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Anti-Carceral Approaches to Addressing Harms Against Animals: Considerations on Multispecies Restorative and Transformative Justice

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(Received 12 May 2023; revised 26 February 2024; accepted 19 September 2024)

Abstract

The animal protection movement has developed an increasingly close working relationship with the criminal punishment system through lobbying and campaigning for harsher punishments for animal abuse, while at the same time showing an interest in restorative justice (RJ) as a response to harm against animals. In this article, we take a critical position aligned with anti-carceral feminists and prison abolitionists against the carceral systems that fail humans and animals in circumstances of violence. We consider the potential of RJ as an alternative approach to address and prevent harm against animals in abuse cases on an individual level while highlighting the limitations of RJ in achieving the necessary changes on a societal level to end structurally produced violence against animals, such as industrial animal exploitation. We propose that transformative justice (TJ), which involves some RJ processes, is the most promising approach that could achieve justice for both humans and nonhumans in the long term without reproducing traumas and violence for the individuals and communities involved in harm reduction and prevention. Drawing on examples of RJ and TJ as developed and practised in marginalized human communities, we apply their lessons to thinking through similar practices in the context of animal abuse and neglect.

Introduction

The animal protection movement has developed an increasingly close working relationship with the criminal punishment system, through lobbying and campaigning for criminalization and harsher punishments for animal abuse, while at the same time showing an interest in restorative justice (RJ) as a response to harm against

animals. Scholars have argued that the former indicates a “carceral turn” in the movement (Marceau 2019; Gruber 2022; Marceau 2021).

Proponents of criminalization understand the law to elevate the social and cultural status of victims, with increased legal prohibitions and punishment showing the broader public that victims “matter” (Beck 2022; Cupp 2022; Levin 2022; Kuennen 2022). Indeed, such initiatives have gained political traction in Canada and the US. In 2019, for example, the US passed the *Preventing Animal Cruelty and Torture Act* (PACT), which made some forms of animal cruelty a federal felony. PACT largely duplicated already existing state protections but has been lauded as a victory by the animal protection movement as the missing piece in achieving justice for animals (Struthers Montford and Kasprzycka 2021). In effect, PACT criminalizes certain types of cruelty occurring across multiple jurisdictions, and applies to the unusual maltreatment occurring outside those standards to agriculture, biomedical testing, and the “sport” of hunting (Levin 2022; Struthers Montford and Kasprzycka 2021).

Canada, too, is showing a carceral¹ approach to crimes against animals. Bill C-84, adopted in 2019, for example, strengthened sanctions for bestiality and animal fighting (Government of Canada 2018).² Sentences can include imprisonment, fines, and/or community service. The province of Ontario states that their 2019 *Provincial Animal Welfare Services Act* (PAWS), contains “the strongest provincial penalties in Canada for animal abuse and neglect” (Ministry of the Solicitor General 2020). PAWS, like most animal cruelty laws, contains exemptions for animal agriculture and hunting, amongst others. It also transferred the investigation and enforcement of animal harm from the Ontario Society for the Prevention of Cruelty to Animals and Humane Society to the provinces, a first in Canada. Changes to legislation also signal provincial priorities and have implications across the legal system including policing. For example, the Ontario Cornwall Police Service now receives specialized training on the enforcement of animal welfare laws (Ontario SPCA and Humane Society 2019).³ Other police services are also turning their attention to animal cruelty. In 2021, Canada’s first animal cruelty investigation unit was established by the Edmonton Police Service (EPS). The EPS states that through dedicated and experienced investigators, abusive behavior will be addressed, and maximum penalties enforced (EPS 2019).

The movement’s carceral “turn” does not refer to the novelty of criminalizing animal cruelty, which is not new, but in our view, refers to nongovernmental and

¹ Our understanding of “the carceral” is framed by the work of prison abolitionist Ruth Wilson Gilmore (2007; AJ+ 2020) and scholars of law and philosophy, Lori Gruen and Justin Marceau, to mean oppressive systems of “scapegoating and othering” (2022, 2) in which humans and nonhuman animals languish and perish, as well as the criminal legal system and related institutions which sustain not only the material operation of the criminal legal system but shape the distribution of material and symbolic resources in ways that make specific groups vulnerable to victimization. The carceral also constrains our political imaginations to rely (solely) on state-administered punishment that maintains gross inequalities, rather than investing in transforming the material conditions that produce vulnerability to offending and victimization.

² See, for example, Criminal Code Sections 444.1(1)(b), 447 (cruelty to animals) and 160 (bestiality) (Government of Canada 2018).

³ As per their report, The Ontario Society for Prevention of Cruelty to Animals and Humane Society (2019) provided enforcement training to the Cornwall Police to “share resources and knowledge of animal well-being and behavior, as well as tips on navigating complex animal welfare legislation.”

nonprofit organizations increasingly partnering with criminal legal institutions to solve issues and demonstrate the mattering of the harm in question, attempting to elevate the moral and political standing of animals through increasingly heavier carceral responses that include but are not limited to incarceration. Put otherwise, we understand a “carceral turn” in the animal protection movement to be indicated when working with the state and its carceral institutions become the movement’s principal strategy for preventing violence against animals and animal advocacy, and/or when incarceration is positioned as a necessary tool in the response to harm against animals.⁴ It is indeed the case that in the examples listed above, animal protection organizations were involved in and supported the passing of PACT and are explicit in their support of incarceration, and that non-profit organizations are now working with law enforcement agencies to provide training and guidance on anti-cruelty detection and enforcement (ALDF 2015; The Humane Society of the United States 2019; EPS 2019; Ontario SPCA and Humane Society 2019; ALDF n.d.-a).

While Canada may, too, be experiencing a carceral animal turn, at least rhetorically, animals remain marginal to the concept of victim. In the context of crime victim rights, the government’s definition of “victim” is “a person who has suffered physical or emotional harm, property damage, or economic loss as a result of a crime” (Department of Justice 2015, emphasis added). This status affords certain rights and protections under the *Crime Victims Act*, including the right to information, participation, and protection, and to seek restitution throughout the criminal legal process. In the US, animals are often similarly excluded from the category of “crime victims” but can be “victims of crime,” though organizations such as the Animal Legal Defense Fund are working to enshrine individual animal victims’ rights, including a form of victim impact statements at sentencing and compensation from offenders to cover medical expenses (Animal Legal Defense Fund, n.d.-a). As such, the law may make incremental changes in recognizing *victimization* experienced by animals but due to its anthropocentric foundation it is still very limited in recognizing animals as crime victims in a way that provides mechanisms promoting their interests (Derrida 2011).

Marceau has warned those of us concerned with human and nonhuman animal wellbeing to not be seduced by carceral animal law’s promise of incremental or symbolic change, instead stating that it is a form of “legal escapism” that consumes scarce material resources and what limited public attention harm against animals receives in the first place (2021, 251). Marceau, drawing on scholars critical of “progressive carceralism,” such as Aya Gruber, shows that in much the same way that feminist legal reforms have not only failed to promote feminist agendas in reducing violence against women but have prevented positive social change. Similarly, animal carceralism not only fails to accomplish its goals, it actually impedes the improvement of the material conditions experienced by animals and thus the goals

⁴ For example, the Animal Legal Defense Fund has a position statement on sentencing for crimes of animal cruelty, in which they state: “The Animal Legal Defense Fund recognizes that the United States is facing a crisis of mass-incarceration which is supported by—and contributes to—institutional biases based on race, socioeconomic status, and other factors. We also recognize that incarceration has a valid place as one of several justice system tools for addressing animal cruelty” (ALDF n.d.-a, 3).

of the animal protection movement itself (Marceau 2021, 251). For Marceau, carceral animal law hampers progressive change for animals and causes harm because “incremental” changes work to keep most animal suffering invisible while at the same time deploying a rhetoric of victory for animals. Instead, Marceau (2021) calls on animal advocates to focus their energies and resources away from animal carceralism to mechanisms aimed at corporate and systemic accountability.

