

UNIVERSAL DECLARATION OF ANIMAL RIGHTS

Preamble

Considering that Life is one, all living beings having a common origin and having diversified in the course of the evolution of the species;

Considering that all living beings possess natural rights, and that any animal with a nervous system has specific rights;

Considering that the contempt for, and even the simple ignorance of these natural rights cause serious damage to nature and lead man to commit crimes against animals;

Considering that the coexistence of species implies a recognition by the human species of the right of other animal species to live;

Considering that the respect of humans for animals is inseparable from the respect of man for another man.

IT IS HEREBY PROCLAIMED:

Article 1
All animals are born equal and they have the same rights to existence.

Article 2
a) Every animal has the right to be respected.
b) Man, like the animal species, cannot assume the right to exterminate other animals or to exploit them, thereby violating this right. He should use his conscience for the service of the animals.
c) Every animal has the right to

consideration, good treatment and the protection of man.

Article 3
a) No animal should be submitted to bad treatment or cruel actions.
b) If the death of an animal is necessary, this should be sudden and without fear or pain.

Article 4
a) All animals belonging to a wild species have the right to live free in their natural environment, and have the right to reproduce.
b) Each deprivation of freedom, even for educational purposes, is in opposition to this right.

Article 5
a) Every animal that usually lives in a domestic environment must live and grow to a rhythm natural to his species.
b) Any change to this rhythm and conditions dictated by man for mercantile purpose, is a contradiction of this law.

Article 6
a) All animals selected by man as companions must have a life corresponding to their natural longevity.
b) To abandon an animal is a cruel and degrading action.

Article 7
Working animals must only work for a limited period and must not be worked to exhaustion. They must have adequate food and rest.

Article 8
a) Experiments on animals that cause physical and mental pain, are incompatible with animal rights, even if it is for medical, scientific, commercial or any other kind of experiment.
b) A substitute technique must be investigated and developed.

Article 9
In the eventuality of an animal bred for food, it must be fed, managed, transported and killed without it being in fear or pain.

Article 10
a) No animal should be used for entertainment.
b) Animal exhibitions and shows that use animals are incompatible with an animal's dignity.

Article 11
Every action that causes the unnecessary death of an animal is cruel, which is a crime against life.

Article 12
a) Every action that causes the death of a lot of wild animals is genocide, that is a crime against the species.
b) Pollution and destruction leads to the extinction of the species.

Article 13
a) Dead animals must be treated with respect.
b) Violent scenes, where animals are the victims, must be forbidden at the cinema and on TV, unless they are for the demonstration of animal rights.

Article 14
a) Protection and safeguarding associations must be represented at government level.
b) Animal rights must be defended by law as are human rights.

The text of the UNIVERSAL DECLARATION OF ANIMAL RIGHTS has been adopted from the International League of Animal Rights and Affiliated National Leagues in the course of an International Meeting on Animal Rights which took place in London from 21st to 23rd September 1977.

My reasons for believing that countries should sign the Universal Declaration of Animal Rights are the following:

1. I believe that some Universal Declarations such as the Universal Declaration of Human Rights have been able to bring about progressive change and improved living conditions for oppressed people in different countries and so the same might logically be expected for animals.

2. While it is clearly imperfect and lacking, in its present form, firstly because it does not and presumably cannot call for penalties for transgressions and secondly because it does not anticipate that countries can be signatories and therefore does not accommodate such an eventuality – it nevertheless provides a starting point for consensus building amongst animal activists.

So I am not arguing here for the declaration to be signed by countries *in its present form*. But I would like to encourage this conference to engage with *Uncaged*, the organisation that advocates for individuals to become signatories to the declaration around ways to amplify its impact by redesigning it as a document that countries can become signatory to and be held accountable to.

Despite long-standing acknowledgment that animals other than human beings are the kinds of creatures that should be afforded consideration, they are still persistently treated with immense cruelty, both legally and illegally, often beyond the purview of the public in many countries around the world. Arguments for appropriate animal protection need therefore to start from their material conditions to demonstrate why human practice in relation to them must change.

