

The Animal is Present: The Ethics of Animal Use in Contemporary Art¹

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1 Introduction: The Guggenheim's Animal Problem

Late in the summer of 2017, preparations were underway at the Guggenheim museum in New York for a major show focusing on contemporary Chinese conceptual art. The show, entitled "Art and China after 1989: Theater of the World", presented an overview of the work of contemporary Chinese conceptual artists in the two decades between Tiananmen Square and the 2008 Beijing Olympics. The show featured the work of 71 artists and groups, and focused on how these artists responded to globalization and reacted to China's tumultuous emergence as a world power. The show's lead curator, Alexandra Munroe, hoped that the show would initiate significant cross-cultural dialogue about conceptual art. (Goldstein 2017) Unfortunately for Munroe, things didn't go as planned, and the show would ultimately attract a great deal of attention for a rather different reason.

The show's subtitle is drawn from one of included works: *Theater of the World* is an installation piece by Huang Yong Ping. First installed in Stuttgart in 1993, the piece consists of a tortoise-shaped wood and metal cage containing hundreds of live reptiles and insects. The animals are free to interact, often fighting or consuming each other. Over time, as the animals die, the exhibit is replenished with new animals as needed. Besides *Theater of the World*, the show also

featured videos documenting two performance pieces involving animals. One was a 2003 piece by Peng Yu and Sun Yuan entitled *Dogs That Cannot Touch Each Other*, which consists of mastiffs facing each other while chained to non-motorized treadmills. The dogs attempt to run towards each other—presumably in order to fight—but are prevented from doing so by their restraints. The other was *A Case Study of Transference*, by Xu Bing. First performed in 1994, the piece features two breeding pigs placed in a pen full of open books. The boar’s skin is covered in nonsensical Roman characters—printed in ink with wood blocks—while the sow is covered in meaningless Chinese characters. In the recorded video, the pigs waste little time before copulating.

The inclusion of these works immediately drew the ire of animal rights activists, who condemned them as clear instances of animal abuse. A widely circulated online petition declared that “animal cruelty holds no place in art in the United States, nor should it anywhere in the world.” The petition called for the removal of these works from the show, and drew hundreds of thousands of signatures. (Change.org 2017)

Initially, the Guggenheim seemed prepared to weather the storm of criticism; the curators touted the lengths to which they’d gone to ensure proper animal handling and treatment in *Theater of the World*, (Goldstein 2017) and the museum released an official statement asking the public to keep an open mind about the admittedly provocative videos. However, as pressure on the museum increased, they eventually agreed to remove the three works from the show citing “concern for the safety of its staff, visitors and participating artists.” (Haag 2017) Some animal rights activists claimed victory, while others criticized the Guggenheim’s statement for mentioning only the safety of *people* rather than animals. Meanwhile, the Guggenheim also faced criticism from the artworld for compromising on its commitment to artistic freedom.

Notably, in her attempt to defuse criticisms from animal rights activists, Munroe pointed out that using animals and animal handlers in contemporary art shows is hardly out of the ordinary. (Goldstein 2017). Yet while there is nothing new or remarkable about artworks that *depict* animals—animals have been a perennial subject of representation in the arts, from the Lascaux cave paintings to Picasso’s bicycle-part sculpture of a bull’s head—what *is* new is the emergence in the past few decades of numerous contemporary artists who incorporate *live* animals into their work.² As the example of the Guggenheim’s show demonstrates, such usage is extremely controversial.

In this paper, I focus on two questions: First, what is the ethical status of using live animals in artworks? Is it *never* morally permissible to use animals in art—as many animal rights activists would have it—or could it be not only morally permissible but even laudable? Second, *why* are artists drawn to using animals in artworks? Are there any distinctive *artistic* goods or values that might be realized by incorporating live animals into artworks?

