

The article that appears below appears at amazon.com as a book review. In order to provide the protection and empowerment all animals need for a chance at a fulfilling life, we must define “animal rights” accurately, based on the precise meaning of rights, and promote them the way rights come to exist for new groups of persons. This article shows that the first wave of the “animal rights movement” does not promote rights and prevents progress by calling itself a rights movement. A new wave, such as Responsible Policies for Animals is creating, is needed.

The plight of nonhuman animals is rapidly worsening. Every form of abuse the first wave of the “animal rights movement” has fought for more than three decades and the animal-welfare establishment has opposed for a century-and-a-half continues to increase. So does every injustice toward nonhuman animals that those endeavors have neglected or ignored.

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An “Animal Rights” Book that Is Not about Rights

By David Cantor, Executive Director, Responsible Policies for Animals

I am dedicating my second half-century of life to establishing the equal guaranteed autonomy, ecology, and dignity rights all animals need to lead a fulfilling life, including human beings. One of the biggest obstacles to this extremely difficult goal is a basic misconception about the meaning of the term “animal rights.” *The PETA Practical Guide to Animal Rights: Simple Acts of Kindness to Help Animals in Trouble* by Ingrid Newkirk is a powerful source of the misconception, though far from the only one. Though it was published four years ago, serious discussion of it remains timely: It encapsulates the strategy People for the Ethical Treatment of Animals and many other first-wave “animal rights” organizations have promoted for more than three decades, and that failed strategy remains predominant among advocates who see themselves as promoting rights of nonhuman animals whether they really do or not.

Rights that protect persons from injustice, tyranny, and oppression are (1) Constitutional guarantees against unreasonable and unwarranted intrusions; (2) those guarantees established by the courts or by legislation as flowing from rights established in the Constitution. Rights are not caring, compassion, helping or rescuing others, humane treatment of others, or eschewing products made by harming others. Rights work to establish justice, not kindness.

Three things must happen for a new group of persons to acquire rights such as humans have under the U.S. Constitution and many other nations’ Constitutions: (1) The public comes to recognize the *personhood* of each member of the excluded group – defined as *someone* worthy of life, respect, and fulfillment, not as *something* to disregard, use, own, or destroy; ideologies and invidious distinctions holding some beings superior to others give way to the inherent worth, equality, and interrelatedness of all. (2) The public recognizes *wrongs* done to the excluded group and its members by practices and policies previously deemed morally acceptable. (3) The new group’s rights are established in the Constitution by the

amendment process, to prohibit recognized wrongs and mandate that laws, policies, and practices comport with these guarantees. Once rights are established, implementing and enforcing laws are passed.

Rights are incalculably helpful in making progress toward justice as meant in the Declaration of Independence and the Preamble to the Constitution, that is, as a desired state of affairs innate to the human imagination because all sociopolitical animals pursue it for themselves and the common good. Books that support this understanding include *Inventing Human Rights* by historian Lynn Hunt, *Rights from Wrongs* by law professor Alan Dershowitz, *The History of Human Rights* by Micheline R. Ishay, *Seneca Falls and the Origins of the Women's Rights Movement* by Sally G. McMillen, *The American Soul* by Jacob Needleman, *Universal Human Rights in Theory & Practice* by Jack Donnelly, *Wild Justice* by Marc Bekoff and Jessica Pierce, *Baboon Metaphysics* by Dorothy L. Cheney and Robert M. Seyfarth, *Good Natured: The Origins of Right and Wrong in Humans and Other Animals* by Frans de Waal, and many others.

“Legal protections” not flowing from rights do not protect. More dog-fighting takes place today than before the practice was banned in all 50 states. Dogs, like all other nonhuman animals, have no rights. Billions of nonhuman animals suffer intensely throughout their lives because they lack rights and are the property of humans. Millions of pampered pets lead unfulfilling lives because breeding for traits desired by humans (rightly rejected as *eugenics* when perpetrated on humans) leaves them dependent on humans for their basic needs, perpetually docile, obsequious, and juvenile with immature brains, and subject to every kind of abuse the human imagination concocts as well as harmful neglect.

Prohibitions against murder, rape, and other violence against fellow humans are not the reason the vast majority of humans do not attack other humans. Humans for the most part get along because biology, sociality, morality, and ideology combine to produce civility. War, persecution, and genocide occur mainly when authorities impose an ideology that suppresses natural restraints against harming other humans. Original humans, weapon-less plant foragers, exercised similar restraint toward *nonhuman* animals. But not in recent millennia. Humanist and speciesist ideology, practice, and policy suppress humans' natural affinity for other animals but cannot stamp it out. It is strong and easily revived through persistent contemplation and study of nonhuman animals. But the devastation humans wreak on the living world, and our species' overpopulation and environments made “safe” by removal of most other visible beings, leave life-destroying activities well protected today.

