ETHICS AND THE USE OF ANIMALS IN ART:
HOW ART CAN PROGRESS THE DISCUSSION OF
HUMAN-ANIMAL RELATIONS

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE OF CONTENTS</td>
<td>iii</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>iv</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>v</td>
</tr>
<tr>
<td>CHAPTER</td>
<td></td>
</tr>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II. ETHICAL ISSUES OF ANIMAL USE</td>
<td>6</td>
</tr>
<tr>
<td>III. PROPOSAL OF REGULATION OF ANIMAL USE IN ART</td>
<td>23</td>
</tr>
<tr>
<td>IV. PROGRESSIVE ATTITUDES OF ETHICAL USE OF ANIMALS</td>
<td>46</td>
</tr>
<tr>
<td>V. CONCLUSION</td>
<td>63</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>65</td>
</tr>
<tr>
<td>FIGURES</td>
<td>77</td>
</tr>
</tbody>
</table>
### FIGURES

<table>
<thead>
<tr>
<th>FIGURE</th>
<th>ARTIST</th>
<th>TITLE</th>
<th>YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tinkebell</td>
<td><em>My dearest cat Pinkjelte</em></td>
<td>2004</td>
</tr>
<tr>
<td>2.</td>
<td>Guillermo Habacuc Vargas</td>
<td><em>Exposición N° 1</em></td>
<td>2007</td>
</tr>
<tr>
<td>3.</td>
<td>Adel Abdessemed</td>
<td><em>Don’t Trust Me</em></td>
<td>2008</td>
</tr>
<tr>
<td>5.</td>
<td>Eduardo Kac</td>
<td><em>GFP Bunny</em></td>
<td>2000</td>
</tr>
<tr>
<td>7.</td>
<td>Olly Williams, Suzi Winstanley, and Greg Williams</td>
<td><em>Shark Bite</em></td>
<td>1997</td>
</tr>
</tbody>
</table>
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CHAPTER I: INTRODUCTION

The acknowledgment of the existence of animal sentience has fueled the argument for the ethical treatment of animals for centuries. In *An Introduction to the Principles of Morals and Legislation* (1789) English philosopher Jeremy Bentham wrote, “The question is not, can they reason? Nor, can they talk? But, can they suffer?”1 Philosopher Peter Singer later adopted this reasoning in his book *Animal Liberation* (1975).2 Singer’s philosophy is frequently credited for the birth of the animal rights movement with a focus on recognizing animal suffering. Therefore he articulated the need to improve human perceptions of animals as imperative to producing change in animal treatment. Although with increasing awareness of animal sentience through scientific studies in the decades following the publication of *Animal Liberation* developing laws to protect animals from unnecessary cruelty have nonetheless been slow to come into development. Because humans have used animals for a variety of reasons from food, entertainment, to companionship it has been difficult to define boundaries between what is ethical and unethical use and when laws should be developed to intercede on behalf of animal welfare. The world of art has not been exempt from conflicting viewpoints of what is ethical and unethical and contemporary artists using live and dead animals in their art walk that ethical line. This thesis will explore works by artists in recent decades that use animals in their art in a manner that evaluates the use of animals in art and society and how it ignites a productive discussion about human-animal relations to create progress in the ethical treatment of animals. The method of research will focus on drawing a correlation between contemporary artists’ works involving the use of animals and current animal ethics issues discussed within animal rights and

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welfare groups as well as issues covered in the media in recent years to uncover the ability for art to ignite a related discussion of animal ethics.

The first chapter discusses protests demanding the removal of Tinkebell, Guillermo Habacuc Vargas, Damien Hirst, and Adel Abedessemem’s art from a gallery or museum due to the controversies sparked by the use of animals. These artists’ works purposely or inadvertently offended the public in regards to the ethics of using the bodies (living and dead) of animals. Tinkebell’s *My Dearest Cat Pinkeltje* (2004) [Figure 1] and Vargas’ *Exposición N° 1* (2007) [Figure 2] both explore the complicated relationship, in terms of care and extreme neglect of companion animals, people maintain with cats and dogs kept as pets. The people of western Europe, Canada, and the United States are very passionate about pet welfare, but there are disproportional standards of ethics that apply towards animals kept for other purposes such as food, and there is even a lack of legal ethical responsibility towards cats and dogs euthanized due to overpopulation through irresponsible breeding. Tinkebell and Vargas’ works both involve cruelty to companion animals as Tinkebell made her pet cat into a purse by breaking her neck and Vargas tied up a stray dog in a gallery then denied the dog food and water during the exhibit. Abedessemem’s *Don’t Trust Me* (2008) [Figure 3] discussed as a case study for the unethical acts committed on factory farms against animals used for food as the artist filmed animal slaughter for his work. The exhibit of *Don’t Trust Me* was met with much derision as accusations of animal cruelty were suggested by the public and particularly animal rights groups even though the artist filmed an act that occurs daily on factory farms. Hirst’s *The Physical Impossibility of Death in the Mind of Someone Living* (1991) [Figure 4] relates to the topic of animal conservation in the wild and the lack of progressive attitudes to manage the threat to wild animal populations. By lack of progressive attitudes, I refer to the two tiger sharks, a near-threatened
species, killed in order to complete *The Physical Impossibility of Death in the Mind of Someone Living* since the first shark was improperly preserved and began the process of decay. This chapter will explore the cases of these artworks and determine how these artists have brought ethics of the use of animals to light. These artworks show how glaringly obvious it is that increased awareness is needed along with legal action to improve the ethical treatment of animals.

Not only were these artists scrutinized by the public for questionable ethics, Vargas, Hirst, and Abdessemed also faced legal issues. Chapter Two discusses proposals for establishing regulation within the art industry to limit the unethical treatment of animals and even the proposal of laws to eliminate the slaughter of animals in art. Continued discussion of works by Tinkebell, Vargas, Hirst, and Abdessemed are considered in comparison to laws in place in other industries created in an effort to improve their welfare. The drive to improve the welfare of animals lies within the recognition of the existence of ethical and unethical treatment at the hands of humans. With the increase of laws created to protect animals the world of art may someday have to introduce reform of how artists treat animals. Such reform can only come from the discussion of animal ethics as discussed in the first chapter.

In contrast to the artists in the first and second chapter, the third chapter discusses artists that make a point using the bodies of animals in a manner with ethics in mind. Eduardo Kac’s *GFP Bunny* (2000) [Figure 5], Ondrej Brody and Kristofer Paetau’s *Dog Carpets* (2007) [Figure 6], and the three artists responsible for *Shark Bite* (1997) [Figure 7], Olly Williams, Suzi Wistanley, and Greg Williams demonstrate that it is possible to utilize animals in art while establishing an ethical standard for the care of animals in life and death. The significance of this chapter is to discuss the possibility of involving the use of animals in art without violating animal
ethics—or, what I described earlier as the lack of a progressive consciousness. Given the
unlikelihood of the development of laws in the very near future to eliminate animals in art, I
assert the need for common ground for using animals and adhering to a standard of ethics. In
addition to these artists maintaining a standard of ethical treatment to the animals used in their
art, they also utilize their art as a means of addressing animal welfare and animal rights concerns.

The idea of focusing on the engagement of animal ethics with the contemporary art world
comes from the emerging field of the study of human-animal relationships. University Professor
of Letters scholar Kari Weil explains the emergence of animal studies:

Animals are and should be of concern not only as instruments of theory, not only because
they affect us, but because our lives also affect them. Ethics in this respect is not a
concern for “the good.” We can no longer say with certainty what the good is. Nor does
ethics refer only to a Foucauldian ethos or care of the self, although a mastery of the
animal self or body is relevant. Rather, the ethical turn that has followed in the wake of
deconstruction is an attempt to recognize and extend care to others while acknowledging
that we may not know what the best form of care is for an other whom we cannot
presume to know. It is a concern with and for alterity, especially insofar as alterity brings
us to the limits of our own self-certainty and certainty about the world. This is an area
that has brought animal and trauma studies together: we can recognize the serious harms
rendered to victims of horrific acts, but we cannot count on those victims to tell us their

In studying how artists interact and use animals in their art, we can analyze and begin to develop
a sort of understanding in how our actions as humans towards them affects the lives of animals
and our preconceived perceptions of them. As Weil states, we do not necessarily know what is
best for animals, but we can recognize our abusive actions towards them, and we can examine
these actions through the works of artists. In recognizing our behavior towards animals that has
made them our victims, we can begin to understand and hopefully remedy our behavior. Through
the methods of research and study in this thesis, the methods of abuse inflicted on animals will
be studied in conjunction with these same methods demonstrated in the works of artists. As well as identifying this behavior there can be a proposal of actions for how to begin to remedy this behavior through laws. In addition to not only recognizing the abusive behavior, there will also be an acknowledgment of more positive behavior and interaction with animals in art to demonstrate the ability of humans to appreciate the possible adverse effects of their actions towards animals.

Weil also discusses the issue of invisibility of animals and how this issue suppresses the progress of the animal studies movement. Weil states that animals “…have been either invisible or locked in representations authored by humans, representations that moreover have justified their use and abuse by humans. Indeed, their invisibility has been of an equally insidious kind for us—the invisibility of factory farms and of the experimentation and abuse that chimps have suffered.” Artists in this thesis are challenging the issue of animal invisibility by forcing the public to bear witness to the horrific injustices committed against these animals. The artists also confirm how we as humans chose to narrate representations of these animals as objects to be used by humans through the artists’ utilization of animals to create a narrative of their choosing.

Animals are unable to protest their poor treatment and campaign for their rights and that is why the field of animal studies is so significant at this time. If humans are unwilling to discuss the ethics of the treatment of animals on a larger scale of awareness, then there will be minimal progress for animal welfare or animal rights. Artists’ incorporating the dialogue of animal ethics in their art is an initial and important step towards the progress of understanding animal ethics in a world of human constructed animal narratives.

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CHAPTER II: ETHICAL ISSUES OF ANIMAL USE

The Museum of Natural History in Vienna, Austria hosted the bio-art exhibition *synth-ethic* in May and June 2011. After completing a tour of the exhibition, 119 visitors were interviewed by participants of the exhibition and asked questions about the ethics of the use of animals and humans in the artworks on display. The study not surprisingly concluded that the use of bacteria and simple organisms did not pose as much of an ethical problem as did the use of higher animals or humans for a majority of the visitors.\(^5\) One of the highest responses received by interviewees as a concern for using living organisms was the “…ethical challenges in the manipulation of organisms and in the interference with life and nature.”\(^6\) One particular exhibit that the interviewees mentioned as having ethical issues was by the artists Revital Cohen and Tuur Van Balen entitled *Pigeon d’Or*. In this installation pigeons were fed a substance that manipulated their intestinal bacteria to make their feces more soap-like to clean a car windshield to remove the stigma of pigeons being dirty creatures.\(^7\) The exhibits that incited the most concerns of ethics were exhibits that used living animals such as pigeons or a horse. We as humans view pigeons and horses as being more sentient beings in comparison to bacteria, and they elicit more empathy for their welfare as we see them as being more closely related to ourselves. *Synth-ethic* was an exhibit that had the intention of measuring levels of discomfort for viewers that perceived an unethical manner of treatment to living beings; it is not surprising that art exhibits that use higher animals in a more extreme manner than *synth-ethic* would receive heavy criticism from the public. Artists such as Adel Abdessemed, Tinkebell, Damien Hirst, and Guillermo Habacuc Vargas all experienced the ethical outcry over their extreme use of animals

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\(^6\) Ibid.

\(^7\) Ibid.
in their artworks. While the four works by these artists are arguably ethically irresponsible, the works provide a case study for a measurement of ethical treatment of animals and can be useful for opening a discussion about the relationship between ethics and animals. I chose these four artists and their works because there was a strong public reaction in response to the perceived unethical aspects of the works and this allows an assessment of what the public believes to be ethical and unethical when animals are involved.