My answer to the second question will help provide an answer to the first: I argue that one distinctive value of some artworks involving live animals is their ability to facilitate a relationship of concern and loving respect on the part of an audience towards the animals that are a part of the artwork. Insofar as artworks facilitate such relationships, they are not simply artistically important; they are also, to that extent, morally good.³ It follows that, at least in some cases, it is morally permissible for an artist to use live animals in artworks.

In the final section of the paper, I compare encountering an animal in an art gallery with two other contexts in which we might encounter animals: in nature, and in zoos. I argue that encountering animals in a gallery allows us to develop concern for *domesticated* animals in particular; we are able to develop relationships of concern and appreciation for animals that we do

not and cannot encounter in nature. This also accounts for a significant moral difference between keeping wild animals captive in zoos and incorporating domesticated animals into artworks.

2 Four Further Cases

There is a great deal of diversity in the ways in which contemporary artists have made use of live animals in art. In order to come to grips with the ethics of such animal use, we need to have a better grasp of this diversity. To this end, consider the following four additional cases of contemporary artworks involving animals:

1. Jannis Kounellis, *Untitled* (12 Horses), 1969, consists of an installation of 12 horses tethered to the walls of the gallery during the gallery's open hours. Hugely popular in its original staging, it is generally regarded as one of the triumphs of the Arte Povera movement. When it was most recently restaged at Gavin Brown's Enterprise in New York City in 2015, the work was met by protests by animal rights activists, who objected to the piece on the grounds that the tethering of horses to the wall violated the horse's rights and caused them undue suffering. (Kinsella 2015)

2. Kim Jones, *Rat Piece*, 1976 - Jones is a contemporary artist most well known for his performances as "Mudman"—a shamanic character, covered in mud, wearing a structure of sticks. *Rat Piece* was a performance that began with Jones assuming the character of Mudman in the gallery in front of an assembled audience. He then removed a cover from a metal cage in the center of the gallery containing three live rats and some paper. He doused the rats in lighter fluid and set them on fire, burning them to death. In subsequent interviews and statements, Jones claimed that the piece was deeply personal; it reflected his traumatic experiences in the Vietnam war when, as a marine, he and others in his camp would catch rats and set them on fire in similar manner. Jones

recalls the others taking pleasure in the activity, whereas he was disturbed by it and let several rats go, drawing criticism from his fellow marines.

The audience was horrified by the display, and consequences were swift: the gallery director was fired and Jones was convicted of animal cruelty and fined. In later statements, Jones has pointed out that the audience could have stopped him, and claimed that he was open to ending the performance without burning the rats if the audience had intervened. (Harries 2007, 162)

3. Marco Evaristti, *Helena*, 2000, consisted of ten kitchen blenders filled with water; each blender contained a live goldfish. The blenders were plugged in, and visitors were given the option of turning them on—with predictable results. More than one visitor did so, killing the goldfish inside and leading to complaints from animal rights activists. The blenders were subsequently unplugged, and Evaristti and the museum director were charged with animal cruelty. Evaristti has claimed that his piece was a social experiment, meant to direct attention to the choices made by individual consumers of animals.⁴

4. Eduardo Kac, *GFP Bunny*, 2003 - Kac commissioned a French laboratory to create a transgenic organism—an organism whose DNA has been modified by means of the addition of another organism's DNA. Kac had the French lab modify the genome of an albino rabbit with jellyfish genes so that its body would glow green when exposed to a particular frequency of blue light. Kac intended to bring the rabbit—whom he'd named Alba—home from the lab to live with his family, but the lab wouldn't release the rabbit to him due to safety concerns in releasing a transgenic organism. Although Kac carried on a campaign to free Alba, he was unsuccessful, and it's generally believed that Alba died in captivity around 2002. Kac maintains that the artwork itself consists not just of the creation of rabbit, but of the dialogue that it sparked concerning human relations with animals and plants whose genomes we have modified. (Kac 2003, 98–99)

3 Moral Dimensions: Suffering, Respect, and Attention

The most straightforward ethical concern about all of the examples introduced so far is that each of them involves at least some quantity of animal suffering; this is often the chief criticism of such works expressed by animals rights activists.

