

The Animal Invitation

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Consider whether any animals other than humans could be given rights or other fundamental protections by modern legal systems. This question goes beyond the anti-cruelty protections found in virtually every moral code and statutory scheme, and also beyond the species-level protections offered by some environmental legislation. The question is, rather, could individual animals other than humans plausibly be the direct, primary beneficiaries of legally enforced protections such as the right to remain alive and free from the domination of humans?

The question is invited by two distinct features of the world in which we live. The first feature is *our* ability to care about “others”: the fact that many societies have included non-human animals within their moral circle makes it clear that humans can, if we choose to do so, include some non-human animals as direct beneficiaries of socially sanctioned protections. The question is also invited by the facts of other animals’ lives. Some other animals, most obviously those with large brains, familial allegiances, social ties and complex communication systems, have lives that are, in important respects, very much like the lives that we as humans live. It is, as a logical matter, obvious that non-human individuals with at least these features can be protected at very high levels by our legal system even though they are non-human.

But even if the realities of some non-human living beings invite our moral abilities to this simple, natural question about formalised protections for them, the question about *legal* protections for any non-human animal will seem odd to some, perhaps even an irreverent or frivolous imposition in a forum where global dialogue is the goal. Dismissal of the underlying issue of other animals’ moral importance is common, driven by human-centred values that dominate policy, law, economics and development. Indeed, much political and religious discourse, not to mention many humans’ daily exchanges, goes forward on the assumption that the world’s non-human animals exist for the sake and use of the world’s human animals.

The basic question—the animal invitation, as it were—remains, however, for it is an eminently human question and is now being asked widely. It can be found in legal opinions from the Indian subcontinent, policy debates in New Zealand, and scholarly debate in legal circles. It is explicit in many NGO (non-governmental organisation) concerns, and it is implicit in much environmental, religious and ethical discussion.

Multiple Legal Vehicles

The principal vehicle by which modern industrialised societies offer basic protections is, of course, the notion of positive rights codified in legal systems: everyone is familiar with a legislature or other government branch explicitly affirming particular legal protections for individuals. There are, however, means other than an explicit assertion of “rights” available in modern legal systems if a society chooses to offer basic protections of central interests such as life and liberty. Through the use of criminal law prohibitions, the recovery of damages in civil law systems, and trust law allowing resources to be dedicated for the benefit of a specific individual, societies have long provided legal mechanisms that create basic safeguards for individuals.

Whether such protections are explicitly termed “rights” is not the most important point, although it is a question which drives some debates. Some insist, for example, that individual-based legal rights are a highly complex protection that should be afforded only to humans. The reasons given for confining positive legal rights to humans vary, ranging from religious grounds to claims that humans alone are able to carry out the duties such rights are said to entail. To be sure, use of the term “rights” is valued precisely because it signals a high level of moral approval for the subject matter being addressed. The critical issue, however, is not what the legal protection is called, but rather the effectiveness of the protection: does the legal shield offer meaningful protection to the individual and thereby regulate harmful interference by others? The basic question, then, is whether legal mechanisms, formally denominated “rights” or not, will be used for the protection of non-human animal individuals. If society decides to implement such a mechanism, the legal system offers a number of effective tools that will protect prized living beings.

This most basic of questions is the animal invitation: which living beings invite human beings, so capable of morality or the protection of others, to notice and take them seriously?

An Unfolding Invitation

The basic question unfolds, upon reflection, into a larger set of questions that must inevitably play a role in healthy global dialogue. Grappling with the animal invitation pushes one to consider, for example, the nature and scope of human ethical anthropocentrism, that is, the tendency to focus solely on our own species when it comes to employing our wonderful ability to care about other individuals. Such human-centredness has not always been the norm. In fact, across time and place, radical anthropocentrism has not been a common choice among human cultures. Rather, many humans, from indigenous peoples to religious believers to secular ethicists, have recognised in various ways that human animals are not the only living beings that matter. And this remains so today, even though the cultural complex that currently dominates discussion of “rights”, “law” and “public policy” at both national and international levels draws much of its soul from the European-based anthropocentrism that has seen only humans as valuable animals.¹

But even if a human-centred cultural complex, by virtue of its assumptions about non-human animals, is the backdrop against which many discussions take place, the animal invitation, driven as it is by our own moral sense and our ability to inquire honestly about the realities of other animals, is persistent. This may be so because it is a natural tendency, which even if erased in many by cultural conditioning continues to emerge in the daily lives of some humans.

