

Restorative Justice, Transformative Justice, and Violence in Slaughterhouses

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Restorative Justice

- Foundational Questions (see Danielle Sered, Until We Reckon 140 (2019)):
 - Who has been harmed?
 - What are their needs?
 - Who has the obligation to address the needs, put right the harms, and restore well-being?
- Aims:
 - Taking personal responsibility for causing harm and demonstrating accountability
 - Centering the needs of those who have experienced harm and asking what can be done to promote healing
 - Recognizing the humanity of those who have caused harm
- Models:
 - Victim-Offender Conferences
 - Talking Circles
 - Group Conferences (involving family members and/or community members)

Transformative Justice

- **Transformative justice** is “a community process developed by anti-violence activists of color, in particular, who wanted to create responses to violence that do what criminal punishment systems fail to do: build support and more safety for the person harmed, figure out how the *broader context* was set up for this harm to happen, and how that context can be changed so that this harm is less likely to happen again.” Mariame Kaba, *We Do This 'Til We Free Us* 59 (2021) (emphasis added).



Black Youth 100's response to Chicago police's murder of Laquan McDonald

- “Rather than simply demand the termination of the[] murderous officers or that charges be brought against them, organizers sought to connect their outrage at these killings to the decades of torture perpetrated by Chicago police, and to the deeper conditions of social inequality, corruption, and injustice that have long characterized the distribution of life chances in Chicago and around the country.” See Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 Harv. L. Rev. 1613, 1621 (2019).
- Demands: divesting from policing and mass imprisonment; investing in public education, arts, housing, and mental health services

Critiques of Restorative Justice Embedded in Transformative Justice

- Focus on **individual instances** of harm
 - Even if a response is not punitive or carceral, is the focus on **personal responsibility**, to the exclusion of other factors, appropriate?
- Restoring to what?
 - “For many people, the situation that occurred prior to the harm had lots of harm in it. So what are we restoring people to? We have to transform those conditions, and in order to do that we have to organize to shift [] structures and [] systems[.]” See Josie Duffy Rice & Clint Smith, Justice in America Episode 20: Mariame Kaba and Prison Abolition, Appeal (Mar. 20, 2019).
- Collaboration with state institutions (e.g., prisons and courts)
 - Lack of agency for victims and offenders
 - Cooptation of restorative justice rhetoric, leading to rehabilitation of oppressive institutions and regimes

The “Broader Context” of Violence in Slaughterhouses

- What should we learn about the “**broader context**” of violence against animals in slaughterhouses?
- Some possible inquiries:
 - What is the nature of the violence in slaughterhouses? Who is harmed, and how?
 - What are the social, economic, and political conditions that produce (and reproduce) violence in slaughterhouses?
 - Who performs slaughterhouse work? What are the conditions in which they work and live?
 - How are slaughterhouses situated within the larger political economy of the food system?

Violence Against Animals in Slaughterhouses

- According to the USDA, slaughterhouses kill approximately **100 million pigs, 33 million cows, and over 9 billion chickens** (along with many millions of other mammals and birds) each year
- USDA “cannot ensure that it is preventing the abuse of livestock at slaughter[houses]” or that facilities are complying with the Humane Methods of Slaughter Act
 - E.g., USDA itself has documented slaughterhouse workers kicking, shocking, and dragging pigs who are too sick or injured to stand or walk (“downed” pigs)
- Under USDA’s interpretation of federal law, there is **no requirement that individual birds to be “humanely” handled or slaughtered**
 - In some cases, USDA has taken no enforcement actions where workers have thrown and hit chickens, and even ripped their feet from their bodies
 - Each year, over a million chickens die from scalding or asphyxiation after being placed in scald tanks while fully conscious

See Delci Winders & Elan Abrell, Slaughterhouse Workers, Animals, and the Environment: The Need for a Rights Centered Regulatory Framework That Recognizes Interconnected Interests, 23 Harv. Health & Hum. Rts. J. 21, 25 (2021).

Who Works in Slaughterhouses?

TABLE 2

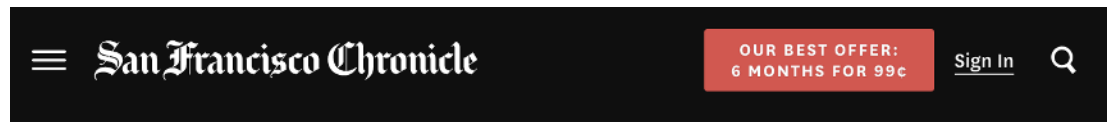
Characteristics of all U.S. workers and of animal slaughtering and processing workers in the U.S.

