

Bestialitatis and the New Ethics on “Human” Animals

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Abstract This article discusses how the legal systems in several Western countries, with a special focus on Italy, address our present day animal rights movement and how these legal systems can faithfully reflect the movement’s values as well as promote them in a manner that will ultimately change the rights themselves and their cultural context: this is an extremely interesting issue for the semiotic study of the “humanization of animals”. Therefore, I will summarize several semiotic arguments using the model of the four ontologies by Philippe Descola and the concept of prospectivism by Eduardo Viveiros De Castro. I expect several important changes will come about thanks to the ties between philosophical animal rights discourse and legal discourse and I also believe that the two most interesting issues will be animal labor and reproduction. I will concentrate on the debate over zoophilia laws in Denmark, Germany and Italy in order to propose a way to understand the threshold which separates humans and animals in our naturalistic ontology. Nowadays, “becoming animals” and “becoming humans” seem to be two central and open-ended semiotic processes: legal rights and animal rights philosophy help bring several issues into focus such as animal subjectivity and informed consent.

Keywords Semiotics of culture · Semiotics of law · Zoophilia · Descola’s ontologies · Animal rights

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1 Introduction

I have been working on the legal system from the perspective of structural semiotics and I have recently noted three interesting trends. The first trend is that debates on ethical issues have become increasingly more sophisticated and complex in most cultures of the Western world. This has not happened thanks to human bioethics but thanks to the attention that thinkers such as Singer, Regan, Rollin, Francione, Iacob, Donaldson and Kymlicka, to name just a few pioneers and founders, have dedicated to the “humanity” of animals. The second trend is the surprising rate with which the legal systems in Western countries have been able to tackle very diverse issues stemming from today’s increased awareness of animals and the rights that should be granted to them. The third trend is the “anthropological” relevance of these legal transformations. Indeed, on the one hand, legal systems strive to integrate societal elements into their principles [21: 88], but with a caution that is often viewed as conservative. This is the case with the claims put forward by veganism or with the fight against the use of animals in research which are dealt with by the legal systems of most countries with considerable delay and rarely with enthusiasm. On the other hand, when legal systems try to incorporate these societal demands into their framework, they become part of a diverse range of laws and parallel transformations¹ in a number of legal systems. There are definitions that are local but at the same time widespread and they give the constitutions new forms in an anthropological sense,² giving rise to new questions [2].

At the very moment I became aware of these three trends, Italian and French semiotics had begun to carefully examine how animals are becoming an integral part of human life [4, 19, 26, 30, 33, 34, 45]. Indeed, there is no doubt that in recent years we have witnessed the progressive decline of familiar beings such as watchdogs and stray cats while, at the same time, we have seen the rise of new life forms that are no longer considered beasts. For example, in an Italian city in 2015, a group of citizens created an association to stop a dog from being exploited. The dog belonged to a young homeless alcoholic who lived on the streets and had no social contact except for his German Shepard. Several animal activists fought to free the dog from his oppressor who kept him on the streets and made him suffer. The association reported him to a veterinary clinic that in turn reported him to a national animal activists group that was able to take the dog away from him. There have also been several significant episodes in England concerning the transformation of animals into humans. There were a series of crimes in the London suburb of Croydon in 2014. A “monster” killed domestic cats by lethal injection, dissected them and left their bodies in their owners’ gardens. London’s metropolitan police carried out investigations, PETA offered a £5000.00 reward and the actor Martin Clunes advised everyone on Facebook to keep their cats in at night and also wrote that the crimes were “stuff that nightmares are made of”. The case is still open and “The Cat Ripper of Croydon” has been accused of 250 feline murders. In an interesting article, Gasperetti [18] underlines how extremely important this cat

¹ See [20].

² See [24].

killer’s provocative actions are on a symbolic level. Although a cat in English law is worth “less than a bicycle” in monetary compensation, there has been a metaphoric transfer and a murdered cat nowadays is equal to a human relative, if not more [25: 4]. In any event, as early as 2009, the High Criminal Court in France prosecuted a farmer who had sexually abused his pony and decided to give him an exemplary sentence [23]. At present, in Europe there are specialized veterinarians for exotic animals, there is a market study for vegan and vegetarian diets for “pets” of all shapes and sizes, and the legitimacy of many traditional ceremonies and sports competitions which involve animals and make them suffer, such as Italy’s Palio and Spain’s Corrida, are being called into question. To give an example, there is an animal activist political party in Spain today called PACMA and it is growing in popularity. Moreover, there are innumerable battles being fought against the exploitation of the animals that we consume, factory farms, animals killed for their fur, circuses, zoos and hunting.