At the very least, the fact that many human cultures have highlighted concerns for other animals suggests that absolute dismissals of other animals, so characteristic of economics-driven and development-oriented “progress”, are not exhaustive of our options. In fact, in some guises such a dismissal is merely one more version of the arrogant cultural imperialism that rejects as flawed and inferior any set of values different from European and American ideas. It is simply fallacious to assume that the most representative human approach to other animals is the impoverished set of ideas that dominates industrial societies. Such a dismissive repudiation of other animals’ abilities and moral worth has been repugnant to many cultures. The values of these other cultures and sub-cultures reflect well what humans in many societies have long known. Humans naturally ask broad-ranging, inherently ethical questions about other animals, whether human or not. We want to know which beings other than ourselves we can care about. Just who are the others that we *should* care about? How do we as individuals learn about candidates for our moral concern? How can I answer these basic questions compassionately, and in a way that helps others around me do the same?

These questions and their implicit invitations remain an integral part of our heritage as humans, even as some cultures, religions and legal systems attempt to smother them with anthropocentric formulations as regards acceptable answers. But even if it is sometimes the case that established institutions and traditional moral authorities, including certain religious, legal and political leaders, attempt to make concern for other beings a sign of pathology, a broader view sensitive to all human communities makes it clear that concern for other animals is a healthy, natural concern that has often informed humans’ lives.

Breakthroughs

Hence, even if some of the talk within the developing tradition of global dialogue has heretofore been dominated by an imperialist version of which beings matter, the animal invitation regularly breaks through because it goes to the heart of what it means to be human. Consider, for example, several different manifestations of this phenomenon. In 1993, the Great Ape Project commenced its work on behalf of chimpanzees, bonobos, orangutans and gorillas. The group’s mission statement makes plain its goal: “The mission of the Great Ape Project is to achieve fundamental rights for nonhuman great apes, including life, liberty and freedom from torture.”² The underlying vision of the world is one in which humans’ regulatory systems, whether moral or legal, lead humans to a viable relationship with other animals.

The Great Ape Project seeks a world in which the boundary between humans and all other species no longer divides those beings who have basic rights from those who have none; nor those beings who are legally persons from those who are merely property ... With the softening of the ethical boundary between human beings and their nearest relatives, we look forward to the commencement of a fundamental reconsideration of the relationships between humans and all other sentient beings.

The Great Ape Project is but one effort regarding some of the most complex of non-human animals. Its ethics-driven arguments rely heavily on scientific information about the cognitive, social and personal complexities of orangutans, bonobos, gorillas and chimpanzees. Similar efforts based on other sorts of argument, including religion, tradition, ecological awareness and companionship, are going forward on behalf of many other mammals and life-forms. The animals which human groups seek to protect range well beyond the companion animals that are increasingly common “family” members in the lives of urban and suburban humans. They include food animals, biomedical subjects, circus and other “entertainment” animals, and, of course, wild animals.

Importantly, various forms of the basic question about the feasibility of using legal protections for other animals are now being posed widely in some of the world’s most influential legal systems. In retrospect, given that legal systems throughout the world have been important players in various attempts to identify and eliminate injustice and cruelty, it was inevitable that those who wished to challenge the harshest uses of other animals would gravitate to basic legal concepts and values.

But even as contemporary legal systems must now deal with a variety of attempts to change the deeply entrenched tradition that forces any non-human animal interest to bow to even trivial human interests, legal institutions remain a mainstay of the dismissal of all non-human animals. The obvious and subtle ways in which this is so are the subject of a trenchant critique by various legal scholars. One has argued forcefully that the United States’ legal system is dominated by transparent rationalisations, since judges are “inclined to consider any use [of non-human animals] ‘humane’ or any level of pain ‘necessary’ as long as there is some human benefit to be gained”.³ Note what is being claimed here: contemporary practices that would seem inherently cruel, such as the overcrowding that defines modern forms of animal agriculture commonly called “factory farming”, are held by courts to be “humane” or “necessary” because such practices produce net economic benefits. When viewed by eyes not conditioned to those practices or when assessed by minds not exclusively focused on monetary profit, the same practices are violations of the anti-cruelty protections that human societies have almost universally held dear.

