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Claire Jean Kim

Excerpt

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PART I

TAXONOMIES OF POWER

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I

Impassioned Disputes

In July 1996, the San Francisco Commission on Animal Control and Welfare held a much-anticipated meeting. For nearly a year, the Commission, an advisory board to the city's legislative body, the Board of Supervisors, had held heated public hearings on whether to ban the sale of live animals for food in the city, a move that would especially affect the merchants in Chinatown who sell turtles, frogs, birds, fish, and other animals. It was finally time for the Commission to hold a vote. The meeting room at the Taraval Police Station was full and an overflow crowd of hundreds gathered outside. On the street, animal activists held up signs condemning "cruelty" toward animals in Chinatown's live animal markets, while Chinese Americans held up signs condemning the "cultural imperialism" of their critics. The crowd waited, murmuring. The air was thick with tension. The Commissioners passed the ban with a vote of 7 to 3, with one abstention. When the vote was announced, the crowd roared and police officers escorted Commissioners out of the back of the building for their personal safety.

This turned out to be yet another skirmish in the battle that raged for more than a decade and a half starting in the mid-1990s over the sale of live animals for food in the City on the Bay. After the Commission on Animal Control and Welfare voted, the Board of Supervisors declined to implement the proposed ban, which was, in the trenchant words of one local activist, "a political hot potato." So, over the next decade and a half, in a long and tortuous journey marked by victories and setbacks alike, animal advocates took their case against the live animal markets to the San Francisco Superior Court, the California legislature, the California Fish and Game Commission, and the public. This protracted struggle generated an occasionally vitriolic and always illuminating discourse in the public sphere about race, species, nature, and culture. It raised vital questions about what constitutes culture; which cultural traditions deserve protection and which do not; who belongs; whether animals are morally considerable; which animals are morally considerable and how much consideration they are due; what constitutes cruelty to animals, environmental

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[More information](#)

damage, and racial harm; how to think about nature; and who has the standing and authority to decide these matters.

Bemused reporters covering the story remarked, “only in San Francisco,” referencing the city’s renowned progressivism on many issues, including animal welfare and immigrant rights. In some ways, this is indeed a local story about the town that Richard DeLeon (1992) famously dubbed the “Left Coast City.” Many of the city’s unique features shape this story: the multiplicity of small-scale animal advocacy groups in the Bay Area, residents’ pride in the Franciscan tradition of compassion for animals, the prominence and influence of the San Francisco SPCA (Society for the Prevention of Cruelty to Animals), the city’s distinctive history as the hotbed of anti-Chinese activism in the nineteenth century, the city’s current racial and ethnic diversity and shift toward becoming less white and Black and more Asian and Latino, the continuing symbolic significance of the country’s oldest and most storied Chinatown, the spatial and organizational reorientation of Chinese American politics in the city, and the recent growth of local Chinese American political power, culminating in the election of Mayor Ed Lee in 2011. San Franciscans engage in politics with passion, ardently advancing their respective visions about what the city should be and how it might realize its destiny. These visions show up in this story, as do some of the most colorful and controversial characters in local politics.

At the same time, this is a story that goes beyond San Francisco. It is a story about some of our central contradictions as a nation – our official embrace of and actual suspicion toward nonwhite immigrants and cultural difference; our simultaneous touting of colorblind norms and continued investment in racial domination; our growing interest in the status of animals and environmental protection and seeming acquiescence in neoliberalism’s progressive instrumentalization and commodification of humans, animals, and the earth. In this sense, the Chinatown live animal market story is an American story, a story about a nation caught up in the new millennium in powerful currents of racial, cultural, economic, and environmental change.

The Chinatown case is indeed one of many impassioned disputes that have sprung up in the United States in recent years over how racially marginalized groups (nonwhite immigrants, Native peoples, native-born racialized minorities) make use of animals in their cultural traditions. Battles have been joined over horse-tripping and cockfighting by Mexican immigrants, dog-eating by Asian immigrants, whale hunting by Native peoples, dogfighting by urban Black folks, and animal sacrifice by the Santería, among other practices.¹ In addition to the Chinatown case, this book briefly examines two other conflicts:

¹ When these disputes traverse national boundaries, they become additionally weighted with questions about foreign (specifically Western) domination and control. The efforts of European and American activists to stop dog-eating in South Korea, bear bile farming in China, and whale hunting and dolphin slaughter in Japan have elicited fierce nationalistic responses that seem, perhaps inevitably, to have more to do with global history and politics than with a sober assessment of the animal practices in question.