While animal cruelty is increasingly criminalized, there is also a concurrent move to apply RJ practices in cases of animal cruelty (Hill 2021; 2020; Vermont Law and Graduate School and University of San Francisco Law 2022; Chapman and Rosengard 2022). At the outset, these two trajectories may seem counterintuitive. Whereas retributive justice pits the offender against the state and/or victim, most often in the form of the trial and sentencing structure emblematic of this approach to punishment, RJ processes seek a holistic approach to repairing harm that understands offender rehabilitation as premised on reconciling with the victim(s) and impacted community members (AJ+ 2020). As a result, RJ approaches are often positioned as a “soft” alternative against tough-on-crime approaches characterized by increased criminalization and harsher sentencing. However, it is our position that these are two carceral avenues that arrive at the same outcome: individuals are largely responsabilized for the structural inequalities that put them at risk of criminalization, and that makes animals vulnerable. Such a limited scope, in addition to the individualizing and responsive nature of criminalization, makes carceral responses unable to address structural issues as to why crimes against animals are committed in the first place and often exacerbate rather than repair harm. Furthermore, carceral responses fail to meaningfully respond to the realities of daily maltreatment experienced by those who are most subjected to harm: farmed animals whose treatment is only considered cruelty when it exceeds “standard” or “generally accepted” industry practices; wild animals who continue to face the brunt of the Sixth Extinction; animals in laboratories used in medical and pharmaceutical experimentation; and the many others categorized as property of industry and the collateral damages of human and industrial encroachment (Animal Justice 2022; Weis 2018; Struthers Montford and Kasprzycka 2021). For Marceau, this is because carceral animal reforms reaffirm how “legally entrenched hierarchies degrade the socio-legal status of animals as a group, and allow for the infliction of horrific animal suffering under the ‘mantle of complying with state and federal laws that purport to protect animals’” (2021, 252). Indeed, carceral animal law’s siloed focus on incremental rather than systemic change has largely maintained exemptions for violence against the majority of domesticated animals, of which 90 per cent of domesticated animals are commodified in the food system, with animal agriculture and slaughter corporations “inoculated from prosecution unless a prosecutor can show beyond a reasonable doubt that the pain and suffering they might cause is not ‘customary and normal’” (Marceau 2021, 254).

In effect, there are limits to which animal victimhood can matter within a carceral animal law approach, namely protections for animals extend “up until the point when it would become morally or commercially relevant to most Americans” (Marceau 2021, 254). Put otherwise, carceral animal law protects the status quo of how we interpersonally and structurally relate to the vast majority of nonhuman animals. The animals who “matter” as victims according to these legal frameworks,

we suggest, are often only “pets” or law enforcement animals, such as “police K9s”—animals invited into the fold of whiteness through their proximity to the typically heteronuclear white family of whom they are a part, or the racist and colonial criminal legal institutions into which they are conscripted (see, for example, Struthers Montford and Kasprzycka 2021; Cepeda Gallo and Taylor 2021).

What a carceral approach does accomplish, however, is the production of the “good feelings” associated with humaneness. Via the legal denunciation of animal cruelty, our recalcitrantly anthropocentric society can claim to be humane in our relationships with nonhuman others, yet little material changes arise. Building on Marceau’s call for a reallocation of symbolic and material resources towards systemic accountability, we suggest that the animal protection movement can better achieve their goals of improving the status and lives of animals by turning its attention and resources to non-carceral practices—such as TJ—that do not isolate the situation of animals from other social justice issues, such as those driving criminalization. First, we outline how the criminal punishment system is foundationally unable to meaningfully address animal cruelty and, failing this, how it often authorizes harm against animals and their advocates by protecting industrial interests. Second, we analyze the application of RJ for animal cruelty. In light of RJ’s limitations, we then outline TJ praxis and argue that the Humane Society of the United States (HSUS) “Pets for Life” program aligns with TJ principles and practices to focus on building community capacity and accountability in the prevention of companion animal cruelty and criminalization. Lastly, we outline which RJ principles can be incorporated into TJ approaches specific to the structural harm of animal agriculture. We suggest that farmed animal sanctuaries and the relationships therein constituted will be a pivotal model for TJ praxis aimed at interpersonal and structural justice for nonhuman others.

The Harms of Legal Systems on Farmed Animals and Animal Advocates

Elan Abrell suggests that property is an ontological category “perhaps most central to human-animal relationships in the contemporary United States—including in [animal] sanctuaries” (2021, 15). This analysis also accurately describes human-animal relationships beyond the US, wherever animals are legally classified as property. Further, as Kathryn Gillespie argues, “an animal does not have to be property to be the subject of violence and bodily appropriation, nor does a body have to be property in order to be commodified” (Gillespie 2016, 121). Interpellated as property and commodity under the law, relying on legal systems and law enforcement to respond to harms against animals can put both animal advocates and the animals themselves in vulnerable situations as animal interests are fundamentally opposed to their being commodified. The bias of the legal system against animals and their advocates structured the recent Canadian case in which four animal activists faced twenty-one indictable charges following their filming and publishing of animal suffering at the Excelsior Hog Farm, located in Abbotsford, British Columbia, Canada.

In 2019, activists Amy Soranno, Nick Schafer, Roy Sosano, and Geoff Regier (known as the Excelsior 4) participated in a series of actions taken against Excelsior Hog Farm in protest of the animal cruelty occurring inside the farm. These actions included

placing hidden cameras throughout the farm that captured “the owners and operators of Excelsior Hog Farm conducting criminal animal cruelty, including electric prodding the pigs in the face, repeatedly hitting and kicking the animals,⁵ and cutting off the tails and testicles of screaming piglets with no pain relief⁶” (“The Excelsior 4,” *n.d.-a*). Regier acted as a whistleblower by delivering the footage they had acquired to the British Columbia Society for the Prevention of Cruelty to Animals (BC SPCA), with hopes that the BC SPCA would recommend charges against Excelsior Hog Farm. Indeed, the BC SPCA is mandated by the province to enforce the Prevention of Cruelty to Animals Act (PCA Act), with select employees having been specifically trained and appointed as police special constables in this vein (Ministry of Agriculture and Food, *n.d.*). Instead, the BC SPCA violated their own confidentiality policy and reported Regier to the Abbotsford Police, resulting in Regier being charged. On April 29, 2022, Regier’s charges were stayed by the Crown during pre-trial hearings after his lawyers argued that the BC SPCA’s misconduct constituted an abuse of process. On July 9, 2022, two of the three remaining activists, Soranno and Schafer, were ultimately convicted of Mischief and Breaking and Entering following a jury trial, while Sosano was acquitted of all charges. Soranno and Schafer each received a prison sentence of thirty days (The Excelsior 4, *n.d.-b*).

The outcome of the Excelsior 4 trial is not unique in its support of the anthropocentric status quo. There have been other recent cases involving activists who have conducted civil disobedience and documented evidence of animal cruelty in an attempt to advance farmed animal causes through the court systems, only to be charged and convicted while the farms themselves continued to operate (see, for example, Lennard 2021; Lofaro 2022). The fact that Soranno and Schafer were sentenced to a jail term, in their case thirty days, is unique in the Canadian context and is a first for those engaging in nonviolent acts of civil disobedience (Labchuk 2022). What stands out in the Excelsior 4 case was that even the BC SPCA, an animal welfare organization with the power to recommend criminal charges, refused to do so when presented with clear evidence of animal cruelty, and instead turned the whistleblower over to the police. Because courts are not set up to fully recognize animals as victims, activists are prevented from putting forth valid legal defences. In the Excelsior 4 trial, for example, the presiding judge, Justice Verhoeven ruled that Soranno and Schafer would not be permitted to argue as part of their defense, that Excelsior Hog Farm had engaged in animal cruelty as set out under the relevant statutes, which also included being forbidden from showing video evidence of animal cruelty to the jury (The Excelsior 4, *n.d.-b*).

During sentencing, Justice Verhoeven permitted Schafer to present his oral statement in full but did not extend the same treatment to Soranno. In his “Oral Reasons for Sentence,” Justice Verhoeven writes, “as Mr. Schafer had already done in his statement to the court, Ms. Soranno began to describe in detail the [animal

⁵ Contra to Section 4.1 on “Handling, Movement, Restraining and Treating Animals” of the Code of Practice for the Care and Handling of Pigs (National Farm Animal Care Council 2014) and thus *the British Columbia Prevention of Cruelty to Animals Act: Animal Care Codes of Practice Regulation* (British Columbia 2019).