2 Semiotics and Anthropology: Naturalism, Animism and Prospectivism

The French anthropologist, Philippe Descola, has been the chief spokesman for the semiotic studies on these issues and he has written an important essay on how human cultures are organized [10]. According to Descola, Western cultures place their organization in a naturalistic ontology. That is to say, they consider humans, animals, plants and some species of minerals “similar” from only an external perspective. All these living things breathe, eat, reproduce, are born and die. Instead, internally, there is a clear separation in their likeness because only humans can reason.

Descola’s general model of human cultures is completed with a description of totemic ontology, analogistic ontology—which I will not deal with here—and animistic ontology. The characteristic of animistic ontology is its conception of the world which is directly opposed to the way naturalistic cultures, that is, Western cultures, conceive it. In animistic cultures, in Descola’s sense of the term, the similarity between living things is interior, not exterior. In these cultures, people consider jaguars, gods, or butterflies as actual human beings with their own culture, gods, technologies and loved ones. The only thing that is different in jaguars, for example, is their body. A simple way to describe what Descola says about animistic cultures is to think of jaguars or of butterflies as living things in a costume (like our costumes at carnival time). In the evening, jaguars come home, zip off their costume and put away their bodies (costumes), which make them different from us to demonstrate that they are actual “persons”.

This suggestive hypothesis has been expanded upon by the Brazilian anthropologist, Eduardo Viveiros De Castro [46] in many discussions with Descola. De Castro, who is heavily influenced by Deleuze’s philosophy, believes that Descola’s idea of animistic culture is too approximative. Viveiros de Castro looks at language and the role the personal pronouns, “we”, “them”, “I”, “you” have in a language. In doing so, Viveiros De Castro adopts some of the teachings that semiotics has

received from the linguistic and philosophical thoughts of Benveniste, and he proposes a more subtle interpretation of how we should perceive an animistic culture. He claims that, in an animistic ontology, humans do not think of other living things, such as jaguars, butterflies, rocks, flowers, etc., as other humans but, in a much more radical and important way, as other groups of living things that are capable of conceiving their sense of “we” [34, 46].

So, there is no concept of a jaguar that is in a costume externally and a man internally but a cultural being that is, first, in animistic cultures, conceived as a “cultural being” equal to a man. Viveiros De Castro proposes that we reread Descola’s animism with the concept of “prospectivism”.

It is therefore quite evident that there is a substantial exchange between the field of semiotics regarding animals that become humans and Descola and Viveiros De Castro’s anthropology.

The first time I became involved in legal issues, semiotics and animals [1], I examined Descola’s model and Viveiros De Castro’s input. I remember thinking that a fundamental point was the legal difference between rights and obligations.

Western legal systems have only recently become aware of animals. They have guaranteed them many rights all linked to the idea of animals as “subjects”. Animals in French, Italian, Belgium, German, Scandinavian, Spanish, etc., legal systems have won a battle: at first, they were considered objects, now they are sentient beings [12]. Nowadays, many animals have the right to not suffer even if only a few have the right to live. In any case, the concept of suffering is continuously evolving, and each year it guarantees that diverse species be treated with dignity. This concept, for example in Italian law, has defined death by asphyxia of lobsters in restaurant tanks as “cruel” [17]. Italian law today punishes those who kill lobsters, ducks and rabbits in a cruel way and it has started to put the blame on those who neglect a dog on the same level as those who neglect a minor [16, 32].

I believe that there are two roads to take and they are both very different. The first one follows Descola’s idea and the second one follows Viveiros De Castro’s idea. Concerning the first one, let us recall the recent changes in Italy’s legal system, and the idea that we are including some animals in our naturalistic collective. That is to say, the idea that some animals are becoming human and the naturalistic division between living things that are internally different is shifting away towards the dividing line between some warm-blooded animals and all other living things.

2.1 The Italian Case

All of this began in Italy in 1991 with Law no. 281 that abolished kennels which were established in the 1800s. For the first time, this Italian law promoted the protection of “affection-based” animals (pets), specifying that stray cats and dogs could no longer be killed or sold as research animals. The law created a dog registry, as well as cat colonies and sterilizations. Mannucci [27: 30] compares Law 281 to the 1975 Family Law which guarantees the rights of children born out of wedlock and to the 1978 Basaglia Law which guarantees the rights of the mentally disabled. Law no. 281 has given dogs the right not to be discriminated against as “mongrels”, by allowing them to survive in any case, and cats the right to live in freedom.

