



KINSHIP CIRCLE

PROPERTY? SHE'S ALIVE. HE'S NOT A THING.



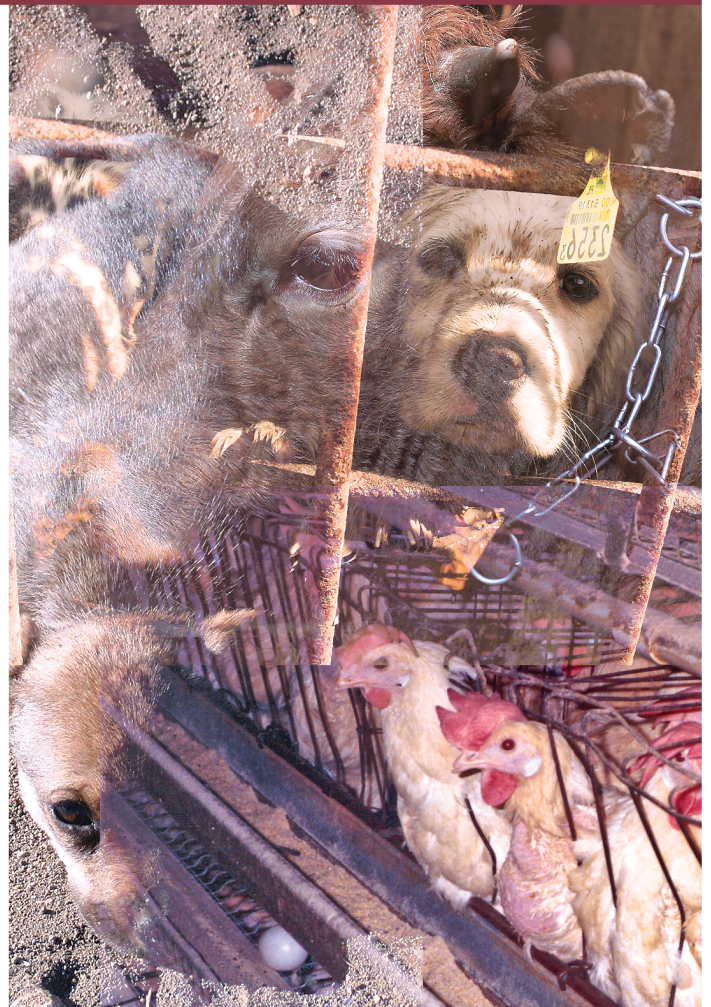
ANIMAL ADVOCACY ▲ EDUCATION ► DISASTER AID ▲ www.KinshipCircle.org ◀ info@kinshipcircle.org

By Brenda Shoss

Overwork, mutilate or kill an animal in California? You face a year in prison and \$20,000 fine. In Oregon aggravated animal abuse is a Class C felony. Missouri's repeat offenders rate a Class D felony. Yet by law an animal is only worth his or her market value. Property.

"Pain and suffering" allude to an owner's emotional distress, not the animal's. Law professor and author Gary L. Francione calls it our "moral schizophrenia about nonhumans." Laws exonerate proprietors who torture animals for flesh, fur, entertainment, or research.

So if you slit a cat's throat, you are a criminal. Dismember a conscious cow or pig, you're a farmer. State penal codes pardon animal abuse for the purpose of livestock transport, confinement and slaughter, rodeo and similar exhibitions, fishing, hunting, trapping, wildlife management, and scientific or agricultural research. The U.S. Animal Welfare Act excuses "necessary" animal suffering and lets owners gauge acceptable pain.



Society is ambivalent toward animals. Religion, culture and economy advocate dominion over presumed "lesser beings." From a perspective of superiority, use/abuse is justified because nonhuman animals are merely a means to our ends. Their very existence is measured in human intent.

Animals can't talk, drive cars or vote. But do they have rights to exist in their natural environment and express behaviors that matter to them? Should we withhold legal privileges because animals don't resemble us?

Speciesism — British psychologist Richard Ryder's term for how animals are denied recognition in the ethical culture — is a discriminatory bench-

mark similar to race, religion, gender, sexual orientation or age.

Until judicial and societal paradigms move away from animals as “things,” there cannot be meaningful change. “Owners” only sustain animals to fulfill a purpose. For example American Heart Association researchers claim care is adequate, though they insert glass fragments into dogs’ hearts and drill metal shafts into the skulls of newborn pigs. Experimenters justify suffering as long as animals serve research.

Why did AHA bypass findings from human heart patients in favor of tests proven irrelevant? With data to validate that animals experience emotion and logic, why are animal studies still more widely funded than in vitro technology, computer automation, and many more human-focused research models?