⁶ Contra to Sections 4.5.1 specific to “Castration,” and 4.5.3 on “Elective Animal Husbandry Procedures - Tail Docking and Tail-Biting” of the Code of Practice for the Care and Handling of Pigs (National Farm Animal Care Council 2014) and thus *the British Columbia Prevention of Cruelty to Animals Act: Animal Care Codes of Practice Regulation* (British Columbia 2019).

agriculture] practices she considers abhorrent and wrongful. At this point, I interrupted Ms. Soranno and explained that *no purpose* would be served by carrying on in this respect” (2022 at paras 42–43, emphasis added). As such, the animal subjugation that brought both parties into conflict with the law is seen as inconsequential to the court. Note that Justice Verhoeven further justified his decision not to allow Soranno to speak in the following manner: “The court cannot permit itself to be used as a platform for expression of political views which in and of themselves have no bearing on the court’s decision” (2022 at para 45). Soranno’s efforts to “bring” the animals into these proceedings were not only unintelligible to the court but were silenced when raised by a woman.

Verhoeven’s silencing of Soranno is consistent with what Maneesha Deckha (2018) has called a “dismissive anthropocentric attitude” against the female voice and animal subjectivity that occurred in the “Pig Trial” in Toronto, Ontario, Canada. In this case, another activist, Anita Kranjc was prosecuted for criminal mischief for giving water to pigs bound for slaughter (18). In *R v Krajnc*, the court discredited the testimonies of two female expert witnesses on the sentience and suffering of pigs inside transport trucks as non-objective, while affirming the testimonies of two male expert witnesses’ testimonies on animal farming’s negative impacts on the environment and food security (Deckha 2018). Like the Pig Trial, Excelsior 4 is yet another case demonstrating how animal activists are prosecuted as a result of advocating for farmed animals. It also highlights how a supposedly neutral and objective legal system is fundamentally social: shaped by the dominant cultural, political, and economic norms—all of which are anthropocentric—that structure institutions and relations as well as prevent activists from raising valid but nonanthropocentric legal defenses.

When it comes to the farmed animals themselves, instances where animals escape captivity during disasters reveal their foundational position of conflict with the law. Stephanie Eccles and Elisabeth Stoddard documented this antagonism by tracing the lives and fate of farmed animals who escaped from Concentrated Animal Feeding Operations (CAFOs, more commonly known as industrial “factory farms”) in North Carolina in the aftermath of Hurricane Florence (Eccles and Stoddard 2021). CAFOs structurally and systematically create and exacerbate the vulnerabilities that farmed animals face during hurricanes and floods in numerous ways (Johnston, Emel, and Stoddard 2015; Stoddard and Hovorka 2019). Standard industrial farming practices that modify animal bodies, such as “teeth cutting, tail docking, and castration without anesthetic,” as well as forcing animals to spend their entire lives confined to spaces that severely restrict their movement and forbid them opportunities to form social relations with other animals, all contribute to damaging their physical and psychological development (Eccles and Stoddard 2021, 8). These harms drastically minimize the animals’ capacities to act in resilient ways that could otherwise increase their chances of survival when facing disasters. Camille Labchuk of Animal Justice has called for population caps and legally required emergency evacuation plans following mass floods that occurred in 2021 in British Columbia’s Fraser Valley—an area that includes the Excelsior Hog Farm (Labchuk 2021). Then Minister of Agriculture, Lana Popham stated that casualties from the fall 2021 flood included “628,000 poultry reported dead, 420 dairy cattle deceased and approximately 12,000 hogs . . . And also of note, there [are] 110 beehives that have been submerged” (Mangione 2021). Limits

on farm sizes and required disaster plans are meant to allow for the feasible evacuation of farmed animals who, in such cases, would otherwise die from natural disasters brought about by climate change, in which animal agriculture is a leading driver (Intergovernmental Panel on Climate Change 2019, 2022; Steinfeld *et al.* 2006). If the said measures had been put into place, these animals would still be killed in abattoirs at the time when it is most profitable for the industry. Legislative requirements of this kind are certainly warranted and will reduce the industry's profit margins, thereby potentially disincentivizing animal agriculture, but will likely fail to ultimately transform the conditions in which farmed animals are made vulnerable. Instead, it could delay when and how they will die (that is, during the climate event or at the slaughterhouse).

Despite the vulnerabilities inherent to CAFOs generating high mortality rates in the event of climate disasters, some animals do manage to escape. Eccles and Stoddard noted one failed animal rescue attempt during Hurricane Florence: a group of rescuers who were not authorized by the state had come across ten pigs who had escaped to an elevated strip of highway. Unfortunately, the rescuers' efforts to bring the pigs to safety were stopped short by a farmer who claimed to own the pigs, on the basis that the relocation of the pigs would amount to stealing the farmer's property. With the assistance of a police officer who threatened to charge the rescue team with theft, the farmer led the pigs back onto the highway, where they remained with no provision of food, water, or veterinary care (Eccles and Stoddard 2021, 17). Meanwhile, state-authorized animal rescue teams prioritized returning farmed animals to their "owners," thus the very system of exploitation that produced their vulnerabilities and ultimately mandates their deaths. Given the animals' commodity status, Eccles and Stoddard argue that "animal survivors are not just survivors of Hurricane Florence, but also from industrial farming practices" (Eccles and Stoddard 2021, 18).

Animals remain vulnerable even in situations of "rescue" due to the social acceptability of slaughtering and eating built into anti-cruelty laws. For example, Molly, a pig removed from conditions of abuse by the BC SPCA, was later killed and eaten by her "adopters." The BC SPCA for their part, was unable to protect Molly following her adoption or react meaningfully following her death:

Because animals are considered property under the law, once an adoption agreement is made, that person is the full legal owner of that animal, whether it is a dog, or a cat, or a pig or whatever, so the minute the adoption is signed we lose all legal rights to that animal. (Judd 2018)

It is likely the case that "rescued" pigs face similar fates as Molly more often than the public is made aware of, as rescue organizations do not systematically follow up on how the animal is faring, and adopters might not realize the long natural lifespan of pigs (approximately twenty years), nor how large they can become, making them challenging "pets." Molly's case highlights paradoxical approaches to cruelty: "rescued" from abusive conditions only to be rehomed and consumed by her adopters. In one situation, an animal can be viewed as a victim, but foundationally they are always property. Their victim status should then always be understood within these legal constraints. Along with Excelsior 4, these cases exemplify how farmed animals are victims who must also survive the legal regime.

If “animal carceralism”⁷ were to be effective, its benefits would most likely be limited to companion animals, given that recent legal changes expanding anti-cruelty provisions and increasing punitiveness for their contravention have seen increased consequences for cruelty against animals belonging to this category. Those most structurally targeted for violence such as farmed animals, hunted animals, or those used in biomedical testing will continue to be excluded from protections (Marceau 2021; 2019). However, even in situations of companion animal neglect and/or harm, such an approach has been detrimental to both parties. The case of Michael Beaver, a 53-year-old unhoused Ohio man charged with animal neglect stresses its failures. When a police officer was evicting an unhoused camp, he found Zeus, a dog in distress. Zeus was alone with a water bowl in extreme heat conditions and his owner, Beaver, was absent. At the veterinary hospital, Zeus’s health issues were so severe that he was euthanized. Beaver, who was later charged with and pled guilty to misdemeanor animal neglect, stated that he was aware Zeus was sick and attempted to have medical care provided for Zeus; however, he could not afford the \$800 veterinary hospital bill. He further explained that he was away from Zeus to source food and water for him. Beaver was sentenced to eight days of time served in jail. For most of his life, Beaver had been subject to housing instability, often resulting in homelessness; he depended on Zeus for emotional support (Joens 2022). Although there are some free and available services for pet owners, they are not always accessible to unhoused and/or marginalized persons. Beaver was unable to provide life-saving veterinary care for Zeus, and the carceral response did not prevent Zeus’s death nor did it improve the material conditions faced by Beaver or others in similar situations.