The most commented upon recent analysis of legal protections for non-human animals is Steven M. Wise’s *Rattling the Cage*,⁴ which has been reviewed by leading judges and scholars in prestigious law journals (such as the *Harvard Law Review* and the *Yale Law Journal*) and in major newspapers such as the *London Observer* and the *New York Times*. Wise’s gambit is, in key senses, the approach of a conservative, since he emphasises again and again the importance of the rule of law and the traditional core values of common law legal systems (commitments to justice, equality, liberty and dignity). He argues that these bedrock principles should lead the legal system to be responsive to new findings about some non-human animals. In calling upon law to provide rights to specific non-human animals (chimpanzees and bonobos), Wise thus calls upon the very institution that has to date been deployed to exclude such animals (and, of course, many humans as well) from possession of rights.

Arguments based on legal issues go well beyond theoretical matters, of course. A number of courts around the world have already used the language of rights for non-human animals. For example, in India in June 2000, the High Court of Kerala handed down a decision that addressed the issue squarely. Recalling the provision of the Indian Constitution that mandates care for non-human animals, the opinion of Justice K. Naryanakurup states:

It is not only our fundamental duty to show compassion to our animal friends, but also to recognise and protect their rights ... If humans are entitled to fundamental rights, why not animals? In our considered opinion, legal rights shall not be the exclusive preserve of the humans.⁵

As early as 1980, an American trial judge in California used similar language when he held that a municipal statute granted “rights” to non-human animals: “Now, stray dogs, abandoned dogs, have rights under our statute which must be carefully followed.”⁶

The profile of lawyer groups that promote use of legal mechanisms to protect non-human animals is increasing. In the United States, the Animal Legal Defense Fund has wide-ranging programmes that work to ameliorate bad conditions, and change legal barriers to protections, for many different kinds of non-human animals. A new text on veterinary ethics refers readers to British organisations that combine an interest in law and non-human animals: the Animal Welfare, Science, Ethics and Law Veterinary Association, formed in 1997; Lawyers for Animal Welfare; and the Veterinary Association of Arbitration and Jurisprudence.⁷

There is in this revolutionary challenge, as in all, much confusion. Some advocacy of legal protections is extraordinarily specific, while other calls for increased legal protection are extremely vague. A major portion of the legal work for other animals falls far short of individuals-based protections, arguing only that humans should attempt to be “humane”, even as corporate groups and individuals go about business as usual in buying, selling and using “them”, that is, any non-human animals, as legally owned resources.

One result of the various approaches is that the term “animal rights” has come to have many meanings, which roughly operate around two poles. First, “animal rights” acts as a generic term describing a vast universe of concerns over non-human animals that has arisen in various cultures, both East and West. But only since about 1975 have industrialised societies seen a popular movement for social reform regarding animals, even though concern for other animals has been a venerable, albeit often minor, theme in all of the major religious traditions and in some philosophical traditions.

Second, “animal rights” is also used to describe the claim that some individual animals other than humans should benefit from legal protections. While these protections are usually referred to as “rights”, various legal mechanisms, as noted above, might be advocated that do not explicitly involve specific legal rights. There is, then, no consensus as to what “rights” means for other animals, even among those who claim that “rights” language is the best language to express the increasing concern for other living things (this is not unlike the lack of consensus as to what “rights” language means for other humans).

Which Animals, Which Rights?

Such broad questions may remain unanswered after lifetimes of careful inquiry. As beacons or compass points pulling us towards them, they have important functions. Indeed, they can act both as interlocutor and background for the far more specific questions posed here. The real complexities, however, reside in the specifics. If one wants to claim that some animals other than humans can be holders of rights, then one must say which ones are to hold which specific rights.

Consider, for example, the complexities involved when one begins to inquire which animals should bear rights. Should great apes, for example, be given legal rights or comparable individual-level legal protections? Framed in a more scientifically astute form (since humans are, after all, as fully members of the great ape grouping as is any orangutan, gorilla, bonobo, or chimpanzee), the question really is, should the *non-human* great apes be given rights?

The question’s radical invitation can be seen if we rephrase slightly the basic issues: Should any of these cognitively complex, socially gifted non-human primates benefit from individualised protections offered by our legal systems? Should they receive something more than the species-level protections offered by environmental law schemes that seek to maintain biodiversity? Are any non-human individuals like human individuals in the sense that they can meaningfully be thought of as persons with feelings, rich kinds of intelligence, the ability to learn and live socially with other complex members of a family or community, and even as having a shared culture or learning tradition? Most specifically, is it plausible to recognise individual chimpanzees, bonobos, orangutans and gorillas as legally distinct beings by giving them hallmark features of modern legal systems such as individual-level protections?

