

# SAVING CAPTIVE WHITE TIGERS: AN ASSESSMENT OF AN ANIMAL LAW TREATISE

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## I. INTRODUCTION

In this Article, the author examines a legal treatise's effect on the pedagogical efficacy of an Article published in *Journal of Law and Social Deviance* entitled "Save the White Tiger."<sup>1</sup> That Article's aim was to introduce readers to concepts underlying the argument that white tigers should be saved by placing them in intermediate-size zoos in the United States.<sup>2</sup> This Article gauges the impact of that work.<sup>3</sup>

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<sup>1</sup> This work relies on observations made of King Zulu, in person and on film. He was the world's oldest white tiger and most special creation. CARMEN M. CUSACK, ANIMALS AND CRIMINAL JUSTICE (2015). Carmen M. Cusack, *Save the White Tiger*, 12 J. L. & SOC. DEVIANCE 1 (2016).

<sup>2</sup> Cusack, *Save the White Tiger* (2016).

<sup>3</sup> *Id.*

## II. LITERATURE REVIEW

White tigers are special, and sharing their beauty and presence with human civilization is necessary for their survival and human education, spirituality, aesthetic, and compassion.<sup>4</sup> “Advocates,” such as King Zulu, teach humans how to become effective activists.<sup>5</sup> Saving the white tiger in the United States is important to numerous nations, yet, efforts are complicated by philosophical arguments presented by animal rights activists.<sup>6</sup> Some activists would prefer to end all animal reproduction and formulate a human-separatist civilization without any human-animal relationships.<sup>7</sup> They pose that all human-animal relationships confine animals to unwelcomed encounters, *ergo*, all zoos are unethical.<sup>8</sup> However, this is untrue.<sup>9</sup> Many zoo animals gladly dwell in their enclosures and would be grateful to produce

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<sup>4</sup> *Supra* note 1. CARMEN M. CUSACK, FISH IN THE BIBLE (2017).

<sup>5</sup> CARMEN M. CUSACK, MUTATIONS!!! (2018).

<sup>6</sup> Cusack, *Save the White Tiger* (2016).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

additional zoo animals through reproduction.<sup>10</sup> However, the treatment of animals is an essential topic that animal rights activist have risked life and limb to bring to the forefront of American society and the human discussion of selfhood in light of other creatures.<sup>11</sup> It is through animal rights efforts that saving the white tiger should be analyzed because activists have the loudest voice in the discussion about the treatment of animals.<sup>12</sup>

### III. METHODS

The sample was comprised of Criminal Justice graduate-level students (e.g., weapons specialist at Georgia Sheriff's Office and Probation Officer in Broward County, Florida Department of Corrections). Adult learners were asked to read one book, *Animals and Criminal Justice*, throughout an eight-week course.<sup>13</sup> The hypothesis was that *Animals and Criminal Justice* would have the

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<sup>10</sup> CUSACK, ANIMALS AND CRIMINAL JUSTICE.

<sup>11</sup> *Id.* CUSACK, FISH IN THE BIBLE.

<sup>12</sup> Cusack, *Save the White Tiger* (2016).

<sup>13</sup> CUSACK (2015).

impact of enhancing the message of the Article, but not diluting it.<sup>14</sup> The message and methodology of the book is animal rights activism.<sup>15</sup> The Article, “Save the White Tiger,” is anti-animal rights activism, insofar as some animal rights activists primarily seem to be concerned with ending zoos.<sup>16</sup> “Save the White Tiger” advocates for keeping white tigers in comfortable enclosures in American zoos.<sup>17</sup> It also supports the idea that at some zoos, yellow tigers should be kept in separate enclosures.<sup>18</sup> This point is not discussed in the Article, but may not be approved by animal rights activists, who take a conservationist tack and overlook the importance of maintaining exclusive white tiger enclosures; and instead, may feel that yellow tigers should be rotated into white tiger enclosures.<sup>19</sup> White tigers ought to be kept in clean and comfortable enclosures, such as those at

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<sup>14</sup> *Id.* Cusack, *Save the White Tiger*.

