

# Issues of consent in human-animal sexual relations

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2008

## Introduction

This paper arose from a talk I gave for the Lampeter Anthrozoology society, which I did not expect to seriously pursue. However in the preparation and subsequent discussion of the talk I stumbled upon a host of issues that I found very interesting indeed. This paper is an attempt to follow up on one of the thorniest issues raised, that of consent in human-animal sexual relations; how it may be judged, and why it matters.

I'll start by giving a little information on key terms, and how I'm using them here. I will then go on to explain in greater detail the question that this paper addresses. Next will be a review of relevant anthropological theory, and how it may be applied to better understand the debate. I will follow this with an examination and deconstruction of some of the justifications given for the special treatment of zoophilia compared to other areas of human-animal interaction, and then conclude with a discussion of the implications of research in this area for anthropology.

The conversations upon which this work is based are responses are gathered from entirely informal discussions friends; they are not informed by any fieldwork or rigorous methodology.

## Key Terms

First an explanation of potentially the most ambiguous term I'm using here: zoophilia. Different scholars have put this term to many different uses over the years, but with the emergence of a self-identified zoo community the word has taken a more definite and stable form. Zoophilia, as used by members of the community, refers to the romantic love of non-human animals, which while not necessarily entailing sexual expression, does tend to imply it. I will be focusing on the sexual aspect of such relationships in this paper.

The term bestiality refers more strictly to sexual acts between human and non-human animals. Whether use of the term is appropriate to refer to sexual contact as part of a loving relationship is not widely agreed upon.

'Zoo' is a self-identifying and self-created term for members of the community of zoophiles which grew up and thrived in the more anonymous and safe spaces offered by Fidonet and the Internet.

## Question Addressed

Zoophilia is often referred to as ‘one of the last taboos’ in Western Europe and America, and problematic as such an assertion may be it is undeniable that many people feel uncomfortable about the topic, in many cases considering intra-species sex as an abhorrent and incomprehensible activity. When pressed beyond answers along the lines of “it’s just gross” and “it’s wrong,” the reasons people gave me for their objections often revolved around issues of consent. Zoophiles often respond to accusations of non-consensual sex by pointing to the great physical strength of the animals they engage with and the resultant ease with which the animal could end the sex act if it so chose. However this answer fails to address the issue of informed consent and coercion, which are at the heart of the argument. An animal can not be understood definitely enough to know if it consents, and even if it could it is doubtful that such consent could be considered ‘informed.’

The question which interests me in the response of my informants is why consent is seen as necessary at all. Consent is not considered as important in a great many human-animal interactions, from sleeping arrangements to reproductive activity (in the case of neutering or artificial insemination) to killing and consuming for reasons of dietary preference, all of which would be considered utterly unacceptable in human-human interactions without the consent of each party.<sup>1</sup>

## Review of Relevant Theory

A reasonable place to start to examine and answer these questions is in a review of relevant anthropological theory. In particular I’ll be looking at how Ingold’s model of Trust and Domination and Milton’s work on Egomorphism are useful in understanding the varying reactions of people to zoophilia.

First, though, it’s worth quickly reviewing the idea of a dichotomy between humanity and ‘nature’ (which includes animals). Put simply, this model conceives humans as a combination of two distinct parts, part nature and part transcendent of nature (expressed in theology as the body and the soul). According to this belief system humans are fundamentally different from their surroundings, and moreover “it is the proper destiny of human beings to *overcome* the condition of animality to which the life of all other creatures is confined” (Ingold 1994: 2 [original emphasis]). The mark of a ‘civilised’ person, to which all should aspire, is the extent to which they have cultivated their transcendent self, suppressing that which is identified with nature.

It is quite simple to see why Zoophilia would be problematic in such a model. In sexually engaging with an animal, a person necessarily rejects their transcendent self—and all that their ‘civilised society’ has been built to overcome—and instead embraces their animal nature. Simultaneously to this the ‘wildness’ of the animal is compromised, thus also unfairly disturbing its place in the order of things.

Such ideologies are alive and well today—with arguments frequently framed in terms which make it difficult to think outside of them (Bell and Russell 2000:

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<sup>1</sup>Whether human-human killing is acceptable if consent is granted is a controversial issue, as can be seen in debates surrounding euthanasia.

192)—but they are little help in addressing issues of consent. Under such models animals are so unquestionably oppressable by and different from humans that they are simply not empowered to give or refuse consent regarding any human action. Arguments for the importance of consent, which I am focusing on here, cannot then rest upon such a model.

