

# BETWEEN THE SPECIES

Reflections on Tom Regan  
and the Animal Rights  
Movement That Once Was

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### **The Beginning of a Real Rights Movement**

*Let me set the scene: On July 15, 1985, a group of approximately 100 animal rights activists, one of whom is Tom Regan, have taken over a building at the National Institutes of Health (NIH) in Bethesda, Maryland. They are protesting head-injury experiments that are being conducted on baboons at the University of Pennsylvania (Penn) Medical School. The protesters have announced that they will occupy the building unless and until the government agrees to at least suspend funding for the lab pending a full investigation. The government is threatening to arrest the protesters if they do not leave.*

As a large group of exhausted, unwashed, and nervous protestors crowded around him in rapt attention in a large but cramped NIH office, fearing their apparently inevitable arrest, Tom calmed and refocused them by recounting the history of nonviolent protest in various social movements and by reassuring them about how such protest had been crucial to those struggles. Tom was a terrific storyteller, and his tales and his knowledge of social justice movements engaged and energized this group day after day for almost four days straight, helping the protestors regain their courage and understand how what they were doing was important, both as a matter of our opposition to the experiments we were protesting and as part of our greater goal to achieve justice for nonhuman animals.

Late morning on July 18, 1985, after several days of intense discussion, Margaret Heckler, then Secretary of Health and Human Services, ordered the NIH funding for the experiments we were protesting to be suspended pending a full investigation. The sit-in had succeeded. "Animal rights" people stood up to the federal government in an act of civil disobedience and prevailed, and Tom had played a vital role in its success.

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This sit-in was undoubtedly the most significant event that had happened to date (and, perhaps, since) in the American animal rights movement. Had Tom not been there, I think that many of the protesters would have just left and the sit-in would have failed.

I was representing these protesters as a lawyer and was negotiating with the NIH about the concerns and demands of the protesters. Tom was one of my clients. It was this case that had brought me and Tom together.

I had started teaching as an assistant professor at Penn Law School in July 1984. In late May 1984, there had been a break-in at a laboratory at the Penn Medical School. The laboratory performed head-injury experiments on baboons, accelerating their heads up to 2000 times the force of gravity to measure the sorts of head injuries that a human gets when the brain moves within the skull, as opposed to the injury that one would get if the head were hit directly. Whoever broke in knew not only about these horribly violent experiments taking place in the lab, but also that the researchers had made videotapes of these experiments. The trespassers removed these videotapes—approximately 60 hours or so in length. They made copies of these tapes and anonymously gave a copy of them to a relatively new animal advocacy group in Washington, D.C.—People for the Ethical Treatment of Animals (PETA). I had met PETA co-founders Alex Pacheco and Ingrid Newkirk the year before, when I was living in Washington, D.C., and serving as a law clerk to Justice Sandra Day O'Connor. After I finished my clerkship, I started acting as a pro-bono legal adviser to the organization.

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PETA prepared a video of about 25 minutes in length entitled “Unnecessary Fuss,” which contained excerpts from the larger set of tapes as well as narration to explain the nature of the experiments. By the fall of 1984, Penn was embroiled in a major scandal that garnered a great deal of press attention in the U.S. and in Europe—particularly in the U.K. as a result of the University of Glasgow being involved in certain aspects of the experiments. Penn, a powerful political force in Philadelphia, had gotten the Office of the District Attorney to start a major and very aggressive criminal investigation into who removed the tapes from the Penn laboratory. I was opposing the experiments as well as representing various people who were the target of the criminal investigation.

I decided to organize a rally at the University the following April to protest the experiments. And that was the occasion of my first contact with Tom Regan. I had read *The Case for Animal Rights* during the previous summer and it seemed to make sense to have its author at the rally. But I fully expected that he would turn me down given the difficulty of getting academics to criticize academic institutions, particularly in this sort of situation.

Early in 1985, I spoke with Tom for the first time. I called him at home and introduced myself to him. He knew about the controversy at Penn and had heard about my involvement. I asked him if he would come to Philadelphia for the rally, which had been scheduled for April 27. I explained that I had no funds to pay for his transportation, but I offered him accommodation in our home and he accepted, saying that he would be honored to speak. I recall Tom remarking that I was probably having an uncomfortable time at the University. I assured him that there was no “probably” about it; Penn was, indeed, furious with me

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and I was explicitly threatened by the Vice Provost of the University who told me that my actions were putting my career in jeopardy. I recall nothing further about the substance of that conversation but I do recall that I thought that Tom was most gracious and I was thrilled that he agreed to speak at the rally.

When Tom stayed at our home on April 26, 1985, on the night before the rally took place, he, my partner, Anna Charlton, and I stayed up much of the night talking about our common desire to see a real animal rights movement emerge in the United States. We discussed the shape of the emerging movement and some of its key elements—the case involving the “Silver Spring monkeys” that had brought PETA to prominence, the various Mobilization for Animals rallies that had been held, and other things that were happening at the time that indicated that many people were starting to think in a more progressive way about animals. Tom said that he had agreed to speak at the Penn rally because he recognized that it was a milestone—never before had there been such a challenge to federally funded research at a prestigious university. He believed—and Anna and I obviously agreed—that if we could successfully oppose what Penn was doing, it would indicate that the mood was changing and that we could start a meaningful and far-reaching discussion about animal rights.

The next day, we drove to the University and walked over to the area on the Penn campus where the rally was to occur. Neither I nor any of the activists with whom I had planned the rally had a shred of experience in organizing such an event, and I was concerned no one would show up. I expressed my anxiety to Tom that we would not get the 100 attendees for whom I was hoping. He told me not to worry, saying that he

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had a “good feeling” about the event. That was Tom (as I would learn)—always trying to be positive.

As we drew closer to the area where the rally was to be held, we saw more and more people carrying signs critical of the experiments. When we turned the corner to enter the rally area, I was flabbergasted to see at least 1,500 people gathered. I looked at Tom, who had a smile of real joy that I will *never* forget. He turned to me and said, “We’re seeing the beginning of an animal rights movement.”

The rally was a great success. In our conversation the previous evening, Tom came across as mild-mannered and very academic. Frankly, I was worried that he was going to get to the podium and start talking about Immanuel Kant’s view on inherent value and put everyone to sleep. I was *very* wrong. When Tom got to the microphone, the academic Regan vanished. Tom became a powerful visionary who spoke with passion and conviction. He was, as they say, “on fire.” The crowd responded to him with a level of enthusiasm that matched his. The rally served to galvanize public support against the experiments and as a focus for animal groups in the U.S. and in the U.K.

We returned to our house that evening and we were both very happy and excited. Something important happened that day although we had no idea where it would go from there. Tom, Anna, and I—again—stayed up most of the night talking.

After the success of the NIH sit-in later that summer, which followed months of attempts by animal advocates all over the US to persuade the federal government to investigate what was going on at the Penn lab, Tom and I drove back to my house in a state of euphoria, talking about what had just happened and

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what would happen next. We talked about the movement. We talked about animal rights as if it were a reality we could grasp and might even achieve. We stopped on the highway to help a dog who had strayed into the traffic. I will never forget that day as long as I live. We both had so much optimism! Tom was convinced that the campaign against the Penn lab was a major milestone for the animal movement in the United States. He was right. And he was a very important part of the effort.