Given that the amount of suffering caused by each work varies, the works might strike us as morally objectionable to various degrees. Several of the works, such as *Rat Piece*, involves an extremely large amount of suffering for the animals involved in the piece. On the other hand, several of the other examples seem to involve no more pain or suffering for the animals involved than they would experience were they to lead a normal life as a domesticated animal. In the recent restaging of the Kounellis piece, the horses were treated largely as they would be in a comfortable stable. They were provided with ample food, water, a staff of three dedicated grooms, and a rubberized floor for comfort. In Kac's piece, at least as intended, the rabbit would likely live the life of an ordinary domesticated rabbit; Kac goes to great lengths to argue that there is no reason to believe that genetic modification caused any additional harm or suffering to Alba. Had Alba not been quarantined, Kac's would have provided her "with a loving, caring and nurturing environment in which she [could] grow safe and healthy." (Kac 2003, 99–100) In *Theater of the World*, the majority of the insects and reptiles in the piece were, in fact, bred for pet consumption or were to be kept as pets in artificial environments themselves. (Goldstein 2017) It's unlikely that, for example, the crickets included in the piece suffered more than they would have if they were instead fed to one's pet iguana.

Let's step back for a moment from the details of the individual cases. What in general is the significance of this suffering for the moral appropriateness of these artworks? It's a relatively uncontroversial moral principle that we shouldn't cause suffering unless there is a good enough reason to do so.⁵ Something like this principle is in the background of quite a bit of our everyday moral decision-making.

Is there a good enough reason to subject these animals to any discomfort as part of an artwork? Some will no doubt argue that artists ultimately lack a good reason for causing any pain or discomfort to animals. Art, as "mere entertainment", doesn't warrant anyone's non-consensual suffering. But I think that this is to shortchange the importance of these artworks. I argue below that at least some of these artworks do realize important goods—ones that, at least in some of the cases above, outweigh concerns about inflicting animal suffering in the process. Of course, such an argument will not apply to all cases; the more serious the suffering, the more stringent the requirements for justification. It's unlikely that we could find a value that would justify Jones's incineration of live rats. But in order to make this argument—and in order to get a better grip on the values realized by some of these artworks—I'll first need to consider another challenge to the moral permissibility of these artworks.

3.1 Respecting Animals

One might also object to these artworks on the grounds that they fail to demonstrate *respect* for the specific, individual animals that the works incorporate. In its most general form, we might define respect as Allen Wood does, as "the appropriate attitude to take toward any objective value making a valid claim on us." (Wood 2010, 562) This attitude of respect for animals calls for a sensitivity and deference to the animals' interests. This is why, in most cases, using an animal

without regard for that animal's interests is a form of disrespect. Therefore artists, by using animals as artistic materials, demonstrate a lack of respect for the animals themselves. Note that this might be true even if the animals don't suffer at all; insofar as artists use these animals as a means to make art, it could be claimed that the artists are treating the animals in a way that subsumes whatever normal interests they have under the artist's own interest of making an artwork.

In response to this challenge I will argue that in some cases using animals in artwork is *itself* a way of facilitating respect for those animals and their interests. In discussing how this is true, I also hope to say something about the value of using animals in this way in contemporary art, and how this value might help us to respond to the above concerns about animal suffering.

3.2 Attention and Moral Concern

Some animal ethicists have focused on the importance of attention and caring perception directed towards animals. In a recent book, Lori Gruen has argued that experiences of such perception—perception that she understands as an instance of empathy—are essential to developing morally good forms of relationships with animals more generally:

We are in relationships of all kinds with many, many animals and we may never have the opportunity to meet them or look into their eyes. But once we are attuned to some of them...we can begin to understand our relationships with and responsibilities to many others differently. (Gruen 2015, 101)