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Excerpt

[More information](#)*Impassioned Disputes*

5

the controversy over the decision by the Makah, a Native people in northwest Washington State, to resume whale hunting in the mid-1990s after a hiatus of seventy years; and the uproar over the arrest and conviction of NFL superstar quarterback Michael Vick, who is African American, on dogfighting charges in 2007.

Looking at these three cases together helps us to think clearly about the difference that difference makes. Despite the disparate nature of the cases, they manifest a shared script whereby animal/environmental advocates charge the racialized group with “cruelty” and/or “ecological harm,” and the response is a countercharge of “racism” and “cultural imperialism.” How and why social actors craft and advance these competing discursive and interpretive frames (which I will call “optics”) and with what implications are topics I explore seriously in this book. At the same time, the three cases differ in that they emerge out of three distinct group histories of oppression that are shaped in part by the three groups’ different relations to the nation (immigrant, indigenous, native-born minority) and different positions in the American racial order (Asian, Native, Black). It also matters that each case involves a different category of animal: the Chinatown case involves “lesser” animals that are “food” animals in Chinese but not American culture; the Makah case involves the charismatic gray whale; the Vick case, “man’s best friend.”²

These impassioned disputes over animal use cast a revealing light on three triumphalist stories that form part of the American mythos at the dawn of the twenty-first century. All three stories – about multiculturalism, colorblindness, and environmental consciousness, respectively – depict the nation on a long but successful journey from darkness to light, ignorance to understanding, conflict to accord. They fit neatly within the centuries-long tradition of glorifying the United States as a uniquely dynamic, forward-moving, progressive nation. The first story says that we have achieved meaningful multiculturalism in the United States. Post-1965 immigration diversified the population dramatically along racial and ethnic lines, the story goes, and the dictum “When in Rome, do as the Romans do” has given way over the past several decades to a robust cultural accommodation of immigrant minorities. Having overcome our history of intolerance and ethnocentrism, we now celebrate and affirm cultural difference. Having set aside racial quotas in our immigration laws and abandoned

² I have benefited from sharing this work with several audiences over the past few years. At one talk, I was asked if I was reproducing an imperialist orientation, as it were, by focusing on minority animal practices and not on white/majority animal practices. The marking or denaturalization of white practices is an important task, but that is not the book I wanted to write. If I were advancing a direct critique of minority animal practices, I would think it important to consider white animal practices as well, or at least explain why I am not addressing them. But my point is not to critique minority practices per se but to interpret the controversy swirling around them – the social, cultural, political struggle over their meaning. What it means to call animal advocates’ criticism of these minority animal practices imperialist and whether the charge is fair are precisely the matters I seek to explore. In any case, there is a powerful argument to be made that the majority’s animal practices are at least as morally troubling as minority practices.

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forced Americanization classes, we now embrace the joys of Mariachi and dim sum. This is what Nathan Glazer grudgingly and ruefully concedes in the title of his book *We Are All Multiculturalists Now* (1998).

The second and closely related story has us moving unerringly toward a “colorblind” or “postracial” society. This tale, crafted in the crucible of civil rights era activism and policy, involves both retroactively interpreting all of U.S. history as a journey of racial transcendence and announcing a future where racism is no longer an issue. Martin Luther King Jr.’s memorable words at Selma – “The arc of the moral universe is long, but it bends toward justice” – have been recuperated in service of the idea that the nation has moved inexorably toward colorblindness. Barack Obama’s campaign rhetoric and his election to the U.S. presidency in 2008 gave this story new life, and today it is common to hear declarations of “how far we have come,” even if these are sometimes accompanied by qualifiers about “how far we have to go.” Having overcome racism, for all intents and purposes, we still face the task of perfecting the dream, which partly involves taking precautions against “reverse racism.” In recent media coverage of the events commemorating the fiftieth anniversary of the 1963 March on Washington, commentators lamented that the dream was not yet fulfilled and thus remained faithful to this story’s narrative structure and teleological thrust.³