Rather than preventing or remedying animal suffering, in some cases, carceral responses criminalize poverty and exacerbate these conditions through imprisonment and fines.⁸ Fines and fees issued by the Criminal Punishment System (CPS) have the effect of controlling the social life of those in low-income communities, especially those in communities of color. Individuals in these groups cannot afford to pay the fines or legal fees, in addition to lost wages from missing work to attend court. CPS responses to animal abuse will contribute to “permanent punishment” in which offenders who cannot pay their fines and fees will be rearrested and incarcerated for having these outstanding “debts” (Pager et al. 2022, 530). Carceral responses also fail to center animals as aggrieved parties. The EPS Animal Cruelty Task Force justifies its work based on “the link” thesis (see, for example, Frasch 2022)—the theory that

⁷ By animal carceralism we mean the increasing unity between the animal protection movement and the criminal legal system to establish new anti-animal cruelty laws and/or increase the punishment for violating existing animal cruelty provisions.

⁸ The American Society for the Prevention of Cruelty to Animals (ASPCA 2015) states that: “When pet owners with incomes lower than \$50,000 were asked which service might have helped them the most, the majority indicated free or low-cost veterinary care (40%) [. . .] free or low-cost pet food (30%), free or low-cost temporary pet care or boarding (30%) and assistance in paying pet deposits for housing (17%).” The difficulty in affording services such as veterinary care, and goods like food and medicine for low-income guardians provides the conditions for understanding these persons as neglectful rather than disproportionately affected by a privatized animal care industry.

antisocial harm perpetrated against animals will ‘escalate’ to violence committed against humans—by stating that “helping animals helps protect people” (EPS 2019). Through this logic, state concern with animal victimization matters to the degree that it impacts human safety. The EPS’s logic is historically consistent: early animal protection laws tended to criminalize animal abuse *on the basis* that such acts were thought to threaten human safety (Hill 2021). The failure to center animals at the forefront of their victimization reveals the issues with dominant ontologies towards animals and their legal status in society.

Advocates and organizations have sought to have the courts recognize the legal standing of nonhuman animals, a necessary mechanism for their existing rights to be enforced, such as the right to not be cruelly abused. They have also sought to have a third party’s right to enforce codified precedent and legislation so that organizations have standing provisions in order to file suit on behalf of nonhuman animals (ALDF *n.d.-b*). These efforts have been almost universally unsuccessful in the US and Canada, with the result that, in US civil cases, human plaintiffs must establish their standing—in essence, a surrogate victim role—to bring cases on behalf of animals (Meyer 2022). In the Canadian context, human parties and organizations can establish intervenor status through a public interest standing to access justice. Public interest standing is a mechanism that allows individuals or organizations to bring matters before the courts if there is a public interest in doing so, regardless of whether they are directly affected or their rights violated. Such a status is common when bringing cases on behalf of marginalized groups and individuals (University of Toronto Faculty of Law 2022). Despite these provisions, in certain cases of animal victimization, advocates have been refused standing as they cannot prove to have suffered “direct wrong(s)” in the case at hand (McQuigge 2019). The leading case on public interest standing, the 2012 *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, was recently reaffirmed by the Supreme Court of Canada (SCC) in June of 2022, and clarifies that it is not necessary to require a directly affected individual to have this status; rather, experts and witnesses can provide relevant information in a nonplaintiff capacity to establish standing. As the SCC sets out, the *Downtown Eastside* test considers “whether there is a serious justiciable issue, whether the plaintiff has a genuine interest, and whether the suit is a reasonable and effective means of litigating the issue (Jang 2022; British Columbia (Attorney General) v. Council of Canadians with Disabilities 2022 at para 90).

While there has been an increasing move to criminalize animal abuse and to establish standing for advocates of nonhuman animals, there is a concurrent movement amongst legal scholars, professionals, advocates, and animal protectionists to apply RJ practices in cases of harm against animals. In July 2022, for example, the law schools of the University of San Francisco and Vermont hosted the “Animals and Restorative Justice Symposium,” the Animal Legal Defense Fund (ALDF) hosted a webinar on animals and RJ on its website, and two ALDF staff members, Jessica Chapman (criminal justice fellow) and David Rosengard (managing attorney for the criminal justice program) have developed an applied workshop on RJ and animal crimes (Vermont Law and Graduate School and University of San Francisco Law 2022; Hill 2020; Chapman and Rosengard 2022).

Restorative Justice and Animal Victimization

RJ has multiple and contested meanings depending on the context and communities in which these initiatives operate but, generally, it has a focus on offender responsibility and offender-victim reconciliation (AJ+ 2020). For the purposes of our argument, we treat RJ as a penological philosophy that centers the victim and facilitates dialogue focused on the offender's acceptance of responsibility and the reparation of relationships. Given that our focus is limited to the US and Canada, we also recognize that in these settler colonial contexts, RJ is rooted in and is modelled on Indigenous ways of responding to harm and rule-breaking. It is intended to be a holistic approach to *repairing* harm suffered by victims of crime. Supporters of RJ distinguish it from CPS responses based on retribution that mainly centers on the state and its legal actors. RJ instead makes offenders, victims, and stakeholders the focus by considering "crime a violation of people and relationships" rather than only the contravention of state laws (Zehr 2015, 19). Central to RJ processes are dialogue, responsibility, and the context leading up to the events in question. Offenders must take responsibility and provide an account of their actions in order to access RJ processes. Reasons for offending will then be communicated in dialogues involving the survivor, offender, and community members. Since the offender takes responsibility, recognizes that they caused harm, explains their reasons for doing so, and agrees to provide restitution in ways meaningful to the victim, RJ processes are meant to empower the survivor in ways the CPS does not. Furthermore, the survivor is provided space to discuss their experience and have it validated, whereas survivors often describe their experience with the CPS as invalidating and retraumatizing (Randall 2011; C. Taylor 2018). Rehabilitation and remedies are meant to be agreed upon by all involved. RJ, then, is foundationally relational and largely focused on interpersonal dynamics.

In the context of harm against animals, Brittany Hill argues that RJ can be a valuable tool in responding to animal cruelty and can achieve justice. For Hill, justice is the prevention of future harm rather than retribution and punishment for past harm (Hill 2021, 237). For Hill, RJ is well positioned to achieve these goals as it can be widened to accept animals as victims, recognize harms against animals as serious and non-trivial, grapple with the causes of harm, and attempt to address other damaging actions. Even though animals do not "dialogue" in the same manner as humans, which is at the heart of RJ processes, nor can they agree or opt-in to RJ processes, their interests can be upheld using a surrogate victim, who can be the guardian of a harmed animal (provided they are not the offender), or veterinarians and other experts who can explain the physical and psychological impact of the harm experienced by the animal. Jurisdictions such as Scotland, which is considering how to use RJ in cases of harm against animals, have used surrogates to represent rivers harmed in cases of environmental crimes, and suggest that "communities of care" made up of individuals directly impacted by the harm could also represent animal victims (Environment and Forestry Directorate 2022). It should also be noted that reparations are usually directed to organizations or centers dedicated to animal wellbeing, not the individual animals in question. As such, the harmed animal is positioned as a proxy for an entire group of animals (Environment and Forestry Directorate 2022). While jurisdictions are demonstrating an interest in using RJ approaches, it is worth noting that limits to

its scope and application exist. For example, Canada's Department of Justice discourages the use of RJ in cases of sexual assault and domestic violence, and the Scottish Government typically limits RJ to youth offending and "less serious offenses" (Crime 2017; Environment and Forestry Directorate 2022). Similarly, others currently at the forefront of implementing RJ for animals do not believe that the approach is appropriate for every offense or offender (Hill 2021; S. Adams 2022). By way of design, how prevention will be conceptualized is often limited to interpersonal rather than structural relations. Considering that anthropocentrism and animal exploitation are foundational to much of Western colonial societies (Derrida 2008; Belcourt 2014), empathy-based training would be an example of a proposed RJ prevention measure meant to counteract ideological and structural harms against animals, as it assumes that an *individual* offender learning empathy towards animals to be a viable remedy.