Public outrage over higher animals being harmed in art is what artist Katinka Simonese, also known by Tinkebell, is most famous for since her work *My Dearest Cat Pinkeltje* went public in 2005. In 2004, Tinkebell made a purse from the fur of her pet cat and as stated for her reasoning behind the killing and repurposing of her pet was that the cat became depressed when left home alone and as a purse Tinkebell would be able to carry Pinkeltje with her always. For less personal reasons for the killing of her pet and making her into a purse Tinkebell stated that the intention of the work was to highlight the hypocrisy of treatment between house pets and animals we typically use for consumption and production. While the attention was brought to the often ignored plight of animals used for human consumption such as factory farmed animals (cows, pigs, and chickens for example) what occurred was a public outcry over the killing of her pet cat and little acknowledgment of the intention of the work. Because Tinkebell received such a significant amount of hate mail over the internet in response to *My Dearest Cat Pinkeltje* she was able to publish a book entitled *Dearest Tinkebell*. The book is a published archive of very vivid hate mail where some people even wish death upon the artist. Along with the hate mail, Tinkebell includes biographies of the authors from what information she could collect about

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9 Ibid.
them from an internet search. Photos of seemingly normal, smiling people are juxtaposed in the book with their incredibly violent words for the artist.\textsuperscript{11}

Tinkebell’s intent to direct attention towards the overlooked hypocrisy of human consumption of animals is a reflection of the ideology called carnism. Professor of psychology and sociology, Melanie Joy, coined the term carnism which is the invisible belief system that causes people to eat animals without thinking about the reasoning behind the behavior. Melanie Joy explains the detrimental effects of carnism, “The primary way entrenched ideologies stay entrenched is by remaining invisible. Moreover, the primary way they stay invisible is by remaining unnamed. If we do not name it, we cannot talk about it, and if we cannot talk about it, we cannot question it.” A real-life example of carnism came to light during the year of 2015 when the details of a dog meat festival held in Yulin, China went viral. Petitions were circulated online opposing the festival as well as appeals made to the Chinese government to stop the festival in which attendees consume the meat of an estimated 10,000 slaughtered dogs with accusations of dogs being beaten and boiled to death.\textsuperscript{12} It makes perfect sense that the Western world would be appalled by the actions of the residents of Yulin as dogs are a well-established companion animal, and it is not unusual for people to refer to them as being family members. For the residents of Yulin though the dog has long been a staple food and the controversy over the festival has become irritating for residents as they recognize the hypocrisy that killing of dogs for food is unacceptable, but Western culture can consume beef despite the sacred status of cows in India.\textsuperscript{13} As stated by a resident of Yulin Mr. Tang, “I understand the other point of view. Many

\textsuperscript{11}Dearest Tinkebell\textsuperscript{11} is published in Dutch and to date, there are no English translations. As a result, I have used reviews published in NAME OF PUBLICATION and online commentary.


\textsuperscript{13}Ibid.
people feel a special bond with dogs. But we grew up around dog meat. For us, it’s normal.”

Mr. Tang’s statement brings up a valid point in regards to ethics and the standard treatment of different animals. The residents of Yulin and those opposing the festival outside of Yulin are part of the system of carnism because they are part of the invisible belief system that allows one culture to eat dogs, but another culture to oppose the consumption of dog meat with no rational reasoning. *My Dearest Cat Pinkeltje* is a platform for discussing the hypocritical ethics between protesting the killing of a cat for a purse and protesting a city for killing dogs for their meat then complacently eating a burger with meat from a cow.

Under similar circumstances as Tinkebell, the artist Guillermo Habacuc Vargas received immense backlash for his artwork *Exposición N° 1* (2007) at the Códice Gallery in Managua, Nicaragua. As did Tinkebell, Vargas used an animal that is near and dear in the hearts of many pet owners: the dog. Vargas tied a stray dog in an art gallery without food or water being available to the dog, but did glue dog food to the wall that read the words, “You are what you read.” Like Tinkebell, Vargas claims that he created the work to draw attention to the unfortunate lives of animals; the work is a commentary on the amount of dogs that starve to death in the streets of Vargas’ hometown San José, Costa Rica without human intervention to save the animals.

It is uncertain what became of the dog as there are several different stories about the fate of the animal. One story states that the dog ran away and another story says the dog starved to death as a direct outcome of the exhibit. Because of the outrage over the nature of the exhibit and not knowing whether this dog starved to death or survived a petition was circulated online.

14 Ibid.
insisting that Vargas be excluded from the 2008 Bienal Centroamericana en Honduras due to the
demand of Exposición N° 1.\textsuperscript{16} Vargas wanted the controversial outcome, the public outrage
that led to the petition, and the ambiguity of the story to be spread by the media linking directly
back to the words written in dog food, “Eres lo que lees. (You are what you read.”\textsuperscript{17} Vargas
possibly desired the ambiguity of the story to demonstrate the irresponsibility of the media to
spread false stories as Ecuadorian-born artist David Yanez concluded through his own research
of Spanish print sources.\textsuperscript{18}

The backlash from My Dearest Cat Pinkeltje and Exposición N° 1 demonstrates that
people are passionate about the welfare of their companion animals, but as Vargas claimed was
the message behind his work we often allow our companion animals to suffer in the streets from
starvation or as is the case in the United States they face the consequences of euthanasia due to
being homeless. Artist David Yanez currently resides in New York City, but he was one of the
people to sign the petition demanding Vargas be excluded from 2008 Bienal Centroamericana en
Honduras.\textsuperscript{19} Yanez’s concern, along with other Americans that signed the petition, isn’t
necessarily a reflection of America’s current state of stray dog management. According to the
ASPCA, approximately 2.7 million dogs and cats are euthanized each year after entering a
shelter and failing to be rehomed.\textsuperscript{20} Although one would be hard-pressed to find many
Americans comfortable with the idea of killing a dog or cat and consuming their meat there are
many people in the country sentencing these companion pets to death through irresponsible care.

\textsuperscript{16} Ibid.
\textsuperscript{17} David Yanez, “You Are What You Read,” Art 21 Magazine, March 4, 2010, http://blog.art21.org/2010/03/04/you-
\textsuperscript{18} Ibid.
\textsuperscript{19} Ibid.
\textsuperscript{20} The American Society for the Prevention of the Cruelty to Animals, “Pet Statistics,” The American Society for the
Prevention of the Cruelty to Animals, https://www.aspca.org/animal-homelessness/shelter-intake-and-surrender/pet-
If dogs and cats dying in shelters incited as much rage as one cat dying for a purse or one dog that potentially died as part of an exhibit than perhaps more progress could be made in the movement to spay and neuter companion animals to prevent mass scale euthanasia. The approximately 10,000 dogs that died at the dog meat festival in Yulin in 2015\(^{21}\) pales in comparison to the 1.2 million dogs euthanized yearly in animal shelters in the United States.\(^{22}\)

The controversies sparked by *My Dearest Cat Pinkeltje* and *Exposición N° 1* both demonstrate how passionate people are about the lives and welfare of their companion animals and how these people will openly criticize another person for violating the human and companion animal relationship. The issue with this rationale as Tinkebell and Vargas have shown us in their works is that we as humans are violating our ethical obligation to companion animals every day through our inaction to protect those suffering by the masses. Cognitive psychologist Paul Slovic refers to the phenomenon of indifference to mass suffering as “psychic numbing.”\(^{23}\) The ability to save one animal from suffering is a far less daunting task than saving millions of animals from suffering; Slovic refers to this as “the collapse of compassion.”\(^{24}\) It is easy to attack an artist for their unethical work but it is difficult to step back and assess the ethics of a thoroughly ingrained culture. The conflict over these works by Tinkebell and Vargas highlights the need for more discussion within society and the world of art about the ethics of the use of animals by humans in all aspects in order to create progress in the humane treatment of animals.

While Tinkebell and Vargas claimed that their works were efforts to start a discussion about the questionable treatment of animals, Damien Hirst is unapologetic for his use of

\(^{21}\) Qin.
\(^{22}\) The American Society for the Prevention of the Cruelty to Animals.
\(^{24}\) Ibid.
taxidermied animals in his art. His work *The Physical Impossibility of Death in the Mind of the Living* (1991) consists of a tiger shark suspended in a tank of formaldehyde. In 1992, controversy surrounding the shark began in Britain with its debut at Charles Saatchi’s exhibition of Young British Artists at the Saatchi Collection. In a review of the show, Richard Dorment compared the inclusion of Hirst’s shark in the collection to a scene from the film Beverly Hills Cop where the actor Eddie Murphy expresses disbelief at the price of an absurd looking piece and that someone had paid $131,000 to purchase such an artwork. Dorment states, “I think I know to whom he sold it,” referring to Charles Saatchi, who had commissioned and purchased Hirst’s shark for £50,000.

Hirst and the circle known as the Young British Artists would become known for employing shock value in their works to the dismay of many critics as would be demonstrated from the feedback of the 1997 London show *Sensation* at the Royal Academy of Arts that included Hirst’s *The Physical Impossibility of Death in the Mind of Someone Living* (1991), or better known colloquially as “the shark.” Among other works in *Sensation* were Marcus Harvey’s *Myra* (1995), a depiction of the mass murderer Myra Hindley; Chris Ofili’s *The Holy Virgin Mary* (1996), a painting and collage that shows Mary surrounded by small cut-out photographs from pornographic magazines and includes the use of dried elephant dung on the canvas; Ron Mueck's *Dead Dad* (1996-1997), a three-foot-long sculpture of his naked, deceased

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26 Ibid.
28 Ibid.
father; and Rachel Whiteread’s *Ghost* (1990), plaster cast of a room in a Victorian house.\(^{29}\) One of the objections to the show *Sensation* was that it was inappropriate material for the Royal Academy of the Arts as the institution was known for exhibition of classics.\(^{30}\) One academic artist, sculptor Michael Sandle resigned from the Academy due to the content of *Sensation* stating that, “I do not believe people will want to see this offensive display with its strategy of shock. This is the most despicable thing the Royal Academy rulers have ever done.”\(^{31}\) The work that received the highest level of criticism was Harvey’s *Myra* as the subject of the work had murdered children and the response to the work being shown the group Mothers Against Murder and Aggression demonstrated outside the Academy to deter visitors.\(^{32}\)

In 1999, *Sensation* came to the United States to New York City’s Brooklyn Museum of Art and due to the subject matter of works, particularly Ofili’s *The Holy Virgin Mary*, Catholic organizations within the city and along with Mayor Rudolph Giuliani protested the exhibition. Giuliani referred to the works as being “disgusting” and “sick stuff.”\(^{33}\) If the museum did not cancel the exhibition, Giuliani threatened to cut funding to the museum, dismiss the museum’s board of trustees, and evict the museum from its city-owned building.\(^{34}\) In October of that year, Mayor Giuliani would have the city sue to evict the museum from the building which prompted the museum to counter sue saying that the city was infringing on their First Amendment Rights.\(^{35}\) In November, United States District Court Judge Nina Gershon issued an injunction

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\(^{30}\) Ibid.

\(^{31}\) Ibid.

\(^{32}\) Ibid.


\(^{34}\) Ibid.

barring the city from carrying out Giuliani’s threats, and in March of 2000 the parties reached a settlement dropping both parties’ suits.\textsuperscript{36} In the settlement the museum would receive $5.8 million in capital improvements over two years and the injunction issued barred the mayor from retaliating for the duration he held office.\textsuperscript{37} Controversy surrounding Hirst’s shark since the beginning of its public exhibitions, whether it was the shark itself or the other pieces within the shows, demonstrates the desire of the artist to cause shock and moral outrage from the audience and Hirst achieves this through the aspect of animal death.

Despite the attention surrounding the Hirst’s \textit{The Physical Impossibility of Death in the Mind of Someone Living} and the awe-inspiring feat of fitting a large creature inside a tank to display in a gallery, the art critic Robert Hughes was not impressed. Hughes had harsh words for Hirst and his shark:

His far-famed shark with its pretentious title, \textit{The Physical Impossibility of Death in the Mind of Someone Living}, is "nature" for those who have no conception of nature, in whose life nature plays no real part except as a shallow emblem, a still from Jaws. It might have had a little more point if Hirst had caught it himself. But of course he didn't and couldn't; the job was done by a pro fisherman in Australia, and paid for by Charles Saatchi, that untiring patron of the briefly new."\textsuperscript{38}

Hughes points out the ill misconception of the idea of Hirst’s work embodying any aspect of nature. The shark died specifically to be a part of this work and due to improper preservation of the first work a second tiger shark was killed to replace the original decaying tiger shark. Not only were two lives lost for the completion of this work, but tiger sharks are also considered a near-threatened species which means their population numbers are declining. Their numbers will

\textsuperscript{36} Ibid.
\textsuperscript{37} Ibid.
continue to decline because humans hunt them for their fins, flesh, and liver. While tiger sharks are not yet an endangered species, exercising ethical responsibility by not killing them for art or any other purpose would be in the best interest of conservation. The uncomfortable feelings evoked by animal death as a part of the Sensation show, as demonstrated by the disgust of New York’s mayor, reflects the idea of the acknowledgement of the waste of life and the disdain of glorifying the death of a once great creature.