Rights do not come to exist for new groups of persons because people are kind to members of excluded groups or refrain from purchasing products made at their expense. Humans' Eighth-Amendment protection against cruel and unusual punishment by the state can only protect humans against official cruelty if the other rights Amendments are respected and enforced – Amendments that prohibit slavery and involuntary servitude, unreasonable search and seizure; that guarantee rights of free speech, assembly, and redress of grievances – the precise configuration ingeniously crafted by the founders from centuries of theorizing, experience with rights of British citizens alongside divine-right monarchy, an emerging scientific grasp of human nature and institutions, and a desire for long-term peace and tranquility rooted in justice.

Despite this well-established understanding of rights, for reasons not explained in the book, *The PETA Practical Guide to Animal Rights* says,

People who support animal rights believe that animals are not ours to use for food, clothing, entertainment, experimentation, or any other purpose and that animals deserve consideration and what is in their best interests, regardless of whether they are cute, useful to humans, or endangered, and regardless of whether any human cares about them at all (just as a mentally challenged human has rights, even if he or she is not cute or useful and even if everyone dislikes him or her).

I do not see rights language there or elsewhere in the book, just some animal advocates' mental states. Nonhuman animals are *in fact* – under current law, lacking rights – the property of humans to use in the specified ways *and* for “any other purpose.” Grasping this is crucial for all who might want nonhuman animals to have the protection and empowerment that only rights afford and who might discuss animal rights privately or publicly. And looking closely at purposes which the *Practical Guide* says other animals are “not ours to use for,” we see that most victims are animals enslaved and bred by humans. Omitting from consideration are the vast majority of members of Earth's million-plus animal species – despite the book's apparent blanket plea on behalf of all animals.

The *Practical Guide* does not answer questions like, Considering the set of rights necessary to protect and empower human beings, how can rights of other animals consist only of not using them? What about not destroying their homes or poisoning their water, their air, their soil, and their food? What about not invading and occupying their homes? What about not altering their climate more quickly than natural evolution processes can reckon with? If humans only had a right not to be used by others and lacked the other rights designed to end thousands of years of tyranny, would they be able to lead fulfilling lives? If not, then do all animals not need a full complement of rights like humans have? As I see it, by failing to campaign for such rights, we forever maintain the kind of double standard that rights can eliminate, keeping nonhuman animals in their current subordinate, vulnerable, stressed, miserable, and declining state.

The *Practical Guide* and other books by the author promote and reinforce pet ownership, so “any other purpose” in the above-quoted passage must be taken with a grain of salt. Love and companionship are among the most popular purposes for exploiting nonhuman animals. Humans' deeming their affection for other animals a legitimate basis for owning, confining, and enslaving them generates incalculable suffering. Horrible factory-farming practices the book decries, for example, can be traced back many thousands of years to the *compassionate* act of rescuing baby pigs whose mothers were killed by humans' unnatural and unjust practice of hunting. What about the global scourge of cruelty and neglect endured by dogs, deplored in the *Practical Guide*? Had humans not commandeered free-living dogs' genes in one of their longest-running eugenics programs, docile, defenseless canines would not be available by the hundreds of millions today to kick, stomp, torch, chain, starve, drown, train for fighting, injure and infect in laboratories, and keep alone, confused, frustrated, sad, and unable to eat, play, or relieve themselves while human owners live their unnatural lives at work, school, recreation, entertainment, celebration, and worship.

The *Practical Guide* gives many highly informative and engaging details of who – “not what” – nonhuman animals are: the complex experience and the sophisticated intelligence and capabilities of octopuses, birds, fish, and others often overlooked in humans' fascination with beloved or “charismatic” animals. This kind of knowledge can help establish nonhuman animals' personhood in the public mind – a key part of the process of establishing rights of all animals. But the book does not make a case that nonhuman animals are biological persons who should be deemed persons under the Constitution and the law. Rather, it shows that the terrible suffering which humans inflict on other animals is experienced by sensitive and intelligent beings. There is all the difference in the world between the two arguments. The one promotes a full complement of rights. The other just lends force to the book's exhortations to speak out for the animals, fight cruelty, promote compassion, and adjust eating and shopping choices to avoid supporting industries that use nonhuman animals – conscientious objection, not fundamental policy reform leading to rights. This sampling represents the animal-advocacy strategy promoted in the *Practical Guide*:

The beautiful thing is that activism is easy and takes as many forms as there are drops of water in a river.