There are some preliminary examples of RJ being used to address harm against animals in Ireland and the US (Environment and Forestry Directorate 2022). More recently, Sally Adams, Chief Deputy State's Attorney and the animal cruelty prosecutor for Chittenden County, Vermont, has been involved in RJ approaches to harm against animals, which we see as indicative of how the recent focus on RJ to address animal victimization will continue to unfold. Adams positions RJ as beneficial and appropriate when education is necessary. In cases where there is a malicious mental state on the part of the offender, outright violence, and/or animal abuse in the context of domestic violence, Adams deems RJ inappropriate and opts to pursue charges through the courts instead (S. Adams 2022). Adams' prosecutorial discretion to direct charges through RJ processes that she oversees or through the courts shows that in this case, RJ is working as a branch of the CPS rather than as its alternative.

Adams, for example, describes a criminal case involving an unhoused man (who remained anonymous as the case was sealed by the courts) where the use of RJ was successful. The unhoused man had a criminal record, suffered from mental health issues, and was the guardian of an elderly dog (also anonymous due to sealed records). In January 2020, the police received several calls about the dog as they were in poor shape, seemingly left outdoors alone during the winter, unable to stand and mobilize, and lying in their own waste. The Police removed the dog and brought them to the emergency veterinarian, who, because of the dog's poor health, decided to euthanize the dog. Adams elected to lay criminal charges due to the history of complaints because it was clear the dog needed care, and that the individual was aware of the medical needs but allowed the dog to suffer (S. Adams 2022).

The pandemic essentially made the courts unavailable for cases such as this, and Adams believed that the court system would not be helpful as the defendant understood himself to be a victim of the state, whose companion had been removed and euthanized without his consent. Adams did not believe the court process would provide the conditions in which the unhoused man would take responsibility for his behavior and, because it was likely that he would again have a dog, they thought it was more prudent to link him to trusted services that would serve the interests of any future dog. The humane investigator involved also believed this to be appropriate for a restorative approach. Ultimately, the RJ process took the form of a restorative circle that met three times and involved the man, a veterinarian, a humane investigator, and a facilitator, as well as the offender's public defender and Adams. The man was initially very resistant because he believed it was the same

veterinarian who had euthanized the dog that would be present, but, instead, this was a different veterinarian that he could reach out to in the future. As per Adams, the goals of the RJ process were for him to attend the meetings, see beyond his victimization, and accept responsibility for his decisions, as well as to repair the harm between himself and animal services so that he would be in a better position to access services in the future. When all involved agreed that the individual had participated satisfactorily, Adams agreed to conclude the process and seal the record (S. Adams 2022). While connecting this individual to accessible services addresses structural issues to an extent, it is the case that RJ is but one option available to the state, an option ultimately decided and mediated by a Chief Deputy State's Attorney and a dedicated animal cruelty prosecutor. It therefore involves state actors and is backed by the state's power to criminally punish should the offender not participate in the manner required by the involved parties with decision-making power.

This case raises numerous questions about unidirectional responsibility and highlights the limitations of RJ, which requires accountability and the acceptance of responsibility. However, as exemplified by the case of Michael Beaver and the case described above, accountability cannot be on the individual only, but rather also on society and its structures. Not addressing the state's role in the poverty shaping homelessness and to not provide mental health support does little to address the conditions shaping human and animal suffering in cases such as these. Indeed, the state's will to repair the harm it caused by forcefully removing and euthanizing these companion dogs without the knowledge and consent of the guardians is seemingly absent. Despite RJ's implementation as an alternative to the CPS in both its principles and processes, in many instances, RJ is linked to and derives its direction and authority from the CPS. For example, access to RJ programs can be limited to those with referrals from judicial authorities, some RJ programs are run by the state, and the successful completion of a RJ process might not result in one's charges being sealed or dismissed. In Scotland, the government is clear that "punishment," even in RJ processes, will be determined by the courts (Environment and Forestry Directorate 2022). In this sense, the punishment might be diversionary from a sentence of detention, but the application of punishment itself remains within the purview of the carceral system (see also Chapman and Rosengard 2022).

Often, the offender must accept full responsibility for the event in question to access RJ processes, or have their case adjudicated by regular CPS procedures. RJ processes have also been used to inform sentencing outcomes. This appears to be the case in RJ's use in events of harm against animals to date (Hill 2021; S. Adams 2022). Given how anthropocentrism and speciesism are central to state institutions and dominant Western culture (Derrida 2008; Deckha 2021), we argue that a better approach is to address interpersonal and structural harms that make animals vulnerable through community-centered methods that operate outside of the system of state control.

Transformative Justice: Principles and Praxis

To various extents, RJ initiatives have become incorporated into the criminal legal system, whether in terms of its administration, procedures, and participants such as

state agents, or goals of blame, retribution, and punishment. Meanwhile, TJ continues to operate separately from the criminal legal system, and its philosophy does not equate justice with punishment. Instead, at its core, TJ works to transform the conditions that make offenders and victims vulnerable to offending in the first place. It seeks to empower survivors and communities to be those who decide what “matters” in terms of responding to and preventing future harm (Thom 2020). This is unlike reformist approaches that align with the state to demonstrate and confirm that their cause is important. Carceral feminists have sought state recognition and a remedy for issues of violence against women, such as sexual assault and domestic violence, through (increased) criminalization, mandatory arrests, and custodial sentences, for example. This has often led to little material change for survivors and/or their criminalization in the event of mandatory arrest policies (Minaker and Snider 2006; C. Taylor 2018). Importantly, Mimi Kim argues that carceral legal reforms transform pervasive social and political problems into crime control issues, with the result that the root of such problems becomes located in a criminal individual rather than social structures (M. E. Kim 2018). It is likely the case that we are currently witnessing and undergoing such a carceral turn in the animal protection movement, with a similar net-widening effect and constraint of criticism characteristic of carceral feminism. By relying on and partnering with state agencies, the ability of nongovernmental and nonprofit organizations to criticize and work for anticarceral alternatives can also be constrained (M. E. Kim 2018). Indeed, in the case of animal subjugation in the US and Canada, the settler state is not a neutral party but, by and large aids, abets, and obtains symbolic and material resources from such subjugation (Struthers Montford and Taylor 2020; Belcourt 2014; Atwood 1972; C. J. Kim 2015; Anderson 2006).

In instances of harm against animals, prosecutorial approaches to crimes against animals frame criminal charges as “send[ing] a strong message to both the offender and society as a whole that the proper and humane treatment of animals *matters* (whether wild, livestock, or pet)” (Beck 2022, 55, emphasis added). The inverse of this logic is that if criminal charges are not laid, the violence does not matter, nor does the victim. Thus, such an approach means the state determines what is important. TJ was in part developed by members and groups of marginalized communities because of the co-constitution of individual, community, and state violence. Due to these factors, having the state’s punishment institutions respond to and mediate harm caused additional harm in the form of deportations, harassment, and criminalization by police, and could lead to the marginalization or removal of survivors and offenders from their communities. Thus, marginalized communities recognize not only the ineffectiveness of responses to harm that rely on state use of force but the very real risk of inviting state punishment actors into their communities in the first place. Instead, they continue to build community capacity to keep one another safe and prevent future harm.

Unlike RJ, in which the goal is largely to restore or improve interpersonal *relations*, TJ interrogates the structural and interpersonal *conditions* that enabled the event in question, and as such seeks to transform, through individual and community accountability, the conditions which allowed such an event to occur in the first place. TJ is a flexible, context-specific, and community-based approach to addressing harm. TJ does not view harm as an isolated interpersonal matter but one of community

failure to the degree that some groups take TJ and community accountability (TJ/CA) to be inseparable (Bay Area Transformative Justice Collective 2013). Despite the grassroots and community-specific nature of TJ/CA, it does have shared principles that guide its processes, including (1) not perpetuating more violence be it through reliance on the CPS or other forms of oppression and vigilante violence; (2) helping to meet the immediate needs required for justice and safety while working towards long-term liberatory goals such as prison abolition and a world without violence; (3) focusing on addressing the current harm in a manner that will change the conditions in which it occurred and in doing so, prevent future similar events; and (4) recognize that interpersonal harms have collective implications, and therefore must be responded to collectively (Bay Area Transformative Justice Collective 2013). These principles recognize the complexities of relationships and the inherent capacity of communities, namely that: “help comes from those closest to you” (Creative Interventions 2012, 16); service providers who respond to violence often rely on the criminal punishment system or parallel services; and, individuals involved in violent relationships might not want to leave these relationships, but do want the violence to end. Unlike criminal punishment interventions, TJ/CA is committed to changing material conditions to build safe communities in the immediate and long term and does not rely on service providers. To accomplish this, a survivor-centric approach is pivotal (Creative Interventions 2012).