The key idea for our purposes is that it is a moral good to exhibit this sort of attention to animals; doing so is an attempt to demonstrate what Iris Murdoch called a “just and loving gaze directed upon an individual reality”—a perception of another individual as genuine, and their interests as making claims on us. Murdoch rightfully calls this the characteristic and proper mark of the moral agent. (1999b, 327)

Such perception seems to be at least a necessary condition for respecting other individuals and their interests. Ultimately, the moral value of such perception isn't only that it allows us to appreciate the interests of the individual animals that we perceive; over and above this, if Gruen is right, such experiences draw our attention to the fact that we are always and already in many other relationships with animals in which we *fail* to demonstrate concern or respect, usually as a result of our utter lack of attention or awareness. And this is the first step in reconfiguring our relationships with animals more generally.

To return to consideration of animal use in art, I submit that artists, in bringing animals into the gallery, can help to facilitate exactly this sort of relationship—one of acknowledgement and sensitivity to interests through a “just and loving gaze.” More importantly, they accomplish this by using the apparatus of the artworld—including its norms for aesthetic appreciation of artistic objects.

Consider, for example, Kounellis's piece. Roberta Smith, art critic for the *New York Times*, described the recent restaging of the piece as follows:

The horses are just there, standing, eating hay, occasionally snorting and relieving themselves, attended by three grooms. Their accommodation in a space that is recognizably an art gallery foments an especially concentrated encounter with the brute power of art and its ability to transform space...the elemental, curative force of animals and their size, and quiet, are felt more keenly in this setting than in a stable. (Smith 2015)

Smith highlights the experience of the animals as one that is calming, peaceful, and restorative. She credits this largely to the presence of the horses in the otherwise sanctified space of an art gallery—one which, perhaps, allows visitors to truly look at the animals in a way that more familiar settings might not invite. Similarly, Jerry Saltz writes:

The room [with the horses] has a reverence, not for a work of art but for life, and the ways it can embed itself in things we call art. It's a crazy love, this albumen of the mind that is impregnated with thoughts of something being more or other or different than what it is, magic, elemental, us, not us. (Saltz 2015)

Central to both of these discussions is the way that the norms of the artworld direct our attention to the lives of the horses who participate in the work: the hallowed space of the gallery invites calm and respectful admiration, while norms of aesthetic contemplation direct our attention to the animals themselves—and, by extension, to their interests and their lives. Indeed, in removing these animals from the ordinary circumstances in which one might find them—a stable, or out in a field—the piece facilitates even greater attention to the animals *individually*.

Eduardo Kac has explicitly stated that his aim is to direct attention to the lives of animals that we have modified through the process of breeding and genetic manipulation—“in regard to *GFP Bunny*, one must be open to understanding the rabbit mind and, more specifically, open to Alba’s unique spirit as an individual. (Kac 2003, 100) This is to be accomplished, according to Kac, by facilitating a relationship with the animal through the artwork:

The question is not to make the bunny meet specific requirements or whims, but to enjoy her company as an individual (all bunnies are different), appreciated for her own intrinsic virtues, in dialogical interaction. (Kac 2003, 99)

Such a relationship is one that is meant to both demystify the process of genetic modification while at the same time drawing our concern to those organisms that we have created as a result of the process.

Each of these works helps us to develop a relationship with the animals that constitute the artworks: one in which we take on a sincere concern for the animals individually as a result of the artistic conventions governing the encounter. In the process, artists also throw light on our ordinary relationships with animals—one of utter marginalization and lack of concern.⁶ To the extent that artworks, in bringing animals into the gallery, are able to facilitate this sort of relationship, I suggest that they are in fact important means of developing respect for animals, rather than incompatible with such respect. Furthermore, given the importance of developing this kind of

relationship—especially given the serious harms and failures of respect that humans generally tend to inflict on animals on a daily basis—artworks that succeed in this respect, such as Kounellis’s and Kac’s pieces, are morally permissible even if they do involve a modicum of animal suffering.