The ever-growing awareness of our limited resources on this planet can cause an ethical dilemma especially when that limited resource is a living, sentient being. The world witnessed this dilemma in 2015 when the media exploded with unending coverage over the death of a male Southwest African lion named Cecil. Cecil had been a popular attraction at the Hwange National Park in Matabeleland North, Zimbabwe up until his killing in July 2015. The lion was hunted and killed by an American trophy hunter, Walter Palmer, which sparked the outrage. The killing of this well-loved animal for sport was unacceptable to many, but some argue that trophy hunting contributes to conservation through funds paid to go on hunts and hunting eliminates individual animals that are not contributing to the health of the herd. The problem with the killing of Cecil is that he was a productive member of the species with a reported seven cubs at the time of his death. People wanted justice for the death of Cecil, and there was an investigation into possible criminal actions committed by the hunter and his party because of

allegations the animal was lured out of the Hwange National Park for the purpose of being killed. The law determined Palmer had acted legally, but as of October 2015, there are still two people from the guided hunting party facing charges for potentially luring the lion from the habitat.\footnote{Reuters in Harare, “Cecil the lion: Zimbabwe will not charge US dentist over killing,” \textit{The Guardian}, October 12, 2015, http://www.theguardian.com/environment/2015/oct/12/zimbabwe-will-not-charge-us-dentist-killing-cecil-lion (accessed February 2, 2016).} Charges were dropped against Palmer, but in the eyes of many, he is still a guilty man. Following the media’s release of the name of the lion killer, Palmer stayed out of public view due to threats from the public and when he did return to his dentistry practice in September a crowd of protesters and the media swarmed outside the building.\footnote{Lindsey Bever, “Walter Palmer, dentist who hunted and killed Cecil the lion, returns to work,” \textit{The Washington Post}, September 8, 2015, https://www.washingtonpost.com/news/morning-mix/wp/2015/09/08/walter-palmer-dentist-who-hunted-and-killed-cecil-the-lion-returns-to-work/ (accessed February 2, 2016).} 600 African lions are killed for trophy hunting every year according to estimates which translates to being 2\% of the 30,000 lions left in Africa.\footnote{Christopher Ingraham, “Rich American tourists kill hundreds of lions each year, and it’s all legal,” \textit{The Washington Post}, July 29, 2015, https://www.washingtonpost.com/news/wonk/wp/2015/07/29/rich-american-tourists-kill-hundreds-of-lions-each-year-and-its-all-legal/ (accessed February 2, 2016).} With these statistics, it seems unfortunate that only Cecil the lion is given media coverage when to benefit the overall population of African lions the media should focus on the real issue of all lions of being at risk of meeting the same fate as Cecil.

As did the death of Cecil, Hirst’s work causes one to reflect on the senselessness of the willful killing of an endangered animal that has the potential to disappear from the planet forever if changes to human behavior are not modified. A previously uninformed person begins to say, “Is this death worth it?” \textit{The Physical Impossibility of Death in the Mind of the Living} shows us that yes, ethically each life is important for the sake of conservation, but as is the case with Cecil, the outrage over one killing is not enough. There needs to be a continual movement for conservation and media attention for those potentially endangered animals killed every day.

Primatologist, Dr. Jane Goodall, released a statement after the death of Cecil:
And the question we should ask ourselves is this: Just because he was named, and loved and part of a scientific study, does that make him any different, in the world of the lion, than the other lions killed by "sport" hunters? All those splendid individuals whose decapitated heads disfigure the walls of countless wealthy homes?\footnote{Solon Kelleher, “Jane Goodall Asks Tough Questions About Cecil The Lion,” \textit{The Dodo}, August 20, 2015, https://www.thedodo.com/jane-goodall-trophy-hunting-1304356983.html (accessed May 18, 2016).}

Goodall’s words emphasize the need for overall conservation of a species rather than focus on one death within the species.

Of the four works discussed in this chapter Abdessemed’s \textit{Don’t Trust Me} has the most elaborate case study as it is the only work to make an appearance in the United States Supreme Court. \textit{Don’t Trust Me} consists of six videos each on a two-second loop that depicts a pig, a steer, a sheep, a goat, a horse, and a doe struck on the head with a mallet resulting in their death. \textit{Don’t Trust Me} was to be exhibited from March 20 to May 31 in 2008 at the San Francisco Art Institute (SFAI), but was cut short after animal defense organizations demanded the exhibit be shut down for the portrayal of animal cruelty.\footnote{Larys Frogier, “\textit{Adel Abdessemed: The Power to Act}”, (Paris: JRPRingier, 2011,) 34.} The response by the president of the SFAI following the shutdown of the exhibit differs from the response of the artist as to how the filming of the exhibit transpired. Chris Bratton, the president of the SFAI, claimed in a piece he wrote for Art Newspaper in May 2008 that the outrage of the animal rights activists was unwarranted as Abdessemed had simply filmed the act of slaughtering these animals in Mexico and the artist had no hand in the act outside of filming.\footnote{Chris Bratton, “I see a new, pervasive and global condition of fundamentalist violence directed against dissident images and thought,” \textit{Art Newspaper} 17, (May 2008): 38, http://web.b.ebscohost.com/ehost/detail/detail?vid=3&sid=86079d14-9358-4d33-b5eb-fa6c5d55e155%40sessionmgr102&hid=105&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#AN=505307484&db=aft (accessed January 29, 2016).} In contrast to Bratton’s claims, Abdessemed wrote a letter to SFAI in response:

\textit{Don’t Trust Me} is a video work for which I am fully and completely responsible, in its conception, production, and distribution. \textit{Don’t Trust Me} is a work that I intentionally wanted to be a representation of an act of animal slaughter.
I sought out and purchased animals in order to make these videos. The filming took place in Mexico with the voluntary participation of the cameramen and the local population.

The Zwirner Gallery undertook to produce Don’t Trust Me with me and to support its distribution, with full knowledge of what its reception would entail.

In the event that the work Don’t Trust Me might cause insurmountable problems to an institution that has chosen to exhibit it, I prefer to put an end to the exhibition rather than riposte the polemics with untruthful justifications.

Don’t Trust Me represents a violent act with spectacularization and without dramatization.

I do not seek to feign, justify, or excuse that act of slaughter. It exists. As you know, suffering is part of our existence.

“Horror has a name and a face. You must make a friend of horror,” said Marlon Brando. Thank you.49

Did Abdessemed commit a criminal act as accused by animal rights activists for filming animal cruelty to gain a profit? According to United States law, no, he did not commit a crime of animal cruelty. The fallout of Don’t Trust Me resulted in animal rights groups petitioning for laws to govern the use for profit of depictions of animal cruelty. By 2009, the issue would be taken to the Supreme Court where museums, art history departments, and artists declared the federal law that makes it illegal to sell depictions of animal cruelty as unconstitutional.50 The law does exempt depictions of animal cruelty that have “serious artistic value,” but the College Art Association (CAA) argued that because the law does not adequately define serious value that artists such as Abdessemed and the SFAI under the law could have faced prosecution due to the animal rights groups persistence.51 The result of these proceedings led to the overturning of the original 1999 law, saying it violated constitutional guarantees of free speech and created a

49 Frogier, 34.
51 Lufkin.
"criminal prohibition of alarming breadth." The law was reformed to focus specifically on the banning of “crush videos,” a video that depicts women crushing small animals under their high heel shoes or bare feet and is considered sexual in nature as fetish videos.

The animal slaughter depicted in *Don’t Trust Me* is a type of violence directed towards animals that occurs every day on factory farms and slaughterhouses. A factory farm is the industrialized form of the once quaint family farm. On these farms a massive amount of animals are kept either for dairy, egg, or meat producing purposes. Due to the large scale of the farms animal welfare has become a low priority in comparison to profits and the treatment of these animals has become an issue of ethics for many. There is an extensive list of the problems with factory farms. A brief list of the issues with factory farms in regards to their treatment of animals includes: animals kept in extremely confined spaces causing physical damage to their bodies and driving them to insanity (common with egg laying hens and pigs), dairy cows and egg-laying hens being used as machines for milk and eggs only to be sent to slaughter when production decreases at a young age; young male calves taken from their mothers to be kept physically immobile in order for their muscles to atrophy and fed anemic diets for ideal veal; chickens bred to grow larger more quickly resulting in their legs breaking under their own weight; animals transported long distances in cramped trailers is common in all weather extremes with no food, water, or rest for up to twenty-eight hours in the United States; baby chicks debeaked

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54 Singer, 111-118.
55 Singer, 122-123.
56 Singer, 137, 119.
58 Singer, 104.
59 Singer, 147-150.
with a hot blade with no pain killers or anesthetic; pigs tails are also docked without painkillers or anesthetic, and the list goes on of the suffering these animals endure in their short lives. As is rearing animals on factory farms, the slaughtering process is also no exception to animal welfare concerns. Slaughtering methods are an issue because of the large volume of animals slaughtered in a day causing a breakdown of humane treatment. While animals are supposed to be rendered unconscious by a captive-bolt pistol prior to having their throats slit there are instances of mistakes due to the fast pace of the line and inexperienced workers resulting in fully conscious animals at the time of slaughter.

For much of the developed world the process of meat production is an invisible entity. People do not see the animals raised, transported, or slaughtered and do not give a second thought to how their meat got to their plate. Factory farming is a massive industry in the United States but it remains invisible and as Joy explained with carnism when there’s invisibility there’s no discussion. Due to the personal disconnect between the production and consumption of food seeing the brutal killing of the animals in Don’t Trust Me can be quite traumatic for people. In addition to the unsettling feelings of seeing a violent act that typically remains invisible, there is nothing to put the violence into context for the viewer. Abdessemed expects the viewer to experience the raw violence of animal death. The effect of exposing people towards the raw violence of animal death is utilized as a tool by one of the largest animal rights organizations, People for the Ethical Treatment of Animals (PETA) to expose the invisible scenes from factory farms. PETA has screened their short film Factory Farming in 60 Seconds which contains violent film taken by undercover investigators of animals being caged, beaten, and slaughtered.

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60 Singer, 101.
61 Singer, 121-122.
62 Singer, 150-151.
63 This film is now accessible on the internet through the convenience of YouTube.
on factory farms to unsuspecting passersby on a busy street in Miami to make people aware of the violence on factory farms. The only difference from the imagery in *Don’t Trust Me* and *Factory Farming in 60 Seconds* is the lack of context provided in the former compared to the latter. PETA divulges to the viewer that they are witnessing a hidden act of cruelty within the system while Abdessemed lets the viewer assume whatever they please from the film and to many it simply appears to be a violent act of cruelty committed against animals. *Don’t Trust Me* shows the potential for the argument for the unethical side of animal death on the killing floor in a slaughterhouse as violence towards a living being is an unsavory sight.