Note how these questions tap into our conviction that we are moral beings. Could we, as this kind of being, create such recognition for *any* non-human animal in a modern legal system? The feasibility of this is interesting to contemplate. We are very able in providing legal protections to a previously excluded group once we drop certain stilted values that supported the exclusion. For example, we now offer legal protections of numerous kinds to all individual humans because we, as moral beings, recognise each human as a richly complex and unique individual. Even those who cannot argue for themselves and who certainly cannot carry out duties attached to the rights we propose to give them, such as infants or adults who are disabled in some way, are held to have access to courts by way of court-appointed representatives. Might we do the same with any non-human animal?

In other influential areas of our culture, we find non-human animals to be worthy of our attention and compassion. Our religious ethics, our personal ethics and some of our professions (for example, veterinarians) can be deeply committed to the value of non-human lives. Will our present sensibilities regarding non-human animals, so evident in these areas, prompt any of our legal voices, whether those of a court, legislature, administrative tribunal or people voting locally in an election, to identify some non-human animals as holders of rights or as beneficiaries of other kinds of explicit legal protection?

Science As Partner

Of great relevance to any of these questions is an ongoing and expanding dialogue within certain life sciences. The dialogue has been in rapid development for the last four decades. Its foundation is observation-based work by those who have investigated the actual lives of certain animals. Perhaps the best-known non-human animals are chimpanzees, gorillas, bonobos and orangutans. There has long been, even in the sceptical West, strong suspicion that the social and existential complexities of these animals are extraordinary. In 1747, Linnaeus wrote:

I demand of you, and of the whole world, that you show me a generic character ... by which to distinguish between Man and Ape. I myself most assuredly know of none. I wish somebody would indicate one to me. But, if I had called man an ape, or vice versa, I would have fallen under the ban of all ecclesiastics. It may be that as a naturalist I ought to have done so.⁸

In the last four decades, committed researchers have utilised one of the scientific tradition's principal virtues—patient and humble observation—to learn what the lives of these animals are really like. The acknowledged leader in the field has been Jane Goodall, referred to by Harvard's Stephen Jay Gould as “one of the intellectual heroes of this century”.⁹ This fieldwork has produced astonishing information about chimpanzees, not least of which is their possession of learning traditions now regularly referred to by the foremost researchers as “cultures”.

Scientific exploration of the lives of these and other animals has not, however, been confined to field observations that illuminate what their whole lives and communities are like. Some non-human animals are held captive for the purpose of adding to human knowledge. In some studies, the animals' captivity is rationalised because researchers want to study their own, *human*, traits, such as cognitive abilities, emotions, communication and self-awareness.

In other studies, the similarities of captive animals to humans allow the animals to be used as experimental models for *human* problems, both physical and psychological. Even though there is a lively debate over the scientific value of such experiments, the hegemony of human-centred values places solutions to human problems far above the welfare of the non-human experimental subjects, resulting in a scientific community which regards many non-human animals as mere tools for the study of human health issues.

Chimpanzees, among the most complicated of non-human animals and an endangered species in the wild, are a favourite research tool of some scientists interested in human diseases such as hepatitis and Aids, because the active DNA of humans is more than 99 per cent identical to the active DNA of chimpanzees and bonobos. Since such experiments would, if imposed on human subjects, be openly acknowledged as completely improper, the chimpanzees' similarity to humans confronts researchers with a logical dilemma: “In order to defend the usefulness of research [scientists] must emphasize the similarities between the animals and the humans, but in order to defend it ethically, they must emphasize the differences.”¹⁰

The result is an irreconcilable tension between scientific and moral justifications:

[I]f the cognitive abilities of humans and animals are so drastically different as to morally justify experimentation, then those differences will reflect ... other biological differences which undercut inductions from animals to humans. On the other hand, if underlying biological mechanisms are sufficiently similar to justify scientific inferences from animals to humans, then the ... traits of the test subjects are sufficiently similar to human traits to make research morally problematic.¹¹

The predictable human-centred result, namely, the sacrifice of chimpanzee individuals for the purpose of human health, has been repeatedly challenged as ethically problematic. The issue is further complicated by the demands of laboratory work, for the chimpanzees, members of an eminently social and intelligent species, must be isolated and dominated in ways that cause immense suffering and ultimately drive the innocent experimental subjects insane. Poignant descriptions abound of the inevitably impoverished conditions endured by chimpanzees used in medical research (an interesting example appears in the opening lines of Wise's book on chimpanzee and bonobo rights). The undeniable suffering of these demonstrably intelligent and social experimental subjects is one of the principal factors driving the animal protection movement's turn to legal concepts and considerations of justice.