Therefore, in each and every case, Italian law follows, or is open to, profound anthropological transformations as “discursive interpretations” made possible by the continuous movement [11: 87] of two parallel series of meanings. However, the interpretation can be part of the same legal sphere and the meaning of two series of laws and regulations.³ For example, Law 413 of 1993 grants the right to conscientious objection for students and researchers. Those who are medical or veterinary students can choose not to take part in the dissection of laboratory animals. Rescigno [39: 205] notes that this rule is structured on the rule regarding the issue of abortion and it faithfully copies its details. In order to find a “model” to draft the right for students and researchers to not operate on laboratory animals, Italian law based it on the law that gives the right to doctors to not perform abortions. This is a case where a legal issue functions as a model for another legal issue, for a semiotic relationship centered on the sense of/not be able to do/something that is contrary to life. It is also interesting that this relationship is completely impervious to the cultural debate—often quite heated—which has recently taken place on the theme of conscientious objection and abortion.⁴

2.2 A Prospectivist Graft?

How can we conceive that naturalistic ontology be open to prospectivist graft? What would happen if animals had rights as “new humans” rather than rights as “new men” or new “almost men”? How can we imagine a legal idea of certain animal collectives having rights that are equal but not identical to human rights? Stating that a dog is “one of us” is not at all the same thing as saying that “dogs are human like we are”. Will animals also have, if there is an openness to prospectivism in the future, some obligations?

I have taken as an example the concept that many Western legal systems consider fundamental. In order to understand how we should treat animals, we can use the idea of “wellness” or “proper care based on the animal species”. Almost everywhere today, for example, there are laws that describe the type of spaces for rabbits or chickens raised in captivity. Before they are eaten or used for scientific experiments, they must have lived well according to certain criteria in terms of food, sociality, space to move around in and adequate protection from cold or heat. Nevertheless, this reassuring idea of animals is compromised, for example, by Austrian legislation that proposes “to set up a 3-month holiday for cows, pigs and horses” that are on breeding farms [39: 157]. The obvious question is: vacation from

³ The three expressions “discursive translation” and “discursive organization” taken from [11], and a “series of significations” taken from [31]—with a clear reference to Deleuze—are inter-defined. A discursive translation is that process which may quickly lead to, for example, a ban on the production of fur coats in Italian law. If this does occur, it will be because of the transfer of some requests from the discursive organization of ethical–political animal rights activism to the discursive organization of law. Referring to discursive organizations means referring to their paradigmatic existence; but a translation can only take place on a syntagmatic level when comparing two discursive organizations as a series of significations.

⁴ See [35], on conscientious objection in the case of abortion, and [14], for the semiotic framework for bioethical issues.

what? The ethological characteristics of these animal species do not include vacation time.

Animal labor emerged as a very interesting field at the end of my first research activity. How do we protect horses that pull carts or are used to carry people as entertainment for tourists and children in every country? And what do we do with guide dogs for disabilities? And police dogs? And herding dogs? And the donkeys, camels, oxen that still work as pack animals? And if there were still guard dogs? Perhaps a prospectivist graft would have different consequences with respect to an extension of our naturalistic collective. This would mean imagining a world in which animals would refer to each other as “us” and refer to human species and other animal species as “them”. This might make us think about the right to animal labor—animals are not “us” but “one of us” with whom we can negotiate the performance of some services. Indeed, by going a step further, we can imagine some obligations. We can, for example, imagine a legal universe which considers the damages caused by a cat in view of the rights of a bird, and the rights of dogs as opposed to the rights of cats. Naturally, we can imagine human rights as opposed to animal rights and vice versa. Each with respect to his/her own obligations.

3 Bestiality and Zoophilia: Law and Anthropological Thresholds

Another very controversial theme that divides animalist groups and ideologies emerged from my research. It was a marginal theme and a very broad theme, like animal labor, but it was more embarrassing. It concerned animal sexuality and human sexuality. If we had to bet on which ethical dilemma (among many very delicate ones) would have a cardinal role in the clash between nature and culture [28: 9, 29], we could bet on the issue of whether to sterilize our “pets” or leave them free to reproduce.

Gary Francione, an extremist theorist on the liberation of all domestic animals has famously stated: “I adore my dogs, but if there were only two dogs left in the world, I would be opposed to having others born” [13: 23]. According to Francione, any cohabitation between animals and humans is a form of slavery and it excludes animals from the experience of living in their own world. Therefore, humans must stop subjugating their pets, sterilize and castrate them, avoid getting more, and adopt veganism as a political objective. If we look closely, Francione’s position is not isolated. Almost all stray cats are sterilized in Italy today and many cat adoptions strictly require that the new “foster people” sterilize them. Dogs do not fare better: the majority of veterinarians believe that the number of mongrel dogs without a pedigree must be “limited” so they cannot multiply. We can look further ahead and the question that must be asked is: how can Western world rights decide when a “humanized” animal can reproduce or not? And what does animal reproduction mean? In 2016, the government of New Hampshire on the north-east coast of the United States witnessed a protest by the local breeders. It concerned passing a law that prohibited the sexual abuse of animals. Indeed, New Hampshire was one of the federal states that did not explicitly punish this type of abuse. The breeding of cows, horses and pigs is assisted by a series of human interventions that

are dangerously close to several legal notions of sexual abuse—cows are tied up so they can be milked, horses are masturbated to help them mate and there are various crude forms of artificial insemination.