I came to see that although most of us grew up knowing and believing in kindness to animals, wanting animals to be treated with decency and respect, something has gone wrong. Luckily, we can fix the problem.

I hope to motivate and empower you to make the vital changes that must come about. For you are the most important asset the animals have: you are the voice and lifeline they depend on.

... millions of compassionate people who have switched from being sloppy shoppers to caring consumers.

... you can easily understand just how important you are to animals in trouble.

PETA members ... don't accept cruelty; they openly and firmly object to it and, in many cases, get it stopped. It is thanks to them that great changes happen.

Quite a few "great changes" have "happened" to nonhuman animals since PETA started "selling compassion" (PETA co-founder Alex Pacheco as quoted *The Animal Rights Movement in America* by Lawrence Finsen and Susan Finsen) more than three decades ago: Far more are used for every imaginable purpose (and some unimaginable ones hidden from view); far more are victims of cruelty and neglect; far more are slaughtered or hauled out of the oceans for food; countless more billions of animals have endured agony from poisoning of their bodies, homes, and food and the heating of their planet by humans; the rate of species extinctions has reached an estimated one thousand times the rate before humans started hunting and herding animals and farming unnatural plant foods rather than foraging for their natural ones; far more species are near extinction; and by every other meaningful measure, nonhuman animals' plight has worsened.

Just as raising awareness of humans' plight, speaking out against cruelty to humans, and other "easy" forms of activism do not remedy humans' plight, doing the same on behalf of nonhuman animals does not remedy theirs.

Why not? Because nonhuman animals continue to have no rights; no large-scale organized endeavor has been undertaken to establish their rights the way rights come to exist for new groups of persons; few people realize that, so the need for the effort remains unrecognized; and millions of people, thinking compassion is the means to rights, fail to see the need for a new strategy that comports with rights theory. The emphasis on fighting "cruelty" blinds people to the reality that nearly all suffering comes from injustice, almost none from cruelty. Cruelty is perpetrated for the purpose of causing pain and suffering. Nearly all atrocities against nonhuman animals, including those deplored in the *Practical Guide*, have other motives and purposes: safety, status, career, profit, habit, tradition, ideology, amusement, recreation, relaxation, medicine.

Compassion, literally *suffering with another*, a natural human trait, is not the basis of rights or a means to establishing them for new groups of persons. If it is mentioned at all by the great rights theorists and advocates throughout human history, it is so rare as to be irrelevant. I have not been able to find it in *The Federalist*, circulated to promote ratification of the U.S. Constitution. It played little part in the framing of the Constitution or its rights Amendments, the founding or strategy of the women's rights movement, or the civil-rights movement leading to the Voting Rights and Civil Rights Acts.

But when one's only tool is a hammer, everything can look like a nail. Here is an example of how the *Practical Guide* misleads by insisting that compassion can generate the protection nonhuman animals need. Among the many actions on behalf of animals praised in the book is the time, during my employment in PETA's Research & Investigations Department, when I drove Big Bruno, the exuberant dark-brindle greyhound my spouse and I adopted from a racetrack, to the Capitol at Richmond to oppose legalization of dog racing in Virginia. I had received a tip that a bill to permit dog racing was being drafted and the racing industry was seeking sponsors in the legislature. While I entered the Capitol, showed legislators, aides, and newsmen a video, and gave out literature about suffering caused by the dog-racing industry, a friend

held Bruno on a leash outside, where he was photographed and videotaped standing on the capitol steps and greeting, beneath a shade tree, a busload of schoolchildren arriving at the Capitol on a class trip.

Items appeared in Richmond's evening news and in the next morning's newspapers, featuring the charming Bruno and outlining the case I'd made against dog racing. The *Practical Guide* says the dog-racing bill "did not receive even one vote; after seeing Bruno on television and in newspapers, compassionate citizens could not imagine condemning tens of thousands of dogs like him to death every year." But the bill *could not have* received any votes: It was never introduced in the legislature. Nor did "compassionate citizens" rally: There was no need to organize a letter-writing campaign or a demonstration, since the bill's prospective sponsors declined to introduce the bill. The racing industry threw in the towel because we had shaped the public narrative rather than react to the industry's narrative. *The tip we received before the bill was introduced obviated the need to pit compassion against exploitation.* The outcome resulted from a strategy any engaged citizen can apply to any political interest, whether related to inanimate objects or beings deserving of compassion. Nor has compassion yet eliminated the dog-racing industry two decades down the road, or any other animal-exploiting industry.