To center the survivor in TJ praxis is to design the intervention based on the survivor’s self-identified needs, having the community validate their experience, meeting their material safety requirements, and sharing responsibility for the harm they endured and committing to its cessation (Creative Interventions 2012). Unlike the use of RJ, which has been circumscribed in “serious” cases by the state, TJ initiatives have been successfully used. Examples include Philly Stands Up, which works in consultation with the survivor’s representatives to intervene, work with, and hold accountable those who have perpetrated sexual assault (Kelly 2011). Their process is designed around the “demands” of the survivor, and accountability entails that the offender “1) Recognize the harm they have done . . . ; 2) Acknowledge that harm’s impact on the individuals and the community; 3) Make appropriate restitution to the individual and community; [and] 4) Develop solid skills toward transforming attitudes and behavior to prevent further harm and make contributions toward liberation” (Kelly 2011, 53).

The TJ work of generationFIVE, aiming to end childhood sexual abuse within five generations, lists physical, emotional, sexual, political, and community safety as immediate and ongoing safety needs for those who have experienced abuse and/or have been affected by the incidences in question (generationFIVE 2017). They have specific long-term goals related to building community power and capacity, which include shifting power and autonomy to those traditionally disempowered (children and youth); free and full access to postsecondary colleges and trade schools for Black, Indigenous, and other displaced persons; student loan forgiveness and educational support programs; an economic system that is environmentally and socially sustainable, just, and equally values all forms of labour (reproductive, domestic, etc.); building and designing an accessible society based on an understanding that “all bodies are unique and essential”; accessible and culturally appropriate trauma and healing services at individual and collective levels; child-rearing support systems;

supporting gender diversity and self-identification for all persons; and holistic health and sexual education services (generationFIVE 2017, 60).

Many TJ principles lend themselves to multispecies justice. The community empowerment goals of generationFIVE include improving economic conditions and systems premised on equality and ecological sustainability, increasing the social power of those typically marginalized based on ability and age, and imparting a value system in which “all bodies are unique and essential” (generationFIVE 2017, 60). Valuing all bodies and taking seriously the perspectives of children and youth at their core are not objectives exclusive to humans nor without ties to intersecting taxonomies of power (C. J. Kim 2015). The co-constitution of species, race and (dis)ability (including the dependency of some nonhuman animals as a justification for human custody and control over them, as we do with children) is well-documented in critical animal studies literature (S. Taylor 2017; C. J. Kim 2017). Also, initiatives premised on the elimination of sexual abuse would naturally extend beyond the colonial species barrier⁹ as animal agriculture in both large-scale industrial and small-scale local farms is premised on the reproductive control and exploitation of female animals who are artificially inseminated and/or held down by farmers to be mounted by male animals, and male animals are ejaculated using electrocution or manually by farmers (Stănescu 2013; C. J. Adams 2010; Gillespie 2014). Sex-based profitability metrics determine how animals will be used and killed in agriculture, with females kept alive to be another generation exploited for their reproductive capacities (milk, eggs, or more offspring) and male animals such as calves kept anemic and in extremely small spaces so as not to build muscle to “become” veal, and male chicks are often ground or buried alive as they cannot lay eggs (Food Empowerment Project 2017; Gillespie 2014). Given the conceptual linkages between women, children, animals, and nature (see for example, Gaard 2002; 1993; C. J. Adams and Gruen 2014), TJ praxis is well positioned to address systemic and interpersonal violence authorized by colonial, racial, and patriarchal hierarchies. We next consider how the TJ approach that platforms survivors’ experiences and needs can be applied to contexts of animal harm, and how the community capacity-building central to the accountability component of TJ/CA can be mobilized in a nonanthropocentric manner.

Animals as Victims and Survivors of Interpersonal and Structural Violence

In Justin Marceau’s concluding section of “Carceral Logics Beyond Incarceration,” he writes “perhaps programs aimed at something more like restorative justice for

⁹ Numerous scholars have identified the boundary between human and animal life to be a colonial construct. Kim TallBear (2017; 2013) names the human/animal dualism as but one of colonialism’s violent dualisms. Virginia Anderson (2006) shows that certain Indigenous groups, for example, the Algonquin, did not have a word for “animal,” but did have words for specific species of animals, indicating that grouping all animals in opposition to humans was not a categorical practice of these groups, and Margaret Robison’s (2013; 2014) analyses of Mi’kmaw legends shows that the categories of human and animal were not fixed, meaning creatures could shapeshift between human and animal, and that human-animal life existed on a spiritual and physical continuum. The human-animal species barrier proved very useful to settlers from the 17th century onwards who relied on this as a justification for their supposed superiority, presence in the Americas, and colonial projects attempting to dominate lands, racialized persons (animalized within the colonial imagination), and nonhuman animals (C. J. Kim 2015; Anderson 2006).

animals, promise to protect animals better than punitive and regressive systems of police intervention” (Marceau 2022, 223). Marceau points to the work of Pets for Life (PFL) by the Humane Society of the United States (HSUS) and provides a short snapshot of their approach and work through an RJ lens. Here, we extend Marceau’s provocation and consider PFL’s work through a TJ framework. We argue that PFL is a promising example of TJ in praxis as it addresses structural issues driving animal harm and human criminalization. HSUS cites that over 23 million companion animals live with families whose income is below the poverty line (Sharp 2015). PFL operates in impoverished urban and rural areas across the US and seeks to address structural issues, especially racism and poverty, that simultaneously criminalize human guardians and prevent them from accessing and/or seeking veterinary care, such as sterilizations and vaccinations while also providing supplies such as food, toys, collars, leashes, and beds for their companion animals. To date, PFL has served over 250,000 companion animals (The Humane Society of the United States 2022).

Extending the well-known example of how poverty and racism shape food deserts, the HSUS argues that there similarly exist “animal resource deserts—entire neighborhoods with no veterinarians, no pet supply stores, no groomers, and no animal welfare infrastructure” (Arrington and Markarian 2018, 1). Those living in such animal resource deserts face a disproportionate burden in attempting to access supplies and/or veterinary care and will often have little choice but to seek care when situations are dire rather than proactively accessing preventative measures. Persons living in poverty also rely on public transit, which often prohibits animals, making it extremely difficult for them to access veterinary clinics that are often located hours away. These same individuals often face stereotyping from service providers and do not feel safe contacting animal welfare services as they fear being accused/charged with animal neglect and/or cruelty and losing their companions. Other structural barriers include the lack of access to affordable housing that allows animals or rental prohibitions against specific kinds of animals, such as blocky-headed bully-type dogs who are associated with poverty, blackness, and brownness, yet allow designer dogs, such as poodle mixes, that are associated with wealth and whiteness, all of which can force some people to keep their companion animals outside (Arrington and Markarian 2018). Others report “choosing” to be unhoused rather than relinquish their companion animals when offered pet-free public housing, or paying to feed their companions rather than their electric bills (Sharp 2015; Tepper 2021).

PFL seeks to intervene to keep companion animals in homes in ways that neither stigmatize nor punish their human companions. The program assists by facilitating and/or funding access to services, whether that be paying for care and supplies, training classes, or transporting animals to veterinary clinics, as well as by building trust, integrating into communities and establishing an ongoing presence there, which, through word of mouth amongst residents allows them to reach more clients (Sharp 2015). PFL’s “core principles revolve around the simple, powerful acts of showing up, coming back and making good on your word—particularly in communities all too familiar with being let down” (Sharp 2015, 8). Understanding their work as a gateway to addressing clients’ other needs may be another factor driving PFL’s success. For example, there was a group of unhoused individuals squatting in an abandoned building who were taking care of a colony of cats who lived near the building. Aware that these

individuals were also drug users, caseworkers had been attempting to reach out about harm reduction, but to no avail. PFL workers gained their trust by providing care to the cats, and in so doing, the individuals were willing to consider participating in a needle exchange program (Arrington and Markarian 2018, 4).