This marked the beginning of our work together on the formation of an ideology that would come to challenge the movement as it existed, and that, sadly, would ultimately cause an ideological division between Tom and me that would end our collaboration and friendship.

### **Moving in the Rights Direction: The Rights/Welfare Debate**

After the sit-in, Tom and I talked often and saw each other frequently. I went to North Carolina to support the launch, in 1985, of the Culture and Animals Foundation by Tom and his partner, Nancy. Anna and I participated in Foundation events and I became an adviser to the Foundation. Tom and Nancy loved New York City, where we had moved, so they were frequent guests at our home. We used to refer to our spare bedroom as “Tom and Nancy’s room.”

Our discussions initially focused on more philosophical issues. But then—as a result of different motivations—we began to talk about what animal rights theory meant as a *practical* matter. Those exchanges led to a debate about the nature of the movement that has continued to this day.

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I had worked on a pro-bono basis as a lawyer and adviser on campaigns with PETA and other animal groups starting in 1983. Those campaigns, for the most part, concerned animal *welfare* issues. They focused on “humane” treatment and single issues in which some form of exploitation was being challenged with an implicit message that another type of exploitation was better.

At the time, activists were very careful in public statements to make clear that they were not looking to go beyond what we were seeking in the particular campaign. I remember being interviewed about the Penn lab on a television program in Britain and being asked about whether the position we were advocating was that all vivisection should end. I responded that that was a different question and that the PETA campaign against Penn was focused only on the violation of laws and regulations, and bad science. It was a good lawyer’s answer but I remember how uncomfortable I felt when I made that statement.

These campaigns were, in some respects, no different from the sorts of campaigns that existed in the 1960s—before the animal rights movement. So why were we calling ourselves animal rights activists?

Tom and I both recognized that animal rights required the *abolition* of animal exploitation, and most of those who considered themselves animal rights advocates at that time agreed that abolition was the goal. But how were we abolishing animal exploitation with these sorts of campaigns, which did nothing more than regulate animal exploitation? How were we spreading the message of abolition if we did not *explicitly* situate everything we did within the context of abolition?

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At the same time, Tom was understandably feeling frustrated that the movement did not appreciate the theoretical difference between his position and that of Peter Singer. Tom was a rights theorist; Singer was a utilitarian who rejected moral rights. Singer's position reflected the thinking of nineteenth-century philosopher and lawyer, Jeremy Bentham, who was a chief architect of the animal welfare position. But Singer was celebrated as the "father of the animal rights movement." There was then no appreciation whatsoever amongst activists of the significant theoretical contributions that Tom had made in his 1983 book, *The Case for Animal Rights*. Indeed, it was difficult to find advocates who had even read the book at that point, much less appreciated its importance. The supposed animal rights groups, including PETA, did not even sell the book; they sold *Animal Liberation*, and called it a book about animal rights. The level of confusion was profound. Tom wanted to establish that the difference in philosophical approaches was not just an abstract and largely meaningless academic issue; he wanted to make clear that it had relevance to the strategy that the movement adopted. Like me, Tom was concerned that there was something fundamentally wrong with welfarist campaigns, as well as with single-issue campaigns that substituted one form of exploitation for another, but he was not quite certain of how to translate his thinking into practical terms. Tom was great at giving speeches about abolition—indeed, his talks were always powerful and compelling—but he, like me, was unsure of what abolition meant in terms of practical strategy.

Our common interest in understanding how animal rights theory could be implemented in a real-world and practical way led Tom and me to spend *many* hours (a major understatement) talking about the relationship between theory and practice. The result of that examination was our agreement that we needed

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to make clear that promoting animal welfare reforms, or single-issue campaigns that substituted one form of exploitation for another, was inconsistent with animal rights. I coined the term “new welfarism” to describe the phenomenon of animal “rights” advocates who promoted welfare reform campaigns and conventional single-issue campaigns supposedly as some sort of means to an abolitionist end. We both rejected new welfarism.

We took the position that being an animal rights advocate meant being crystal clear that we could not justify animal exploitation and that we had to abolish animal exploitation as a matter of *justice*—of what was owed to nonhuman animals. It was not about compassion, or mercy, or kindness. It was about making a clear and public demand that we stop doing that which was morally unjustifiable.

As a practical matter, we saw three things in particular as important. First, we thought that, rather than promoting welfare campaigns or conventional single-issue campaigns, advocates should promote campaigns to *prohibit* particular animal uses—for example, to stop the use of animals in cosmetics or products testing; the use of animals in maternal deprivation studies; or the use of animals for entertainment purposes. But we also believed that animal rights advocates had to be explicitly clear about the goal of the animal rights movement as they pursued such campaigns. That is, we were not just proposing conventional single-issue campaigns repackaged as something else.

For the most part, single-issue campaigns substituted one form of exploitation for another. For example, the campaign then ongoing against pound seizure (where municipal pounds

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are required to turn over unclaimed or unadopted animals to research institutions) promoted the idea of using purpose-bred animals instead of animals who had once been family “pets.” Campaigns against particular sorts of experiments using animals, such as those involving maternal deprivation or drug addiction, did not explicitly promote another sort of experiment in its place, but did promote the message that animal uses for the experiments that were targeted were somehow morally worse than for those experiments that were not targeted. This gave the idea that non-targeted uses were morally better. These campaigns failed to express their role as part of the rights movement to abolish animal use.

Tom and I proposed campaigns that targeted particular practices pursued in a context where they were characterized *explicitly* and *consistently* as steps toward abolition—as removing bricks from the wall of animal exploitation. The difference between a campaign to end the consumption of veal and an *abolitionist* campaign to end the consumption of veal was that the former implicitly encouraged people to eat animal foods other than veal because it targeted veal in an isolated manner and made it seem that veal was morally worse than steak or eggs or milk; the latter made it clear that *all* animal consumption was morally unjustified and we were targeting veal as part of a continuing campaign that would seek incrementally to end *all* use of animals for food. The key idea was that abolition had to be an explicit part of the campaign and that welfare reform campaigns could not be any part of the program.

These abolitionist campaigns, as we conceptualized them, not only made clear that non-targeted animal uses were not morally better than those that were targeted, but avoided the “bait and switch” nature of conventional campaigns that in-

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volve activists telling people that A is the problem, only to then tell them that B is the problem once they agreed about A.

Second, these campaigns had to be conducted against the backdrop of promoting veganism as a moral imperative.<sup>1</sup> We believed that this was absolutely essential. Animal rights with-

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<sup>1</sup> Animal rights advocates at that time often used “vegetarian” but that was understood to exclude all animal foods. It is true that rights advocates then concentrated more on the food aspect of veganism although many of us did talk about clothing issues (beyond fur) and other uses. To this day, although I present veganism as a rejection of all animal use, I tend to focus nonvegans on their consumption of animal foods as an initial matter given that I believe that until they accept that eating animals is morally unjustifiable, nothing changes; once they accept that, everything changes. People who become vegans because they agree that eating animal foods is unjust don’t then buy leather shoes or wool sweaters. They don’t patronize zoos, circuses, or aquaria.