Bernard Rollin’s point of view is directly opposite Francione’s because Rollin doesn’t conceive animal freedom with respect to human slavery [40], but rather as the right to enter the naturalistic collective by conquering the right to self-determination which all humans have. According to Rollin, all animals have to be “returned” to their self-determined and free sexuality, and therefore veganism also includes the obligation to accompany these animals towards a sort of recovery of their family life and sexual life. However, we face another problem. What is the animal sexuality that we are inclined to conceive? Moreover, what does this idea of the threshold between humans and animals state? How is this threshold organized in our naturalistic ontology?

Many of us know the intellectual prowess of our most important living animal activist philosopher, Peter Singer. Peter Singer is an Australian and the son of Viennese Jews; he is a philosopher and a legal expert and he is well-known in Italy for his idea of human responsibility, which is “not speciesistic”, towards the suffering of living things that do not speak a human language [41]. Fifteen years ago, Singer shocked his readers when he published an article about interspecies sex [42]. Several passages in his article are extremely significant:

Not so long ago, any form of sexuality not leading to the conception of children was seen as, at best, wanton lust, or worse, a perversion. One by one, the taboos have fallen. (...) But not every taboo has crumbled. Heard anyone chatting at parties lately about how good it is having sex with their dog? Probably not. Sex with animals is still definitely taboo. (...) Dekkers, a Dutch biologist and popular naturalist, has assembled a substantial body of evidence to show that humans have often thought of “love for animals” in ways that go beyond a pat and a hug, or a proper concern for the welfare of members of other species. His book has a wide range of illustrations, going back to a Swedish rock drawing from the Bronze Age of a man fucking a large quadruped of indeterminate species. (...) Based on twentieth-century court records in Austria where bestiality was regularly prosecuted, rural men are most likely to have vaginal intercourse with cows and calves, less frequently with mares, foals and goats and only rarely with sheep or pigs. (...) Much depends, of course, on how the notion of a sexual relationship is defined. (...) The existence of sexual contact between humans and animals, and the potency of the taboo against it, displays the ambivalence of our relationship with animals. (...) Who has not been at a social occasion disrupted by the household dog gripping the legs of a visitor and vigorously rubbing its penis against them? The host usually discourages such activities, but in private not everyone objects to being used by her or his dog in this way, and occasionally mutually satisfying activities may develop.

He also tells the following anecdote. At a conference on great apes, he spoke to a woman who had visited Camp Leakey, a rehabilitation center for captured orangutans in Borneo run by Birute Galdikas. While walking through the camp with

Galdikas, his informant was suddenly seized by a large male orangutan, his intentions made obvious by his erect penis. Fighting off so powerful an animal was not an option, but Galdikas called to her companion not to be concerned, because the orangutan would not harm her. As it happened, the orangutan lost interest before penetration took place, but the aspect of the story that struck Singer most forcefully was that in the eyes of someone who has lived much of her life with orangutans, to be seen by one of them as an object of sexual interest was not a cause for shock or horror. This does not make sex across the species barrier normal, or natural, he reflects, whatever those much-misused words may mean, but it does imply that it ceases to be an offence to our status and dignity as human beings.

3.1 Following Singer

It is apparent that Singer's position can be considered daring because he initially touches upon the themes concerning the everyday life of many animal owners in the Western world, but he later concentrates on a purely philosophical paradox. In his *gedankenexperiment*, although inspired by a personal story, the idea of interspecific sex is very vague both because he doesn't tackle the opposite situation, that is, the situation where a human sexually dominates an animal because he neither talks about the human luring of animals to act out these practices nor does he talk about the fact that the action can be repeated over time. If we can see that a theme like that of sexual reproduction—including intraspecies sex—is already able to polarize and agitate animal rights philosophies, we can also easily see that interspecies sex is an actual combat zone. Zoophilia is a new challenge for contemporary legislations in Western countries which must frequently tackle, thanks to the internet, and above all, thanks to protests from animal activists, the problem of determining the legality of a wide range of sexual practices carried out by men and animals. It is not a marginal racy issue that is only interesting because of these two reasons. On the contrary, it must be viewed in semiotics as the ethics of contemporary animal activism. There is an ongoing debate on the humanity of animals and the animality of humans, which is a crucial theme for semiotics, as well as on what distinguishes the concepts of difference and threshold and their operative importance. In other words, the theoretical problem is the way we observe gradual differences in the discursive level of texts and the way these shades of meaning are related to the level of logic differences on the semiotic square. From the viewpoint of the semantic field defined by the term, "zoophilia", many things change according to the discourse type. Clinical psychology, for example, examines a wide range of paraphilias with basic distinctions [43]. On the one hand, there are the old habits of rural farm life which the definition "bestiality", that is, "sexual intercourse between a person and an animal" refers to, arising from the anthropological violence stemming from a world that treated animals as slaves to human desires and needs. On the other hand, there is the notion of "zoophilia" which defines the actions of those who find erotic satisfaction only or mainly with animals and become sentimentally attached to them. Before animals were granted rights as sentient beings, legal sanctions against these practices had a precise moral purpose towards humans. In Great Britain, a law of the middle of the twentieth century prohibits all sexual contact with animals; in