PFL also seeks to build community capacity to provide animal care services through their PFL Mentorship Program. One partnership is with the Leech Lake Band of Ojibwe in Minnesota, and the first Indigenous partnership was with the Blackfeet Nation in Montana in 2017. In Leech Lake, the PFL program is administered under the portfolio of the tribal police who take a supportive rather than punitive approach to animal issues. The community outreach member, Rick Haaland, is a longstanding resident of the area whose salary is paid through a PFL grant. As a trusted member of the community, residents reach out to Haaland when they need help or are struggling with relinquishing their companion animal if they cannot afford vet care. Haaland will then negotiate with clinics or university veterinary colleges to get services for free, help build fences and/or dog houses to provide safe environments for animals, transport them for care, and/or facilitate access to services and supplies. The mentorship aspect of the program entails “training, financial assistance and ongoing guidance and advice” (Grant 2022) to build community capacity to provide their own services. PFL’s goal of cultivating more Indigenous mentorship partnerships is a recognition and response to the colonial conditions of dispossession and oppression facing Indigenous peoples; the processes are community-led, with the nation they are working with identifying their needs. Given the remote location of Leech Lake, their needs include “the most basic access to veterinary care” as residents do not have reliable access to transportation, and the closest emergency clinic is a 2.5-hour drive away (Grant 2022). The Leech Lake mentorship initiative has both short- and long-term goals. The short-term goal to improve the accessibility of veterinary care is supported by a grant used to pay for veterinary care (600 animals have been treated since the program began), pet supplies (60,000 pounds of pet food have been distributed in the community since 2019), and a van to transport animals from the community to clinics. The long-term goal of building community self-sufficiency to provide their own services is ongoing, with plans to establish a veterinary clinic on the reserve underway with the tribal police (Grant 2022).

In November 2019, Humane Society International/Canada began PFL in Toronto, Ontario, Canada, in neighborhood of Jane and Finch, an underserved, impoverished, racialized, and marginalized community. From the outset, the program provided free microchipping, wellness checks, vaccines, spay and neuter appointments, and toys for pets, in addition to awareness-raising about the benefits of spay and neutering. Like the more established program in the US, this too was premised on door-to-door relationship building to overcome systemic barriers to animal care, including geographical estrangement from resources and services (Humane Society International 2019; Sauvé 2023). When the COVID-19 pandemic began shortly after the launch of PFL in Jane and Finch, PFL established a pandemic emergency response program in Toronto and Montreal, which included a mobile pet food and supply bank. In Toronto, Jane and Finch was selected for PFL as it had one of the highest COVID-19 rates in the Greater Toronto Area at the time (Lavoie 2020). PFL also provided transportation to veterinary clinics, some veterinary care, and, in Montreal, housing for animals in the event their human companions were hospitalized (Sauvé 2023).

PFL represents a TJ/CA approach to animal welfare. It focuses on responding to state-produced marginalization in which policies and practices cause the underserving of predominantly racialized communities, geographical isolation via poor public transit and speciesism in which companion animals are not fully considered as residents in terms of access to public transportation, public healthcare, and other public goods. It is also centered on community-identified needs and services, provided without conditions or requirements that the costs be paid back. In responding to structural vulnerability, it also works as an alternative to criminalization as human companions are supported to improve care for their animals, rather than charged for animal neglect.¹⁰ In some instances, marginalized clients are also connected to other community supports, thus providing an inroad for addressing other social harms. The HSUS is a private organization and it is not the case that they emerge from the community wherein harms occur; however, clients from the communities they serve often become volunteers and ambassadors for the program (Sharp 2015). The fact that PFL is administered by a service provider diverges from some of the core TJ principles listed earlier, yet this program is not attached to punitive state institutions. Consistent with TJ/CA principles, it contributes to the improved emotional and physical safety of nonhuman companion animals as well as the political and emotional safety of their guardians. It also reinforces the inherent worth of all beings regardless of ability and species and, in the case of guardians, socio-economic status. While not solving issues of income disparity, PFL does alleviate the disproportionate economic burden placed on low-income animal guardians seeking to provide care for their companions. It is worth noting that in the case of PFL, human guardians and communities can communicate their needs in the ways upon which TJ/CA is premised: human speech. Developing TJ practices when we cannot communicate directly with nonhuman animals and/or when animals do not have human guardians/advocates in industries such as animal agriculture presents additional challenges that require attention. It is our position that integrating a Multispecies Justice approach into TJ/CA can provide a promising approach (Celermajer et al. 2021; Chao, Bolender, and Kirksey 2022). We next consider farmed animal sanctuaries as a way to achieve justice for animals.

Restorative and Transformative Justice with Farmed Animals: The Potential of Farmed Animal Sanctuaries

The routine violence perpetrated against farmed animals is deeply structural and institutionalized. For this reason, we propose that TJ/CA approaches could apply to addressing the harms occurring in animal agriculture as well, as in seeking justice without further reproducing other harms through criminal punishment systems. In this section, we examine how farmed animal sanctuaries offer suitable resources and practices that could facilitate applications of TJ and RJ practices for victims of animal

¹⁰ The HSUS acknowledges that there are “clear-cut animal cruelty cases” (Allan 2016) and the existence of “institutional and large-scale cruelty situations” (Pets for Life and The Humane Society of the United States, *n.d.*, 12). As such, PFL is not an immediate alternative to replace other HSUS responses to address clear criminality. Here, we simply note that transformative alternatives are forced to function within the confines of current structural and institutional realities with the aim of producing longer-term social changes.

agriculture independent of criminal legal systems, deepening their transformative potential. To be clear, in our following discussions, we are not advocating for a simplistic instrumentalization of farmed animal sanctuaries. Following Timothy Pachirat's provocation to consider the promises of rethinking the animal sanctuary "more broadly as a site of resistance in the fight for global social justice" (Pachirat 2018, 350–351), we take inspiration and guidance from those who have engaged attentively with animal sanctuaries in generative ways as places to conduct experimental feminist geographic pedagogy (Gillespie 2019), as intentional communities of interspecies democracy (Donaldson and Kymlicka 2015), or as spaces to explore and politicize different dimensions of animal agency (Blattner *et al.* 2020). As such, our proposal here echoes Abrell's suggestion that "the 'intersectional or coalitional potential of sanctuary as a form of liberatory political action and transformation could enable it to contribute to a much larger and historically longer, unfinished abolitionist political project'" (Abrell 2021, 193).

In their report, Eccles and Stoddard detail stories of animals, most of them pigs, who were lucky enough to be rescued and live out their lives at sanctuaries after surviving Hurricane Florence (Eccles and Stoddard 2021, 14–16). Many of these animals received names, as the practice of naming formerly nameless animals is part of a much broader set of animal sanctuary practices that constitute what Abrell describes as a process of "animal subjectification—the move away from relating to animals as mere objects treated and valued as property and toward engagement with animals as conscious subjects with needs and interests worthy of consideration" (Abrell 2021, 15–16). Common practices of care at sanctuaries include rehabilitating residents from the abuse and abandonment that they have suffered at the hands of individual humans or the animal agriculture industry (Donaldson and Kymlicka 2015). In addition to rehabilitating animals who have been injured by agricultural practices, sanctuaries strive to give their animal residents opportunities to flourish according to the specific needs of individuals and different species-specific needs. As charities and nonprofits, sanctuaries also reject activities that qualify as animal exploitation (for example, generating profit from the animals). Sanctuaries also often offer educational programs and materials to inform the public regarding the harms of animal agriculture, while advocating for respecting each animal as a unique individual (Donaldson and Kymlicka 2015, 51).