Changing Values

The viability of using legal means, whether legislation or litigation, to challenge well-entrenched uses of non-human animals is enhanced by wide-ranging value-shifts regarding non-human animals generally. Such shifts have in part been driven by increasingly sophisticated information about other animals that has been used to question what Mary Midgley describes as their absolute dismissal. This exclusion has been called many different things by commentators, including speciesism, human chauvinism, homocentrism, human imperialism, human solipsism and exclusive humanism.

A particularly significant driving force behind more careful scrutiny of the abilities of non-human animals has been the shift which historians of psychology refer to as the cognitive revolution.¹² In an attempt to reach the simplest, least assumption-intensive explanation of easily observed phenomena, biologists since the mid-1960s have recognised that intelligence and other “higher level” cognitive functions are often far more economical explanations of an animal's seemingly intelligent actions than the complicated behaviourist explanations that rely on ridiculously long chains of stimulus-response relations. The bottom line of this shift is that the mental capacities of *some* non-

human animals are now viewed as being far richer than ever imagined by conservative segments of the Western scientific establishment.

Another background change causing a ferment in values is the increased scrutiny of traditional ethics, a field which in the Western intellectual tradition has been overwhelmingly human-centred. Some scholars suggest that the history of ethics has been that of an expanding circle, progressively including more and more types of individuals as worthy of moral consideration. However, the surge of interest in non-human phenomena, whether animal or ecological, might also be seen as a return to ancient roots, for in many respects concern for other animals is native to our ancient wisdom traditions *and* our own biophilic natures. It might also be seen as a re-emergence of common sense, given that daily scenes, such as a child playing with a dog or reacting to the mistreatment of animals, provide many indications that respect for other lives is a natural part of a healthy human life. Recent studies of children's relationship to animals, such as those carried out by Gail Melson, show that such ties "seem to have slipped below the radar screens of almost all scholars of child development". Melson speculates that "many cultures, including our own, are elaborating a natural attraction children have to animals".¹³

The ferment in values and views about non-human animals is also being forwarded, of course, by global dialogue regarding the environment. Raised ecological awareness can, ironically, assume highly anthropocentric forms, which should not be surprising given that environmental discourse takes many cues from Western sciences which historically have been "myopically anthropocentric".¹⁴ Closer to home, the dramatic growth in the number and roles of companion animals, now often treated as family members, has had important effects on the way many humans understand the capabilities of non-human animals. At the very least, companion animals introduce many people to the notion that non-human animals can matter as valued individuals, and that their role in the lives of their companion humans can be protected by legal systems in any number of ways.

These and other forces have un-shuttered minds, as it were. Such changes can indirectly underscore the openness and humility that are the hallmarks of both good science and good ethics. The work of cognitive ethologists like Donald Griffin and Marc Bekoff, who study animal lives in their natural settings, provides an intellectual integrity and pedigree to the changing values, and this is especially significant because science is one of our society's truly privileged discourse traditions. In effect, the new frame of mind, especially as delivered in the respected form of scientific conclusion, offers a wealth of new conceptual possibilities, one of which is legal protection for other animals. As a leading philosopher of biology noted, "Our understanding of the world is achieved more effectively by conceptual improvements than by the discovery of new facts, even though the two are not mutually exclusive."¹⁵

Such conceptual openings have been given intellectual integrity by a group of able philosophers who have advanced the Western tradition's re-engagement with non-human animals. Chief among these are the Australian Peter Singer, now at Princeton, whose 1975 *Animal Liberation* is sometimes referred to as the Bible of the animal movement, and Tom Regan, whose 1984 *The Case for Animal Rights* is a systematic philosophical treatise on the issue of moral rights for non-human animals.¹⁶ A truly diverse group of respected philosophers has now made wide-ranging comments about non-human animals, and many commentators now plumb the mixed history of attitudes towards such animals in the various ethical traditions, including the rich cultural perspectives of Africa, the Islamic world, East Asia, India, and native peoples.