France today there is a legal framework which, according to Iacob, [23] views zoophilia as more serious than any other mistreatment of animals because it punishes human perversion.

3.2 Rights, Sex and Love

Today, things are becoming more complicated because animals are increasingly acquiring more “human” rights. It is interesting to compare Denmark, Germany and Italy. In Denmark in 2014, a debate began on the approval of a law against bestiality. The ethical themes were decidedly original [44]. There was also an interview in a Danish scientific magazine in 2014 with biologists from the University of Copenhagen to discuss if certain practices were “always dangerous for animals”. Stine G. Christiansen, from the University of Copenhagen and The Danish Council for Animal Ethics, stated “if we’re talking about a larger animal, like a horse or a cow, then it’s just as difficult to imagine the animal would be hurt by a man penetrating it” [22]. She went on to say “Some people enjoy the animal penetrating them, others the act of performing oral sex on the animal. Other examples of bestiality include helping the animal to orgasm—for example, by using the hands. Research shows that some animal owners see this kind of sexual stimulation as a natural way of caring for their pet. In other words: people pleasure their pets not because it arouses them personally but because they believe it makes the animal “happy”. Moreover, Professor Bjorn Forkman observes: “it’s a common belief that animals only have sex to reproduce but this is wrong. There are countless examples of animals that masturbate: dolphins and whales have sex with each other in the blowholes and quite a lot of species practice anal sex”. The debate is not less daring than that of Singer’s debate several years before, given that we admit, for example, that “it is acceptable that a dog can lick its owner’s mouth, hand or feet, why it is not with other areas? Or why is it ok to ride on a horse but not let it ride you? It’s not natural for a horse to carry a rider; but sexual intercourse is”. In the end, the law against zoophilia was approved in 2015, thanks also to a violent animal activists campaign that compared these practices to human–animal rape [15]. The debate on a similar law in Germany is even more heated. Between 2013 and 2016, the public saw the rise of ZETA VEREIN, the first association of zoophiles in the world. Its leader, Michael Kiok, often defends his rights in the media. Like others, he has a sentimental relationship with his female dog, an animal partner that he has lived with for 7 years. In his view, there is only one limit that he and the other members of ZETA VEREIN⁵ will never cross and that is violence. Sex with animals will never include submission, the animal must always be able to show *consent*, and in order to do so, the animal must be placed in a condition to accept or refuse a sexual act. German zoophiles build their Antisubject figure in the contemporary breeder who can castrate pigs, brand horses, and force bulls to ejaculate, but German law does not condemn any of these practices as mistreatment crimes [5]. Moreover, they accuse most animal activists in Germany and elsewhere of

⁵ ZETA-VEREIN, Zoophiles Engagement für Toleranz und Klärung, <https://www.zeta-verein.de/en/zoophilia/worldmap-zoophilia/>.

discriminating against them. They declare that they are against any form of abuse and that they are profoundly touched by animal pain; however, they protest against the fact that none of the “most common” associations consider them partners in the fight for animal rights. Indeed, the articles, comments and interviews on the web are full of disgust towards ZETA VEREIN. There are recurring statements that turn the role of human and animal actors around, such as “men are sexual pigs” or “you are the real beasts”, “how can you do such a monstrous thing to a being that you love?”. Today, in Germany and in Denmark, they have lost their legal battles and there is a new law that punishes zoophilia as a form of animal mistreatment. However, it is possible that in the future, ZETA’s voice will be listened to by animal activist groups. Indeed, let us recall how the color of a person’s skin for centuries was considered “non-human” by thousands of people. Not too long ago, a sexual or sentimental act between a white person and a black person was considered similar to interspecific mating in our naturalistic ontology. Lastly, Italian law also has to deal with this issue but it doesn’t do so by explicitly focusing on it.