<sup>15</sup> CUSACK (2015).

<sup>16</sup> Cusack, *Save the White Tiger*.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

Audubon Zoo and at New Jersey's Cohanzick Zoo.<sup>20</sup>

The Article "Save the White Tiger," located in *Journal of Law and Social Deviance* Volume 12, discussed the merits of captivity in zoos and the drawbacks to petting exhibitions featuring white tiger cubs.<sup>21</sup> Students gave their opinions about the content of the Article.<sup>22</sup> Students in the Masters course at Nova Southeastern University then read *Animals and Criminal Justice*.<sup>23</sup> During week eight, students reassessed their opinions about the work discussing white tigers and the cubs.<sup>24</sup> Therefore, the effect of the book on students' willingness to adopt viewpoints consistent with the content of Article could be measured.<sup>25</sup> If students' opinions remained consistent, then no progress was noted.<sup>26</sup> The methods were animal rights, activist, and sympathy. While these methods are not recognized

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<sup>20</sup> Cusack, *Saved the White Tiger*. CUSACK (2017).

<sup>21</sup> Cusack, *Saved the White Tiger*.

<sup>22</sup> *Id.*

<sup>23</sup> CUSACK (2015).

<sup>24</sup> Cusack, *Save the White Tiger*.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* CUSACK (2015).

by those scholars expecting all scholars to conform to methodologies such as “qualitative” and “quantitative,” they are recognized by the common reader, who is sometimes more sensible than traditional scholars.<sup>27</sup> Furthermore, in this context those methodologies are suitable.<sup>28</sup> Animal rights, activism, and sympathy are not philosophies, they are methodologies based on many forms of efforts, such as non-profit organizations, trial-and-error, scientific methods, and other suitable underlying ideas and tactics.<sup>29</sup> Data may be analyzed and presented in qualitative and quantitative analyses. Yet, those methods are for static studies, not robust explorations of dynamic contexts that look at “the relationship(s) between social movements and

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<sup>27</sup> Patricia Ewick, *Mending fences: Beyond the Epistemological Dilemma*, 35 L. & SOC. REV. 21 (2001).

Suzanne Day, *A Reflexive Lens: Exploring Dilemmas of Qualitative Methodology through the Concept of Reflexivity*, 8 QUALITATIVE SOC. REV. 60 (2012). See e.g., J. Abel, N. Worden, & R.

Worden, *Methodology of Environmental Activism*, Chesapeake Bay Watershed Restoration Conference, Baltimore, MD, (World Meeting Number 000 6094), September 24-26, 2002.

<sup>28</sup> *Supra* note.

<sup>29</sup> Véron Ophélie, *(Extra)ordinary Activism: Veganism and the Shaping of Hemeratopias*, 36 THE INT’L J. SOC. & SOC. POL’Y 756 (2016).

everyday life” “by focusing on the vegan movement.”<sup>30</sup>

#### IV. ANIMALS RIGHTS

Animal rights activists’ volunteerism and careers are shaped by two moral and emotional forces.<sup>31</sup> “First, as activists became involved in the animal rights movement, they learned, through uncomfortable experiences with family, friends and co-workers that certain emotions about animal cruelty were appropriate only in certain situations.”<sup>32</sup> Activists comprehended and classified a second distinct thrust.<sup>33</sup>

The second aspect of becoming an activist involved learning how to identify in others the emotional traits appropriate to animal rights activism, and controlling who could and could not take part in a debate about animal cruelty. This ensured that uncomfortable interactions were

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<sup>30</sup> Ophélie, at 756

<sup>31</sup> Julian McAllister Groves, *Learning to Feel: The Neglected Sociology of Social Movements*, 43 THE SOC. REV. 435 (1995).

<sup>32</sup> Groves, 43 THE SOC. REV. 435, 438.