In September 1995, an employee of the American Antivivisection Society claimed to have witnessed Tom consuming cheese. (Dean Smith, letter to Gary Francione, September 19, 1995; Dean Smith, letter to Tom Regan, September 25, 1995.) I raised this with Tom, who replied that he never ate meat or fish and that he ate no animal foods at home, but that he did on occasion eat animal products such as cheese when eating in the homes of others or in restaurants. This was surprising to me as he never promoted the consumption of animal products when we spoke at events, and had never consumed any animal products in my presence or indicated any interest in doing so. I explained why I did not regard his “flexible” vegan position as morally acceptable. I could understand how being a “flexible” vegan fits into a utilitarian position (and Singer draws the same line and claims to be a vegan at home but not when traveling, at the homes of others, etc.) but I could not understand how it fit into a rights position. For reasons discussed in the following section, Tom and I stopped working together shortly after this matter arose. Had we continued to work with each other after that time, it would have been necessary for Tom to agree to stop being a “flexible” vegan. I stress, however, that at no point in our public presentations did he ever promote a “flexible” vegan position. (Please note: All letters and other documents referred to herein are on file with the author.)

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out veganism made no sense. Interestingly, at the time, there was much less controversy about veganism amongst animal advocates. Many welfarists were not vegans and saw no reason to go vegan, but almost everyone who identified as an animal rights advocate was a vegan and those who were not at least did not defend non-veganism. Indeed, my impression was that, as far as animal rights people were concerned, it went without saying that veganism was a moral obligation—part of what it meant to be an animal rights advocate. I do not recall rights advocates arguing that veganism was not required by the animal rights position, which is something that many “animal advocates” argue at the present time.

Third, we believed that the rights movement should very clearly and very explicitly recognize the relationship between human rights and animal rights. Although Tom and I had different political views with mine being more left and his being more libertarian, we were both concerned that the animal movement was deliberately avoiding the connection with human rights. We believed that animal rights only made sense in the context of an ideology that rejected *all* discrimination and commodification. We were both unhappy about the “I’d rather go naked than wear fur” campaign that PETA launched in 1989 because of the sexism and misogyny of that campaign, which, by the way, have only intensified over the years.

We were clear that a rejection of welfarism did not mean that we questioned the sincerity of those who pursued welfare campaigns, or that rights advocates and welfarists could not work together in certain situations. But we believed that rights advocates should be clear that they did not support welfare reform and that the campaigns that they did support were not intended to substitute one form of exploitation for another, and were in-

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stead intended as incremental abolitionist steps directed at the ultimate goal of abolition. We believed that rights advocates had to keep abolition front and center *publicly*.

Tom and I started promoting these ideas at various conferences and other events at which we spoke. The ideas were controversial and often evoked strong reactions. For example, I was spat on by an advocate when I gave a talk about the sexism in the movement because, according to her, I was “betraying the animals” by criticizing PETA. But, for the most part, activists were engaged and convinced by what we were saying and, in increasing numbers, becoming interested in transforming the movement into an animal rights movement.

In 1990, there was a March for the Animals in Washington, D.C. It was not a rights event exclusively in that it included many welfarists, such as Peter Singer. But the March had a strong rights orientation. Tom was the co-chair and organizer of the event and Tom and I, together with the other event co-chair, Peter Linck, who was the director of the National Alliance for Animals (NAA), led the actual march to the steps of the Capitol. Animal rights rhetoric dominated the speeches that were given. A “Declaration of the Rights of Animals” with an abolitionist message was presented at the March. Many of the speakers explicitly disavowed welfarism. The police estimated a crowd of 24,000, but it was much larger—at least double that number. The March provided an opportunity for Tom and me to make the statement clearly that it was not enough to talk about animal rights and abolition; we had to implement animal rights in our activist strategy.

1990 was also the year that Anna Charlton and I co-founded the Rutgers Animal Rights Law Center, where students earned

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academic credit for learning animal rights theory in the context of working with us on real cases involving animal issues. The Center was the first of its kind in the U.S., or, indeed, the world. Tom was a big supporter of the Center and frequently met with our students and did guest lectures.

In 1992, Tom and I wrote a controversial and widely circulated essay, entitled “A Movement’s Means Create Its Ends,” which was published in *Animals’ Agenda*.<sup>2</sup> It reflected long discussions that Tom and I had had about tactics that reflected and implemented the philosophical theory of animal rights. It proposed the rejection of welfare campaigns and single-issue campaigns that substituted one form of exploitation for another. It promoted veganism and the recognition of the relationship between human rights and animal rights. The essay was part of a debate with Ingrid Newkirk of PETA, who defended welfare reform campaigns and characterized our position as “purist.”

In 1993 and 1994, the Rutgers Animal Rights Law Center and the Culture and Animals Foundation co-sponsored two conferences on animal rights and human rights issues at Rutgers University. We brought together farm workers and other representatives of labor, including slaughterhouse workers, civil rights advocates, feminists, gay/lesbian advocates, along with animal advocates, to discuss the common issues of rights and justice. Radical lawyer William Kunstler was the keynote speaker at one of the conferences; civil rights activist Dick Gregory was the keynote speaker at the other. Gregory had replaced Cesar Chavez of the American Farm Workers’ Union, who had agreed to speak but who had died shortly before the second conference. Those conferences marked the first time—at least

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<sup>2</sup> *Animals’ Agenda*, January/February 1992, 40.

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in the United States—that animal rights advocates got together with advocates from other movements to discuss our respective visions of social justice. I do not recall a single speaking event or any other event in which Tom and I were involved where we did not discuss the importance of human rights to the animal rights movement. The contemporary “intersectionalists” who think that the focus by animal advocates on human rights is a new development do not know their history.<sup>3</sup>

Tom’s work had helped me to understand why the law failed to provide any meaningful protection for animals and provided a framework against which I could evaluate my claim that laws that regulate animal use and treatment cannot be said to result in respect-based rights. My focus on the property status of animals, informed by Tom’s moral philosophy, resulted in my writing *Animals, Property, and the Law* in 1995, which was published by Temple University Press in a series that Tom edited.

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<sup>3</sup> To the extent that “intersectional” means that we need to reject all human discrimination in addition to speciesism as an integral part of animal rights theory, we were taking that position many years ago. I used to discuss human rights and, in particular, feminism when I talked about animal rights theory in my legal philosophy class that I started teaching in 1985 at Penn Law School. The human rights/animal rights issue was part of what Tom and I presented from the beginning of our public presentations together, starting in the late 1980s. To the extent that “intersectional” represents a form of relativism and maintains that the promotion of abolition and veganism as moral imperatives is not acceptable because such imperatives ignore the “lived experience” of minorities, we would not have accepted that position. I continue to reject it as I am not a moral relativist. See “Essentialism, Intersectionality, and Veganism as a Moral Baseline: Black Vegans Rock and the Humane Society of the United States,” *AbolitionistApproach.com*, at <http://www.abolitionistapproach.com/essentialism-intersectionality-and-veganism-as-a-moral-baseline-black-vegans-rock-and-the-humane-society-of-the-united-states/> (January 10, 2016).