*My Dearest Cat Pinkeltje*, *Exposición N° 1*, *The Physical Impossibility of Death in the Mind of Someone Living*, and *Don’t Trust Me* are all examples of the collision between animal welfare and art. As the exhibition *synth-ethic* demonstrated, art creates a space for dialogue about the ethics of the use of animals not only in art but also in life. Tinkebell, Vargas, Hirst, and Abdessemed have confronted their viewers with evidence depicting how animals should not be treated. To overcome the indiscretions of our behavior towards animals, we as a society need to begin actively discussing what remains invisible to have a more aligned standard of ethics in the treatment of nonhuman beings. These artists have worked within a vacuum to create a reality where there is no interference from predetermined standards of right and wrong based off of thousands of years of human behavior, but instead we are only witnesses to the raw actions of the artist. Within this vacuum, the viewer can feel the instantaneous and unaltered emotions allowing one to question what is truly ethical and unethical based on their gut feelings rather than abiding by the logic that humans have always done this to animals so it must be appropriate behavior. As

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demonstrated, art can be a valuable tool for the discussion of human-animal relations and can lay groundwork for progress concerning the ethical treatment of animals.
CHAPTER III: PROPOSAL OF REGULATION OF ANIMAL USE IN ART

Animals used in art is not a priority for animal rights groups in comparison to the treatment of animals in factory farms, but as there is progress in the animal rights movement there is potential for the creation of laws to protect animals used for art. In this chapter, I’ll explore this potential for new laws restricting the use of live and dead animals in art. From what we have gathered from the second chapter of this thesis the works of Tinkebell, Vargas, Hirst, and Abdessemed raise questions that hint to an ethical dilemma for people. Not only have these artists highlighted that our ethics are ambiguous in our treatment towards animals in Western society, but the artists themselves are potentially involved in creating unethical art through their use of animals. In this chapter we will explore the idea of artists engaging in unethical practices when using animals in art and if there should be regulations in place when artists use animals in their art. This chapter will continue to use the same artworks for discussion that were utilized in the first chapter as they are already familiar to the reader and are excellent examples of works of art created by artists that have engaged in questionable ethics towards their use of animals.

Laws are created with the intention of protecting people from harming one another, but when the party harmed is an animal then creating law becomes much more complicated. Philosopher, Christine M. Korsgaard, explains, “Following the tradition of Roman law, legal systems divide the world into persons and property, treating human beings as persons, and pretty much everything else, including non-human animals, as property.”65 Historically and legally animals have been viewed as property rather than sentient beings with the ability to legally have

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rights. As science has progressed for the recognition of animal sentience, the legal system has
seen an increase in the amount of cases concerning the protection of animals.

A case that caused much excitement in 2015 involved two chimpanzees kept in a research
lab at Stony Brook University on Long Island. The nonprofit legal advocacy group, Nonhuman
Rights Project, requested that the court release two chimpanzees, Hercules and Leo, from the
research lab as chimpanzees are intelligent, emotionally complex, and self-aware enough to
possess some basic human rights. For the case to be heard the New York State Supreme Court
Justice, Barbara Jaffe, granted a writ of habeas corpus which caused people to believe the court
was recognizing chimpanzees as capable of obtaining human rights, but she later withdrew the
words as she was not implying the chimpanzees possessed personhood. The court ruled in July
that the chimpanzees would remain in the research lab instead of being sent to a sanctuary as
chimpanzees cannot be freed under habeas corpus as a precedent set in a court case from
December that same year determined that chimpanzees are unable to perform duties and
responsibilities that also define personhood, therefore, denying the chimpanzees human rights.

Although the chimps were denied their freedom, Justice Jaffe provided a glimpse of hope for
animal rights activists by stating that she understands the campaigns for the legal personhood for
chimpanzees and foresees in the future the possibility for animals to be treated as legal persons.

Unfortunately for animal rights, and more unfortunate for Hercules and Leo, because the case
was lost the chimpanzees would not be sent to an island sanctuary in Florida, but the case did

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67 Ibid.
69 Ibid.
begin an important discussion for extending basic human rights to members of the animal kingdom that maintain abilities and characteristics that are comparable to human beings.

While animals are not yet as well protected by the law as are humans in the United States, Germany in 2002 amended their constitution to add “and animals” to a clause that obliged the state to respect and protect the dignity of humans, and Switzerland in 1992 passed an amendment that recognizes animals as “beings” rather than “things.” Although the United States has yet to come that far, legally many laws have been created to improve the welfare of animals. On January 1, 2016, the Federal Bureau of Investigation began tracking cases of animal cruelty as felonies placing animal cruelty alongside homicide. The FBI will categorize animal abuse into four subgroups: simple/gross neglect, intentional abuse and torture, organized abuse (like dogfighting and cockfighting) and animal sexual abuse. Not only does this benefit animals, but it also helps the FBI to track criminals that harm other people because criminals typically begin with animal abuse before harming humans.

The law recognizing the connection between violence towards humans and animals is a major step forward for animal rights as there is legal acknowledgement that cruelty to animals displays a lack of regard for ethics. If the intent to harm an animal can relate to the same ethical disregard to harm a person then perhaps we can better understand the importance of ethical implications of harming animals. The FBI will not be able to release data from this new law until

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73 Ibid.
2017; once this data is made public, there will be a more definitive understanding of the correlation of violence humans enact on animals and the violence humans enact on fellow humans and how this knowledge can benefit society. The results of this data may even lead the United States to progressive action such as amending their laws as did Germany with their constitution. With the progress of legislation created in European countries and the United States to protect animals, it is possible artists around the world that use animals in their art may have to do things differently in the future. It is not likely that slaughtering animals altogether will be eliminated anytime soon, but the regulation of the use of animals is increasing, and artists may have to abide by laws and regulations if they want to use animals in their art.

The decline of popularity of animals used for entertainment in the United States in recent years could perhaps be the most accurate forecast for a grim outlook for artists that use animals in their art. The documentary Blackfish released in 2013 had an adverse impact on the popular attraction of killer whale shows at SeaWorld as the documentary exposed the suffering of the killer whale Tilikum from years of captivity that resulted in the creature killing three people due to his supposed deteriorating mental state from a lifetime of captivity. Following the release of the documentary SeaWorld experienced a decline in visitors to its parks that caused a decrease in profits.\textsuperscript{74} The direct outcome of this decline caused SeaWorld to announce in March 2016 that they would no longer participate in breeding programs for killer whales and that they would also eliminate killer whale shows.\textsuperscript{75} A second example of the decline of interest in animal entertainment is the planned elimination of elephants from the Ringling Brothers and Barnum & Baily Circus. The decision came after years of public scrutiny and animal rights protest


\textsuperscript{75} Ibid.
campaigns from PETA calling out the cruelty of using elephants in the circus resulting in Feld Entertainment (the parent company of Ringling Brothers and Barnum & Baily Circus) to announce in March 2015 that elephants will be phased out from the acts by 2018.\textsuperscript{76} Animals used for entertainment is clearly falling out of favor for Americans when the reality of the animals’ living conditions are exposed. The realization that these animals are suffering and not thriving, as corporations would like patrons to believe, is the catalyst for change within society.

To date, there have been no convictions for killing animals for the sake of art, but we have seen the artist Abdessemed taken to court over his use of animals in art, and we saw the public outcry that Tinkebell, Vargas, and Hirst caused with their use of animals in art.\textsuperscript{77} Because of circumstances with such artists the proposition of regulating art through laws or the proposal of art organizations and museums to create standards for artists to follow regarding the use or slaughter of animals in art is considered a just cause. There are laws currently in place in the United States and European countries that validate why there should be regulation of the use of animals within art as there are regulations on similar practices within other industries such as regulations in place in slaughterhouses and the overall factory farming industry that dictates standards for animal treatment. The regulations placed on these other industries that utilize animals can provide the groundwork for regulating the use of animals within art.

The killing of animals for art correlates with the slaughter of animals for food as animals in both instances are being killed as a means to an end for human use and as such, both require

\textsuperscript{76} Charisse Jones, “Ringling Bros. eliminating elephant acts,” USA Today, March 5, 2015, http://www.usatoday.com/story/money/business/2015/03/05/ringling-brothers-elephants/24423553/ (accessed March 18, 2016.)

similar regulation. The factory farming industry is required to follow laws restricting how the animals are slaughtered in the United States and European countries to alleviate unnecessary animal suffering. These methods of slaughter face scrutiny from animal rights groups as was discussed in the previous chapter, but regulations are better than no regulations for the welfare of animals. The Humane Methods of Slaughter Act was passed in the United States in 1958 and later revised as the Humane Slaughter Act of 1978 which is enforced to this day. According to the Humane Slaughter Act of 1978, “…cattle, calves, horses, mules, sheep, swine, and other livestock, all animals are rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut…”

It is not definitive whether the animals in Abdessemed’s Don’t Trust Me were “rendered insensible” before further processing. The method of slaughter used on the animals was a sledgehammer blow to the head which is not a common method used within the United States. This method was an issue that Australia confronted in 2015 when cattle exported from the country were sent to Vietnam for slaughter and video surfaced that the cattle were repeatedly being bludgeoned in the head with sledgehammers as a result of being slaughtered outside of approved supply chains. The Australian cattle industry began to take measures after the reported incident to prevent their cattle from ending up in unapproved slaughterhouses where

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these sledgehammer deaths were taking place.\textsuperscript{81} Judging from the details of this incident using a sledgehammer to slaughter animals, particularly large animals, is not an effective method because it is necessary for an animal to receive repeated blows to complete the slaughter. The animals in \textit{Don’t Trust Me} did not receive the most humane slaughter, and it seems that Abdessemed opted for a more violent slaughter for creative purposes as the artist himself stated, “\textit{Don’t Trust Me} represents a violent act…”\textsuperscript{82} The Humane Society as of this year, 2016, has set up an office in Mexico City to help implement animal welfare reform in Mexico specifically because of the potential for acts of animal cruelty being exported from the United States to circumvent animal welfare laws within the United States.\textsuperscript{83} If Abdessemed purposely filmed \textit{Don’t Trust Me} in Mexico, rather than the United States, because of the lack of welfare laws, then it can be said that he is aware of the unethical aspects of his work.

An unfortunate outcome of the Supreme Court case that involved \textit{Don’t Trust Me} is that the court failed to act by proposing the creation of a definitive law that would outlaw video containing animal cruelty from being circulated within the United States, unless the film is for educational purposes as is utilized by PETA and other animal rights organizations to spread awareness. A new law could have outlined what is animal cruelty based on current animal welfare laws in the United States then proposed a ban on the circulation of these films. Under a law such as this Abdessemed would not have been able to film \textit{Don’t Trust Me} in Mexico with the intention for exhibiting it in the United States. It can be speculated that the slaughter did not follow animal welfare regulations based on the case of the Australian cattle where it was necessary to receive multiple blows to the head and the United States requires one blow to knock

\textsuperscript{81} Ibid.
\textsuperscript{82} Froger, 34.
the animal insensible to pain followed by bleeding the animal out. If these regulations were considered in the outlining of a new law this would have prevented Abdessemed from exhibiting in the United States.

An option for artists considering the slaughter of animals in their art is adopting a similar policy to the film industry where there is monitoring of an outside organization to approve the animals were treated humanely. The film industry has the American Humane Association to monitor the onset use of animals to prevent animals from being treated inhumanely and also to protect the film from accusations of animal cruelty or negligence in the event of an animal injury or death. The American Humane Association is on the set to prevent injury and death to animals in films, but the role of an entity to monitor the humane death of animals for the purpose of art would play a slightly different role. The role of the entity in art would be more akin to the role of an employee of the United States Department of Agriculture as they regulate animal welfare for farmed animals. Implementing this policy would not only protect animals from unnecessary suffering but would also protect artists from potentially being prosecuted for animal cruelty.

The obligation to form such an entity to regulate animal welfare within art the responsibility should fall on prominent art organizations, galleries, and museums. The College Art Association (CAA) came to the defense of Abdessemed when he went to court for Don’t Trust Me in a successful effort to point out the flaws in the current law that regulated animal cruelty in film. As the involvement of the CAA in Abdessemed’s case indicates⁸⁴ (discussed in the previous chapter) the organization is concerned with protecting artists from legal prosecution and the formation of a committee to regulate the way artists use animals would be a practical solution to protect artists from future legal battles. If this animal welfare regulatory committee

⁸⁴ Lufkin.
became the standard within the art world worldwide, then art museums and galleries could require artists to use this animal welfare regulatory committee to have their work displayed in their establishment.