The tolerance society extends to factory farming and animal testing laboratories the world over leads one to conclude that people believe that animals should, or perhaps need to, suffer to serve human interests. Yet, our instinct for avoiding pain and staying alive is a fundamental one humankind shares with non-human animals (Singer 2009:11). Is it therefore morally acceptable for

us to stifle this instinct in healthy animals because we can, or because we brought them into being, or because it serves us in so many ways that to stop doing so would seriously change the content of our lives? Jeff McMahan elaborates on this propensity as follows:

Just as the darker side of national solidarity is a tendency to denigrate or even dehumanize the members of certain other national groups, so the other side of species partiality is a tendency to treat the interests of animals as morally insignificant. If we compare the number of radically cognitively impaired human beings who benefit from our partiality with the number of animals who suffer from our tendency to regard them primarily as means to our ends, it is hard to believe that the effects of species partiality are desirable overall from an impartial point of view (McMahan 2005: 361).

“Species partiality” and “speciesism” might be new terms to some, but the latter was coined by Richard Ryder over three decades ago (Wise 2004: 26) and is located within the spectrum of prejudices like racism or sexism. Some people have succeeded in overcoming certain prejudices while others keep them in check only because the “prejudiced”, whether slaves, women, or homosexuals, fought back and gained institutional protections in organised ways that animals are incapable of. As a result, some cultures have legislated improved conditions when particular freedoms are fought for, bringing emancipation to previously oppressed groups.

Animal ethics literature in general can be disheartening about the prospects of rising to the challenge of a revolution for animal emancipation, partly because philosophical writings complicate rather than simplify what can be achieved, to the detriment of the animal in general. The attainment of animal rights in a world that is still unevenly considerate of human rights may smack of wishful thinking, but it might be more achievable than it seems. David Brion Davis, writing in *The Enduring Legacy of the South's Civil War Victory*, as quoted by Steven Wise (2004: 41), offers hope that is not without precedent:

The obstacles to basic legal rights for any nonhuman animal... are major and real.

Considering that slavery had been globally accepted for millennia, it is encouraging that people were able to make such a major shift in their moral view, especially when a cause like abolition conflicted with strong economic interests. We can still learn from history the invaluable lesson that an enormously powerful and profitable evil can be overcome.

How might this very 'invaluable lesson' serve animal emancipation? Well, firstly, if a moral case can be made to support stronger legal protection for animals, how each of us, or groups of us, *view or value* animals shouldn't affect the overall achievement of their emancipation any more than how different human views on slavery affected its abolition.

Does humankind have *a moral obligation to accede to potential legislative measures such as the Universal Declaration of Animal Rights which sets out one version of minimum standards via which animals might be liberated from pain, suffering and the limiting of lifespan and purpose?* While pain and suffering are primary concerns, their deliberate infliction is usually too closely tied-up with limiting lifespan for this oppressive practice to be ignored. All of us animals have no choice but to embrace some form of pain, and ultimately death, since this is how life here works. But the gratuitous pain and suffering of particular animals that are *also* denied the freedom to experience a natural lifecycle is an undesirable and unacceptable fate for any sensitive, sentient creature. It can thus be said to be bad for them.

Pain and suffering are not desirable, and McMahan (1993: 529) describes the latter thus: "Suffering is bad primarily because of its intrinsic nature: it is bad in itself. It may also be bad because it precludes activities or experiences of positive value." Humankind therefore deliberately perpetrates "badness" against animals by limiting their natural tendencies and causing their suffering. In attempting to militate against animal suffering, we are not starting from scratch since at least some protective legislation has been in existence since the end of the 18th century (Posner 2004: 53).

Since animal protection legislation so often fails in its quest, this paper will offer reasons why animals are appropriate recipients of the same basic legal protections we consider necessary for humankind. Although what happens in practice may have very little to do with getting an argument right in theory, ethical justification for appropriate universal consideration of animals is surely worth pursuing? Since all animals including human beings experience pain and suffering in similar ways, we need to have valid moral reasons for treating animal suffering differently from human suffering. Bentham famously stated, The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*? (Quoted by Singer 1971)