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I followed with a second book—with Tom’s encouragement—*Rain Without Thunder: The Ideology of the Animal Rights Movement*, which was published in 1996, and which reflected so many conversations I had had with Tom. The purpose of *Rain Without Thunder* was twofold. It was intended to represent a warning to the animal rights movement that it was in danger of collapsing into the animal welfare movement of the 1960s if it continued to embrace the new welfarist idea that welfare reform and conventional campaigns would lead to abolition. The book also sought to start a discussion about identifying with greater precision campaigns that were abolitionist. I proposed that abolitionist campaigns had to have certain features: they had to propose prohibitions that targeted significant activities that were constitutive of institutionalized exploitation and recognize that animals had non-institutional, non-tradable interests. Abolitionist campaigns had to be linked explicitly with the idea of abolishing all animal use and characterized as representing incremental efforts to remove the bricks in the wall of animal exploitation—and never as substituting one form of exploitation for another. Tom was in complete agreement with this approach.

Indeed, Tom could not have been more clear in his conviction about the importance of the rights/welfare distinction. When an advocate who was proposing an anthology that she had tentatively entitled “Animal Rights: Alternative Perspectives” asked Tom and me to contribute an essay, Tom responded that “Gary and I have devoted a lot of time trying to explain what animal rights means and therefore what the animal rights movement [as distinct from the animal welfare movement]

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must be and do.”<sup>4</sup> He noted that “all the people” who had been asked to contribute to this anthology “either deny that there is a distinction between animal rights and animal welfare, or they say there is a difference in theory but not in practice.” He added that “Gary and I are of the opinion—no, strike that: it is our firm conviction that these people are seriously confused” and “are doing serious damage to the fledgling animal rights movement.” Tom made it clear that we could not contribute an essay if the title remained as proposed, and that, if it were changed (he suggested “Animal Advocacy: Alternative Perspectives”) and we did contribute an essay, it would be critical of the animal welfare positions that, with the exception of our essay, made up the rest of the anthology.

It was a *very* exciting time. By the end of 1995, we had established the framework for an animal rights movement that had both a philosophical and legal theory—and a practical strategy. Tom and I took the abolitionist position on the road and talked about the rights/welfare debate with many thousands of advocates in the U.S. and Canada. We often spoke together at conferences, sometimes making joint presentations. But, wherever and whenever we spoke, the excitement of activists was palpable. They, too, understood that welfarist campaigns and conventional single-issue campaigns were problematic; they, too, saw the human rights/animal rights connection; they, too, were tired of being marginalized by large corporate charities that wanted nothing from them except donations and free labor.

We were confident that we were very close to seeing the emergence of a real animal rights movement. Although I

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<sup>4</sup>Tom Regan, letter to Betsy Swart, September 9, 1995. All emphases are in original.

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(through the Rutgers Center) had provided legal services (on a pro bono basis) to national organizations in the first half of the 1990s, my criticism of the policies of these groups was making that relationship less than comfortable, so I decreased my involvement with those groups, including PETA. Tom and I were engaging in advising grassroots activists on a local level to promote abolitionist campaigns. In the late summer of 1995, Tom, Nancy, Anna, and I, together with others, agreed to become involved with a grassroots network that was intended to help develop and strengthen local groups that wanted to promote the abolitionist perspective that we had developed.

The problem is that others understood what we were doing and they did not like the possibilities nearly as much as we did.

The large, established corporate charities were welfare organizations most of whose members did not know what a vegan was, let alone recognize an obligation to be one. The welfarists were, for the most part, people who liked dogs, cats, or horses, or who opposed hunting, or possibly, some aspects of vivisection. These groups were not interested in the radical rhetoric of the animal rights movement or the idea that advocates should only pursue abolitionist campaigns. So they were not happy about what Tom and I were doing. But that was not much of a surprise. We did not think we would get the long-established groups to come along.

We were, however, more surprised by the fact that the newer, supposedly “animal rights” groups were also hostile to what we were doing. Although many, if not substantially all, of these groups thought of themselves as rights groups, they, too, were corporate charities and realized that it was much easier to do fundraising if they combined radical rhetoric, which appealed

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to the group disaffected with the established charities, with the traditional welfare and single-issue campaigns, which appealed to the “animal lovers” who were not much interested in any sort of radical change and could support those campaigns without being challenged to make any changes in their own lives. These were the new welfare groups; they talked about animal rights but they pursued a conventional animal welfare agenda as a supposed means to an abolitionist end. The new welfarist groups—like the old-line welfarist groups—discouraged grassroots efforts. They wanted members who did two things: donated and provided free labor to get others to donate.

Tom and I were optimistic that we could persuade at least some of these new welfarists to move in the rights direction. Indeed, we spent a great deal of time engaged in that persuasion from 1989 well into 1995. We often met with the leaders of the newer groups that claimed to be “animal rights” groups in an effort to persuade them to adopt an abolitionist approach in terms of their advocacy. That was, indeed, the audience to whom I was directing *Rain Without Thunder*.

But it turned out that the “movement”—whether seen as the old-guard corporate charities or as the newer, supposedly more progressive rights groups—was just a business that saw what Tom and I were offering as a competing product that they did not like.

### **Our Parting of Ways**

By 1995, the “animal movement,” comprising the corporate charities, including the newer supposedly “animal rights” groups that were really new welfarist groups, was getting increasingly hostile to the rights/welfare distinction that Tom and I were making. NAA, which had organized the 1990 March for

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the Animals with Tom as co-chair, and that sponsored a large yearly national conference, was increasingly favoring the welfarist and new welfarist positions. Although Tom and I were regular speakers at the NAA conference, we were not invited to speak at the 1995 event, where, in our absence, we were attacked as being “elitists” and “fundamentalists” because we rejected the welfarist positions.

At the 1994 NAA Conference, I had been publicly criticized by NAA director Peter Gerard (he had by that time changed his name from Linck) for inviting a group of feminists to share the stage with me. As a general matter, the welfarist movement did not want the promotion of what they viewed as controversial political positions that might deter more conservative people from contributing. And the NAA did not want me (or anyone I had invited to speak with me) criticizing PETA for its sexist and misogynistic campaigns, which is exactly what occurred at my session.

The national magazine *Vegetarian Times* had an article entitled “The Threat from Within,” and the “threat,” in large part, was the position that Tom and I were promoting.<sup>5</sup> The essay had a number of comments critical of us by various national corporate charities. For example, Don Barnes of the National Anti-Vivisection Society (NAVS) accused Tom and me of “philosophical elitism” for taking the position that the rights and welfare positions were not reconcilable. He implied that we were not advocating anything practical other than to act as a “vegan policeman.”

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<sup>5</sup>Mark Harris, “The Threat from Within,” *Vegetarian Times*, February 1995, 62.