This can’t be said of every one of the examples of animal use in art that I’ve discussed so far. *Rat Piece* clearly fails in this respect: whatever its merits, the piece has little to do with developing respect for the rats or their interests, and rather seems designed to draw our attention to Jones’s own traumatic experiences. One might argue that, regardless of the artist’s intentions, Jones’s violence towards the rats could function as an effective means of directed concern towards them. I think that this is doubtful—the audience was not given much opportunity to attend to the rats at all—but even so, given the extreme suffering involved in the piece it seems doubtful that any value realized by the piece in this regard would yield a good enough reason for its performance.

Evaristi’s *Helena* is more complicated: his work does seem to direct our attention specifically to the ways that humans daily make choices that result in the death of numerous animals. One might argue that being presented with the choice of whether or not to operate the blender and kill the goldfish would be an especially effective way of realizing the sort of concern I’ve discussed above. While I think that the work may indeed function in this way, its potential to result in the violent and likely painful death of the goldfish sets a high bar for whether use of live goldfish in the work is permissible.⁷

The three pieces at the Guggenheim are also morally problematic from the perspective of promoting attention and concern for the animals involved. Based on the artists’ own statements, none of them seem to have been invested in the interests of the animals participating in the works. In a statement about the removal of *Theater of the World*, Huang Yong Ping linked the work’s meaning to themes of globalization, the “cage” of living in the modern police state, and the cruelty

of governance. Clearly, the animals were simply being used to make a larger point about culture, and it is plausibly these larger themes that audiences engage with through the work. The same is plausibly true of *A Case Study of Transference*; one attends less to the animals themselves and more to their symbolic function in the piece. *Dogs That Cannot Touch Each Other* may awaken concern for the dogs involved, but like Jones's piece it involves causing more suffering to animals that can plausibly be justified. At least from the perspective of developing respect and concern for the animals involved in each of these pieces, the three works fail to measure up. We are left instead with the difficult question of determining whether whatever *other* goods such works might realize are, in themselves, good justifications for *both* the failure to respect animals as well as the infliction of some degree of animal suffering.

My reading of Kounellis's and Kac's works above also goes some way towards explaining the *artistic* value of the works in question: I have argued that the aesthetic engagement that these works invite help to facilitate relationships of attention, concern, and ultimately respect for the animals that they incorporate. This is plausibly an important element of their artistic value. It is very much in keeping with Iris Murdoch's take on the value of great art:

The greatest art is 'impersonal' because it shows us the world, our world and not another one, with a clarity which startles and delights us simply because we are not used to looking at the real world at all. (1999a, 353)

While Murdoch is focused on the ability of art to direct our attention to *human* nature, and to the reality of lived human lives, I see no reason not to extend a similar line of thought to artworks involving animals.

What is central to the moral and artistic value of some of the artworks I've discussed above is that they allow us to encounter an animal. This encounter, mediated by the artist and the artwork, allows us to appreciate the animal in a way that develops a relationship of concern and respect. That said, is the kind of perception afforded by these works really a form of *moral* concern? One

objection to the view I've developed is that the sort of concern that these works invite is *aesthetic* rather than moral. Despite their appreciation, audiences won't gain knowledge of, for example, animal abuse or animal treatment that might lead directly to a decision to act. Their focus will instead be on the aesthetic properties of the artwork.⁸

While it is worth taking this concern seriously, I think that it misunderstands the nature of the works in question and also underestimates the importance of attention and awareness for the project of reconfiguring our relationships with animals towards an ideal of respect. What is fascinating about these works *as art* is that they draw our attention to the lives of the animals that are a part of them, and to our relationships with these animals. I see little reason to draw a distinction between "aesthetic" and "moral" attention here; regardless of its mode or origin, such attention to the particulars of an individual's life is, I think, an extremely significant part of moral concern. In fact, it may be *more* significant than explicit reasoning and decision-making; as Murdoch puts it, "if we consider what the work of attention is like, how continuously it goes on, and how imperceptibly it builds up structures of value about us, we shall not be surprised that at crucial moments of choice most of the business of choosing is already over." (Murdoch 1999b, 329) Simply because these works are not overly didactic about the plight of animals does not mean that they do not contribute to our moral concern for them by enabling the continuous and imperceptible work of attention.