<sup>33</sup> *Id.*

avoided and that the correct emotional tone of the movement was maintained.<sup>34</sup>

Activism is funded by education.<sup>35</sup> “The most successful educational efforts” “have been planned” to “complete [a] picture” of “concepts and practices. Accurate presentation of animal behavior principles upon which the concepts and practices are based is important to the acceptability of the materials.”<sup>36</sup> “Task forces of” readers “are essential in planning and testing methods.”<sup>37</sup>

When the animal rights and welfare situations have political, legal, and policy aspects, two task forces are needed: 1) a multidisciplinary group of scientists and educators to prepare objective, usable information and 2) an action group of clientele to communicate the potential effects of political, legal, or policy action.

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<sup>34</sup> *Id* at 439.

<sup>35</sup> CUSACK (2015).

<sup>36</sup> W R Getz & F H Baker, *Educational Methodology in Dealing with Animal Rights and Welfare in Public Service*, 68 J. ANIMAL SCI. 3468, 3472 (1990).

<sup>37</sup> *Id.*

Liaison between the two groups is very important.<sup>38</sup>

Activism is a case study.<sup>39</sup> “Student activism is a ubiquitous component in most democratic societies. Despite its disconcerting implications to the university’s operations, it remains an important agenda to student development in higher education.”<sup>40</sup> One benefit of using this methodology is that participants learn to rely on activism to generate income due to its “symbiotic (enforcing) relation” with their professional goals (i.e., earning a Masters degree for career advancement).<sup>41</sup> Activism is a feminist methodology.<sup>42</sup>

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<sup>38</sup> *Id. See* Groves, 43 THE SOC. REV., 435.

<sup>39</sup> S. Hetts, *Psychologic Well-being: Conceptual Issues, Behavioral Measures, and Implications for Dogs*, 21 THE VETERINARY CLINICS N. AM. SMALL ANIMAL PRAC. 369 (1991).

<sup>40</sup> Maria Aurora Correa Bernardo & Diana-Lea Baranovich, *Dissent by Design: Fostering Student Activism in Higher Education through a Case Study of Student Affairs in a Public University in the Philippines*, 57 J. C. STUD. DEV. 197 (2016).

<sup>41</sup> P. Friš & M. Vávra, *Czech Civil Sector Face-to-Face with Freelance Activism*, 36 INT’L J. SOCI. & SOC. POL’Y 774 (2016).

<sup>42</sup> Marjorie L. DeVault, *Talking Back to Sociology: Distinctive Contributions of Feminist Methodology*, 22 ANN. REV. SOC. 29 (1996). *See*, Assata Zerai, Joanna Perez, & Chenyi Wang, *A Proposal for Expanding Endarkened Transnational Feminist Praxis*, 23 QUALITATIVE INQUIRY 107 (2017). *See also*, Laura L. Janik-Marusov, Lauren M Sardi, Dina Giovanelli, Rita Offiaeli, & Deric Rita, *From*

“Consciousness raising” may be the overarching description identifying how feminists measure their impact.<sup>43</sup> Feminist methodology overwrites the “omissions and distortions” produced by methodologies relied on by other disciplines.<sup>44</sup> It not only marks where changes need to occur in the world, but also methodologically assess opposition.<sup>45</sup> Feminists have highly acute sense of persecution; and their discernment of oppositional positions is key to unifying their shared experiences under feminist philosophical umbrellas.<sup>46</sup> “Many feminist researcher[s] suggest that qualitative methods fit especially well with feminist goals. Indeed, some feminist researchers who work with qualitative methods seem to claim that these methods are more feminist than others.”<sup>47</sup> “However,...feminist[s] have made major contributions by finding concepts and practices that

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*Tactics to Praxis: Learning Feminist Pedagogy through Methodology*, 16 THE QUALITATIVE REPORT 1517 (2011).