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*Animals' Agenda*, which had published the piece Tom and I had written in 1992 about using abolitionist means to abolitionist ends, had appointed a new editor-in-chief, Kim Stallwood, who was a welfarist hostile to the abolitionist position. The *Animals' Agenda* board president, Ken Shapiro, was also the editor of a journal devoted to better animal welfare. *Animals' Agenda* published an attack on the rights/welfare distinction by Don Barnes that was aimed at Tom and me, claiming that we were “elitists” for suggesting that the rights ideology was morally sound and welfarism was not.<sup>6</sup> The article claimed that the rights and welfare ideologies arrived at the same conclusion, and, quite bizarrely, condemned our efforts to get more grassroots involvement as “grassroots elitism” that was unfair to the national corporate charities. We wrote a reply that *Animals' Agenda* refused to publish. Almost all of the corporate charities—whether old guard or new welfarist—were taking the position that what Tom and I were doing was “divisive.”

In retrospect, it was clear that what was happening at that time was nothing less than the attempted destruction of the grassroots animal rights movement by the corporate charities. Those groups had seen how animal advocates responded to the message of rights and abolition and they quite correctly saw it as threatening their business model. So they reacted strongly.

In 1995, the NAA announced that it was planning a second March on Washington (and various allied events) for June 1996. This second March was intended to stress the idea of a unified movement that was not divided along welfarist and

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<sup>6</sup> Don Barnes, “The Dangers of Elitism,” *Animals' Agenda*, vol. 15, no. 2, 44 (1995). Barnes did not name Tom and me specifically in the article but, as Barnes' comments in the *Vegetarian Times* article made clear, his attack was directed at us.

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rightist lines, and to promote the idea that there was no conflict between the rights and welfare ideologies. The event was being sponsored and organized by a number of organizations that had explicitly rejected the notion of animal rights as abolition, or had rejected the idea of veganism as a moral baseline. For example, the Humane Society of the United States (HSUS), which had rejected animal rights as “radical” and did not sign the Declaration of Animal Rights at the 1990 March, was a principal sponsor of the 1996 March. Other sponsors included *Animals’ Agenda*, and NAVS, whose education director, Don Barnes, was constantly attacking Tom and me. Peter Singer had a prominent role as one of the advisers to the event. The second March was, then, an “official” and organized rejection of our position that the rights position and the welfare position were fundamentally opposed, and that animal rights advocates ought not to support welfare campaigns or single-issue campaigns that substituted one form of exploitation for another.

Tom was initially outraged and called for a boycott of the 1996 March in October of 1995 at a speech that he gave in Ann Arbor, Michigan. I supported his call for a boycott. Indeed, it was clear to me that no one who took abolition seriously could support or participate in such an event. In November 1995, Tom circulated to a number of people a draft of a lengthy letter to Peter Gerard in response to Gerard’s invitation to Tom to participate in the March and other events that were being held in conjunction with the March.<sup>7</sup> Gerard’s invitation was intended to get Tom to withdraw the call for the boycott and to support the event. Tom replied to Gerard that he was concerned that the

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<sup>7</sup> Tom Regan, draft letter to Peter Gerard, faxed to author, November 17, 1995.

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March would be a “mish-mash of conflicting ideologies, probably all grouped under the banner, ‘Because we all care about animals, we’re all united.’ But you know as well as I do, Peter, that nothing could be further from the truth.” Tom noted that many of the sponsors of the March were on record as rejecting animal rights and opposing the position, which he and I had taken, that the rights approach and welfarist approach were inconsistent. Tom also objected to the marginalization of grassroots activists in favor of domination by national groups. He objected that donors could “buy” minutes at the microphone at the March and related events, which he called “morally obscene.” He objected to the emphasis on celebrities, including having celebrities as co-chairs of the March in order to get media coverage, as something that would detract from the content of the message. Tom concluded that he had “principled reasons” to oppose the March and that he would “betray the rights view” if he supported the March. He refused to withdraw his call for a boycott.

As Tom had been contacted by Gerard, I was contacted by Eliot Katz, director of In Defense of Animals, one of the principal sponsors of the March, who asked me if I would withdraw my support of the boycott in exchange for a prime speaking spot at the March and the other events. I refused.

In early December 1995, Tom circulated a draft of a statement entitled, “Why We Will Not Be Marching,” explaining his call for a boycott.<sup>8</sup> He repeated much of the substance of what he said in his draft letter to Gerard. He stated that if the March and related events “really are supposed to be animal rights events, then they really should be animal rights events,

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<sup>8</sup> Tom Regan, “Why We Will Not Be Marching,” email, December 7, 1995.

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by which we mean: they really should be abolitionist from the first word to the last.” He said that “the March will increase rather than lessen the confusion over what animal rights means and how this differs from animal welfare.” He expressed his concern that the March and related events “should not be . . . occasions for perpetuating the myths that [for example] there really isn’t any difference between ‘animal rights’ and ‘animal welfare,’ that the distinction is ‘artificial,’ that though there really is a difference grass roots activists can’t understand it, that those who insist on its validity are ‘elitists,’ that animal rightists are ‘fundamentalist,’ etc., etc.” He said that “the March should not be precisely what the March will be” because the major sponsors held the views that Tom identified. He mentioned HSUS, NAVS, and *Animals Agenda* as examples of sponsors that held anti-rights views and who rejected the abolitionist position. He mentioned how Peter Singer denied that animals have rights. He mentioned how March organizer Peter Gerard was excluding the rights position from NAA conferences.

Tom repeated in his statement what he had said in his earlier letter to Gerard: that the March would serve up a “mish-mash of conflicting ideologies, all grouped under the banner, ‘Because we all care about animals, we’re all united.’” He added that “[b]y perpetuating the myth that ‘we’re all united because we all care,’ we believe that the March will help conceal the truth—which is another reason we won’t be marching.” He repeated his objection to selling access to the microphone at the March and other related events. He stated that the reliance on celebrities would “cheapen the truth of our belief” in the message of animal rights. In response to the claim by some activists that someone representing the abolitionist position should be at the March to make sure the abolitionist position was presented, Tom’s reply was clear: “We don’t think so. The

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way we would betray our belief in animal rights, we think, is by participating in events we have principled reasons to oppose and, through this participation, help lend credibility to what we do not believe in.”

In reaffirming the reasons to boycott the March, he stated that although the March might be “a lot of fun . . . [w]e think there are better things we can do with our limited time, money and energy than to help lend credibility to something that misrepresents the truth and is morally offensive in the bargain.” He called the boycott “nonviolent noncooperation” and stated that “we believe both Gandhi and Dr. King would be counted among those who will not be marching.” He stated for a second time that “we would betray what we believe in and ought to stand for” if we supported the March, and added: “God knows we all make a lot of mistakes, a lot of bad judgments, things we regret—some to our dying day. But our decision not to participate in the 1996 March, is not one of them.”

Tom’s December 7, 1995 statement was a devastating and unequivocal condemnation of the March. Shortly after circulating his statement to me and others—literally several days later—Tom suddenly announced that he and Nancy were taking a “sabbatical” from the movement. Tom affirmed this in a letter he had written to me in January 1996.