The Nature of Community

The topic of non-human animals has thus been reasserted as an important and natural subject for education and ethical discussion of all kinds. The Catholic theologian Thomas Berry has suggested that "we cannot be truly ourselves in any adequate manner without all our companion beings throughout the earth. The larger community constitutes our greater self".¹⁷

The current focus on our engagement with the myriad living forms around us, with the localised ecological systems, or ecomiches, that we inhabit, and with the entire Earth, is only to be expected. Indeed, because of the interlocking nature of oppressions, the question of our relationship to other animals arises naturally with *any* issue deemed "global", be it the role and direction of science, the place of religion and morality in our lives, and even problems of social justice. Thus, topics central to global dialogue—including not only sustainable development, biodiversity, conservation, environmental destruction, habitat preservation, biotechnology and its related risks, but also the distribution of justice, self-determination and imperialism, human health and population, pollution, global warming and water rights—touch again and again upon the question of which beings we will notice, take seriously, and care about as members of our community.

It can only be a matter of time, then, before "animal issues" present themselves as an integral component of any truly informed global dialogue. Grappling with our histories and possible relationships with other animals will

permit us to see various macro-features of our legal systems, religious institutions, cultural heritages, sciences and worldviews generally.

Gains and Challenges

Social activism on the animals issue has developed since the 1960s, with the emerging reaction to the one-dimensional accounts of non-human lives in many modern societies. It is reflected in sheer numbers—more than ten thousand groups worldwide are dedicated to the animal cause. Social concern is also manifested politically in the increasing number of local ordinances banning certain forms of entertainment using animals (for example, circuses or the display of “exotic” animals such as elephants). In educational systems, alternatives to vivisection in biology classes are now common in some countries. And local and consumer activists have successfully challenged clothing fashions—for example, the wearing of fur—and the use of live animals in testing cosmetics.

Changes in the legal realm remain relatively minor, however, because traditional and contemporary uses of non-human animals are legitimised by deeply entrenched cultural and legal notions. The principal legal foundation of the dismissal of all non-human animals is the notion of property rights. Because the development and protection of human rights have been, and continue to be, so integrally involved with the development of individuals’ rights to specific property, challenging the right of any individual to use a non-human animal as a mere resource has daunting implications for individual freedom. Thus, existing human rights remain a mechanism whereby non-human animals are subordinated to all human animals. The natural tension between existing property rights and proposed new rights has, of course, long been known. The case of human interests versus the interests of non-human animals is conceptually no more problematic than that of male-only suffrage versus extension of the vote to include women. Existing rights-holders have always been reluctant to surrender their privileges. But the key surely must be the merits of extending specific rights to the excluded parties—do the lives and freedom of the excluded parties deserve protection on their own merits? The question must not be judged solely, or even primarily, in terms of disadvantages suffered by the privileged group, whose power and privileges will admittedly be diluted by the extension of legal rights to a new group.

Of equal significance in blocking proposed extensions of legal protections to some non-human animals is the heavy emphasis on human economic benefits and development. The intensive production practices associated with factory farms, now increasing significantly in number and size, show little or no regard for the welfare of the animals affected. The potentially lucrative cloning of non-human animals goes forward with a similar disregard for the animals involved, raising virtually none of the political and ethical furore caused by proposals to clone humans.

In the face of such significant opposition and entrenched ways of thinking, challenges to value systems that relegate all non-human animals to the role of a human resource have only begun to have an effect. The challenges are now moving beyond the abstract, theoretical discussion that identifies the larger picture and thus makes clear the engagement with, or repudiation of, other living beings by various cultures. Perhaps the best-known legal development implementing a major change is the New Zealand legislation passed in September 1999 banning “hominid” experimentation on “non-human hominids”. Although this is a landmark political development because it makes illegal specific uses of specific non-human species for human benefit, this legislation does *not* explicitly grant legally recognised rights to individual non-human great apes. Rather, it reflects the less politically risky approach of providing functional equivalents in the form of basic protections.