<sup>43</sup> DeVault, 22 ANN. REV. SOC. 29, 30.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 35.

resist ‘dualism,’ and they urge resistance to the qualitative-quantitative division.”<sup>48</sup> Activism identifies which forces are large enough to confront privately and which nuisances should be gauged and attacked using the home as a battleground to wage battles on behalf of the individual woman, and perhaps in principle, others.<sup>49</sup>

Sympathy, at first blush, appears to be a theory more than a method. “The core of the theory is a model balancing physical distance, psychological similarity and familiarity, affection, and evaluation. Great emphasis is placed on the incarnation of social actors, the importance of their bodies and sentiments, and the effects of the interaction order.”<sup>50</sup> Sympathy is a method for examining a relationship, which is what qualitative and quantitative methods do. “The process of identifying with another person is determined by the perception of distance from the other, may involve

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<sup>48</sup> *Id.* at 35.

<sup>49</sup> *Id.*

<sup>50</sup> David Sally, *A General Theory of Sympathy, Mind-Reading, and Social Interaction, with an Application to the Prisoners’ Dilemma*, 39 SOCIAL SCIENCE INFORMATION 567 (2000).

non-conscious imitation, and leads to an enlarged self-interest.”<sup>51</sup> Because most humans only know how to speak to a few animals (e.g., their housecats), they may not use sympathetic methodologies to evaluate any other animal’s needs, but they use it to determine a myriad of factors, relationships, and outcomes with animals for whom they experience sympathy. “[T]here are many different disciplines that study mental states”<sup>52</sup> “There is a need to develop tools that can ‘help to overcome the conceptual confusion and methodological difficulties that hinder’ their analysis”<sup>53</sup> Sympathy is a methodological process of evaluating right and wrong.<sup>54</sup> In this work, sympathy is the basis for evaluating the effectiveness of animal rights material to ascertain how much students want to save the white tiger after reading it. “On one hand, stigma associated

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<sup>51</sup> *Id.*

<sup>52</sup> Robert E. Innis, *Commentary: Framing Sympathy*, 16 *CULTURE & PSYCHOLOGY* 287, 288 (2010).

<sup>53</sup> *Id.*

<sup>54</sup> James Farr, *Hume, Hermeneutics, and History: A “Sympathetic” Account*, 17 *HIST. & THEORY* 285 (1978). See e.g., Carl E. Enomoto, *Public Sympathy for O.J. Simpson: The Roles of Race, Age, Gender, Income, and Education*, 58 *THE AM. J. ECON. & SOC.* 145 (1999).

with the status” of animals is beneficial.<sup>55</sup> “On the other hand, individuals may be sensitive to the power imbalance between” animals and their caretakers, which may cause them to “respond sympathetically to” animals.<sup>56</sup>

## V. THEME AND THEORY

The hypothesis of this work was that students would be persuaded to save the white tiger after reading *Animals and Criminal Justice*, a book that advocates for all animals.<sup>57</sup> The book does direct readers’ attention to white tigers.<sup>58</sup> It admonishes cruel zoos that neglect and abuse animals by analyzing relevant anecdotes and laws.<sup>59</sup> The data indicated that students were transformed by their experience. The eight-week course is a brief interlude into their professional careers, but the

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<sup>55</sup> Christopher J. Lyons, *Stigma or Sympathy? Attributions of Fault to Hate Crime Victims and Offenders*, 69 SOC. PSYCHOL. Q. 39 (2006).

<sup>56</sup> *Id.* at 40. Sally, *On Sympathy and Games* (2001).

<sup>57</sup> CUSACK (2015).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

literature was impactful.<sup>60</sup> For example, one student initially said:

Advocacy for the white tiger is important. Yet, the arguments are complex because animal rights and welfare advocates intend to protect animals by limiting their proliferation (Cusack, 2016)

Students were capable of deducing that to remedy this, zoos could save the white tiger through reputable *ex situ* breeding programs.

At the end of the eight-week program, students were likelier actively to demonstrate their awareness of the importance of saving the white tiger.