And then, in March 1996, Tom, for reasons that I do not know and that have never been shared with me, decided to end his “sabbatical” and return to the movement. But it was a different movement to which he wanted to return. He withdrew his call for a boycott, and announced that he supported the March and would speak at it and the related events.

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In a letter to Gerard dated March 2, Tom stated that although he was concerned that the March would not be an animal rights event, he would support the March.<sup>9</sup> In his letter, he noted that a number of sponsors took positions with which he did not agree. He then continued:

When judged against this backdrop, can we say that the March will be an **animal rights** event? The honest answer, I think, is, “No.” Even so, it is well to remember that moderate/welfarist organizations sometimes back animal rights/abolitionist campaigns, that their work is essential to the success of these campaigns and, more generally, that the materials they prepare and distribute add much to the ongoing effort to educate the public about the plight of nonhuman animals. As is true of each of us individually, so in the case of every participating organization: All do some good, none does only good.<sup>10</sup>

Although Tom had, in his December statement, responded to the concern that rights advocates should be at the March to represent the rights position by saying that to participate would be to “betray animal rights,” on March 2, he stated that “[t]he philosophy of animal rights will not be fully represented at the March if people who believe in it refuse to participate. There is, I believe, no sufficiently compelling reason why animal rights advocates” cannot support and participate the March.

When I saw this letter, I found the disconnect between it and everything else Tom had been saying—not just about the March but over the past several years—so jarring, I thought

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<sup>9</sup> Tom Regan, letter to Peter Gerard, March 2, 1996.

<sup>10</sup> Emphasis in original.

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initially that it was not really Tom's letter even though the signature was clearly Tom's. I inquired further and it was confirmed to really be from Tom.

In a March 30, 1996 document sent by Tom to his "most valued allies," to which was attached a copy of Tom's March 2 letter to Gerard, he stated that although there were aspects of the March to which he objected, "I am not now, nor have I ever been, someone who believes that everything must be perfect before something is worthy of support. With that stance, none of us could ever support anything."<sup>11</sup> Tom stated: "The more I thought about it, the more I became convinced that though there is not a perfect fit between animal rights and the March, supporting the March is not inconsistent with one's commitment to animal rights."

Tom had decided that there was "no compelling reason" not to support and participate in an event that, in his December 7 statement, he claimed "misrepresents the truth and is morally offensive in the bargain." Tom had opted to do *exactly* what he was critical of: he promoted the idea that animal rights and animal welfare were not conflicting and irreconcilable ideologies. He supported an event that sold stage time to the highest bidders. He supported an event that reeked of what he called "celebrityism" and had condemned because it would "cheapen" the movement. Tom used to talk about the "animal confusion movement" that failed to understand the fundamental difference between these approaches. And then he decided to embrace that confusion.

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<sup>11</sup> Tom Regan, letter to undisclosed recipients, March 30, 1996.

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It was also puzzling because the animal welfare movement very clearly regarded Singer and his utilitarianism as the guiding light. The 1996 March was very much about asserting Singer's role as the ideological architect of the movement. Tom had resented that for years and then, it seemed, he just accepted it. Indeed, he was joining the organizers of the March, who had exhibited outright hostility to animal rights, in celebrating it.<sup>12</sup>

After the 1996 March, Tom moderated his position on the rights/welfare debate and became more accommodating of welfarist campaigns and conventional single-issue campaigns. Almost immediately, he began to work with and support groups that he had previously criticized. It was my hope, however, that whatever was going on would stop and that Tom would return to supporting the ideas about abolition that he had previously embraced.

But he didn't. He never returned to those ideas—except to reject them. In Tom's 2004 book, *Empty Cages: Facing the Challenge of Animal Rights*, he made clear that animal rights means abolition and not reform, but gone *completely* was his critique of welfarist organizations. Indeed, he appeared to accept as "animal rights advocates" some of the very people and groups who labeled (and who continue to label) abolitionists as "fundamentalists," "elitists," "purists," and as "divisive" and who promoted welfare reform efforts. In addition to mentioning HSUS, PETA, Farm Sanctuary, and other welfarist and new welfarist groups and individuals in the text, he thanked in

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<sup>12</sup> *Rain Without Thunder* was, like *Animals, Property, and the Law*, published by Temple University Press. But, unlike my earlier book, it was not published in Tom's series. I added a Postscript entitled "Marching Backwards," which described the events surrounding the 1996 March. See pp. 226-30.

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the acknowledgements Wayne Pacelle of HSUS, whose presence at the 1996 March was a reason he had initially called for a boycott, as well as Kim Stallwood who, as the editor of *Animals' Agenda*, had previously refused to publish our reply to the attack on us as “elitists,” Gene Bauston (now Baur) of Farm Sanctuary, a group of which Tom had been very critical for, among other reasons, its promotion of the movie *Babe*, which involved animal exploitation, and Bruce Friedrich, then at PETA, to whom Tom acknowledged “large debts” and who has consistently over the years promoted welfarism and rejected veganism as a moral imperative.

Tom regurgitated the all-too-familiar welfarist mantra that promoting animal ethics as a matter of moral imperatives is “self-righteousness” and should be rejected because no one is “pure” and, as a moral matter, “we are all shades of gray.”<sup>13</sup> Echoing his thinking when he decided to support the 1996 March about how welfarists are “essential” and contribute to the abolitionist cause, he stated that “[e]very ARA [animal rights advocate] contributes something.”<sup>14</sup> The difference is that by 2004, he seemed to think that just about *everyone*, including the traditional welfarists as well as the new welfarists, was an “animal rights advocate.” He promoted the idea of pursuing single-issue campaigns as incremental steps in the abolition of animal exploitation, but he did not seem to understand that many of those who promoted such campaigns—including a number of those whom he seemed to think were “animal rights advocates”—did not see abolition as the goal of the efforts. Therefore, such conventional single-issue campaigns

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<sup>13</sup> Tom Regan, *Empty Cages: Facing the Challenge of Animal Rights* (Lanham, Maryland: Rowman and Littlefield, 2004), 186.

<sup>14</sup> *Empty Cages*, 193.

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could do little more than explicitly or implicitly substitute one form of exploitation for another. *Empty Cages* was a celebration of the “animal confusion movement” that Tom once saw as at the very root of the problem.

In 2005, Tom co-sponsored a conference with welfarist Kim Stallwood. The conference, which was explicitly focused on the idea in *Empty Cages* that “everyone contributes something,” was called “The Power of One.”<sup>15</sup> That conference is an example of how Tom repudiated *everything* he had once promoted. There were two keynote speakers. The first was Whole Foods CEO John Mackey, described as “a driving force behind higher standards in animal welfare.” Interestingly, Singer, on behalf of a number of the large welfarist/new welfarist animal charities, had earlier in 2005 publicly praised Mackey for initiating the development of “pioneering” standards of supposedly higher-welfare animal exploitation.<sup>16</sup> So Tom and Singer, along with the welfarist charities on whose behalf Singer signed the letter, were on the exact same page.