Finally there is the story of how the United States has come to see the light on animal and environmental issues. As a nation, we have traveled the road from ignorant recklessness to compassionate and wise stewardship. Brought along by Rachel Carson’s *Silent Spring* (1962) and the animal liberation and environmental movements of the 1970s, and progressively enlightened by science, we have left behind our wildlife-decimating, coal-burning, forest-leveling past and assumed the position of global park ranger on matters of animal exploitation and ecological degradation. Although we are still figuring out how to make farming practices more humane and how to reduce the emission of greenhouse gases at home, we are confident in our positions on other nations’ practices (e.g., Chinese shark finning, ivory consumption, and industrial pollution). President Obama’s Executive Order “Combating Wildlife Trafficking” (July 1, 2013) exemplifies the United States’ performance as a champion of animal and environmental protection on the global stage.⁴

The impassioned disputes I examine in this book give the lie to these triumphalist stories in many different ways. Multiculturalism, it turns out, is far from a settled issue: the standing of nonwhites to practice their cultural traditions remains hotly contested, and open ethnocentrism and intolerance persist in the general population, brought out into the light during these conflicts. Colorblindness is nowhere in evidence either. Indeed, these disputes evoke centuries-old racial tropes (about Chinese cruelty, Indian savagery, Black bestiality)

³ See, for example, “Martin Luther King’s Dream Partly Met” (2013) and Barbara Raab (2013).

⁴ <http://www.whitehouse.gov/the-press-office/2013/07/01/executive-order-combating-wildlife-trafficking>.

Cambridge University Press

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Excerpt

[More information](#)*Impassioned Disputes*

7

that function in each case to displace attention from structural racialized exclusion onto the supposed character flaws of these groups. The Chinese immigrant's resistance to adopting humane American ways, the Makah's stubborn rejection of modernization, the Black man's refusal to overcome his animal nature – these “facts” take center stage, while persistent ethnocentrism against nonwhite immigrants, ongoing relations of colonial domination with Native Americans, and the violence inflicted by the carceral state and neoliberal policies upon Black communities go unrecognized.

The animal/environmental consciousness story gets sent up, too. What comes across in these impassioned disputes is how profoundly neoliberal policies, language, and values have pervaded American culture and society.⁵ In the broader society, growing environmental awareness notwithstanding, the commodification and instrumentalization of animals and the earth intensifies, from the expansion of industrial animal farming to the continued destruction of endangered species' habitats in the name of development to the genetic engineering of animals for food production and medical research. And in the cases examined here, the profound commodification of the racial/animal/natural other and the pervasion of market practices and values into myriad realms are strikingly apparent. In the Chinatown case, the California Fish and Game Commission describes wild animals as “living natural resources” that must be husbanded so that the maximum number of people now and in the future can use them. The animal-centric and earth-centric arguments advanced by parts of the early U.S. animal and environmental movements are but a memory now, and conservation and environmental protection are understood as projects aimed at protecting natural resources (living and otherwise) for the sake of maximizing human utility. In fact, environmental language has become a legitimating cover for the advancement of economic interests, as when the California Fish and Game Commission deploys the “invasive species/native species” trope, wherein native species are almost always proxies for humans whose economic interests are adversely impacted by “invasives.”

If these triumphalist stories are cast in doubt, what are we to think about race, species, nature, and culture in the millennial United States? My sense is that the war metaphor serves us better than the journey metaphor. The journey metaphor is as misleading as it is comforting. It suggests that “we” are moving along together as a nation and that history is a teleological process tending toward the good. Conflicting interests, struggle, violence, and domination are elided. Injustices are cast as vestigial difficulties that will be resolved with time (if only people could understand that change is slow and difficult). The war

⁵ *Neoliberalism* refers to a set of practices, ideologies, and values that have been globally ascendant since the 1970s (Duggan 2003; Brenner and Theodore 2002). Its central tenet is that markets should be allowed to operate freely and competitively and with minimal interference from states or other public entities. Neoliberal policies championed by institutions such as the International Monetary Fund, the World Bank, and the World Trade Organization emphasize fiscal austerity, deregulation, privatization, and market liberalization.