The potential for a committee to regulate the use of animals in art could minimize controversy surrounding any artists accused of animal cruelty. The incident with Vargas could have had a much happier ending if there had been such a committee on site to protect the welfare of the dog whose fate is still unknown to this day. The case with Vargas is complicated because Nicaragua has no animal cruelty laws to protect dogs such as the one used by Vargas, which limits the ability of the law to regulate an artist working outside of a country with progressive animal welfare laws.\textsuperscript{85} The solution for situations such as this would be for museums and galleries to refuse to work with artists that choose not to utilize the committee when using animals in their art. In the case of art exhibitions, such as Vargas’, when using a living animal in art, the animal should be provided with the necessary accommodations such as food, water, and shelter as well as being safe from bodily harm. Dogs that are relatively healthy can go up to five days without food, but only a few days without water and considering that the stray dog used in Vargas’ exhibit had already been starving the dog would have died passed away very shortly after opening the exhibit without food.\textsuperscript{86} Considering these circumstances, feeding the dog would have had little effect on the duration of the exhibit as the time it would take for the dog to recover from starvation with a proper diet would take longer than it would for the dog to expire


from lack of food. Feeding the dog behind scenes would have prolonged Vargas’ exhibit and when scrutiny of the exhibition arose after the matter Vargas would have proper documentation and witnesses to verify the well-being of the dog if there was a committee overseeing the process.

In the case of Tinkebell and her depressed cat a committee could have overseen a proper euthanization of the cat opposed to the artist breaking the cat’s neck. Tinkebell’s neglect to seek out a professional perhaps indicates the cat had no real ailment that could only be treated by euthanasia and that a veterinarian would not advise euthanizing the animal. If the cat had an ailment euthanasia could have been an option. Although euthanasia isn’t ideal, it can be performed by a veterinarian in a non-violent manner when an animal is extremely ill and suffering. The animal essentially painlessly passes after sedation followed by cardiac arrest according to reassurances by veterinarians.  

Tinkebell chose a more violent act by breaking the cat’s neck, as she claims, to dispose of her cat rather than seeking a professional. It seems unlikely that the artist would be qualified to break the neck of another living being without making a painful mistake causing the animal to suffer before death. If a veterinarian had euthanized the cat, the artist would have been able to use the fur of the cat to construct a purse. Tinkebell had options for giving the cat a more humane death and with the regulation of an art committee, the cat perhaps could have received a better, more presumably humane death. Tinkebell has expressed her doubt whether the euthanasia performed by veterinarians is actually painless and uses this reasoning to justify her actions of

killing her cat. Though one may feel doubt, a trained medical professional such as a veterinarian would be better qualified to end an animal’s suffering.

In the case of artists that work with smaller galleries, such as Tinkebell and Vargas, this could pose an issue for animal welfare as smaller galleries may be less likely to take part in having an art committee to regulate the use of animals in art as there would potentially be costs associated with maintaining such a committee that smaller galleries may find difficult to pay. To resolve this matter, art institutions that uphold practicing animal welfare can restrict artists from working with their institutions in the future if they have a past of practicing unethical use of animals in art. This standard could be the incentive for artists to practice ethically when using animals in their art as they would perhaps want the opportunity to work with a well-established museum in their career.

It may seem drastic to suggest the formation of an animal welfare committee or putting regulations in place regarding the use of animals in art, but art has become a massive world industry with sometimes millions of dollars involved in the sale of one piece of artwork. When large amounts of money become involved ethics can be put aside to earn more money and because of this unfortunate attribute of human behavior, it is sometimes necessary to put regulations in place to protect all parties involved, especially those that cannot consent to their involvement. A study by researchers in organizational behavior from Harvard University and the University of Utah found that students that were primed to think of money exhibited weaker ethics. It has also been found through studies that people that have greater wealth exhibit less

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emotions attributed to the feeling of compassion through the measurement of heart monitors. The researcher does not believe that people of wealth do not care, but they are less attuned to suffering.

Hirst’s work *The Physical Impossibility of Death in the Mind of Someone Living* is an example of an artwork selling for a large sum of money. The work was purchased from the original owner, Charles Saatchi, for the sum of $8 million in 2004 by the billionaire Steven Cohen and when the work began to show signs of decay Hirst requested that he be able to replace the work with a new and better-preserved tiger shark with Mr. Cohen paying the $95,000 for replacement expenses. Altogether the cost of the new *The Physical Impossibility of Death in the Mind of Someone Living* was $8,095,000 for the purchaser, and it also cost the life of another tiger shark that was reportedly a 25 to 30-year-old female tiger shark caught off the coast of Queensland, Australia.

Other sources state that the actual price paid by Mr. Cohen was $12 million as economist Don Thompson suggests in his book *The $12 Million Stuffed Shark: The Curious Economics of Contemporary Art*. Regardless of the actual price both estimates are incredibly high. Thompson’s book explores the reasons contemporary works of art sell for such high sums and Hirst’s work was chosen as part of the title because the author thought it perplexing that someone would pay such a high sum for a rotting shark. The conclusion of why Hirst’s works sell for such a high sum is that he has become a branded artist and his signature on a work adds

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91 Ibid.
93 Ibid.
95 Thompson, 2-3.
tremendous value, which the high sale price of *The Physical Impossibility of Death in the Mind of Someone Living* seemed to set in motion.\(^96\)

Due to a significant amount of money involved in this sale it seems that minimal thought was given by the artist and the first and second purchaser to the fact that tiger sharks are a near-threatened species, and there is a limit on the amount of tiger sharks that a fisherman can catch due to their dwindling numbers. The Florida Fish and Wildlife Commission prohibits tiger sharks from being harvested in state waters\(^97\) and in Australia there is a daily limit of catching three sharks a day as well as size restrictions due to overfishing of larger sharks.\(^98\) Although it is possible these restrictions were not in place in the 90’s when Hirst created the original work, these restrictions demonstrate the power of human greed as these restrictions now have to be in place to protect the shark populations. As early as 2000 the IUCN Red List of Threatened Species ranked tiger sharks as being lower risk/near threatened.\(^99\) This ranking was before the second shark caught for Hirst’s work and shows that there was disregard to the status of tiger sharks diminishing population for the sake of pleasing a buyer that spent an extraordinary amount of money for the work. If the work had not sold for such a large sum of money to a second buyer, it is likely Hirst would never have recreated the work.

Because the influence of money can be such a powerful motivator, even in the world of art, regulations are necessary to prevent questionable ethics such as in the case of the recreation of *The Physical Impossibility of Death in the Mind of Someone Living* despite growing concerns

\(^{96}\) Thompson, 57-58.  
for preserving wildlife. If this proposed committee existed in the art world that regulated the use of animals then it seems responsible for there to be a ban on using threatened species of animals in art, the exceptions being unless the animal has died of natural causes or the aim of the artwork is to draw attention to preservation of an animal while using a live animal responsibly.

One major conflict with this proposed solution is that artists such as Hirst are millionaires and well-established enough that they may not need the backing of the art world to create and exhibit their works. This could create situations where animals are still used unethically in art. There’s a more drastic approach to eliminating the slaughter of animals in art presented by Rachel Share, an associate at a law firm in Philadelphia, Pennsylvania. Share proposed in an article for the George Washington International Law Review that the Council of Europe ban the slaughter of animals for artistic expression.

As does the argument of this thesis, her argument stems from the lack of laws to protect the welfare of animals used for artistic expression, and she suggests that an international convention should be passed to fill this gap in animal protection laws. The council Share refers to in this article is the Council of Europe which consists of forty-seven member countries. The Council of Europe was originally formed following World War II and has since given important political recommendations to its member states, but does not have legislative power. All members of the Council of Europe are required to accede to the European Convention of Human Rights, and Article 10 of the Convention guarantees the right freedom of expression. Although the Article guarantees freedom of expression, it also outlines why a state may limit freedom of

100 Share, 409.
101 Ibid.
102 Ibid.
103 Share, 413.
The first limit is the interference must be prescribed by law, which means that the interference typically must result from the enforcement of a national law adopted by the state's legislature. The second limit on the freedom of expression must be aimed at protecting one or more of the interests enumerated in the second paragraph of Article 10, such as the prevention of disorder or the protection of morals. The third and last limitation allows the state to interfere because of a pressing social need. Share explains the limits of freedom of expression to bolster her argument to eliminate the slaughter of animals for art in these countries that belong to the Council of Europe. She explains the social need for the elimination of the slaughter of animals for art because the abuse of animals leads to human desensitization to violence (as was covered earlier in this chapter with the FBI now tracking animal abusers). Share also states that the slaughter of animals for artistic expression encourages disrespect for the environment.

While the Convention does address animal welfare they fail to address killing animals in art. Due to the inadequate current conventions Share proposes that the Council of Europe creates a new convention that “prohibits the slaughter of animals for artistic expression and more generally regulates the use of animals in art.” Her proposed language for the convention states:

No animal shall be used as a means of artistic expression in a way that detrimental to its health and welfare, especially by causing it injury, unnecessary pain, suffering distress, or

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104 Share, 414.
105 Ibid.
106 Share, 415.
107 Ibid.
108 Share, 424-425.
110 Share, 431-432.
111 Share, 435
death. An animal shall not be used for artistic expression unless the animal’s health and welfare is not put at risk.¹¹²

Share addresses the issue of limiting artistic expression with this proposed convention by using the three conditions listed in paragraph two of Article 10 to justify the elimination of the slaughter of animals in art. In regards to the first condition, the slaughter of animals would be the law of the state as long as the legal provision would be accessible to citizens and the provision was precise enough for a citizen to understand the consequences of their actions. For the second, the ECHR would likely deem the eliminating of the slaughter of animals in art as an attempt to protect the health and morals of its citizens. Third, the ECHR would uphold the elimination of the slaughter of animals for artistic expression as necessary to protect morals in society.¹¹³ She goes on to say in the conclusion that certain people would likely oppose the elimination of the slaughter of animals for artistic expression and dismiss it as being hypocritical due to the fact that animals are killed for food and clothing. She says that type of reasoning would also dismiss all other prohibitions that protect animal welfare and that the elimination of killing animals for art is an important step to the elimination of animal slaughter altogether.¹¹⁴

Share’s proposal of the convention for the elimination of the slaughter of animals for artistic expression is a logical approach. The Council of Europe has a far reach with forty-seven countries and would likely serve as a model for countries not included in the Council of Europe to also include laws that prohibit the use killing of animals in art. Her most viable argument is that the killing of animals in art can have a negative impact on society by desensitizing people to violence towards animals. If it becomes acceptable to put questionably cruel exhibitions on display for the public that could create a tolerance to animal suffering and (as discussed in the

¹¹² Share, 436.
¹¹³ Share, 437-439.
¹¹⁴ Share, 441.
first chapter) people become desensitized to large-scale suffering in comparison to the suffering of an individual. If artists are allowed to kill animals for art and can be paid millions for these artworks, then a negative message is being portrayed that killing animals for artistic expression is worth its shock value.

The largest issue with the passing of laws to eliminate the slaughter of animals in art is the risk of accusations of censoring artists. Because animal slaughter would still be a practice within the food industry prohibiting artists from slaughtering animals would appear to be an attack on artists’ rights and would likely create a backlash from artists. Censorship of the arts typically arises when an artist expresses an idea that is politically or socially controversial that may require the government to intercede as a means to regulate political subversion and obscenity along with the guarantee of freedom of speech.\textsuperscript{115} Governments or dominant powers such as a religious organization have a long history of censoring artists such as the Roman Catholic Church during the Middles Ages and early Renaissance to the Nazis in Germany during World War II labeling artists as “degenerate.”\textsuperscript{116} These attempts to censor artists came about because they were deemed a threat to the establishment and censorship was considered a means to protect the power of the establishment from voices of dissent.

Due to the ongoing attempts of censorship of the arts and as a direct result of a case in 1973 (\textit{Miller v. California}) which narrowed First Amendment protections for sexual expression and opened the door to obscenity prosecutions the National Coalition Against Censorship (NCAC) was formed.\textsuperscript{117} In the \textit{Miller v. California} case the defendant was convicted of mailing

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\textsuperscript{116} Ibid.
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unsolicited sexually explicit material which resulted in the Miller Obscenity Test which defines free speech. The Miller test as outlined by the NCAC:

The Miller test determines whether material is obscene and thus not protected speech under the First Amendment by assessing (a) whether the average person applying contemporary community standards would find that the material as a whole would appeal to the prurient interest; (b) whether the material depicts an actual or simulated sexual act in a patently offensive manner; and (c) whether the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

In order for material to be determined obscene it must be within all three criteria to not be protected by the First Amendment. Obviously, the works of art in this thesis discussed thus far would not fit the criteria under the Miller Obscenity Test because none of them depict sexual acts. There’s minimal precedent to suggest legally under current laws that artists that harm or slaughter animals in their art face legal punishment. Examining cases of artists that have faced legal issues with threats of censorship can make a case for why it is not unreasonable to suggest the examination for the potential to limit artists that use animals in art.