3.3 The Italian Way of Conceiving Informed Consent

Indeed, Italy’s legal system gave its answer when there was a case of zoo-pornography—and it was not a case of a “private” relationship between humans and pets. In 2011, the Court of Cassation condemned a breeder in the town of Bolzano who forced dogs to have sexual intercourse with a woman for a pornographic video. Sexual intercourse was oral and the dogs were the active part. The Court referred to Article 521-2 in the Penal Code, which is a recent article modelled on today’s awareness of animal rights, and it prohibits actions that are “incompatible with animal behavior”. Therefore, the Court decided that sexual mating for pornographic films cannot in any way be considered behavior that is compatible with the ethological characteristics of a dog [16].

Why doesn’t Italian law “explicitly focus on” the sexual abuse of animals but can generally examine the issue of mistreatment? The reason is that its legal concept is very different from the concept of German zoophiles because it calls for *informed consent* [8, 9]. If we can conceive, in a philosophical and practical sense, an animal’s *consent* to “collaborating” in a sexual act with a human, we find it difficult to imagine that they can give their *informed consent*. Italian law is in line with the view of one of the most important animal rights philosopher, Tom Regan, who commented Singer’s article on zoophilia. According to Regan, “pain is not a necessary condition of the damage, not all damages cause pain, just as not all pain causes damage. It is not necessary that the victim realizes the injury that he or she is subject to or that the injury causes physical or psychological suffering... sometimes the more serious the injury, the more the victim is unaware” [36: 34, 37, 38].

Indeed, this debate in Italy is more heated in the most important animal rights associations, such as LAV, the National Anti-Vivisection League, which supports reporting to the police, protecting and rehabilitating “mistreated” animals.

Mistreating an animal is compared to the ability to cause pain and therefore it is a sign of a social danger which includes violence towards animals, children and women.

Piera Rosati, the director of the National League, states that: “Exercising absolute power over those who cannot defend themselves is common to actions that are considered very serious, such as the abuse of children and women. We can dare to think that, thanks to its impunity, those who sexually abuse animals, can abuse other helpless living things. What is alarming is the easy access to many pornographic videos involving animals on the web. Most of them come from Eastern European countries but some are also from Italy” [8].

In summary, the cultural and legal arguments on zoophilia in Italy agree on the subject of violence and its connection to penal crimes such as sexual abuse of minors and prostitution. The idea of animal pleasure which could eventually change the sense of these practices, that is, turning the semiotic role of animals from that of an actant Object to that of an actant Subject, is inconceivable.

The only surprising exception is a “tolerance” article in *Asinus Novus*, the first Italian magazine on animal studies which provides a serious philosophical reflection on speciesism [3].

In a series of articles dedicated to the notion of disgust and its role in defining the limits of the human collective [6, 7], Serena Contardi criticizes “self-righteous” animal activists who are not able to distinguish between zoophilia and zoosadism. She sustains that respecting animals and fighting for their freedom also means “accepting” that they can feel pleasure in interspecies sexual intercourse. She believes that saying the opposite is a form of hypocrisy. To explain this, she gives the example of interspecies breastfeeding. She states that many humans are disgusted by the image of a woman breastfeeding a lamb. The disgust is even stronger if the woman is a young white woman wearing Western-style clothes because she is the “central” representation of a type of humanity that is stronger and more defined. Perhaps for some people it would be more acceptable if the woman were dark and dressed in exotic clothes from a third world country.

Contardi continues by saying that, on the contrary, these images generate enthusiasm in animal activists who feel that the generosity and protection shown by humans towards young animals is profoundly right. However, things change with interspecies sex. Animal activists feel the same disgust as non-animal activists when they are presented with the idea that an animal is no longer a “helpless living thing” but a living thing capable of having a joyous and exuberant sexuality and directing it towards a human. Contardi’s reflection is very lucid and it deals with the aforementioned key issue in semiotics, that is, organizing the threshold between human and animal in naturalistic ontology.

4 Becoming Humans/Becoming Animals

I have discussed how the legal systems in some Western countries deal with today’s animal activism, how they “direct” it and reflect its values and, in some cases, promote it.

In general, I have called to mind how the semiotics field, which deals with the humanization of animals, tries to include Descola’s four ontologies model and Eduardo Viveiros De Castro’s prospectivism.