A more illuminating model for our purposes may be found in Tim Ingold's theory of trust and domination, which he elaborates in considering the different engagements with non-human animals of hunter-gatherers and pastoralists.

In his model hunter-gatherers do not seek to entirely control their food supply, but rather trust that appropriate engagements with the animals they wish to eat will provide a good and reasonable amount of food, in quantities and qualities acceptable both to the animal and the hunter. Such a view attributes agency to all actors, and presupposes an active and participatory engagement between species (Ingold 1994: 13-15).

Pastoralists, by contrast, seek to entirely control and manage their food supply, by means of domination. Consent of an animal is not considered as relevant to the task of food production. Animals pastorally managed "are cared for, but are not themselves empowered to care," with the herdsman taking the role of "protector, guardian and executioner" (Ingold 1994: 16). While animals are allowed some freedoms, this is only within the bounds defined by the humans 'managing' them. In the words of Bill Hicks, "You are free (to do what we tell you)."

This turns out to be a quite nice way of contrasting different views of zoophilic engagements with animals. Zoophiles, on the one hand, generally see their relations with animals as based on trust, in which the animal is empowered to give or refuse consent, and each party in the relationship may offer themselves freely to the other. Those who argue against zoophilia on grounds of consent, however, view such engagements as inevitably dominated by the will of the human—the animal being powerless to resist—and any human 'interference' is therefore necessarily exploitative.

The most useful theory for examining consent in zoophilia however is Kay Milton's model of egomorphism. Here Milton suggests that rather than anthropomorphically stating that people perceive animal characteristics as like humans' (and thereby implying that they really can not be), it is far more accurate to talk of people perceiving individual characteristics of an animal as similar to certain of their own characteristics. She then goes further, noting, with Ingold, that one will perceive quite different characteristics and meanings based on how one interacts with the environment.

The large variety of meanings which may be interpreted from the perception of similar situations will inevitably result in different ethical implications. While consent may be easily recognised by many people in many situations, its recognition will be dependant on how one interacts with their surrounding environment. Where a zoophile may perceive an animal raising its tail as a clear invitation, a non-zoophile may perceive it as an automatic reaction, an example of confusion, or equally likely will not notice it at all. Here then we also encounter the tricky problem of 'only seeing what you want to see'.

The lack of any significant weighing in of the scientific establishment on the psychological capabilities and limitations of animals (at least in the public consciousness), coupled with the increased difficulty most feel in communicating with an animal which is not able to speak their language, leads to a large

range of observed characteristics in animals between different people. This correspondingly leads to a significant difference of moral implications, and hence to increased conflict.

## Deconstruction of Justifications

All of this good theory has however yet to completely address the central question of this paper; why is consent more important for human-animal sex than interactions such as human-animal killing?

Bolliger and Goetschel, both lawyers, argue in a recent essay (2005) that animals should be legally protected from sexual advances made by humans. Their arguments are not unique. The most relevant part of the article follows:

One should act on the assumption that the animal's consent is forced, either through an *artificial* fixation on a person or by use of other *psychological methods*. . . Admittedly, in our society many animals are used against their will for other purposes, such as animal testing or the production of food. . . However, different to zoophilia, most of these actions can be *socially justified*. (Bolliger and Goetschel 2005: 40 [added emphasis])

Firstly it's worth quickly examining the contention that animals could only give consent after 'psychological methods' were used by humans. It seems odd that psychology is presented as a particularly unfair and manipulative part of a relationship; psychology is after all generally considered a completely inevitable facet of human relationships. Furthermore, to deny the acceptability of any power differentials—which are of course present in any relationship—is hardly reasonable or realistic.

The argument that industries such as animal testing and food 'production' may be 'socially justified,' but zoophilia may not, is also rather odd. Zoophilia is, after all, inherently social, and moreover is argued to be an attempt at the pinnacle of social relationships for zoophiles, namely a relationship of love and fulfilment which may not even be possible for them with other humans. To argue then that this is less 'socially justified' than the desire to have a larger variety of food, cosmetics and cleaning products, doesn't seem to me to be reasonable, at least not without further justification.

## Conclusion

It is difficult to find many detailed examinations of why consent is more important in areas of sex than other human-animal interactions in literature, and this presents itself therefore as a good area to conduct research. This paper in particular suffers from a very unfocused and vague sample of people, whom I fear I may be speaking more for than of, as well as the quite frequent and unsupported citing of the beliefs of an unqualified 'majority.'

The issue of zoophilia, sparse as serious discourse on it may be, proves particularly capable at illuminating the models of classification through which people interpret the animals in their environment, in prompting people to confront the reasons for views which had previously been simply assumed.

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