This legislation was carried to and through the New Zealand political system by the Great Ape Project—New Zealand as part of a global effort to implement the 1993 Declaration on Great Apes, a document which explicitly calls for inclusion of bonobos, gorillas, orangutans and chimpanzees in the “community of equals”, that is, the community of living beings who receive the fundamental protections of life, liberty and bodily integrity (the last prohibits direct harm from biomedical experiments). The current prospects for legal changes comparable to that enacted by New Zealand remain uncertain, in part because the relevant issues and consequences are only now being identified and strategies assessed. The non-human great apes, as the closest evolutionary cousins to humans, are prime candidates for legal protections because they are obviously complex animals and their rich lives are abundantly documented in the scientific literature (and thus there is legally respectable evidence of grounds for affording them legal rights). They are sympathetic animals for another reason, namely, each of these species is in grave danger of extinction during this decade. Further, their numbers in captivity are poorly known even though their suffering is not, all of which has led the Great Ape Project to embark on a global census of captive great apes. Already well developed in Spain, the United States, Brazil and Canada, the census provides specific histories of the thousands of chimpanzees, gorillas, orangutans and bonobos in the world’s zoos, circuses, biomedical laboratories and private homes.

Conclusion

For virtually any global issue, animals other than humans will be an obvious and relevant concern because life outside our species is astonishingly diverse and an integral part of the earth as our home. In this sense, other animals are unavoidably central to any ecologically informed global dialogue. The invitation they thus extend to us because of our deeply moral natures has been taken up in many different ways by many human cultures, such that it is now obvious that the dismissal of non-human animals in industrialised societies as a whole is not representative of all human responses. Indeed, a kind of imperialism lies within the assumption that all humans think of non-human animals as completely inferior, a claim often said to represent today's world or at least Western secular, humanistic and religious traditions.

A full, global engagement with other animals, then, as well as with our own ethical possibilities, will continue to generate challenges to existing practices in many cultures that now dismiss other animals. Legal challenges to the absolute dismissal of non-human animals are likely to grow, since legal systems are powerful tools at our disposal. We can use them to exclude, as we have in the past, or we can use them to include, which is now also a part of our common heritage.

1. For histories of these ideas in the ancient world, the modern West and religious traditions, see Richard Sorabji, *Animal Minds and Human Morals: The Origins of the Western Debate* (Ithaca, New York: Cornell University Press, 1995); Mary Midgley, *Animals and Why They Matter* (Athens, Georgia: University of Georgia Press, 1984); and Paul Waldau, *The Specter of Speciesism: Buddhist and Christian Views of Animals* (New York: Oxford University Press, 2001).

2. This and the following statement can be accessed at [www.greatapeproject.org].

3. Gary L. Francione, *Animals, Property, and the Law* (Philadelphia: Temple University Press, 1995), p. 13.

4. Steven M. Wise, *Rattling the Cage: Toward Legal Rights for Animals* (Cambridge, Mass.: Merloyd Lawrence/Perseus, 2000).

5. *N. R. Nair v. Union of India*, 2000 A. I. R. (Kerala), p. 353.

6. *Smith v. Avanzino*, No. 225698 (California Superior Court, San Francisco County, 17 June 1980).

7. Giles Legood, ed., *Veterinary Ethics: An Introduction* (London and New York: Continuum, 2000), pp. xvi, xviii, 47.

8. Letter to J. G. Gmelin, 14 February 1747, quoted in George Seldes, *The Great Thoughts* (New York: Ballantine, 1985), p. 247.

9. Stephen Jay Gould, "Animals and Us", *New York Review of Books*, 19 August 1995, p. 23.

10. James Rachels, *Created from Animals: The Moral Implications of Darwinism* (Oxford and New York: Oxford University Press, 1991), p. 220.

11. Hugh Lafollette and Niall Shanks, "The Origin of Speciesism", *Philosophy* 71 (1996), p. 56.

12. A description of this "revolution" can be found in Donald Griffin, *Animal Minds* (Chicago: University of Chicago Press, 1992).

13. Gail F. Melson, *Why the Wild Things Are: Animals in the Lives of Children* (Cambridge: Harvard University Press, 2001), pp. 12, 19.

14. See J. E. R. Staddon, "Animal Psychology: The Tyranny of Anthropocentrism", in *Whither Ethology? Perspectives in Ethology*, ed. P. P. G. Bateson and P. H. Klopfer (New York: Plenum Press, 1989), pp. 123–35.

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16. Peter Singer, *Animal Liberation* (New York: Avon Books, 1975); Tom Regan, *The Case for Animal Rights* (Berkeley and Los Angeles: University of California Press, 1984).

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