The intention behind the sanctuaries' care practices is aimed at radically reshaping human-animal relations and challenging the property status of animals. The standard sanctuary practices outlined above reflect the basic principles of RJ as summarized by Brittany Hill. According to Hill, RJ benefits animals in instances of crime and violence in three ways: (1) treating animals as victims themselves, rather than objects valuable only in relation to someone else, (2) targeting underlying reasons for animal cruelty, and (3) engaging communities (Hill 2021). Sanctuaries undertake these three approaches in various aspects of their work, from educating the broader public and engaging with various communities outside the sanctuary, tackling the root causes of structural violence against farmed animals, and implementing victim-centered rehabilitation practices that allow the animals to live with new possibilities free from agricultural exploitation.

When imagining what an RJ process might look like in animal cruelty cases, Hill considers three models that could be implemented. The first model is victim-offender

dialogues, in which surrogate victims (for example veterinarians, or the animal victim's owner if the owner is not the offender) would represent the animals and inform the offender of the harms that have been perpetrated (Hill 2021). Animal sanctuaries typically consist of long-term staff who have developed deep bonds and high levels of trust with animal residents such that they could fulfill this surrogate role. Hill identifies talking circles as the second model, where the process of RJ expands to bring in more participants from the broader communities to exchange knowledge and resources that could assist in addressing systemic harms and preventing these harms in the future (Hill 2021). Beyond the educational work that many sanctuaries already perform, sanctuary infrastructures are well-suited for hosting such talking circles with community members as long as the safety of the animal residents can be ensured. In situations where the human and animal members of sanctuaries would prefer not to have the presence of those who have perpetrated violence against animals on sanctuary premises, involving representatives and educators familiar with sanctuary work in talking circles elsewhere is an alternative that may achieve similar outcomes. Lastly, Hill proposes Community Restorative Boards (CRBs), which would “comprise of a small group of community members who have completed training and conduct public, in-person meetings with offenders,” to be tasked with discussing the harms and consequences with the offender and propose appropriate sanctions (Hill 2021, 241). CRBs focus on “treatment, rehabilitation, and education by providing cruelty offenders with resources, knowledge, and tools” as ways to promote accountability rather than through retributive punishment (Hill 2021, 242). As in the previous models, sanctuaries would typically have individuals, or have the capacity to train individuals, who could take on roles within CRBs for harm against farmed animals.

It is important to note that some farmed animal sanctuaries may collaborate with state agents in their rescue efforts where the treatment of the animals clearly violates established welfare laws (for example, in cases of neglect). Based on the cases discussed earlier, however, we suggest that it is often more likely that animal rescuers—particularly those who practice open rescue¹¹ with the intention of challenging animal agriculture, and that is in opposition to laws that have normalized the property and commodity status of animals—will come into conflict with the police and animal industries when rescuing farmed animals. While sanctuary caregivers directly challenge the “hegemonic property-based animal imaginary” by relating to animals as persons through daily practices of care, this work of unmaking property has limitations (Abrell 2021, 15). The pernicious effects of being property mean that on rare occasions even animals who have arrived at sanctuaries are not guaranteed complete safety from their former owners and state authorities.¹²

¹¹ Open rescue is an animal rescue practice that is done openly, meaning without concealing one's identity, upholding nonviolence, and avoiding property destruction during the rescue. Typically, rescuers would also document the conditions the animals are held in. The openness of the rescue signals to the public that the rescuers are doing the right thing, and, therefore, have nothing to hide. For more details, see Jessica Scott-Reid (2023).

¹² See for example: The 2017 FBI raids of two farmed animal sanctuaries searching for two piglets rescued by animal liberation organization Direct Action Everywhere (Greenwald 2017), and the New York state police arresting, charging and jailing Asha's Farm Sanctuary operator Tracy Murphy with grand

In 2017, animal rights activists with the organization Direct Action Everywhere (DxE) rescued two piglets from Circle Four Farms in Utah, one of the largest factory pig farms owned by Smithfield Foods, as part of their investigation to document the torturous conditions inside the facility (Strom 2017; Greenwald 2017). In the wake of this highly publicized investigation, the FBI raided two animal sanctuaries in search of the two piglets (Moyer 2017; Greenwald 2017). At the end of August 2017, FBI agents were deployed to Ching Farm Rescue in Herriman, Utah, and Luvin Arms in Erie, Colorado, despite the sanctuaries having no affiliation with DxE or other open rescue groups. The search warrants specifically authorized the agents to seize DNA samples from pigs that met the characteristics of the rescued piglets, with part of the warrant stating “DNA samples (blood, hair follicles or ear clippings) to be seized from swine with the following characteristics: I. Pink/white coloring; II. Docked tails; III. Approximately 5 to 9 months in age; IV. Any swine with a hole in right ear” (Greenwald 2017). Consequently, state veterinarians accompanying the agents obtained DNA samples from a piglet, which involved using “a snare to pressurize the piglet’s snout, thus immobilizing her in pain and fear, and then cut off close to two inches of the piglet’s ear” (Greenwald 2017).

Critical commentaries regarding the FBI raids in the media contextualized them within the broader historical and ongoing patterns of government and corporate repression to intimidate activists who dared challenge powerful industries. For instance, Justin Marceau and investigative journalist Glenn Greenwald discussed the FBI raids as consistent with an increasing number of states legislating ag-gag laws that target whistleblowers by criminalizing documentation at agricultural facilities (Moyer 2017; Greenwald 2017). Although activist repression remains an urgent issue and topic, missing in these conversations was a deeper reflection on how the property status of farmed animals defines an antagonistic relation between animal sanctuaries, their human caregivers, their animal residents, and the state.

Given the above, we propose that farmed animal sanctuaries that choose to participate in RJ processes should critically assess whether their potential collaboration with legal and other state institutions could further entrench carceral responses to violence against animals, therefore undermining the transformative potentials of restorative processes. Many farmed animal sanctuaries are already part of established grassroots networks that are unaffiliated with the state. Through these networks, sanctuaries offer each other support by sharing resources and knowledge, and notifying others when animals need rescue. As such, farmed animal sanctuaries are in ideal positions to further the principles and visions of TJ to achieve structural transformations in human relations with farmed animals.

Conclusion

There are concurrent movements within the animal protection movement to lobby the state to further criminalize animal abuse while, at the same time, they are similarly interested in RJ approaches for animal abuse. This might seem

larceny after Murphy refused to release two cows that wandered onto the sanctuary to a farmer who claimed ownership of the cows (H. Kim 2022).

contradictory, but as we have shown throughout this article, these are two conjoined ways of responding to harm against companion animals that responsabilize those who are most marginalized in our communities for what are often structural constraints. Simultaneously, these approaches alleviate the state and the public from responsibility for permitting and encouraging the largest scales of animal abuses in agriculture, experimentation, and species extinctions while crafting a narrative of humane treatment through the legal denunciation of individuals. We argue that TJ holds the potential to alter the relations we have problematized in this article and move human-animal relations towards nonviolence. PFL and farmed animal sanctuaries, we suggest, could be models of TJ praxis benefiting the entangled lives of humans and nonhuman animals in ways demonstrated in marginalized and oppressed human communities. To take seriously TJ's survivor-centric focus and its commitment to ensuring safety needs and transforming the conditions which make harm possible would mean that the industries premised on commodifying, harming, and killing animals, as well as practices that make life untenable for free living animals, would require transformation and/or abolition. Importantly, TJ operates outside of state institutions and recognizes the harm to marginalized communities that state involvement brings. We have shown that this is also the case for animals and their advocates. Despite differences between human and nonhuman animal communication, animals' needs could be centered by using surrogates as RJ proponents have suggested. Given the constraint that state institutions place on animals through the codification of their legal status of property relative to the commodity logics of animal-based industries, which use the courts to maintain their ontological and material dominance, TJ may offer a more responsive path to addressing issues of animal harm that challenges the animals' property and commodity status without reproducing ongoing state harms.

Acknowledgements. The authors are grateful to Angela Fernandez, Chloë Taylor, and the members of the Animals in the Law and Humanities Working Group at the University of Toronto for their helpful feedback at various stages of this manuscript.

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Cite this article: Struthers Montford, K., Chang, D., and Yalcin, S. (2024). 'Anti-Carceral Approaches to Addressing Harms Against Animals: Considerations on Multispecies Restorative and Transformative Justice'. *Law & Social Inquiry*. <https://doi.org/10.1017/lsi.2024.45>