Even granting this, one might object further: what evidence is there that such artworks *actually do* facilitate the kind of concern for animals necessary for the kind of relationships of respect that I've described? Concerns about the efficacy of art with respect to moral concern and understanding are not new; regarding literature, many have argued that there is little evidence for its contribution to our moral improvement. (Currie 2013) That said, it would be foolish to disregard

what little evidence that there is. In her careful overview of recent experimental evidence, Sarah Worth has argued that the data suggest that reading narrative fiction contributes to our capacity to empathize and our social knowledge. At the same time, she cautions that such effects are extremely difficult to measure—a factor which may explain the relatively scant evidence. (Worth 2017, 173–200) To my knowledge, no experimental data exists concerning the efficacy of engaging with animal-based artworks. That said, I think it wouldn't be too optimistic to think that one could observe positive effects resulting from engaging with these artworks on our empathetic engagement and our knowledge of our relationships with animals—effects similar to those that emerge in engagement with literature. This is, of course, an empirical matter. Should this conclusion not be borne out, then it would impose further constraints on inflicting suffering on animals in the name of facilitating relationships of concern and respect for them.

4 Alternatives: Zoos and Nature

Galleries, of course, are hardly an ordinary place to encounter animals. Suppose that you were to ask a passerby, “Where would you go if you wanted to see an animal?” It's highly likely that you'd get one of the following responses: the *zoo*, or out in *nature*. And, indeed, outside of our relationships with pets or work animals, this is where most of us would think to look for animals. In the final section of the paper, I compare encountering an animal in an art gallery with these two alternative sites of encounter. In doing so, I aim to draw out the distinctive value of encountering animals in the context of an artwork.

It's worth noting at the outset that the zoo itself is a cultural site with a rich history—one which demonstrates that both the aims of zoos as well as their mode of presenting animals to the public have shifted radically over time.⁹ Although historically many zoos presented animals strictly for

the enjoyment of observers—and displayed negligible commitments to animal welfare—most contemporary zoos have explicitly shifted in their aims and practices towards goals of conservation, education, and scientific research. Animals are kept as specimens—exemplars of their species—in the interest of species preservation. At the same time, they are presented to the public in increasingly naturalistic and immersive habitats and enclosures. The aim of this mode of presentation is to allow visitors to encounter these animals as though they were encountering them in the wild. These developments are designed to facilitate appreciative relationships with animals: we are invited to encounter animals in their natural environments, to learn about their interests, and ultimately to carry such concern into animal conservation outside the zoo.

In fact, some zoos go even further: they present the animals as quasi-persons, and invite us to think of them as our friends. Abigail Levin has convincingly argued that practices such as naming animals, presenting them to the world on social media, celebrating their birthdays, and encouraging playful interaction with visitors has the effect of designating these animals as ‘special’ and as quasi-friends. (Levin 2015) What’s more, such strategies seem to work; many visitors do come to care for the individual animals that are presented in this way. As evidence, Levin cites the immense public grief over the death of Knut the polar bear, the celebrity bear born in captivity at the Berlin zoo.¹⁰

In light of these practices, it might seem as though zoos are ideal for developing the sorts of relationships of concern that I’ve been discussing above. However, there are a number of significant obstacles standing in the way of developing such relationships. For one, there is the ever-present fact of the animals’ captivity in the zoo. As Marta Tafalla has argued, this taints the experience of zoogoers, and prevents them from developing a concern for the animal on its own terms:

In order to be exhibited in the zoo enclosure, the animals have been extracted from the environments where they belong and without which they lose part of their identity. In these enclosures, the animals cannot behave naturally and, at the same time, are forced to perform artificially. Because of all this, captivity affects the physical and psychological health of animals. Furthermore, zoos are presenting animals as ornamental objects to contemplate, as nice appearances to watch and photograph, but not as subjects who also look at us and who suffer from stress when they see so many people looking at them every day. The way in which zoos provide information on animals is deeply biased in order to foster their infantilization. They are presented as fantasy creatures and toys, not as the wild animals they are. (Tafalla 2017, sec. 4)

Thus the encounter with the animal in the zoo is doubly problematic: first, we cannot fully encounter the animal in all of its potential behaviors, given the limitations of the zoo enclosure. Second, given that animals in zoos function as exemplars for their species, they are presented as a representation of something they are not; these individuals stand in for wild animals in their natural habitats despite experiencing captivity and marginalization.

Perhaps, in defense of zoos, one might appeal to the fact that, regardless of captivity, visitors are nevertheless able to develop an appreciation and concern for the wild animal species represented by the animals encountered in the zoo. In fact, this is an explicit goal of many zoos: to take advantage of the emotional connection that zoo goers feel with animals to bring real changes in the visitors' behavior. If such experiences are effective, then perhaps keeping wild animals in captivity is justifiable.

However, this argument is open to two objections, both of which have been forcefully advanced by Dale Jamieson. First, captivity constitutes a serious harm to many of the animals kept in zoos. Jamieson appeals to well-documented instances of suffering by chimpanzees, polar bears, lions, tigers, and cheetahs kept in confinement, noting that zoos “simply cannot provide the necessary conditions for a decent life for many animals.” (Jamieson 2006, 141) Given the moral principle introduced above—that one should not cause suffering without a good reason—it would

seem that zoos require an especially good reason to keep animals in captivity for whom such captivity represents a serious threat to well-being. Jamieson's second objection is that education about conservation *in zoos* is not a good enough reason to inflict such suffering. Many zoos claim that zoo goers would have no other means of accessing and learning about animals outside of a visit to the local zoo—but this is patently false. As Jamieson points out, such education could just as easily be attained through lectures, documentary videos and television, computer simulations or other means. (2006, 136)

Could the same objections be levied against using animals in artworks? Not necessarily; there are important differences between the two cases that leave at least some reason to be optimistic about the permissibility of using animals in art. Notably, most of the examples of animal use in art that I've introduced above involve animals that one would not normally encounter while on a trip to the zoo: they involve domesticated animals, such as horses, rabbits, rats, and goldfish. These are animals reared and used for consumption, labor, or companionship as pets. As a result of their domestication, these animals do not seem to suffer terribly in a life of contact with humans, provided that they are well cared for and that their desires are met. We appeal to this consideration in licensing some instances of animal labor and companionship with pets; even if these do represent cases of using animals for our purposes, we generally do not take them to be ethically objectionable given that the animals do not suffer and that we demonstrate care and concern for them in the context of our relationships with them. I think that the same could be said of the use of domesticated animals in art galleries, at least in cases where such use does not involve much suffering. Such use is, it seems to me, not any more problematic than using animals as pets.¹¹ On the other hand, if artists were to incorporate wild animals into their art—as Joseph Beuys did in the 1974 piece *I Love America and America Loves Me*, in which he coinhabited a gallery space

with a wild coyote for three days—then similar objections would apply to this practice as apply to zoos.

If captivity is the main problem with encountering wild animals in zoos, then what about encountering animals in nature? Consider the birdwatcher encountering a rare wild whooping crane in a wildlife refuge in Aransas, Texas. The birdwatcher has learned enough about the crane's habitat and activity to track it. The aesthetic focus of the birdwatcher—one of appreciation—creates an opportunity to attend to the bird and develop concern for it. It is no accident that many environmentalists have linked concern with and respect for animals in nature with experiences of their beauty.¹²