In our studies we have discussed topics that range in platform from the use of animals for entertainment all the way to the religious sacrifice of animals....So where does this leave the protection and preservation of the majestic White Tiger. As we discussed in the first week the White Tiger is somewhere in the middle of conservation and deportation due to

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<sup>60</sup> Cusack, *Save the White Tiger*. CUSACK (2015).

the White Tiger not being a native species (specifically speaking) to the United States. Taken from the information we obtained during this study the White Tiger is under great controversy from public safety, conservationist and the entertainment business....Conservationists appear to be concerned with the treatment of these animals while in captivity, the unnatural breeding process that are taking place and the potential senseless killing of these animal[s]....In researching the best practice as it relates to the conservation and safety of the White Tiger we truly need to review what has taken place and what works. We already have found that there is an increase in reproduction of the White Tiger in captivity. There is enough information to provide groundwork on solid Federal and State Laws that can protect the White Tiger from the problem areas that public safety, conservationism and the entertainment business could support. Finally, we understand that on their own, the White Tiger is fighting an up-hill battle of survival. As with any animal in captivity we are unable to embrace the word never (never be abused, never be

tortured, never be sacrificed for a religious cause) due to the instability of mankind throughout this world. However, we can continue to hold people accountable for violations of the animal cruelty laws and ordinances. We can strengthen current and outdated laws and ordinances that protect these animals. Finally, we can promote the protection of all animals by not turning a blind eye toward the mistreatment of any animal in this United States of America!

Another member of the criminal justice system studying in the eight-week course had similar thoughts.

After reading...[about] a lack of thought or compassion, [I know that] [p]eople will break laws whether criminally against a person or animal and do so with violence. So is the problem in the laws or policies, or is the problem in the person that conducts the act? A person growing up on a farm may be less sensitive to animals and only view animals as food. Another person who grew up around dog fighting only views that animal as a fighter that must win or

they are good for nothing. And then there are just mentally disturbed people that like to see living creatures suffer from pain. I truly feel that laws and policies are essential to set a standard, but there will always be a percentage of people that will break those laws because of their psyche.

A student described thoughts on saving the white tiger.

Saving the white tiger and how it relates to the criminal justice system is an interesting question....The white tiger is a significant creature that is part of this world and beyond your normal animal....[, a] mystic animal....The lack of support, along with the uneducated greed has placed the white tiger in severe dire need. The criminal justice system is similar in the sense that people are singled out for being in law enforcement. Criminal justice professionals are a different breed of people that discipline themselves, while others are out to cause pain and ill will against them, with no discipline to stop their own actions, fearing no repercussions. The officers killed this year in the line of duty is

staggering and they were killed for the clothes they wore, or their identification, similar to why a white tiger is killed. Our criminal justice [system] has crippled itself by allowing many criminals free with a slap on the wrist, when their actions are more severe than the penalties they receive. This world will forever be changed when the criminals of this world take over, and yet the lack of motivation exists to make a significant change for the better.

The student expressed the deepest empathy for white tigers. As an officer of the law, the student expressed sincere concern that people may not follow the law, and *ergo* harm white tigers, for example by petting white tiger cubs when that violates protection laws.

One student had lost her son to suicide at a local university. Her defensiveness toward animal preservation altered dramatically after reading the texts. She became available and formable. Her attitude shift toward the white tiger undoubtedly helped her with her personal emotional despair,

although that phenomenon remains to be formally studied.

The United States neither leads nor lags behind other nations regarding the protection of animals. The reader learns in...*Animals and Criminal Justice* that some states in the USA allow animals to be qualified as victims despite their quasi-property status. However, it would appear from the reading that the European Union is leading the world in the protection of animals. The European Union...prohibits the genetic modification of dairy cows with hormones and animal testing for beauty products. In the United States, progress towards the protection of animals is progressing positively, but government agencies throughout the U.S. still have much work to do. At the beginning of this course, I did not agree with the conservation of the white tiger. I figured if an animal could breed more successfully in captivity and not the wild, conservation efforts for such a large, potentially dangerous animal were unnecessary. My opinion on this matter has changed. The conservation of the white tiger not only preserves this majestic

animal for generations to behold and enjoy but could also provide the financial means to assist in the conservation of other animals and animal protection efforts in general.