It is the last question that seems to me and many others to be the most relevant. The answer is yes, and there are no longer any credible views to the contrary. More than this, causing animal suffering has been considered an offence serious enough to have been legislated against since 300 BCE (Ryder 1989: 1). If animals were considered worthy recipients of legal protection (against more than suffering) thousands of years ago, why is it necessary to pose such a redundant question in 2011? Why is it that our treatment of animals remains contradictory, in that we recognise that they deserve protection and have instituted laws to this effect, yet continue to abuse them in a number of ways? I think we do so for more than one reason, since matters that present themselves as serious issues can be said to be “over-determined”.¹

1. Substantial monetary and other benefits accrue to humankind as a result of treating animals as resources.
2. Animals cannot defend themselves or mobilise themselves into unified action in order to challenge how we treat them.
3. The kinds of animal suffering which would incur public outcry do not occur openly within the public domain. It is not hidden away either since factory farms, abattoirs and laboratories

¹ A concept argued by M Scott Peck throughout *In Search of Stones: A pilgrimage of faith, reason and discovery*, Hyperion Press, 1996.

are sanctioned institutions, but hardly any evidence of the conditions of animals in these places is regularly made public.

4. Humankind is confused (because of a variety of interpretations of dominion theory, amongst other reasons) about what animals owe us and in denial about what we (as moral custodians, for example) owe them.

It may be important here to distinguish the pain and suffering of *death* considered by some to be “necessary” for human diet and the unnecessary and unacceptable pain and suffering which are the conditions under which too many animals *live out their whole lives and then die*.

A paramount impediment to animal liberation is human investment in animals as food. Many people who eat animals would join the anti-vivisection/animal experimentation, poaching, and possibly even hunting lobbies. They would do so because they are against cruelty to animals, and are in denial or do not know that the animals they eat endure comparably unacceptable conditions of pain and agony to those in laboratories. In touching on this most fraught subject I would like to sound a cautionary issued by David Favre (2004: 236) in his paper entitled, *A new property status for animals*: “It is a burden of the animal rights movement that so many of its leaders will support only the purest philosophical position, regardless of political feasibility.”

I think it would be difficult to convince a great deal of humanity that it is always wrong to kill for food. *Homo sapiens* are consumers of meat; and while we might be complex in different ways to animals we are also simply another omnivorous animal. We made the transition from hunter gatherer to intensive farmer in a relatively short period of time and, to cut a long story short, are now – in some parts of the world at least, referenced below – reconsidering whether the rearing of animals for consumption need necessarily translate into lifetimes of abject pain, suffering and misery which has largely been the lot of farm animals this past century. Countries in the European Union, for example, are revising the conditions of, and the laws that govern, factory farm animals

(Singer 2009: x). Despite these flickers of light in the overwhelming darkness, the plight of too many animals being fed on the world over remains unacceptable.

While minimalist and piecemeal change for some animals in some countries is underway, some people will become vegetarian or vegan, not always because they're morally against meat eating, but because they are convinced by a Peter Singer (2009: 162) argument that to decrease the demand for meat and dairy products while the conditions of animals remain untenable, is a significant weapon in the animal liberation arsenal. I think he's right but I don't think meat consumption is likely to come to an end in the foreseeable future, and the present material conditions of too many animals are too unbearable to amalgamate their struggle for liberation from daily pain, suffering, and drastically curtailed lifespan and purpose, with an ultimatum to humankind to become vegan. While the consumption of meat is no longer necessary to the survival of many people on the planet who have access to alternative food sources, the call to veganism is based in a hope that humankind would choose to desist from a pleasure that it both loves and is convinced is necessary for its well-being, so that animals should live. To kill to eat is a different sort of choice from killing in vivisection and convincing the vast majority of humankind to stop eating meat would be, to my mind, the same or as difficult as trying to get any other omnivorous animal to choose to be herbivore. I am, however, also convinced that the number of meat eaters who would prefer to eat animals that have not suffered all their lives is significant enough to have a dramatic and positive effect on reducing animal suffering. In other words, that animals and animal liberation might be greatly boosted by people who support its basic tenets but who might not yet be or might never become vegetarian.

This paper therefore argues for active country level support of universal legislation that will ensure that no animal is neglected, starved, hurt or subjected to any form of deprivation or suffering including as a result of having their natural inclinations frustrated, even if a country has not committed to being vegan.