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[More information](#)

metaphor rudely disabuses us of these fantasies. It forces us to think clearly about the disharmony of interests that “we” have, rips away the comfort of teleological thinking, and confronts us with the fact that the stakes are nothing less than life and death, both human and nonhuman. Neoliberalism did not originate it, but it has escalated the war on racialized others, animals, and nature in the name of concentrating wealth and privilege in the hands of a tiny elite. This war is the larger backdrop against which the Chinatown, Makah, and Vick disputes play out. If we can give up our attachment to this idea of a collective journey to the promised land – if we can understand it as hortatory ideology and not sociohistorical analysis – and consider seriously that U.S. racial, animal, and environmental histories reflect a war without end fought on shifting terrain and by shifting coalitions of interests, we will gain in understanding whatever we lose in comfort.

My purpose in this book is, first, to give a persuasive interpretation of what is going on in these impassioned disputes over animal use; second, to read them as windows onto our contested and contradictory imaginings about and struggles over race, species, nature, and culture in the United States at the start of the twenty-first century; and third, to suggest how we might begin to think through, ethically and politically, the competing sets of moral claims being advanced. Studying these conflicts instructs us about how power in its many dimensions is articulated, expressed, and engaged in the contemporary United States, and it just may give us some insight into the possibilities of resistance as well. But first, a brief detour to examine and critique how scholars have explained these kinds of disputes.

THE “CLASH OF CULTURES” EXPLANATION

The most common interpretation of these conflicts over animal use, favored by political theorists working on multiculturalism, is that they are best read as “clashes” between the majority culture and minority cultures. The core question, according to this view, is whether the majority’s accommodation of troubling minority cultural traditions is necessary, desirable, or even possible. Theorists have come up with a range of responses to this question, with some arguing for a great deal of accommodation and some arguing for very little. I highlight a few of these responses here. Some discuss controversial animal practices specifically; all discuss the question of whether and how to respond to vexing minority traditions more generally.

Alison Renteln’s *The Cultural Defense* (2004) makes the most far-reaching case for the accommodation of minority traditions. In fact, she endorses the establishment of a formal “cultural defense” to be recognized by the courts and other governmental entities. Beginning with the premise that culture “shapes the identity of individuals, influencing their reasoning, perceptions, and behavior” (10) and the observation that the right to culture is guaranteed in Article 27 of the International Covenant of Civil and Political Rights, Renteln asserts a strong minority right to cultural expression. In her chapter

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Claire Jean Kim

Excerpt

[More information](#)*Impassioned Disputes*

9

on controversial animal practices, where she briefly mentions the San Francisco Chinatown case, she unequivocally dismisses criticism of minority cultural traditions as biased, ethnocentric, and tainted by the “presumption of assimilation” (6). Critics of minority practices employ a “double standard,” she charges, inasmuch as they “often appea[r] to be more concerned with the unacceptable practices of minority groups than with those of the dominant culture” (112). What government should do, Renteln avers, is follow a “principle of maximum accommodation” (15) unless minority traditions cause “irreparable physical harm to others” (19).

In *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1995), Will Kymlicka, too, advocates extensive protections for minority cultures. Against conventional liberal thinking, he contends that multicultural rights are not only not antithetical to individual rights in a liberal democracy but in fact necessary to secure them. Culture, for Kymlicka, makes individual freedom possible inasmuch as the latter consists of making choices among options about the good life and it is culture that provides us these options and makes them meaningful to us. Except in cases where there is a gross violation of basic rights, he advocates the use of persuasion and supporting internal reforms as alternatives to coercing minority cultures into change. The rub, however, is that Kymlicka thinks only “national minorities” – that is, those who were previously self-governing, occupy a given territory or homeland, and share a language and history – deserve cultural protection. The Makah nation in the Pacific Northwest qualifies here, but neither Chinese immigrants nor Black people in the United States do. The Chinese, in Kymlicka’s view, effectively waived their right to their own culture by being voluntary migrants to the United States.

