.

The similarities between how Nazis treated people targeted for extermination and how we treat farm animals are impossible not to recognize.³⁵ Nazis kept their victims in filthy, crowded camps, fed them as little as possible or not at all, forced them to huddle together naked and defenseless, and struck them with fists and rifle butts to push them along more quickly into the chutes that led to the gas chambers. The Nazis used intimidation, brute force, and speed in order to minimize the resistance of their victims and to quell the scruples of the exterminators, in just the same way that slaughterhouse supervisors keep the lines moving at top speed by intimidating workers and threatening to fire them. And just as producers send to slaughter every day very young animals who have lived only a tiny portion of their natural lives, the Nazis showed no mercy to children, killing them as brutally as they killed adults.

Polish-born Jewish-American writer Isaac Bashevis Singer, 1978 Nobel laureate and the most compassionate champion of animals in modern literature who lost many members of his own family in the Holocaust, wrote in a short story, “In relation to [animals], all people are Nazis; for the animals it is an eternal Treblinka.”³⁶ The philosopher Theodor Adorno (1903-69), a German Jew who was forced into exile by the Nazis but returned to Germany after the war to a professorship at Frankfurt University, wrote: “Auschwitz begins wherever someone looks at a slaughterhouse and thinks: they’re only animals.”³⁷

“Take sides,” Elie Wiesel has said. “Take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.”³⁸ Are we really bound by justice to respect the right of animals to live a decent life? Are we really going to fall back on the “humans come first” argument, more often used as an excuse to do nothing about the suffering of humans and non-humans alike? If you knew you could help alleviate massive and intense suffering in a way that took no time, no money, and little effort, wouldn’t you do it? Is cruelty only the willful causing of unnecessary suffering, or is our indifference also cruelty? “Just how destructive does a culinary preference have to be,” asks Jonathan Foer, “before we decide to eat something else? If contributing to the suffering of billions of animals that live miserable lives and . . . die in horrific ways isn’t motivating, what would be? . . . And if you are tempted to put off these questions of conscience, to say *not now*, then *when*?”³⁹ What we decide

³⁴ The term was coined by Richard Ryder. Apparently, its first inclusion in a formal publication was in Ryder’s contribution to *Animals, Men and Morals: An Enquiry into the Maltreatment of Non-humans*, ed. Stanley Godlovitch, Roslind Godlovitch, and John Harris (London: Taplinger, 1971), 81. The term now appears in *The Oxford English Dictionary*, second edition (Oxford: Clarendon Press, 1989), s.v. “speciesism.” It also appears in *The Concise Oxford English Dictionary* (Oxford: Oxford University Press, 2008), 11th edition revised, where its definition is: “the assumption of human superiority over other creatures, leading to the exploitation of animals.”

³⁵ See Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York: Lantern Books, 2002). Treblinka is the name of a Nazi concentration camp. The last three chapters profile people—Jewish and German, perpetrators and survivors—whose animal advocacy has been shaped by the Holocaust.

³⁶ “The Letter Writer,” in *The Collected Stories* (New York: Farrar, Straus and Giroux, 1982), 271.

³⁷ Translation of “Auschwitz beginnt da, wo jemand auf Schlachthof steht und denkt: Es sind ja nur Tiere.” Quoted in Christa Blanke, *Da krächte der Hahn: Kirche für Tier? Eine Streitschrift* (Eschbach, Germany: Verlag am Eschbach, 1995), 48.

³⁸ Quoted in Patterson, *Eternal Treblinka*, 137. No source is given.

³⁹ Foer, *Eating Animals*, 243.

will ultimately test how we respond to the powerless, to the most distant, to the voiceless and defenseless. Our decision will test how we act when no one is forcing us to act one way or another. Our decision will be nothing less than a test of who we truly are. In choosing conscience and care over craving and convenience, compassion over mindless, heartless consumption, we will truly be putting our values where our mouth is. And the animals would thank us if they could. ■

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