Therefore my main arguments going forward are:

(1)

1. Both animals and humans feel pain and suffer, also when lifespan and purpose is deliberately curbed.
2. All humans are declared legally protected against the deliberate infliction of such pain and suffering by the Universal Declaration of Human Rights.
3. None of the differences between animals and humans matters from a *moral* point of view where such pain and suffering is concerned.
4. Therefore, animals are appropriate candidates to be declared universally and legally protected from such pain and suffering.

(2)

1. The law has proved essential to advancing struggles for human protections and freedoms employing 'rights' as a basis.
2. Animals have interests in similar protections and freedoms.
3. Therefore, legislation for animals as outlined in, but not limited to, the Universal Declaration of Animal Rights is essential to advance animal protections and freedoms.

(3)

1. Human tyranny accounts for much deliberately inflicted suffering, including animal suffering.
2. Educational, legal and regulatory institutions that work well together to reduce suffering, also serve to limit human tyranny.
3. Therefore educational, legal and regulatory institutions are necessary to limit human tyranny over animals.

If current treatment of animals does not rest in the realm of tyranny, then the quest to show that none of the differences between animals and humans matters from a *moral* point of view where

pain and suffering are concerned, must fail. Conversely, animal suffering must clearly be shown to be of less moral significance than human suffering.

Inflicting the sort of pain and suffering on animals that it would be legally unacceptable to inflict on human beings, must be grounded in essential differences between animals and non-human animals that justify such differing treatment.

The past century saw women, people of colour, children, and homosexuals acquire legal rights previously denied to them because it was agreed, amongst other things, that they were being prejudiced in some way, and that their interests in being protected should triumph. Since people do not necessarily relinquish their prejudices as a result, and many continue to act on them, this proclivity is the impetus behind the *legalisation* of protection. The law prohibits certain actions but also enforces penalties if the laws are transgressed because it anticipates the actions of those who do not ascribe to it. So, we have laws against woman and child abuse, racist or heterosexist acts, and concomitant punishments. Such laws are not always promulgated on the impetus of broad-based recognition of the prejudice. If a moral case can be made for why certain freedoms (such as homosexuality with regard to the South African constitution – a gain which was made as a result of a timely and strategic intervention rather than majority consensus) should be protected, or particular practices banned, legalising the protection and the ban can follow. By so doing the law displays its particular capacity amongst societal institutions to act as both a procurer and enforcer of moral positions. The law has been playing this role, as far as the protection of animals goes, since at least as early as the third century BCE (Ryder 1989: 1).

“No living beings are to be slaughtered or offered in sacrifice” (*The Fourteen Rock Edicts*, 1) professes Asoka, as emperor of India who “became a Buddhist and a

vegetarian and, in accordance with the doctrine of 'ahimsa' (nonviolence), suppressed the royal hunts and ordered the curtailment of the slaughter of animals throughout his empire" (Ryder 1989: 1).

Since we do not live in times when a benevolent, visionary dictator can simply impose the moral high ground (a controversial but increasingly attractive notion), we need to look elsewhere to do so if we agree that animals have interests in much more comprehensive protection than they currently receive the world over. National constitutions or Bills of Rights are the places one might look to and, since 1994, the South African constitution is said to be an exemplary model of human protection. In order for constitutional applications to legitimately exclude animals, they must arise out of concepts which naturally exclude animals or have relevance for humankind only.

Dignity is seen by the legal community to be the *grundnorm* or a founding principle of the South African constitution. Roman law contains the concept *dignitas* which is roughly interpreted nowadays by lawyers to mean the right to self-respect to which every individual is equally entitled because they are said to possess equal moral value. Any fact about individual human identity, such as hair colour or IQ, is irrelevant to the moral status of that person since it is an inherent quality or a birthright. Where do we draw the line on the possession of dignity? In the legal sense mere biological life does not bring direct moral value which is why people in persistent vegetative states can have their lives ended – because *experience* is seen to be the first threshold for being morally considerable² (McConnachie 2010: presentation). Animals have the same capacity to experience and, like human beings, they display *interest* in having more positive than negative experiences. The possession of dignity by animals (the root reason why a number of legislative instruments for greater protection of animals have been instituted in several countries in recent years) (Singer, 2009: xiii), taken together with equal interests considerations, entitle animals to the same protections the

² A position argued by Chris McConnachie at the Hunterstoun Symposium, 'Non human animals – where do we go from here?', 29-30 May 2010, University of Fort Hare.

