

Lucy Beech (LB) in conversation with Gabriel N. Rosenberg (GR)



The following conversation between artist Lucy Beech and Gabriel N. Rosenberg, professor of Gender, Sexuality, Feminist Studies and History at Duke University, was recorded at the Max Planck Institute for the History of Science, Berlin in August 2019, where the pair are collaborating on a film project that explores the complex interface of sex and agriculture.

- LB Can we talk a bit about somatic intimacy?
- GR There are a really staggering variety of visceral somatic interactions, so it obviously depends on the animal. Artificial insemination is probably the easiest way to explain it. Let's take for example the artificial insemination of a pig. To artificially inseminate a pig, you need semen.
- LB How do you get semen?
- GR Typical industry practice is to use something called an electrical vagina. It's like a sheath that you insert the boar's penis into. But in order to get the boar's penis into this artificial vagina there is a whole process of inducing the boar to mount what's called a dummy sow which positions the boar above the artificial vagina. Then you need to come into some level of somatic contact with the boar's penis until the boar is erect enough that its penis can be placed in the artificial vagina. In some cases, people find it more efficient to masturbate the boar until it ejaculates. So, it's a human technician almost certainly wearing a rubber glove who will masturbate the boar until it ejaculates.
- LB Ok, so now you have your semen, now what?
- GR You can store it and refrigerate it and then it shows up in a little catheter. The next step is extra-cervical insemination. This means depositing the semen outside the sow's cervix; the sow will then draw the semen through the cervix and into the uterus.
- LB But why arouse the sow?
- GR Sow's that are aroused are more likely to draw the semen in through the vaginal walls.
- LB Okay, so how do you arouse a sow?
- GR The technician will sit on the back of the sow to give the sense of weight and pressure that a sow might experience if a boar was climbing onto her back.
- LB Ok, so why rub a sow's teats or fist her vagina?
- GR Well, a boar will nose her in those particular places before he mounts her.
- LB But doesn't a sow have the ability to distinguish between species?
- GR Yes, and so you might ask "What do you mean? You've convinced the sow that you're a boar?" How do you know that the sow isn't just like: "This human technician is actually better than a boar?" We don't know. But for the most part, human technicians don't say, "I'm going to have sex with a sow," right? This would potentially be a very stigmatising thing to reckon with. That's why the language of simulation is a means of creating a different story about what's happening here. To be very clear, I don't think the workers, who are paid really, really shitty wages to do this labour, desire sex with a boar or a sow. But at the same time, having a financial desire to do a sex act in no other context erases that act from the broader constellation of sex. We call that sex work. We call that sex labour and I firmly believe that sex work deserves the same dignity and respect that all work and labour deserves. I don't view sex work or sexual labour as something that ought to be denigrated. When I say that agricultural workers who engage in animal breeding are engaged in a variety of sex work, I say it with the utmost respect for the dignity of labour. It is hard work. That's the sex work that puts steaks on plates. But just because there is a financial desire in place doesn't somehow mean that something isn't sex. There are all sorts of people who have sex for financial reasons, some formally as sex workers. So, the notion that because money is coming into the equation means that this is not sex...that's not something that holds a lot of intellectual water, right?
- LB Historically speaking, when were animals viewed as possessing the capacity for lust or desire?
- GR There is a general consensus, certainly in early modern North American colonies and in Europe, that animals have the potential to exert a form of magnetism, and humans can fall prey to this lustiness. Take the example of Thomas Hogg who was tried for bestiality in a New Haven Colony in 1647 when a neighbourhood sow gave birth to piglets that allegedly resembled him. The court didn't have a witness account of the sex act, so they brought the sow into the presence of the accused man and ordered him to scratch the sow under her ear, to see if this would arouse lust in the sow... You clearly get the sense, in statements regarding the sow's response, that the court believed that the sow was a sexual being with the capacity for desire.
- LB The animal was cast as a kind of co-conspirator?
- GR Yes and that's quite unusual of course because in a contemporary context most people think of animals as innocents. If a human has sex with an animal we immediately by default appoint the animal to be victim and the human to be aggressor but that's not necessarily how they thought about it in the early modern period.