Why, then, should artists bring animals into galleries instead of directing audiences out into nature? Here, again, the domestication of the animals involved matters. What is significant about the domestication of the animals involved in these artworks is that, for many of these animals, there simply *isn't* any natural space for them to inhabit outside of the environments that we humans have constructed for them. This is an easy point to forget—especially when we come to regard the human spaces that these animals inhabit as their “natural” home. However, within the entirely constructed space of the art gallery and the art show, our attention is drawn to the ways in which the artist structures the environment of the gallery and the animal's place within it. What is significant about this environment is its reversal of our ordinary interaction with domesticated animals. When the animal is placed at the center of our focus, as an individual with its own interests, we come to recognize how radically different our relationship with the animals in the gallery is from our ordinary relationship with these animals—relationships in which we hardly pay attention to these animals or to the world we've created for them. The gallery becomes a space in which we can rethink and restructure this world.

Of course, one could still raise Jamieson's second objection here: are encounters with live animals in a gallery really necessary for facilitating the kind of relationship I've described? Or could a surrogate—such as a representation—function in a similar manner to realize these ethical and artistic values? While I suspect that nothing *in principle* prevents representations of animals from facilitating the kind of relationship I've discussed above, in practice I think that the presence of an actual animal makes developing such a relationship easier. This may be the result of the highly conventionalized nature of many representations of animals, which leads us to simply consume the representation as a spectacle or piece of entertainment. Alternatively, there may be some significance to the presence of the animal itself and its awareness of spectators: an animal looks back at us, whereas representations do not.

5 Conclusion

I've argued that artworks involving animals are capable of facilitating relationships of concern and respect for those animals' interests; they do so by making use of the conventions of aesthetic engagement and appreciation in the context of the gallery. Successfully appreciating the work will itself require observers to dedicate themselves to observing and appreciating the animal that is part of work, as well as its interests. Doing so helps to build a relationship of concern that is, in itself, morally good.

The above should not be read as a wholesale endorsement of artists using animals in their art. In particular, my approach rules out cases of animal use in art where the use of animals involves a great deal of suffering, and cases where the use doesn't facilitate concern or respect for the animals themselves. All of the artworks that were removed from the Guggenheim appear to me to be ethically objectionable on one or another of these grounds. The same is likely true of most art

involving animals in which the artist is not motivated by a concern for the animals themselves. That said, there are likely cases in which it would be permissible to use animals in art even if doing so fails to facilitate concern or respect for the animals involved. However, such cases must clearly involve little to no suffering or harm to the animals; furthermore, there must be a very good reason for the use of actual animals in the piece.

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commentary on the paper.

² Baker (2013) offers an excellent survey of recent artists working in this vein.

³ I simply assume here that the artistic value of a work of art may lie in its ability to realize *moral* goods.

⁴ As reported in Wallis. (2012, 323–24) Interestingly enough, Peter Singer is quoted in the *New York Times* defending Evaristi's piece because of what Singer takes to be the importance of the work in drawing attention to how an individual's choices can affect animal lives. (Boxer 2000)

⁵ In formulating the principle this way, I hope that it will be compatible with a wide variety of normative ethical theories. This approach—and the principle in question—is one that I borrow from James Rachels. (2004)

⁶ John Berger (1992, 24–28) writes insightfully about how looking at animals may remind of us this very fact. I return to Berger's point below.

⁷ I assume here that fish are capable of suffering; there seems to be an emerging consensus among scientists and philosophers that this is the case. (Braithwaite 2010, chap. 4)

⁸ I owe this objection—and the one that follows—to two anonymous referees for this journal.

⁹ Some of these changes are detailed in Bostock. (1993, chap. 2)

¹⁰ Levin argues further that the presentation of individual animals as quasi-friends stands in tension with the zoo's aims of conservation and scientific study; this can lead to outrage on the part of the zoo's audience when an animal presented as a quasi-person is summarily killed because of genetic redundancy.

¹¹ In fact, some artists have even incorporated their pets into the works. One example is Pierre Huyghe, who has incorporated his pet dog, named "Human", into several major shows.

¹² One notable attempt to make this connection between aesthetic appreciation of nature and environmentalism explicit is Rolston. (2002)