I have therefore proposed the following: (1) that there should be some slow but important changes thanks to the ties between philosophical animal rights issues and legal issues, (2) that the anthropological studies of Descola and Viveiros de Castro offer useful models to semiotics for analyzing the legal matters regarding animals, (3) that including animals in our naturalistic collective is different from imagining animal collectives “like our collectives” but “different from our collectives”, (4) that the two most difficult but most interesting laws regarding this are labor laws and animal reproduction laws, (5) that zoophilia allows us to understand more about the threshold that separates humans and animals in our naturalistic ontology. I believe that three conclusions can be given. First of all, I think that the difference between extension in our naturalistic collective and prospectivist graft proposed in paragraph 2 is very interesting, also with respect to zoophilia. In the event that there is a legal evolution down the first path, Singer’s orangutan must always be protected and understood. He/she is certainly a sentient being, but she/he is a sentient being that must pay “dearly” for his/her recent membership in the “naturalistic collective” and therefore will always have less rights compared to a white, rational thinking human in the Western world. Instead, things will become very interesting in the event that there is a legal evolution down the second path. Will the woman Singer spoke to ever report an orangutan to the police for sexual harassment? It is exciting for a semiologist to wonder what a world which accepts prospectivist graft would be like. We would have to question all the most obvious legal relations regarding the role of professional lawyers, the victims of crimes, and the alleged subjects who are tried in court for these crimes.

4.1 Who is Human

The second observation, above all, regards semiotic theory. From a semiotic point of view, by observing the profound level of signification phenomena, we can create “much more order” in complex issues. If we think of a semantic category such as “human/animal” and the semiotic square on which we can represent it, it is clear that various types of philosophical, political and legal discourses give different answers to *the position of the contrary terms/human/and/animal/* on the square. The variety of the positions of the terms is quite wide: the German zoophilia discourse, for example, can be reconstructed by representing a/human/pole occupied by an equal alliance between humans and animals (Fig. 1). Instead, the animal activism discourse which refutes and condemns zoophilia constructs a completely different syntactic system where, curiously, animals occupy the/human/pole and humans occupy the/animal/pole (Fig. 2). The paternalism of Italian legal discourse leads us to think of animals as subjects who are transiting from the pole of the subcontrary/non-human/to that of the term/animal/ (Fig. 3), while the position of several Danish biologists who recall that animals have sex for pleasure and not only to reproduce, perhaps transforms animals from the position of/not-animal/towards the position of/human/ (Fig. 4). Finally, Peter Singer’s perspective is opposite to the German zoophile’s one, since we can represent it by an/animal/pole occupied by both animals and humans (Fig. 5).

Fig. 1 Human/animal in the German zoophilia discourse

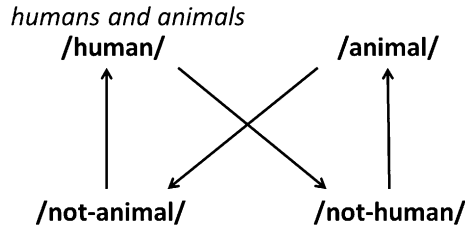


Fig. 2 Human/animal in the animal activism discourse

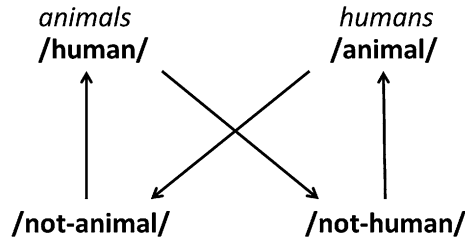


Fig. 3 Human/animal in the Italian legal discourse

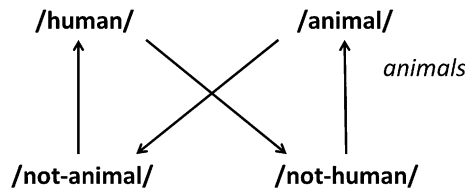


Fig. 4 Human/animal in the Danish biologist's discourse

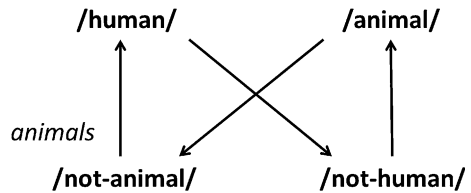
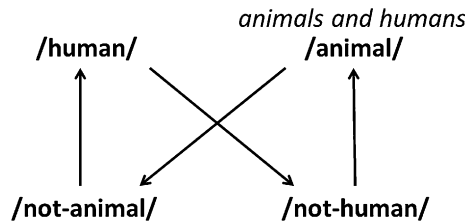


Fig. 5 Human/animal in Singer's discourse



I therefore believe that semiotics can effectively use Descola's theories to tackle the humanization of animals but I also believe the opposite, that is, Descola's naturalistic ontology theory is strongly supported by semiotics. Let us recall that Descola discusses the contamination of one ontology onto other ontologies: for example, he talks about the fact that, in a naturalistic ontology, many of us talk to

our cats (animism) and consult horoscopes (totemism). However, things may be deeper and more conflictual. What I mean to say is that in animalism and zoophilia discourses, it is more realistic to think *of a series of worlds that do not meet even if they all live* in a naturalistic ontology. It is as if we could all think of each ontology (in this case, our own Western, naturalistic ontology) as a big discursive space that is not homogeneous and smooth—in Deleuzian terms—in which many humans do not at all agree with other humans on the rules that define the limits of this world. In reality, semiotics and law have already solved this problem: they are not shocked by the thought that there are universes that are opposed to one another, and that this does not hurt cultures as a whole, but rather, it is something that guarantees the strength and ability to evolve.