The definition of "animal rights" can only be based on the meanings of "animal" and "rights." It cannot be based on what is "practical" for "helping animals in trouble." Wishful thinking might delay some advocates' noticing the contradiction contained in the *Practical Guide's* title and subtitle. "Simple acts of kindness" have nothing to do with establishing rights of those one is kind to. Nor is working to establish equal rights of all animals "practical" in any conventional sense. Human beings are so far from comprehending, let alone establishing, equal rights of all animals, that *impossible* is closer to the reality. Rights of all animals will be established, but not soon, and the task is far from "easy"; it requires study and dedication on the part of all who wish to create the needed change.

The need of rights being clear, animal-rights advocates must persist, with little discernible progress from day to day. Fortunately, rapid communications methods and mass literacy can enable the needed change more quickly than philosophers of the 17th and 18th centuries were able to make equal human rights the basis of governance. Seeing how working for nonhuman animals' rights will reduce human suffering, loss, deprivation, and early death will help, as will more complete public discourse on the holocaust against nonhuman animals and the shocking, deplorable, and unacceptable extent of its depredations.

Nonhuman animals have no rights today - only ineffectual anticruelty laws that do not protect the animals because they need rights for their legal protections to be effective. Not persons under the law like humans, they are subject to every possible injustice that human beings can imagine - and they imagine plenty. If cutting live frogs in half is something travelers to Vietnam "get to see" according to a popular travel show, and if cutting fins off of millions of sharks each year and tossing the animals back into the ocean alive is a legitimate way to make soup, and if "rattlesnake roundups" are sanctioned socially and legally, and if fishing is legitimate therapy for veterans with post-traumatic stress disorder, and if news, schools, universities, civic and youth groups, and places of worship say next to nothing about our species' impacts on nonhuman animals, then the thousands of victories achieved for nonhuman animals, including those I contributed to personally in many years of applying the strategy outlined in the *Practical Guide*, cannot represent progress toward rights of all animals.

Not only do nonhuman animals suffer more over time with no rights amidst ever-intensifying human overpopulation and ever more destructive technologies, but self-serving dogma that whatever people do to help animals advances the cause of animal rights has generated many political and intellectual absurdities. Here are a few: Conferences called "animal rights" that do not discuss how rights come to exist for new groups of persons or promote any particular rights of nonhuman animals. Vegetarian conferences that characterize themselves as promoting animal rights merely because some participants eat plants-only out of concern for animals used for food. Animal-behavior experts described by themselves or others as promoting animal rights merely because they urge people to respect nonhuman animals. Countless news

items calling people “animal rights activists” who merely object to practices that cause nonhuman animals to suffer.

Conflating humane treatment and rights might also be debasing human rights, though this is difficult to prove, and sloppy public discourse by officials and newsmen also contributes. Discussions of torture by the U.S. government, uprisings known as Arab Spring, and other matters related to the establishment, enforcement, and violation of human rights in recent years have often substituted for the question, Have rights been violated?, the question, Were people treated inhumanely? Inhumane treatment can include shouting at people, insulting, frightening, deceiving, or confusing people, imposing any unpleasantness at all – since “inhumane” just means *unkind*.

Inhumane treatment in itself does not violate rights or subject perpetrators to prosecution, impeachment, or other legal action. Upholding our Constitution (our primary task as citizens) and ensuring that our government observes international laws and treaties and avoids exacerbating animosity and terrorism against us require that we understand and keep clear in our thoughts and actions the difference between rights and personal conduct like kind or unkind treatment of others. The rule of law, a core requirement of a functioning democratic republic, will be undermined if we are told repeatedly and consistently over a period of decades that rights are tantamount to humane treatment or that inhumane treatment per se violates rights.

Early in my days as a full-time PETA employee, circa 1990, eyeing the close-up photograph of a winsome pig on the cover of the latest issue of *PETA News*, I said to Newkirk, the magazine’s editor, PETA’s national director, and the occupant of an office a few yards from my cubicle, “He looks just like a person.” Her reply: “He *is* a person.” Striking, memorable – and true. But what logically flows from animals’ *personhood* is not merely that humans should treat them humanely and urge others to. All animals deserve to lead fulfilling lives as they would if humans had never fashioned a spear, a club, a fishhook, a herd, a fence, a building, a boat, a farm, a food-storage facility, a trap, a gun. Compassion, speaking out, and shopping mindfully cannot get the job done; long-term persistence and dedication to equal guaranteed basic autonomy, ecology, and dignity rights can.