The most prominent cases of censorship have involved art works that were publically funded and considered controversial because of subject matter. One famous case Andres Serrano’s *Piss Christ* (1987), a large-scale color photograph of a crucifix submerged in the artist’s urine from a photo series depicting religious objects submerged in fluids, had been awarded a $15,000 grant by the Southeastern Center for Contemporary Art in Winston-Salem, North Carolina, an institution partially funded by the National Endowment of the Arts. In response to *Piss Christ*, a conservative religious group called the American Family Association

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119 Ibid.
sent out one million copies of a letter denouncing the art work.\textsuperscript{122} In response to outrage of works such as \textit{Piss Christ} Congress legislated in 1998 that the National Endowment of the Arts must take “into consideration general standards to decency” when awarding grants.\textsuperscript{123} There was also outrage outside of the United States directed towards Serrano’s work.

In Melbourne, Australia in October of 1997 Archbishop of the Catholic Church, Dr. George Pell, applied for a Supreme Court injunction to prevent the National Gallery of Victoria from exhibiting \textit{Piss Christ}. The injunction was unsuccessful, but the director of the National Gallery canceled out of fear that \textit{Piss Christ} would incite physical damage from the public to the exhibit that coincided with a Rembrandt exhibit.\textsuperscript{124} The photography of Robert Mapplethorpe was also a catalyst for Congress to require the National Endowment of the Arts to consider standards of decency when awarding grants because Mapplethorpe’s 1989 solo exhibition \textit{The Perfect Moment} contained photographs that were homoerotic and sadomasochistic in nature. \textit{The Perfect Moment} had been partially funded by a $30,000 grant from the National Endowment of the Arts.\textsuperscript{125} Religious groups and Republican politicians protested the imagery and that artists such as Mapplethorpe received funding from the National Endowment of the Arts for subject matter they deemed to be immoral.\textsuperscript{126} The immediate result of the debate over Mapplethorpe’s photographs was the decision by the Corcoran Gallery of Art in Washington D.C. to refuse to host the exhibit after previously agreeing to do so. Senator Jesse Helms led the attack on the funding of the arts after seeing images from \textit{The Perfect Moment} by proposing an amendment

\begin{thebibliography}{99}
\bibitem{122} Ibid.
\bibitem{125} Meyer, 136.
\bibitem{126} Meyer, 135.
\end{thebibliography}
that would bar the use of federal funds to “promote, disseminate, or produce obscene or indecent materials, including but not limited to depictions of sadomasochism, homoeroticism, the exploitation of children, or individuals engaged in sexual acts; or material which denigrates the objects or beliefs of the adherents of a particular religion or nonreligion.”127

The artists Serrano and Mapplethorpe had been receiving public funding for their controversial works, which appears to be the issue, but when examining the wording of Helms amendment it seems clear that there is a larger issue at play. Helms launched a tenacious attack on Mapplethorpe because as Helms expressed during Senate hearings on the Helms amendment, the work of Mapplethorpe was “pornography” as well as “sick art” and a “sickening obscenity.”128 Helms’ attacks on Mapplethorpe centered around the theme of homosexuality in the artist’s work and in his personal life, and the senator used Mapplethorpe to exploit public fears of homosexuality.129 Not only did Helms attack art with imagery of homosexuality, but he also endorsed policy that had a negative impact on the homosexual community as he wanted to prohibit federal funding of any healthcare information that might “promote, encourage, or condone homosexual sexual activities.”130 The importance of discussing Helms’ actions and attitudes not only towards Mapplethorpe, but also towards an entire community that Mapplethorpe was a part of, is that the senator’s urgency to censor art did not necessarily stem from the need to protect anyone from obscenity but rather he appeared to have a personal issue with a particular lifestyle. With the art of Serrano and Mapplethorpe there was no physical suffering from any party, but with artists such as Tinkebell, Vargas, Hirst, and Abdessemed animals likely felt physical anguish prior to their death. When you examine Don’t Trust Me the

128 Meyer, 137.
129 Meyer, 131.
animals appear to be experiencing significant pain from the crippling of their bodies in frames from the video. Eliminating the suffering of living beings, human or nonhuman, should be at the forefront of reasons to censor artists.

What separates the elimination of the slaughter of animals from art and censoring imagery based on moral beliefs of particular individuals is that the subject matter for the latter has consenting participants while the former are nonconsenting participants. If it is believed that a group can realistically measure what is obscene in order approve the allocation of funds to an artist based on perhaps biased perceptions of what is obscene then it seems like a realistic measurement to consider censorship if a participant in an artwork is not able to consent. In the case of people that observed the art of Serrano and Mapplethorpe they had to consent to view the art by attending their exhibition and paying an entrance fee. People that may find the works offensive have complete control to avoid the works and not be forcibly subjected to what they may consider obscene, but yet there were still people pushing to limit access to art through refusal of funding of art that they would never have to see unless they had the desire to do so.

The animals are nonconsenting. With this reasoning censoring and therefore eliminating the suffering of nonconsenting animals from art seems rather rational. An element of the case conservative politicians were building against Mapplethorpe was that some of his photographs contained child pornography as Republican Congressman Robert Dornan referred to Mapplethorpe as a “child pornographer.”\textsuperscript{131} The photographs of the children were taken with the consent of the parents while they were present and most importantly, the photos do not depict sexual activity.\textsuperscript{132} What Mapplethorpe was being accused of was not only pedophilia, but also he

\textsuperscript{131} Meyer, 141.
\textsuperscript{132} Ibid.
was essentially accused of using nonconsensual subjects for his work. The argument against this accusation of nonconsensual subjects develops directly from one of the original children Mapplethorpe photographed. The subject, Jesse McBride, was seven when Mapplethorpe photographed him naked. In response to the accusations of the photo being child pornography, at the age of eighteen McBride restaged the photo with a different photographer while smiling and looking down at the original Mapplethorpe photo. McBride stated that he wasn’t forced to take the photo and it was just natural behavior for him to run around naked at that age and he also thinks, “it’s sick to equate it with pornography.” The work of Mapplethorpe did not have forced participants from either the subjects or the people that had the option to view the work, but the work of artists using animals all have nonconsensual participants. It is not an outrageous claim to consider the nonconsenting animals’ welfare when artists are using them as subjects in their art as the argument has been used in the claims against Mapplethorpe with using children.

Share’s proposal of the complete elimination of the slaughter of animals in art is an idealist view, but with the continual progress of animal rights campaigns and the continued growth of knowledge of animal sentience to fuel compassionate decisions, her idealist view is acheivable. However, until the world is ready to embrace that view the consideration of the proposal of art organizations, museums, and galleries considering an adoption of regulations for animal welfare is perhaps a more realistic first step. We cannot impose laws on artists to eliminate an act when this act is carried out billions of times a year for a different industry. Artists can only be held accountable to the ethical standards of a society, and no society is ready to eliminate eating animals but is open to the regulation of the industry. The art world should be open to regulation for the continual progress of the recognition of animal sentience and overall,

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133 Meyer, 144.
134 Ibid.
to improve ethical consideration of animals to create unambiguous laws for their protection. If artists such as Tinkebell, Vargas, Hirst, and Abdessemed, as well as other artists, are actively making the poor treatment of animals more visible then they must realize that they are creating a platform for the discussion of reform within society, but also in art. The more industries willing to recognize the ethical treatment of animals, the better opportunities there will be for other institutions and most importantly, the public, to take notice and begin to rationalize the necessity of the advancement in recognizing animal ethics to better understand human-animal relationships. If the world of art takes a stand for animal ethics then artists could take part in a movement that is still in its early stages of growth and be an integral part of the foundation of defining animal ethics.
CHAPTER IV: PROGRESSIVE ATTITUDES OF ETHICAL USE OF ANIMALS

In the eyes of this author, idealist animal rights activist, there would be no exploitation of animals from using them for food, clothing, experimentation, or entertainment. As bioethics philosopher Peter Singer stated, it is best to have animal welfare along with animal rights as each is a sign of progress.¹³⁵ Though there is an ethical dilemma with using animals and killing them in the name of art as was discussed in the first two chapters of this thesis, the goal is the absolute elimination of animal suffering for art. Because there are progressive steps in all processes this chapter will explore artists that incorporate animals into their art with an ethical mindset of how to properly care for these animals when using them for an artistic purpose. The acknowledgement of ethical care when working with animals is an important initial step not just in art, but in all aspects of life. The artists and works discussed in this chapter are Eduardo Kac’s *GFP Bunny* (2000) [Figure 5], Olly Williams, Suzi Winstanley, and Greg Williams’ *Shark Bite* (1997) [Figure 7], and Ondrej Brody and Kristofer Paetau’s *Dog Carpets* (2007) [Figure 6].

Art historian Steve Baker believes that artists are trustworthy when using animals in their art as he states in his book *Artist/Animal* “…this book presents the case for the importance of trusting artists to operate with integrity in relation to the animals that figure in their work.”¹³⁶ Baker feels that the importance of artists being allowed to use animals in their art stems from the idea that the practice contributes to the discussion of human-animal relations.¹³⁷ He presents a valid point that if artists are actively incorporating the dialogue of human-animal relations in their art and acting responsibly towards these animals than there can be a benefit by providing an alternative manner of discussion towards the ethical treatment of animals for future progress.

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¹³⁷ Ibid.
Baker offers a strong case and the most convincing artist he discusses in the book is certainly Eduardo Kac and his *GFP Bunny*, or *Green Fluorescent Protein Bunny*. The *GFP Bunny* is an albino rabbit created in 2000 with the gene of a jellyfish that causes the rabbit to glow green under harmless blue light.\(^{138}\) *GFP Bunny* was a part of Kac’s conception of transgenic art that he describes as being a new art form based on the use of genetic engineering to create unique living beings.\(^{139}\) Kac named the rabbit Alba and had every intention of taking the rabbit to his home in Chicago with his family after she was born at an institute in France.\(^{140}\) Unfortunately, the director of the institute made the decision that the rabbit would remain at the lab\(^{141}\) and following this decision Kac and others began a campaign in Paris to allow Alba to return with Kac to his home in Chicago.\(^{142}\) While Kac’s actions with changing the biology of a living being are an entirely different ethical debate within the world of science, the ethics of the care of the animal that was born in a laboratory is at the forefront of this thesis.

Animals in laboratories around the world are subjected to experiments every day for varying purposes, but all for the intention of experimentation to benefit the quality of life for humans at the expense of the lives for those experimented-on animals. Kac’s *GFP Bunny* represents a different case in that Kac had every intention of giving the animal normal quality of life after birth by incorporating the animal into his family as a beloved pet, but the director’s refusal to release the animal interfered with his good intentions. Baker recounts a story Kac told him during an interview how Kac had planned on including Alba in a family portrait. His idea

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\(^{141}\) Ibid.

for this portrait used lighting that would cause Alba’s green illume essence to be visible in the photo. The photo would be “four transgenic mammals” glowing, as humans are also transgenic due to the absorbed genetic material from bacteria and viruses, and humans also glow on a spectrum that is visible to reptiles, but not humans.\textsuperscript{143} As Baker elaborates on Kac’s story, “What seems most interesting here, in this example of a photograph that can’t actually be seen (as it doesn’t exist) but can certainly be envisaged, is the artist’s determination to figure out \textit{how to make visible} new and non-hierarchical ways to envisage humans alongside animals, juxtaposed, recombined, repurposed.”\textsuperscript{144}

Baker’s analysis of the intention of the photograph to displace the accepted belief that humans and animals are different in a way that places humans above animals on a hierarchical scale reflects the argument by Singer in \textit{Animal Liberation} for why we justify performing experiments on animals. Singer argues our reasoning for the unquestioned acceptance of testing on animals\textsuperscript{145} is because of speciesism, which is defined as a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species.\textsuperscript{146} Singer further states, “We tolerate cruelties inflicted on members of other species that would outrage us if performed on members of our own species.”\textsuperscript{147} This perceived bias is a reflection of the accepted hierarchy of humans being above animals. Hal Herzog also discusses this issue in comparison to the use of chimpanzees as they are a better model for our afflictions in research because they share about 98\% of their genes with humans; but he also notes that because they are so similar to us, their use is more problematic.\textsuperscript{148} As Herzog states “…the more

\begin{itemize}
\item[143] Baker, \textit{Artist/Animal}, 78.
\item[144] Baker, \textit{Artist/Animal}, 79.
\item[145] Singer, \textit{Animal Liberation}, 69.
\item[146] Singer, \textit{Animal Liberation}, 6.
\item[147] Singer, \textit{Animal Liberation}, 69.
\item[148] Hal Herzog, 209.
\end{itemize}
justified the use of a species is scientifically, the less justified is its use morally.”¹⁴⁹ The argument for ethical consideration to discontinue animal testing because biologically some animals are similar to humans and the difference between humans and animals is the human perception of differences coincides with Kac’s intended family photograph that would eliminate the belief that humans are so much different than animals on a biological and hierarchical level.