	All U.S. workers	Animal slaughtering and processing workers
Age (mean)	41.9	41.3
Female	47.4%	36.2%
Race		
<i>White</i>	63.5%	34.5%
<i>Black</i>	11.3%	21.9%
<i>Latinx</i>	16.8%	34.9%
<i>Asian American/Pacific Islander</i>	5.9%	6.8%
<i>American Indian/Alaskan Native</i>	0.5%	0.7%
<i>Other</i>	2.0%	1.3%
Foreign-born	17.1%	37.5%
Citizenship status among foreign-born workers		
<i>Naturalized citizen</i>	49.6%	29.1%
<i>Noncitizen</i>	50.4%	70.9%
Median wage and salary income	\$35,989	\$30,485
Below poverty line	7.2%	8.8%

See Angela Stuesse and Nathan T. Dollar, *Who are America's meat and poultry workers?*, Economic Policy Institute (Sep. 24, 2020).

Slaughterhouse Worker Injury and Trauma

- Slaughterhouse work is **the most dangerous profession in the country**, leading all industries in illnesses and injuries
 - Injured at rates 50% than all other workers in the private sector (see U.S. Bureau of Labor Statistics, *Industry Injury and Illness Data*, 2019)
 - Extremely high rates of COVID-19 transmission and death



OPINION // OPEN FORUM

My first job was slitting the throats of chickens at a slaughterhouse. It changed me forever

Susana Chavez

March 22, 2022 | Updated: March 22, 2022 10:28 a.m.

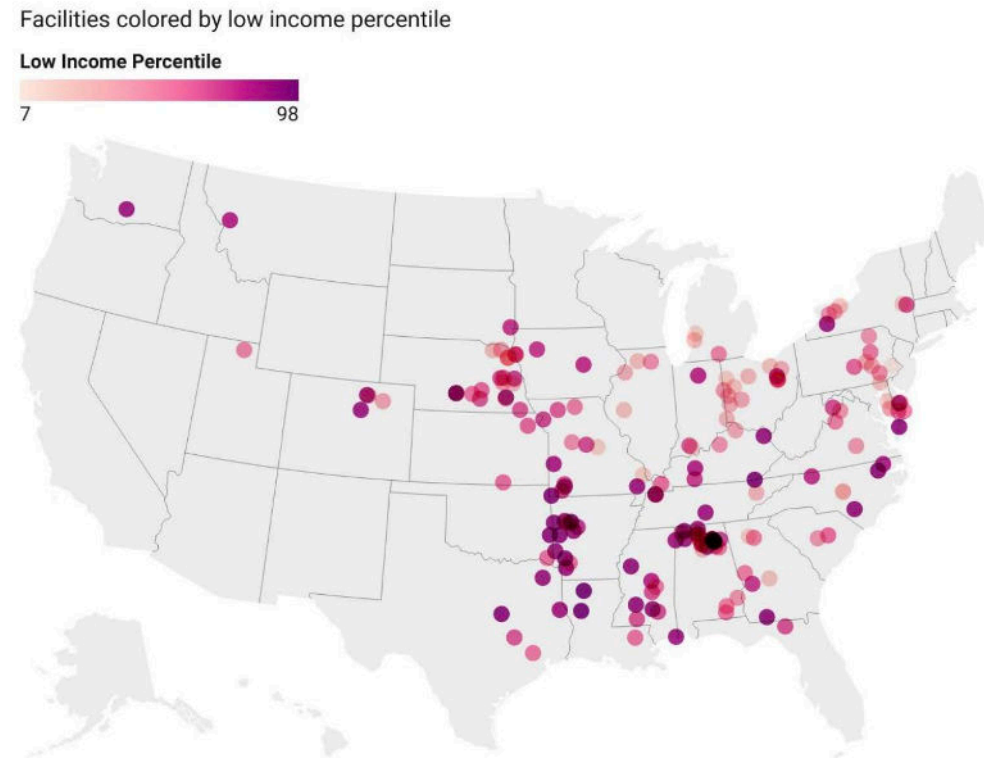


In addition to being the most dangerous profession in the United States, a 2016 study showed that slaughterhouse workers face higher rates of psychological distress compared to the general population. It is unnatural and inhumane for someone to kill for hours every day. The lasting trauma experienced by slaughterhouse workers is similar to that faced by combat veterans and disaster survivors and leads to high rates of drug and alcohol abuse, and domestic violence.

Slaughterhouses and Environmental Injustice

- Slaughterhouses are a leading source of nitrogen and phosphorus pollution and yet, in many cases, they are currently subject to **no** national water pollution control standards
- Slaughterhouses are disproportionately located in low-income communities and in communities of color. See EPA, Preliminary Effluent Guidelines Program Plan 15, at 6-2 (Sept. 2021).
- In many cases, slaughterhouse workers live near the slaughterhouses where they work (and other highly-polluting industrial facilities)

Map 2. Select Direct-Discharging Slaughterhouses and Low-Income Communities



“Not only are these [] slaughterhouses, on average, disproportionately located in vulnerable and under-resourced communities, but several individual facilities are clustered closely together in areas where surrounding communities rank highly for multiple demographic and environmental justice indicators used by EPA to evaluate environmental justice concerns.” See Comments of EIP, Earthjustice, et al., Docket ID No. EPA-HQ-OW-2021-0736, 86 Fed. Reg. 64,931-01 (Nov. 19, 2021).