4.2 Thresholds of the Naturalistic Collective

This brings me to the third and last conclusion. Descola's work is above all very important because from the level of the deepest meaning, that of the semiotic square, we can rise to the discursive level of practices, sanctions and specific discourses. I believe it is a level that should be referred to as macro—discursive spheres of meaning. Moreover, we should refer to thresholds. Here, perhaps animal labor is not too far from animal sexual desire. Both are more or less explicit legal frontiers that Western legal systems are beginning to explore (or more conservative countries should begin to explore). More generally, animal labor and animal sexual desire seem to be *two crisis points*. All the Western legal systems that are beginning to admit that animals are sentient beings completely ignore the issue of rights for work animals. I mentioned above that no judge and Western law today says that it is wrong to have police dogs or dogs for the disabled or that horses which are masturbated for reproduction are raped. At the same time, from an anthropological viewpoint, animals that work are “the most human”, and they are the ones that are directly thought of as “almost human” in naturalistic ontology. It is true that dogs and cats today in the Western world no longer work, but maybe because they were working—were they able to reach this condition, which is very particular and very close to our collective? On the other hand, the more outspoken animal activists say we should move forward towards animals by keeping in mind that humans are just a type of animal, and that they share desires, feelings, pain and the right to live with other mammals and many other types of living things. However, animal activists do not agree with the idea that people can have dogs as equal partners. It is here that perhaps Descola's ontology has some limitations but it also contains a wealth of ideas because his ontology allows us to reflect on how we can enter the human naturalistic collective, and how we can eventually get out of it, in the direction of becoming animals. The rights of animals force us to reconsider the meaning of being human.

Therefore, as often happens for many things, the space of the threshold says more than the status of its eligibled and its expelled. Zoophiles are people who step over a limit that is dangerously close to the bottom; they are humans who risk becoming animals. Work animals move along the opposite direction (Fig. 6).

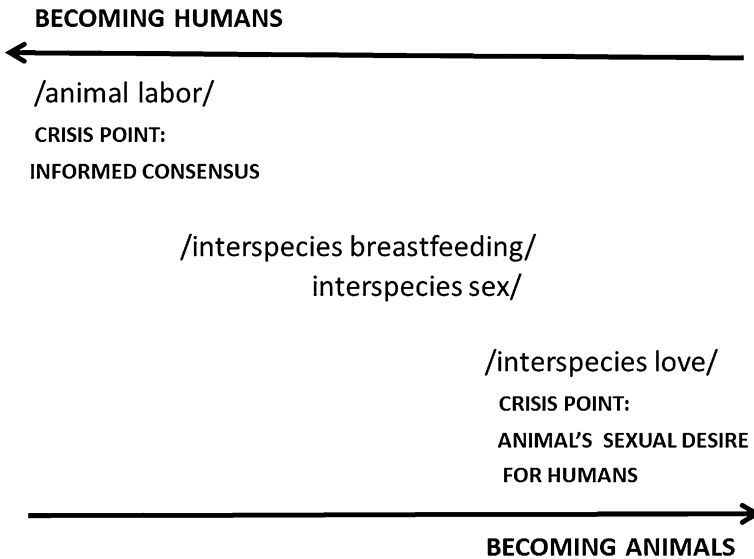


Fig. 6 Thresholds of the naturalistic collective

They are animals that have become very similar to humans. On the one hand, the rules of our naturalistic collective teach us with disgust and scandal that the threshold of zoophiles is really a final one, and stepping over it means leaving the human collective.

On the other hand, the legal idea of informed consensus that we cannot obtain from the animals we ask to work with us and/or for us, signal the superior threshold of entry into the human collective.

Today, the concept of humanity is changeable. Many people tend to evade, and move towards a sense of solidarity that cancels the inferior threshold. Many others tend to admit sentient beings into the superior threshold. These two trends are conflictual but perhaps they are defined by these two crisis points towards being human—something that we cannot be without *informed consent* in our naturalistic ontology—and being animals; something that cannot be if we conceive that animals are endowed with “*human*” *sexual desires*.

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