Without the perception of difference, perhaps we as humans could come to a more definitive understanding of how we should ethically treat animals. Ecologist and evolutionary biologist, Dr. Marc Bekhoff, explains that as humans we portray animal-like behavior as a negative attribute in human beings which causes humans to want to emphasize the differences between humans and animals.¹⁵⁰ Kac’s desire to highlight the similarities between himself, his family and Alba rather than their differences is evidence that Kac truly took care for ethical considerations when bringing Alba into this world because he viewed Alba as being on the same hierarchical level as himself in the scheme of nature. Kac could have easily chosen to exploit perceived differences between Alba and a human but made the decision to value her as an equal.

The campaign to free Alba also highlights the public desire to free an individual animal from a lab environment and shows a rather hopeful side of people’s disdain to keeping animals in labs. The campaign to free Alba was in newspapers across the world from newspapers in the United States, to Germany, and France, as well as broadcasts on ABC TV, the UK’s BBC radio, and Radio France.¹⁵¹ Kac also participated in interviews and debates in France in addition to placing posters around Paris with a photo of him holding Alba in an effort to raise awareness.¹⁵²

¹⁴⁹ Ibid.
¹⁵¹ Kac, Signs of Life: Bio Art and Beyond, 168.
¹⁵² Kac, Signs of Life: Bio Art and Beyond, 170.
When Kac returned to Chicago he flew a flag with a photo of Alba outside of his residence representing in his words that the flag “…not only publically signals the green bunny home, but most importantly stands as a social marker, a beacon of her absence.”¹⁵³ Not everyone was supportive of the creation of the GFP Bunny despite the overwhelming support for Kac to become her caregiver. Lauren Kessinger wrote in an article entitled “Glowing Bunnies and Animal Rights” her concerns about producing animals such as GFP Bunny as “…she exists only for the purpose of being a work of art.” She also states that we should not “…manufacture animals for our personal curiosity, or to create a spectacle...”¹⁵⁴ Her criticism of GFP Bunny ring true with the philosophy of the animals rights movement as animals are not to be used by humans for forms of entertainment as PETA inserts in their organization slogan and mission statement.¹⁵⁵ On the other hand, Kac responded eloquently with clear logic and ethical intention in regards to the creation of Alba:

> It is out of my love for Alba as an individual that I respectfully disagree with the statement that "she exists only for the purpose of being a work of art." Alba is not a work of art. As I explained in my essay, the "GFP Bunny" project is a complex social event that includes the process of bringing Alba into the world, her social integration, and the dialogue generated by the project. To state that Alba "exists only for the purpose of being a work of art" is to erroneously conflate what Aristotle called "efficient cause" ("the primary source of change") with what he called "final cause" ("the end (telos), that for the sake of which something is done"). In other words: when two individuals who love each other decide to become parents, their love may be the "efficient cause", but the child in their lives does not exist "only for the purpose of" celebrating their love. The child is an individual whose life has its own meaning. Likewise, once Alba was brought into the world, her life sprung with its own meaning.¹⁵⁶

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¹⁵³ Kac, Signs of Life: Bio Art and Beyond, 170.
Kac thoroughly explains that Alba’s life has not only scientific purpose, but she was also created with the intent to be loved and respected as an individual living being. Kac did not intend for Alba to live out her life in a lab as a typical lab animal that is specifically bred for the purpose of experimentation or to be a spectacle, but intended to integrate her into a life of compassion and caring for the individual.

The animal rights point of view would also rather not see an animal experimented on as was Alba, but Alba is not the typical lab animal. For an animal bred to live and die in a lab the circumstances are drastically different from Alba’s creation story. The Jackson Laboratory in Bar Harbor, Maine produces 2.5 million mice a year that are created to have human afflictions such as cancer, high blood pressure, sleep apnea, Parkinson’s disease and so forth. The mice to are sent to labs for research, but because there is a surplus of mice more of them will be gassed than will actually be used in experiments.\textsuperscript{157} These mice were not conceived with the love and intent that Kac had for Alba, but are rather a mass produced product for convenience, and they are considered expendable. What also separates Alba from a typical lab animal is that Kac gave her a name chosen by himself and his family members. Animals used in research receive a number rather than a name; as Bekoff explains this helps the researcher to maintain an emotional disconnection from the animal.\textsuperscript{158} Bekhoff states that “A name immediately, and almost by definition, confers subjectivity and sentience.”\textsuperscript{159} This rationale makes sense as humans we name our pets and even name animals living in the wild such as Cecil the lion that helps to cultivate an emotional bond even though in the case of Cecil most people had never had any real-life interaction with him but nonetheless felt outraged by his death. If perhaps the two sharks killed

\textsuperscript{157} Herzog, 215, 223.  
\textsuperscript{158} Bekoff, 109.  
\textsuperscript{159} Bekoff, 111.
for Hirst’s *The Physical Impossibility of Death in the Mind of Someone Living* had been known, identified, and named sharks there would have been a widespread, media-driven response from the public over their deaths even though they did not belong to anyone just as Cecil did not belong to anyone.

PETA’s logo is a leaping rabbit because the organization considers them to be one of the most exploited and abused animals due to their use for meat, fur, experimentation, and entertainment.\textsuperscript{160} Rabbits are one of the only animals utilized in all animal industries and are also kept as companion animals so it seems fitting that Kac created Alba with the intent to place her on the same hierarchical scale as humans. Alba’s existence shows that humans and rabbits are not entirely dissimilar, which raises the ethical question of whether we as humans should be inflicting so much pain on these animals. Much of the experimentation performed on rabbits is testing household cleaners and cosmetics by putting these products into their eyes to test the effects it may have on humans. There are plenty of products on the market today that did not make it to the consumer by conducting experiments on animals and therefore are considered “cruelty-free;” PETA even has a list of products as a reference for consumers when they would like to make ethically informed purchases.\textsuperscript{161} It is easy to justify eliminating the testing of cosmetics on animals, but there is the argument for testing on animals for medical advances such as finding a cure for cancer. Singer recommends the formation of an ethics committee within the scientific community that is entitled to weigh the costs to the animals against the possible


benefits of research. The idea behind this formation of such a committee is to eliminate unnecessary testing that inflicts suffering on animals as experimenters use the defense of curing major diseases as justification to do whatever they want to animals in experiments.

Alba had the fortune of a human campaigning for her release and the support of people across the world without the assistance of animal rights groups. A comparable scenario to lab rabbits and Alba is the issue discussed in the first chapter “the collapse of compassion.” This issue makes it easier for those who find it easy to rally behind an individual, but find it too daunting of a task to tackle the issue of mass suffering. This logic can explain the overwhelming support to free Alba, but the unlikelihood of a campaign against animal experimentation going global on the front page of newspapers and radio shows. The belief that Alba is somehow different from the rabbits kept in labs because she is a pet characterizes the inconsistencies we as humans maintain in regards to how we treat animals. The interest in freeing Alba meant that she would be reunited with her human companion, whereas lab rabbits have no place outside the lab. In 1965, a Dalmatian was abducted from her yard and was later discovered by the owners to have been used in a New York hospital for experimentation, but had already been euthanized by the time the owners located her. The result of this unfortunate occurrence was the public bombarding Congress with letters concerning animal research after reading the story about the Dalmatian in Sports Illustrated and the House and Senate quickly enacted the Animal Welfare Act of 1966. The Animal Welfare Act of 1966 specifically outlined that dogs and cats used by research facilities be purchased from authorized and licensed dealers as this would prevent pet

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162 Singer, Animal Liberation, 87.
163 Ibid.
164 Herzog, 224.
165 Ibid.
abduction.166 This story demonstrates how we as humans are quick to act when we feel the individual animals we love and care about are potentially in danger. Alba was a lab animal, but also an individual that was loved and cared for, in contrast to the other rabbits living within labs. If the public was capable of conceptualizing that all of these animals living in labs had the same potential to be loved and cared for just as their own pets than perhaps there would be more effort within the public to reform animal experimentation instead of being swayed by the effect of the collapse of compassion.

The story of Alba, the GFP Bunny, ignited an incredible amount of discussion about the place of animals in society, specifically lab animals, and in what ways we can analyze the ethical considerations of how these animals are envisioned and therefore treated. The creation of Alba generated relevant topics of discussion about the ethical treatment of animals and Kac did so by following his own ethics to prove that artists can contribute to the discussion of human-animal relations while using animals in their art in an ethical manner. Although the situation with Alba is not ideal for the views of an idealist animal rights activist, Alba is a step forward for the progression of animal welfare in art and other areas in society.

In Artist/Animal, Baker discusses the collaborative artists Olly Williams and Suzi Winstanley; who see themselves as environmentally conscious artists.167 The truly outstanding aspect of Olly and Suzi is that instead of bringing animals to them to create art they go to the animal’s natural environment and capture their image using photography and drawing. Ollie and Suzi are best known for capturing images of endangered predators through painting and drawing

167 Baker, Artist/Animal, 21.
them in their natural habitats\textsuperscript{168} to capture their beauty, but also to depict the extent of the threat to these creatures’ lives and their habitats.\textsuperscript{169} The apex predator Olly and Suzi are best known for interacting with in their art is the great white shark from the photograph \textit{Shark Bite} taken by photographer Greg Williams in 1997 [Figure 7]. The photograph is of a great white surfacing to take a bite out of a painting of a great white executed by Olly and Suzi while on the expedition. For Olly and Suzi to execute the painting of the shark, they were lowered into freezing water inside a small metal and chain cage while sharks circled them and poked their snouts through the chains.\textsuperscript{170} The lengths Olly and Suzi go to capture timeless images of these creatures is admirable as their encounters could potentially be dangerous, which speaks volumes for their desire to interact with these animals in their natural environment to encourage conservation.

In Baker’s, \textit{The Postmodern Animal}, he categorizes Olly and Suzi’s art as \textit{animal-endorsing} rather than being \textit{animal-skeptical}.\textsuperscript{171} What Baker means by these terms is that Olly and Suzi endorse animal life and align themselves with the work of conservationists rather than the \textit{animal-skeptical} which is concerned with culture’s means of constructing the animal to make it meaningful to the human.\textsuperscript{172} In the words of Olly and Suzi in regards to their depiction of these animals such as the great white: “The animals are here now, they just might not be for much longer.”\textsuperscript{173} This quote is a realistic outlook for the great white as the IUCN Red List of Threatened Species has the species listed as being “vulnerable.”\textsuperscript{174} The threats listed for the great

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173 Ibid.
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white are fishing and harvesting aquatic resources and the uses for the great white by humans are listed as food, pets/display animals; horticulture, and sport hunting/specimen collecting; all of these threats are human related and therefore human preventable. Education and awareness are listed as actions needed for preventing the further decline in the population of the great white due to humans being the main cause of the decline. Olly and Suzi’s art is an effort to contribute to that awareness not only through their imagery and stories of their expeditions, but they also sell their art to benefit organizations dedicated to conservation as the sale of 7 Wild Dogs prints on their website benefits the Mkomazi National Park. Their effort to contribute money to conservation projects displays the artists’ dedication to the animals and affirms the intent behind their art.