Slaughterhouses and the Political Economy of the Food System

Market Consolidation and Increased Profit

WH.GOV



Today, just four firms control approximately 55-85% of the market for these three products, according to U.S. Department of Agriculture data. That reflects dramatic consolidation of the industry [over the last five decades](#) ↗, as the large conglomerates have absorbed more and more smaller processors. In 1977, the largest four beef-packing firms controlled just 25% of the market, compared to 82% today. In poultry, the top four processing firms controlled 35% of the market in 1986, compared to 54% today. And in pork, the top four hog-processing firms controlled 33% of the market in 1976, compared to 66% today.



Political Power -> Faster Speeds -> Increased Violence



My View Following Saved

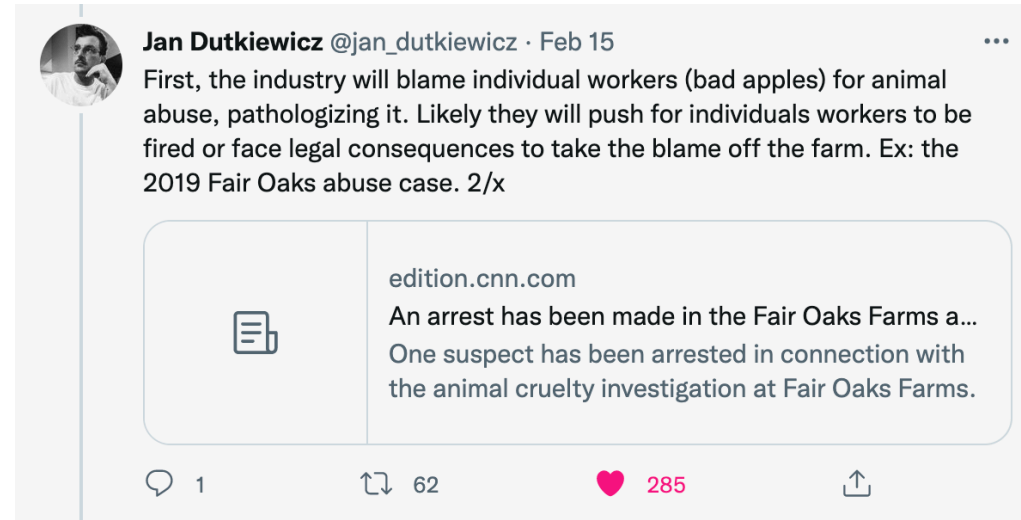
U.S. to allow pork plants to operate faster in trial program

CHICAGO, Nov 10 (Reuters) - The U.S. Department of Agriculture said on Wednesday that nine pork plants can apply to operate faster processing-line speeds under a one-year trial, after a federal judge in March struck down a Trump-era rule that removed line speed limits.

Faster slaughtering would help meat companies like WH Group's ([0288.HK](#)), Smithfield Foods and JBS USA, a unit of Brazil's JBS SA ([JBSS3.SA](#)), boost pork production at a time of strong demand and high bacon prices.

Is Restorative Justice an Adequate Framework for Addressing Violence in Slaughterhouses?

- Restorative justice's focus on personal responsibility does not counter the animal agriculture industry's favorite talking point: the **"bad apple"** worker



- Collaboration with state actors (e.g., prosecutors)?
- What would be the goals of a restorative justice process (e.g., a talking circle or group conference) in the slaughterhouse context? (As Kaba asks, "Restoring to what?")
 - How would the process materially improve the lives of farmed animals?
 - How would the process recognize the humanity of an individual slaughterhouse worker who caused harm (even egregious harm)?

Transformative Justice for Farmed Animals?

- A **moratorium** on slaughterhouses and other industrial animal agriculture facilities (*see, e.g.,* California Assembly Bill 2764)

AB 2764, as introduced, Nazarian. Animals: commercial animal feeding operations and slaughterhouses: prohibition on new operations.

Existing law establishes the Department of Food and Agriculture, which is under the control of the Secretary of Food and Agriculture. Existing law generally regulates, among other things, beef cattle feedlots, poultry plants, and slaughterhouses, and requires operators of those businesses to be licensed. Under existing law, a violation of certain of those provisions is a crime.

This bill would prohibit commercial animal feeding operations and slaughterhouses, as defined, from commencing or expanding operations, except as specified. The bill would make any person that violates this prohibition civilly liable for a penalty in an amount not to exceed a sum of \$10,000 per violation per day, but specify that a violation of this prohibition is not a crime.



Direct Action Everywhere protest outside Southern CA slaughterhouse (2020)

- **Corporate** liability
- Antimonopoly regulation
- **Solidarity** with slaughterhouse workers?
- A **just transition** away from slaughterhouse work