The second keynote speaker was a former member of the U.K. Parliament who was apparently instrumental in the passage of the 2004 law that, according to the brochure, “outlawed fox hunting.” But fox hunting was *not* outlawed. The 2004 bill supposedly (it has not been enforced) stopped some hunting of foxes with dogs. It did not stop using dogs to flush out a fox so that a trained bird of prey can kill the fox. It did not stop the use of a dog to flush out a fox who was then shot. It is inconceivable

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<sup>15</sup> For a copy of the brochure describing the “Power of One” conference, see <http://www.abolitionistapproach.com/media/pdf/PowerofOnebrochure.pdf>.

<sup>16</sup> Peter Singer, letter to John Mackey, January 24, 2005, at <http://www.abolitionistapproach.com/wp-content/uploads/2015/09/support1.jpg>.

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to me that the pre-1996 Tom Regan would have seen the “fox hunting ban” as anything more than the pathetic joke it was.

The conference featured a number of welfarist speakers, including Ingrid Newkirk of PETA. PETA, in addition to promoting the welfarist and single-issue campaigns that Tom had previously rejected, was relentless in its use of sexist and misogynist imagery—something to which Tom also once objected as inconsistent with the animal rights position. And, just to make it even worse, the conference was sponsored by none other than the HSUS, two other welfarist groups, and a welfarist publisher. One of the other welfarist groups—Farm Sanctuary—was explicitly named by John Mackey, along with HSUS and PETA, and others, as “stakeholders” who had actually worked with industry to help to formulate the Whole Foods “happy exploitation” standards.<sup>17</sup>

Tom offered a special registration category, “The Power of One Circle,” that, for a payment of \$500, provided special mention in the conference program, access to a special reception, and a signed copy of *Empty Cages*. The Culture and Animals Foundation gave grants to a number of welfarists, including those who promote the “humane” exploitation of animals.

It was clear to me that, in 1996, Tom made a very definite determination about what animal rights theory meant in practice. And it was a *very* different one from the one he and I had made earlier in the history of it all, and that I continue to make to this day. After 1996, Tom adopted a version of the new welfarist position. He believed—indeed, fervently so—in

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<sup>17</sup> Mackey can be heard to name these groups in a recording. See “Mackey on Stakeholders,” at [www.abolitionistapproach.com/mackeyonstakeholders/](http://www.abolitionistapproach.com/mackeyonstakeholders/) (August 22, 2015).

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abolition as the end goal. But he adopted the position that we could achieve abolition through means that he had previously *explicitly* acknowledged were not suited to achieve the end. As a practical matter, Tom had accepted what he explicitly rejected only several months before: the “mish-mash of conflicting ideologies, all grouped under the banner, ‘Because we all care about animals, we’re all united.’”

After our parting of the ways, and after seeing the “animal movement” struggle with the practicalities of strategy, I also decided that pursuing the sorts of campaigns I had discussed at considerable length in *Rain Without Thunder* was a mistake. The support for prohibition-type campaigns rested on their being abolitionist means to abolitionist ends, as Tom and I had discussed in our 1992 essay in *Animals’ Agenda*. That is, unlike conventional single-issue campaigns that explicitly or implicitly substitute one form of exploitation for another, abolitionist campaigns were supposed to be promoted explicitly as incremental steps toward abolition and satisfy at least the other conditions I identified in *Rain Without Thunder*. But, in the absence of an abolitionist movement, such campaigns, among other problems, cannot help but promote exploitation because they necessarily promote the idea that some forms of exploitation are worse than others that, in the absence of an abolitionist context, will necessarily be regarded as morally better.<sup>18</sup>

I came to see that there will never be an effective animal rights movement without a significant vegan presence, and that the necessity of veganism, which many animal rights advocates had embraced without question in the 1980s and early

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<sup>18</sup> See Gary L. Francione and Anna Charlton, *Animal Rights: The Abolitionist Approach* (Newark, New Jersey: Exempla Press, 2015), 41-43.

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1990s, was being challenged as a result of the increasingly larger role played by the welfarist and new welfarist charities. It was important to reassert and focus on the idea that veganism—understood as involving a moral imperative reflecting a claim about justice—*must* be the basis of the animal rights movement. Advocacy efforts should focus, in creative and non-violent ways, on vegan education to build a solid foundation on which meaningful prohibition-type campaigns may be based at some point in the future. Tom clearly did not agree with my analysis as he continued to support conventional single-issue campaigns and he did not acknowledge the problems with them in his later work, as he had done previously before our parting in 1996.

Why did Tom suddenly decide to change his position in the dramatic way that he did? It certainly was not because he changed his theoretical position. Although I believe that Tom's treatment in *The Case for Animal Rights* of "lifeboat cases" presents *very* serious difficulties for his theory and incorporates perfectionism in a way that is similar to Singer,<sup>19</sup> there is no doubt that Tom's rights theory is very much different from Singer's utilitarian theory. Singer's claim that "the philosophical differences between us hardly matter"<sup>20</sup> is just wrong. They matter a great deal. It was those philosophical differences that led Regan to promote a very different vision of the movement

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<sup>19</sup> See Gary L. Francione, "Comparable Harm and Equal Inherent Value: The Problem of the Dog in the Lifeboat," *Between the Species*, Summer & Fall 1995, 81-89, reprinted with a Postscript in Gary L. Francione, *Animals as Persons: Essays on the Abolition of Animal Exploitation* (New York: Columbia University Press, 2008), 210-229.

<sup>20</sup> Tom Regan and Peter Singer, "The Dog in the Lifeboat: An Exchange," *New York Review of Books*, April 25, 1985.

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until 1996. So why, after 1996, did Tom embrace a vision of movement strategy that is largely indistinguishable from Singer's?

I do not know.

Tom hated confrontation. I think he believed—as did I—that what we were doing would at least spark a reasoned discussion at the level of the national groups about the best way forward if abolition was the goal. I think neither of us was prepared for the animosity we encountered. There was *no* discussion. There was *no* reasoned analysis. There was only anger and the claim that Tom and I were being “divisive” merely because we were raising the issues. I do not think either of us fully appreciated at that time that the “movement,” at least at the level of the large groups, was not a social movement in any sense, but a group of corporate charities. Strategy was more a function of what was the most effective fundraising tactic and less a function of any concern about moral obligation or the goal of abolition. The real goal was and remains being successful in competing for donations. Animal ethics was and is a business. Tom and I were two of the very few people in this cast of characters who were not employed by the “movement.”

The discussion and dialogue that Tom and I sought was nothing more than an opportunity cost for the large groups. They were not interested in discussion and they saw Tom and me as a *threat*, as the *Vegetarian Times* article had described us. They attacked us in vicious ways just as they continue to act in vicious ways toward anyone who questions their position. As a general matter, many “animal people” take “the ends justify the means” thinking very seriously. They believe that, because they are “helping the animals” and because anyone

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who disagrees with them is “just about ego and is harming the animals,” it’s fine to not engage the substance of the criticism, and to say and do anything that they can do to harm that person. After all, they’re “doing it for the animals.” In any event, Tom and I were both stunned by the viciousness of the behavior directed at us. It may have resulted in Tom deciding to make his peace with the “movement” and to embrace the new welfarist position—to promote abolition as the end, but to embrace welfarism and conventional campaigns as the means to the end.