- LB So in the history of bestiality laws in the U.S. is it possible to pinpoint a specific moment when this pre-modern conception of the animal shifted from a co-conspirator in a case like this to a victim of inter-species sexual assault?
- GR In the actual structure of American law, the shift surprisingly didn't really happen until after 1970. At this time, bestiality in the U.S. was criminalised mostly through crimes against nature statutes. Prior to this, crimes against nature statutes or sodomy statutes, as they were called, classified a number of non-procreative sex acts under a single label. These statutes were a primary way of criminalising same sex sexual interactions along with bestiality, oral sex, and even heterosexual oral sex or masturbation. Rape laws were actually very tightly confined. For example, laws around sexual violence and particularly rape laws were explicitly written so that they were only applicable to women and only certain kinds of women. Which is to say, for example, that in most states, slaves could not legally be the victims of sexual violence because of their legal status. So then in the 1960s, reformers came forward and said we need to get rid of the sodomy statutes because they are being used to essentially criminalise same sex intimacy.
- Between about 1960 and 1980 sodomy statutes are taken off the books in the U.S., but what they don't realise is that they are decriminalising bestiality at the same time. The result is that you have these sensational instances of bestiality, and they want to hold the people accountable for it, but they find out they don't have an adequate legal mechanism for it. Following this, there is a movement beginning in the 1980s and into the 1990s largely spurred by the Humane Society in the U.S. to re-criminalise bestiality in a majority of states. But when they first proposed these laws in the 1980s, they kept failing to pass, and the Humane Society kept on wondering why...who could be against them? Is there a bestiality lobby out there we don't know about? Indeed, there is. There is a bestiality lobby in the U.S.A. that is fighting to make sure these bills never come to a vote. That lobby is called the American Farm Bureau, which is the unified national voice of agriculture.
- Because when you actually have to come up with the elements of the crime and you are not allowed to depend on this very baroque colonial language of the abdominal crime against nature and you actually have to spell it out in detail, what is the crime we are talking about here? It turns out that it is very, very difficult to come up with a definition of bestiality that exempts a number of practices that are totally normal and ubiquitous in agricultural contexts. Those practices include artificial insemination, which is used for virtually all pig breeding, and then also regular things involved in beef and turkey husbandry.
- LB So, how did the American Farm Bureau get around it?
- GR [Through] a broad exemption that was put into the structures of the law in the late 1990s. So, you see this shift that you asked me about—from the animal as potential conspirator to potential victim written in the law itself.
- LB In the crime against nature law?
- GR Yes, the nature in that title is what you might call the species of constitution, it's the order of nature, it's not nature as the object, right? The animal isn't the nature that the crime is being committed against. Instead, it's the proper relations between species that the crime of nature references. These laws are usually called interspecies sexual assault or sexual abuse of an animal. That language is very specific because by the time the Humane Society is around, nearly all discussions are designating animals as categorically incapable of consenting to sex because they lack speech and as a result are categorically injured by sex. Which is quite interesting and I think also totally alien to how early modern people would have thought about it. They would say, "What do you mean animals are categorically injured by sex? Animals are as lusty and sexual as anything in the world, so how could that possibly be the case?"
- LB Can we talk a bit further about the complexities of applying something like consent to the context of animal welfare?
- GR All the proponents of these laws say the same thing, that animals cannot consent because they can't speak. Speech here is confused with cognitive capacity. [A contemporary conception of] consent says that it's not just that you are able to verbalise affirmation, you also need to have a constructed understanding of what you are affirming, agreeing or consenting to. That's actually the legal requirement for a contract, keeping in mind that consent as a concept is served from a juridical concept of contract. You take that line and we say, okay, well it doesn't matter who the other party is, an animal can never consent to it, therefore sex with it is always violative. Then, okay, an animal having sex with another animal can't be consensual. You see, consent as a concept does not work for animals, and if you are wedded to it as a way of adjudicating the rightness and wrongness of animal sex then you become wedded to the idea of the animal as essentially absent of desire. Welfare in that context becomes a process of protecting an animal from harm, not worrying about whether the animal has access to something we consider to be affirming, pleasurable or positive. The question is: how can we think about the problem of sex as it attends to animals without thinking about what kind of sex is preferable for animals? And do we have an ethical obligation when we control animals to attend to that?