The great white has a bad reputation in popular culture especially as the shark has been portrayed as bloodthirsty in the film Jaws from 1975. Great whites are incredible creatures capable of significant damage if given the opportunity to attack a human, but it is determined that humans are not the ideal prey for great whites and that they are only “sample biting” people for taste rather than intent to kill. By no means are these incidents any less tragic with this knowledge, but it is important to know that great whites are not biting or killing humans for the thrill as these creatures are simply seeking out food as do all living beings. It is easy to vilify a creature that has a history of maiming and killing humans, but the great white is not a villain; it is a living being with basic needs and vilifying them is detrimental to their existence when there may be a lack of compassion contributing to their depleting numbers because of their reputation.

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175 Ibid.
176 Ibid.
177 Ibid.
*Shark Bite* depicts a shark “sample biting” an artistic image of its own kind and according to the artists the shark spit out the corner of the painting that was a sample for the shark. The photograph is a testament to the shark’s known behavior and is in no way an attempt to glorify the shark’s perceivably terrifying image.

*Shark Bite* is a photograph of a great white reacting exactly how a great white would react in his or her natural environment. This reaction is the intent of Olly and Suzi: to capture spontaneous moments of animals in nature through quick, collaborative sketches as both artists have a hand in creating a work of art by each contributing marks and lines to the image.\(^{180}\) When asked if their art had to be beautiful to portray the beauty of these animals Suzi replied, “we should be trying to show people that they’re not just big scary animals. They *are* beautiful, so it’s my place to show other people that they are,” she also added, “I think that the image has to be as *accurate* as it can possibly be.”\(^{181}\) Olly and Suzi’s interest in portraying these animals accurately is in accordance with the actions needed to preserve the great white species by spreading education and awareness of these animals. Humans need to appreciate great whites for their natural behavior and rationalize the need to preserve their existence despite our ill-conceived perceptions of their demonized behavior within culture. Olly and Suzi have captured the real behavior of the great white because of the need to educate the public of their behavior to help preserve the species.

The intent to preserve a species such as the great white is not merely because of the beauty of the creature but due to the importance of balanced ecosystems and the role every living being plays in that principal balance. Olly and Suzi emphasize the importance of balance in

ecosystems. Suzi stated, “You start understanding the whole chain, and why each thing is vital for the next thing, and that is why it is important not just to focus on one big scary creature. The whole essence of the place would be nothing without all those hundreds of little pieces of the jigsaw puzzle.”

SharkSavers, a program of WildAid, outlines three reasons for why sharks are important parts of the ocean ecosystems: sharks keep food webs in balance, sharks keep prey populations healthy, and sharks keep sea grass beds and other vital habitats healthy. The main reason the existence of sharks regulates these three areas of the ocean ecosystem is that they are apex predators. Sharks eat the sick and slow members of a prey population which keeps that population stronger as only the strongest members breed to improve gene pools and overall improves the food chain through greater population numbers and sharks intimidate prey animals which prevent them from overfeeding ocean habitats. The essence of a great white, what Olly, Suzi, and Greg captured in Shark Bite, foregrounds the role of the predator in the ocean’s ecosystem. As Suzi stated, “…it’s important not just to focus on one big scary creature,” the preservation of the great white and its apex predator behavior is about preserving the entire ecosystem of the ocean.

The works by Kac, Olly, and Suzi are not overtly disturbing to look at for most viewers, but the third work discussed in this chapter can be seen as a bit more difficult to categorize regarding ethics without examining the details because visually the work is quite disturbing for most people. Ondrej Brody and Kristofer Paetau’s Dog Carpets comprised of the hides of ten dogs that have been made into carpets whereas animal carpets are typically made from wild animals such as bears or farmed animals such as cows which is what makes Dog Carpets so

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182 Baker, Artist/Animal, 36.
184 Ibid.
visually startling as one is not used to such a sight. It may seem patently wrong to discuss such a piece as being ethically responsible to animals, but the ethics are all in the details of the creation of the work. Baker does not discuss Dog Carpets in his books\(^{185}\), nor do any other academics from what was found through research, so all details from this work come directly from an interview\(^{186}\) with the artists.

As was the intention of Tinkebell and Vargas, Brody and Paetau created Dog Carpets to discuss society’s hypocrisy of the way people treat animals differently as it is appropriate to make a wild animal into a carpet, but it is not suitable to make a pet into a carpet. They also wanted to bring the problem of street dogs in South America to the attention of people.\(^{187}\) For the artists to begin the creation of their artwork they sought out a means of obtaining dog hides and this is where the essential ethics come into play. Dog Carpets was to take place in a show in La Paz, Bolivia at the Museo Tambo Quirquincho. Brody and Paetau used resources that were available to them; instead of seeking out and killing ten dogs themselves they sought out a municipal company called Zoonosis that was responsible for catching street dogs and euthanizing them in order to obtain the hides from dogs scheduled for euthanasia.\(^ {188}\)

The artists were present for the euthanasia of the dogs and described it as being “…a terrible experience.” The artists witnessed the poisoning of the dogs through injection and having to witness the dogs nervousness before their deaths and seeing them die thirty seconds after the


\(^{187}\) Ibid.

\(^{188}\) Ibid.
injection while the dogs defecated themselves in the process of dying.\textsuperscript{189} After the euthanization of the dogs they chose the ten they wanted and had them sent to a taxidermist for processing. Because the dog hides were not ready for the initial show they were hung to dry from a patio, but were moved to a small courtyard due to the museum director not approving of them being visible to visitors.\textsuperscript{190} Due to protest that reached the media, the carpets were removed from the show in Bolivia and the mayor of La Paz ordered Zoonosis to collect the dog hides. The mayor even passed a law making it illegal to export dead dogs to prevent the artists from taking any other dog hides with them in an effort for the mayor to avoid an international protest of the city.\textsuperscript{191} Brody and Paetau did not fight the decision, but decided to recreate \textit{Dog Carpets} at the Prague Biennale shortly after leaving Bolivia, but this time, they obtained the dog corpses from a Prague pet hospital where the owners did not want the bodies after the dogs had passed.\textsuperscript{192} The artists recognize that there is a difference between the Prague and Bolivian \textit{Dog Carpets} as the ones in Prague were pets abandoned in death by their owners and the dogs in Bolivia were street dogs that had no owners.\textsuperscript{193}

The backlash against \textit{Dog Carpets} reflects the similar feelings towards the treatment of pet animals experienced with \textit{My Dearest Cat Pinkeltje} and \textit{Exposición N° 1}. The shock of seeing dead companion animals made into trophy hunting carpets made this an offensive exhibit for many, but Brody and Paetau had only brought what was being done behind closed doors and walls at Zoonosis into view for society to see the injustices they were committing against their beloved companions. The work of Brody and Paetau was not an act of an artist inflicting ill treatment towards animals because they were not responsible for the deaths of the dogs, rather

\textsuperscript{189} Ibid.
\textsuperscript{190} Ibid.
\textsuperscript{191} Ibid.
\textsuperscript{192} Ibid.
\textsuperscript{193} Ibid.
society was responsible, and they had the intention of bringing the issue of the overpopulation of street dogs in South America to a platform for discussion. It is rather unfortunate that the mayor of La Paz took efforts to conceal details of *Dog Carpets* to avoid controversy and international media attention. If *Dog Carpets* had received international media attention then perhaps there would have been pressure for countries in South America to deal effectively with their stray dog problem and it is likely that animal welfare groups within other nations would have offered assistance with the pressure of the media and the public. Not only did the mayor’s decision limit the discussion of *Dog Carpets* on a social level, but it also probably limited the amount of discussion of *Dog Carpets* within the academic art circle. The exhibition had valuable insight and commentary to begin a discussion of an animal ethics issue that never properly came to fruition due to the desire of a political leader to keep the unpleasant reality invisible. Brody and Paetau did not participate in an unethical act of art, as unpleasant as *Dog Carpets* may be to look at, because the artists did not inflict harm on animals and were essentially addressing an issue of animal welfare.

What the artists in this chapter demonstrate is not only the ability to incorporate animals into art in an ethical manner, but also that art can be a tool for progress for animal welfare and rights. Until the day comes when there is no longer need to elaborate on what is ethical and unethical regarding how animals are treated, art can participate in the discussion to progress society towards a better understanding of animal ethics and how these ethics incorporate themselves into our way of life. The significance of artworks by Kac, the collaborative effort of Olly and Suzi, and of Brody and Paetau is that it ignites discussion for what is ethical in regards to how we as humans treat non-human animals. Unlike artists in the

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194 Ibid.
first chapter though, Kac, Olly, Suzi, Brody, and Paetau transcend the unethical practice of using animals in a manner that brings the animal discomfort or an early death. The ethical consideration of the animals involved is what revolutionizes the field of art and in all areas of life where animals are at the disposal of humans. If artists can incorporate animals into their field of work while maintaining a standard of ethics than it is fair to say that larger institutions can do the same. These artists are proof of the possibility for the inclusion of ethical care when working with animals.
CHAPTER V: CONCLUSION

This thesis is in no way condoning the infliction of suffering on animals or killing animals for art as a means to start discussion for why we should reconsider use of animals in other areas of life. There are more ethical ways to study human-animal relations without intentionally harming animals as a means to an end. The intention of examining the ethics involved with using animals in art is to emphasize the need for discussion and education for progressing how humans interact with animals to promote care and consideration for animals. If we cannot condone brutally killing an animal for art then why would we condone similar behavior for food, entertainment, trophy hunting, or experimentation? Killing animals for art is an accurate depiction of the senselessness of suffering when there can be a greater effort to improve overall welfare.

Artists such as Kac, Olly, Suzi, Paetau, and Brody are signs of progressive attitudes in the world of art that extend consideration for the ethical use of animals. This fundamental change in attitude is what is necessary for an overall improvement in human-animal relations. In regards to speciesist ideology Peter Singer states:

It is important to expose and criticize this ideology, because although contemporary attitudes to animals are sufficiently benevolent—on a very selective basis—to allow some improvements in the conditions of animals to be made without challenging basic attitudes to animals, these improvements will always be in danger of erosion unless we alter the underlying position that sanctions the ruthless exploitation of nonhumans for humans ends. Only by making a radical break with more than two thousand years of Western thought about animals can we build a solid foundation for the abolition of this exploitation.

In accordance with Singer’s statement, although the artists listed above are signs of progress, it is necessary to examine the works of artists such as Abdessemed, Tinkebell, Vargas, and Hirst to fully understand that there are still attitudes stemming from speciesist ideology that are a threat.

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195 Singer, Animal Liberation, 213.
to progress. It is necessary to examine these attitudes in an effort to understand how to eliminate them. In the second chapter there was proposal for the implementation of regulations and laws to protect animals, but the only way to protect animals effectively is to change the attitudes that are causing animal suffering. In the introduction for Steve Baker’s book *Picturing the Beast: Animals, Identity, and Representation* he suggests, “…that animal representations may indirectly reveal something about how a culture regards and thus treats living animals…” If works of art such as *Don’t Trust Me, My Dearest Cat Pinkjelte, Exposición N° 1*, and *The Physical Impossibility of Death in the Mind of Someone Living* are any indication of how our cultural regards animals then there is an urgent necessity for study and remedying our behaviors and attitudes.

In an effort to correct speciesism Singer states, “We should, for instance, write to our political representatives about the issues discussed in this book; we should make our friends aware of these issues; we should educate our children to be concerned about the welfare of all sentient beings; and we should protest publicly on behalf of nonhuman animals whenever we have an effective opportunity to do so.” In spirit of Singer’s statement, this thesis is an effort to educate artists, art historians, and the greater public on an issue of the consideration of the welfare of animals while examining the cultural causes for the issues concerning the use of animals in art. Awareness, education, and action are all imperative to deconstructing speciesism and it all begins with a discussion of the issues whether it originate on a factory farm or in an art gallery.

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Figure 1: Tinkebell, *My dearest cat Pinkjetje*, 2004

Figure 2: Guillermo Habacuc Vargas, *Exposición N° 1*, 2007

Figure 3: Adel Abdessemed, *Don’t Trust Me*, 2008
Figure 4: Damien Hirst, *The Physical Impossibility of Death in the Mind of Someone Living*, 1991

Figure 5: Eduardo Kac, *GFP Bunny*, 2000

Figure 6: Ondrej Brody and Kristofer Paetau, *Dog Carpets*, 2007

Figure 7: Olly Williams, Suzi Winstanley, and Greg Williams, *Shark Bite*, 1997