People cling to cultural habits, good or bad. Susan Finsen, Calif. State University Department of Philosophy Chair and cofounder of Californians for the Ethical Treatment of Animals, believes “it is far-fetched to suppose that a society which cannot even grasp the moral seriousness of animal rights is likely ready to give legal person-hood to animals.”

Moreover, the legal system reflects social sentiment and thus cannot initiate a fundamental shift in ethics. Laws to give caged hens or crated calves more living space “fail completely to recognize that animals have any non-tradable interests,” Francione says.

“There is no empirical evidence that such laws lead to anything more than the irony of reassuring society that animals we exploit are really treated well after all, and there is no need for further moral concern.”

Calling animals “it” rather than “he” or “she” reinforces a perception of them as things. “We can neglect, mistreat, abandon, exploit, and destroy them because it is our right to do so as owners of the ‘property,’” says Elliot M. Katz DVM, president of In Defense of Animals (IDA). “The language of ownership has long played a vital role in movements seeking social change. Abolitionists, suffragists, and child advocates have used language to end oppression of people as property.”

IDA’s **They Are Not Our Property, We Are Not Their Owners** campaign asks individuals, humane societies, media and government to choose “guardian” or “caretaker” over “owner” in codified and daily language. Officials in Boulder, CO; North and West Hollywood, CA; Berkeley, CA; Sherwood, AR and Rhode Island have enacted legislation to recognize the concept of guardianship.

To establish a precedent of legal status for all animals, the **Great Ape Legal Project (GAP)** seeks the rights to life, liberty and immunity from torture for nonhuman great apes, our closest biological kin.

They are like us, but not identical. Animals deserve primary moral and legal protections too.



ANIMAL LAW RESOURCES

■ **The Guardian Campaign, In Defense of Animals (IDA):** guardiancampaign.com — A nationwide platform to reflect growing public support for a redefined standard of relating to animals.

■ **1) FEDERAL LEVEL United States Animal Welfare Act:** Signed into law in 1966, AWA is the only federal law that regulates treatment of animals in research, exhibition, transport and commerce. Other laws may include specifications for animal care and use, but all refer to AWA as the minimum acceptable standard. AWA was amended six times (1970, 1976, 1985, 1990, 2002, 2007) and is enforced by USDA (U.S. Department of Agriculture), APHIS (Animal, Plant, Health Inspection Service), Animal Care: www.aphis.usda.gov/animal_welfare/index.shtml

OUR FICKLE RELATIONSHIP WITH ANIMALS: Nearly 90,000 (in reality many more) animals used in experimentation are NOT covered under the AWA: Birds, chickens, turkeys, other domestic fowl, mice, rats and all rodents, fishes. A lab tech may behead a rat without anesthesia, penalty-free. Factory farm workers can put ice bombs in live chickens (Tyson plant), watch the birds explode alive, and get a slap-on-the-wrist — if even charged at all. AWA is sorely underfunded with insufficient inspectors to canvas circuses, zoos, aquariums, puppy mill/breeders, research labs, Class A/Class B animal dealers, etc. Filed complaints rarely result in penalties. www.animallaw.info/articles/ovusawa.htm

■ **2) STATE LEVEL Anti-Cruelty Statutes & Laws State Laws:** animallaw.info/articles/ovusstatecrueltylaws.htm
Map Of State Cruelty Laws: Click on any U.S. state to read overview of law, www.animallaw.info/articles/armstatecruelty.htm
Felony vs. Misdemeanor: pet-abuse.com/pages/cruelty_laws.php

■ **3) MUNICIPAL (CITY) LEVEL Animal Control Ordinances:** U.S. animal control departments fall under municipal law.
Overview of Municipal Animal Control Ordinances: www.animallaw.info/articles/ovusodmunicipalordinances.htm
Search City Ordinances: www.municode.com/library

■ **Animal Legal Defense Fund:** www.aldf.org, Attorneys devoted to justice for animals, assistance in abuse cases, Attorney Referral Network, can help influence legal system in some cases.

■ **National District Attorney’s Association:** www.ndaa.org

■ **Pet-Abuse.Com:** Tracks criminal animal cruelty cases. A wide range of services and tools for animal advocates, humane law enforcement, researchers and prosecutors. **Report Abuse Case:** pet-abuse.com/pages/cruelty_database/submitting_cases.php
Na’l Animal Abuse Crime Database: pet-abuse.com/database

■ **International Institute For Animal Law:** www.animallawintl.org, Access to legislation/legal matters on rights and welfare of animals. AnimalLaw.com: Clearinghouse for animal-related legal info, from pending legislation to relevant case law digests. Animal cruelty, animal control, laboratory animal welfare, the use of animals in education, product testing and in the laboratory, animal control issues, and general animal welfare.
Search Animal Laws & Proposed Legislation: www.animallaw.com/LawSearch.cfm