Like Kymlicka, Bhikhu Parekh views cultural rights as facilitative of individual rights. In *Rethinking Multiculturalism* (2000), Parekh argues that a commitment to equal rights entails granting not identical rights but rather differentiated rights, which provide culturally different individuals with comparable opportunities to enjoy their rights. Opportunity, Parekh avers, is a “subject-dependent concept” (241), meaning that an individual can only be said to possess a particular opportunity or right if s/he possesses a cultural disposition, capacity, or knowledge that enables him/her to access it. Culture is constitutive of an individual’s identity and self-respect and plays a vital role in enabling the enjoyment of individual rights, Parekh argues, so societies should respect and accommodate minority cultures whenever possible. However, he takes seriously those instances where the majority feels compelled to speak out against minority practices that it perceives to be violating its fundamental values. Parekh considers, among other issues, the exemption of kosher slaughter from British animal welfare regulations. He argues that on these kinds of issues, the majority should initiate a cross-cultural moral dialogue with the minority, one that avoids the trap of cultural imperialism to the extent that the majority both gives reasons for its criticism and opens up its own values and practices to scrutiny and criticism. If such a “bifocal” moral dialogue fails to produce a consensus, Parekh suggests, the majority should prevail because its

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Excerpt

[More information](#)

values are integral to the society's cohesion, because it has no final obligation to accommodate minorities to the detriment of its own way of life, and because minorities, needing the support and goodwill of the majority, should defer to it in the last instance.

At the opposite end of the accommodation spectrum from Renteln, we have Brian Barry. In *Culture & Equality* (2000), Barry argues that equal treatment in a liberal democracy means identical treatment for all under the law. Where multiculturalist advocates argue for exemptions or special treatment for minorities under the law on the grounds that uniform laws have unequal impact, Barry denies that unequal impact is unfair or something the law should seek to remedy. Countering Parekh's notion of opportunity, Barry insists that "the critical distinction is between limits on the range of opportunities open to people and limits on the choices that they make from within a certain range of opportunities" (37). Barry, too, turns to the argument over exempting kosher slaughter from general animal welfare regulations that require the stunning of the animal prior to killing. It is not the animal welfare law requiring the stunning of animals before slaughter that prevents Jews from eating meat, Barry argues, but rather the religious restrictions of Judaism that prohibit them from eating nonkosher meat. Jews have the same opportunity and right to eat meat under the law as non-Jews, and if their religion limits the choices they make from among available opportunities, that is not a disparity the law must alleviate. Since Jews do not have to eat meat to be observant, it cannot be argued that the animal welfare law restricts their religious liberty either. Barry bristles at the notion that culture is ever its own justification, remarking that saying something is part of one's culture is not a moral statement but an anthropological one. He writes: "*Culture is no excuse*. If there are sound reasons against doing something, these cannot be trumped by saying – even if it is true – that doing it is a part of your culture. The fact that you (or your ancestors) have been doing something for a long time does nothing in itself to justify your continuing to do it" (258).

Susan Okin's *Is Multiculturalism Bad for Women?* (1999) also takes multiculturalism to task for infringing upon equal rights. Okin's particular concern is the rights of women who are treated unequally to men in minority cultures. In Okin's view, a liberal society that accommodates and protects a minority culture wherein men subordinate women is guilty of aiding and abetting that project. Because the cultural defense endorsed by Renteln and others actually facilitates the violation of women's equal protection under the law, Okin argues that "[i]t is by no means clear, then, from a feminist point of view, that minority group rights are 'part of the solution'" (22). In a provocative turn, Okin concludes that "[i]n the case of a more patriarchal minority culture in the context of a less patriarchal majority culture, no argument can be made on the basis of self-respect or freedom that the female members of the culture have a clear interest in its preservation" (22). The idea that the minority culture's exercise of systematic domination might weaken its claim to multiculturalist protections from the majority has interesting implications for the exploration