South African constitution seeks to accord previously disadvantaged groups of people. Such protections for animals would go beyond pain and suffering to embrace lifespan and purpose too.

Where there is a conflict of interests between animals and people, Kirsten Youens (2001: 2) suggests that these be resolved by the law taking the lead to enforce change by “granting animals” legal standing. Moral and legal standing are not the same thing, but as Kai Horsthemke (2010: 274) notes “... it may well be the case that common moral goals, such as freedom from exploitation and abuse, would be more readily attained if rights, especially legal rights, were extended to all powerless individuals, in other words, to animals as well”.

South Africa is home to both human rights activists and animal activists, with some of the latter being champions of animal rights. The struggle against apartheid and the experience of living in a fledgling democracy for the past 17 years has taught South Africans that while promulgating laws is not a panacea for gaining meaningful protections for people, it can be a powerful *starting point*. Rape, for example, is a punishable crime in South Africa, but a woman is still raped every 17 seconds³ (Rape statistics South Africa and Worldwide 2010: 1) because laws are not entities that necessarily effect change in behaviour. Nevertheless, having the law in place presents an opportunity for activists to rally to make the right more meaningful. The men and possibly women who are responsible for women remaining at risk are the perpetrators of the rape, as are the police and prosecutors who do not treat it as a serious crime, and the judges who have frustrated activist groups such as People Opposing Women Abuse (POWA) by handing down minor sentences and insignificant bail charges to rapists, thereby setting a precedent that rape is not a serious offence. This overall societal attitude to rape makes it much harder to exact justice for rape victims and survivors.

³ http://www.rape.co.za/index2.php?option=com_content&do_pdf=1&id=875

Similarly, those who have taken up the struggle for animal emancipation have come to realise that activism without laws is unlikely to bring about urgent and appropriate redress for animals and that, *as with human struggles*, the law must play a greater role.

There can be no doubt that change is in the air in relation to the legal status of animals.

The philosophical debate is growing, and there is increased acceptance of the idea that the law must recognize that animals have intellectual, emotional, and physical attributes that entitle them to certain basic rights beyond protection from egregious cruelty (Wolfson and Sullivan 2004: 205).

The greatest impediment to animal liberation is not that people do not believe that animals suffer. It is instead that they do not believe animals *matter* as much as human beings. In consequence, animal suffering counts only to the extent that an individual or community or society values animals. I wrote earlier that humankind has come to believe that animal suffering is *necessary*, but I have found no sound reasons to support this in my investigation. Instead I have discovered that animal suffering more than just matters, and that it matters, for the most part, in the same way that human suffering does. Whether to increase pleasure and decrease pain from a preference utilitarian perspective; to refrain from committing unacceptable harms from a deontological position; or because a virtuous agent would not willingly and intentionally cause preventable harm, if human beings are entitled to protection from physical harm then animals should be entitled to the same basic protections for the same reasons. Those who do not accept this conclusion, I believe, do so from a propensity for tyranny noted all those years ago by Bentham. It would be difficult to convince them otherwise because their reasons for believing as they do are not rooted in “universalisable” morality or logic, but in their opposites. Those who do not share this resistance, identify with a higher moral intuition coming down in philosophical writings which dictates that much more must be done to bring animals under the same banner of moral concern as human beings.

To avoid a piecemeal approach and to catapult or fast track protection for animals the world over, I believe the Universal Declaration of Animal Rights should be signed not only by individuals as it is currently being, but by countries too. I know there are at least two key arguments working against this suggestion. One is that there has not been significant international deliberation or consensus building on the current UDAR; that it has been drawn up by a single organisation *Uncaged* along the lines of the UDHR which might not be the best formulation. The other is that a country would have to be vegetarian before it could sign the declaration. I hope I have made my argument against the latter and I fervently hope we can take steps to construct a UDAR that can be supported by every country the world over. The law might be an ass, but amongst tyrants, an ass can and in this case should lead the way.