## VI. SIGNIFICANCE

The importance of this research ought not to be underestimated because white tigers are renowned and special creatures, who attract visitors; and whose admissions and donations pay for other zoo animals.<sup>61</sup> Studying them and their self-conservation tactics, and their influence on advocates, who are human and willing to write on their behalves, will demonstrate how to save all other animals, who live in zoos.<sup>62</sup> White tigers will proliferate as long as humans care for them. Intermediate-size zoos and other similar establishments (e.g., sanctuaries) are valves for their survival.<sup>63</sup> Testing the efficacy of animal rights material is significant because it proves that animal

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<sup>61</sup> Cusack, *Save the White Tiger*.

<sup>62</sup> *Id.* CUSACK (2018).

<sup>63</sup> Cusack, *Save the White Tiger*.

rights activists save the white tiger.<sup>64</sup> The outcome of this experiment was also notable not only because it was the first of its kind, but because of what it intended to accomplish on behalf of all animals.<sup>65</sup> The findings proved that *Animals and Criminal Justice* is a superior pedagogical resource and influence on Criminal Justice students.<sup>66</sup>

## VII. CONCLUSION

This work is most suitable as an activist tool rather than an animal rights pamphlet, or as a sympathetic rant.<sup>67</sup> It passes muster under all three methodologies, discussed *supra* in Sections I, II, & III; however, as an activist tool, it has the most power to mend fences protecting white tigers.<sup>68</sup> This work is not an animal rights ploy in itself because some are hostile to the general ethics of animal life (e.g., routine spaying and neutering and

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<sup>64</sup> *Id.* CUSACK (2015).

<sup>65</sup> *Supra* note.

<sup>66</sup> CUSACK (2015).

<sup>67</sup> Cusack, *Save the White Tiger*.

<sup>68</sup> *Id.*

kill shelters).<sup>69</sup> The reality is that they may be good people; yet, some of their tactics disparage animals, but not directly confront white tigers.<sup>70</sup> Animal rights organizations have rarely attacked white tigers because they are so important to millions of people, special, and preeminent.<sup>71</sup> Furthermore, they sustain many facilities, such as sanctuaries, which animal rights activists support.<sup>72</sup> In summary, the white tiger is good because they are special and animal rights activists know this.<sup>73</sup> They are a beloved creature that is good for all animals;<sup>74</sup> and

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<sup>69</sup> CUSACK (2015).

<sup>70</sup> *Id.* Cusack, *Save the White Tiger*.

<sup>71</sup> Their distinctive color renders them exceptionally stealthy camouflagers, which is why they have rarely been cited in the forest or in the water.

<sup>72</sup> Cusack, *Save the White Tiger*. CUSACK (2015).

<sup>73</sup> CUSACK (2015).

<sup>74</sup> Audubon Nature Institute, *White Tiger Celebrates 20th Birthday!* Youtube.com (Nov. 6, 2016), *Available at* <https://www.youtube.com/watch?v=tkYEJQjoBz4>. “White Tiger Celebrates 20th Birthday!” is an elaborate display of affection for a renowned white tiger, King Zulu. *Id.* The video depicts the extent to which a white tiger may be cared for and loved. *Id.* The white tiger effortlessly exhibits talents, skills, gratitude, lovability, and self-control that undoubtedly influence those around him. *Id.* The video depicts King Zulu playing and enjoying his home. *Id.* He gently shares his food with honored guests, flies, who attend his birthday celebration. *Id.* The white tiger allows himself to be seen, and yet advocates for his survival by acting as and living up to the role of the consummate white tiger. *Id.* His voluntary and untrained

animal rights activists know this<sup>75</sup>, which is why the “Save the White Tiger” Article is not incompatible with a book about animal rights, welfare, and ethical treatment of all animals.<sup>76</sup>

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performance, given months before his death, exhibits his glee, which was shared by humans around the world; and remains legendary. *Id.*

<sup>75</sup> Caroline Baskin, Conversations with Big Cat Rescue Director, July 26, 2016, February 17, 2017, February 24, 2017.

<sup>76</sup> Cusack, *Save the White Tiger*. CUSACK (2015).