It was also the case that, as a practical matter, the corporate charities had greater control over access to animal advocates back then. The Internet was not the tool of communication that it is now. When Tom and I were attacked in *Animals’ Agenda*, the refusal of the magazine to print our reply significantly reduced our ability to reach the people who read that attack. Communication between and among advocates took place largely at conferences, and these were, for the most part, events put on by large corporate charities. In 1995, Tom and I were not asked to speak at the NAA Conference—the main annual conference at that time—and that effectively reduced our access to animal advocates from all over the country who attended that event. Tom may have been concerned that if he did not make his peace with the large groups, he would, in effect, be “silenced” by them in terms of no longer being a “player” in their world. I certainly was excluded from the “movement” after 1996. Indeed, I recall a conversation with Peter Gerard in which he stated to me that I would never speak at another national conference as a result of my position. But the Internet came along and, thankfully, made it possible to communicate with large numbers of others and rendered the large corporate charities irrelevant in terms of their control of access to channels of communication. Perhaps if matters came to a head in

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2006, or 2016, instead of 1996, Tom would have made different decisions. But then, although the Internet has facilitated communication, it has increased the opportunity for opponents of abolition to engage in vicious and even defamatory attacks, often through false identities. So even if Tom had thought that he could not be silenced, he would have to confront an even greater level of viciousness.

I am, however, only speculating. I don't know why Tom changed so quickly and so dramatically. What I do know is that he did change. And that ended our effort to implement rights theory in a strategy that was suited to achieve the supposed goal of abolition.

### **Conclusion**

I have very many memories of my years working with Tom. In this essay, I have shared only a few. We had many good times together. I vividly remember the summer of 1992, when Tom, Nancy, Anna, and I spent time together at the University of Madrid Complutense. I remember the many dinners we had in New York City, including at a particular Thai restaurant that Tom and Nancy loved. I remember the many hours that we spent together, and with other friends, such as artists Sue Coe and Marly Cornell, at our loft in Greenwich Village. I believed, and I know Tom believed, that we were at the center of the emergence of a new social movement—a grassroots movement—that involved a paradigm shift in our thinking about animals, including, importantly, an explicit rejection of the welfarist paradigm that had dominated animal ethics for 200 years. It was a paradigm shift that recognized a relationship between human rights and animal rights, and that emphasized veganism as a moral imperative.

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The organized “animal movement” as it now exists in 2018 is an appalling collection of corporate charities that promote “reducetarianism,” “happy exploitation,” and every other form of welfarism.<sup>21</sup> The “movement” hardly ever, if at all, talks about rights or abolition except to regurgitate the baseless—indeed, absurd—new welfarist claim that welfare reform and conventional single-issue campaigns will lead to abolition. The “movement” promotes veganism, if at all, only as one way, among many others, including “free-range eggs,” “crate-free pork,” etc., of reducing suffering, and never promotes veganism as a moral baseline or imperative. The “movement” we have today is the result of the confused thinking that led Tom and others to conclude that anything that anyone did concerning animals was a contribution to the struggle for abolition. As Tom said to Peter Gerard in 1995: “[N]othing could be further from the truth.” Unfortunately, and for some reason, Tom embraced it as the truth in 1996.

Ironically, despite the theoretical differences between Tom’s position and that of Peter Singer, and Tom’s disappointment that the movement never really appreciated his work, they both ended up supporting virtually the same vision of the movement. And, in my view, that vision is a disaster for the animals and will never—*can never*—lead to abolition. It will only make humans more comfortable about continuing to exploit nonhumans. And it will provide many jobs for career “activists.”

Would it be any different if Tom and I had stayed working together? The truth is that I do not know. On one hand, I have

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<sup>21</sup> See, e.g., Gary L. Francione, “Animal Welfare Regulation, “Happy Exploitation, and Speciesism,” *AbolitionApproach.com*, at [www.abolitionistapproach.com/animal-welfare-regulation-happy-exploitation-and-speciesism/](http://www.abolitionistapproach.com/animal-welfare-regulation-happy-exploitation-and-speciesism/) (August 27, 2013).

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no doubt that the large animal charities would have continued to regard us as a threat and would have continued to attack us in all sorts of ways. The welfarists, new welfarists, and other opponents of abolition are, among other things, still labeling my position as “divisive,” “fundamentalist,” and “purist”—just as they had once labeled *our* position before Tom decided that it was no longer *his* position.

On the other hand, there is no doubt that Tom and I had succeeded in building the foundation of a rights movement. We got close to seeing that movement emerge. It would have been interesting to see what would have come of the efforts that we started making in 1995 to work with local groups with the goal of creating a grassroots movement that had nothing to do with the national organizations and that was consistent in promoting abolition. I have no idea whether we would have succeeded in building that grassroots movement, but I think we had a very good chance.

In closing, let me finish with a note of optimism. Although it is true that the animal rights movement that Tom and I attempted to facilitate died in 1996, that does not mean that idea of animal rights as abolition and a rejection of welfare reform and conventional campaigns died as well. On the contrary, the abolitionist movement in 2018—at least the movement in which I am involved—is very much alive and well.<sup>22</sup> It is a grassroots movement. There are no corporate charities and no appeals for

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<sup>22</sup> For more on the abolitionist movement, see Francione and Charlton, note 18. See also <http://www.AbolitionistApproach.com> and <http://www.HowDolGoVegan.com>.

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donations. This movement is based around the recognition of animal rights; a rejection of animal welfare; the centrality of veganism as a moral imperative; the rejection of discrimination against humans as well as nonhumans, and the rejection of violence. It is a movement that recognizes and celebrates the power of the individual to effect change but that change starts with the understanding that veganism is the only rational response to the recognition that animals have moral value.

The abolitionist movement is growing all over the world in part because it comes from the passion of those who are involved with it. It is not a business. It is not a matter of charities selling out the animals to keep donors happy and donating. It is a matter of promoting animal rights as what justice *requires*. It is a matter of engaging in creative, nonviolent advocacy aimed at helping people to understand that if animals matter morally at all—and so many people agree that they do—then they can no longer participate in the direct exploitation of animals by eating, wearing, or using them. I am excited about the future and I am happy to see new generations of young people—in addition to those who are longer in the tooth—recognizing the importance of veganism as a moral imperative that reflects and promotes justice.

I am quite certain that the abolitionist movement with which I am presently involved would have met with the enthusiastic approval of the Tom Regan I knew through 1995. There have been many times that I wished that Tom and I could talk and strategize as we did in days gone by. And I am sad that we will never be able to do so again.

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I would like to thank Anna Charlton, who, in addition to helping me structure this essay, lived with me in real time through *all* of the events described herein. Marly Cornell, Sam Earle, Dr. Frances McCormack, and Linda McKenzie read the essay and made invaluable comments and editorial suggestions. I am very grateful to all of them. This essay is dedicated to Tobias, one of the marvelous nonhuman refugees with whom we have had the pleasure and the honor to share our lives.