

Review: *Should Animals Have Political Rights?* By Alasdair Cochrane

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It's refreshing to read a book on animal policy that unequivocally answers the title question. Books that grapple with weighty questions about animal rights, whether from a political or philosophical perspective, often hedge their bets by including arguments for both sides, inevitably weakening any conclusions. What I appreciated most about this book was its clarity in stating various aspects to each argument and then actually answering the questions posed in each chapter. Of course, it helps that the author's answer to the title question is a resounding 'yes', but the simplicity and transparency of how he reached that conclusion is just as important.

In this latest edition of the Policy Theory Today series, Cochrane fills this small but potent book with challenges to long-settled political assumptions, beginning by taking

aim at long-settled assumptions about the George Orwell classic *Animal Farm*. Despite all the characters being animals, we've all rightly assumed that the novel is an allegory for humans. However, Cochrane argues that we've done this because it's a story about politics, and we assume that a story about politics cannot be about animals. In a world that is changing in revolutionary ways every day, these assumptions about the relationship between animals and politics need to change in revolutionary ways as well.

Cochrane's argument relies on the simple fact that our societies are made up of multiple species, including animals living in our homes and wild animals living outside them. Our current relationships with animals are undeniably political: We use animals, we train animals, we raise



animals. Animals live in communities “defined and ruled over by humans”, and those outside our communities have their habitat and wildness affected by human society and activity. Animals are dominated by humans, and that’s a political relationship. As such, the politics of that relationship must be defined.

The main questions posed are how best to organize these relationships, since they already exist, and whether our politics should recognize and uphold certain animal rights. The book focuses on how to organize political relationships with animals best, not the nature of

rights or whether animals can meaningfully possess them, as those are topics well considered in other, more philosophical works. Legal minds will appreciate the narrow focus on the issues.

A foundational belief, upon which the rest of the argument lies, that may be considered revolutionary is presented early on and without reservation: sentient animals have *intrinsic value*, meaning that their interests matter in and of themselves, not simply when they benefit humans. Because of this, they have a basic right to have their intrinsic value respected. To have a political system respect this value

would be radical, but Cochrane argues that this is necessary. Yet how it would look to respect this value in our political system may be different, and drastically so, than we imagine. We animal law attorneys may think that pushing for stronger animal welfare laws and regulations, or having animal welfare laws on the books at all, can, will, and/or does protect animals as needed. But Cochrane shows how the subordination of these laws to the interests and rights of humans will ensure that such laws will never protect animals as strongly as they should.

Think of a country with the strongest animal protection and welfare laws on the books. They may say animals should not experience unnecessary pain. But, because animals lack any rights, these so-called protections bend whenever humans decide such pain is 'necessary'. The pain of factory farms, the inability to live good lives, the injustice of slaughter, humans have decided these are necessary pains because we want the products of them. Human entertainment, desire for meat, and other commercial ventures outweigh the animals' desire to be free from suffering when we rely on protective laws.

Indeed, many thinkers and activists believe animal welfare laws merely maintain the unequal system, protecting animals only when doing so does not harm the interests of humans. But even if robust animal laws could protect animals from suffering, that achieves only one half of the equation: For beings with intrinsic value, Cochrane argues, it's not enough to not experience harm and suffering; they also have an interest in experiencing pleasure, joy, and their own futures. Respecting this requires higher levels of protections, such as constitutional provisions, which Cochrane analyzes next. With constitutional protections, the rights and freedoms of animals are granted higher levels of protection, and thus animal welfare laws cannot be so easily weakened. In countries with such provisions, e.g. Germany, animal interests have prevailed in circumstances where they previously would not have, such as in weighing human artistic freedom against animal suffering.

However, Cochrane states that such provisions are still not enough to prevent powerful human interests to continually prevail. While such provisions may grant animals more protection than welfare laws alone can, they still cannot successfully uphold animals' fundamental right

to respect for their intrinsic value, because they don't value animals in and of themselves. They are still seen as second class citizens. While this is true, and while such provisions will not be able to stop e.g. animal agriculture, constitutional provisions in addition to robust animal welfare legislation would be enormous achievements for most societies. They may not be as revolutionary as we would want, but it seemed that Cochrane easily skimmed over just how much good they would do.

I wanted the book to delve more into the legal potential of a strong partnership of tough animal welfare laws with constitutional provisions. Although such regulations would indeed fall short of respecting animals' intrinsic value, they could do a lot of good, far beyond what we've seen. However, it's true that human interests would continue to outweigh animal interests until such interests are protected equally. For a system to weigh human rights equally with those of animal rights, Cochrane argues that we need to look at personhood.

Discussing the groundbreaking work of Steven Wise and the Nonhuman Rights Project, Cochrane states that sentient non-human animals should be granted legal personhood. One

New York court that ruled against the NhRP said that chimpanzees could not be legal persons because of two reasons: their inability to bear legal duties, and their lack of membership in the human community. Cochrane rejects these two arguments. For the former, he points to human infants who possess the same inability to bear duties, as well as adults with serious mental disabilities that affect their capacity for legal responsibilities. While I appreciate and agree with this argument, the NhRP made this argument as well. I would have appreciated further insight into this sticking point of duties that we haven't already considered.

The membership issue is more difficult to deny, since speciesist conclusions are usually not based on facts that can be refuted, which Cochrane does well, but on general feelings. Cochrane argues *inter alia* that many animals are already members of our society, as we do not live in isolation from each other and there are no exclusive human communities. But despite his denial of the merits of this argument, it would still be easy for a judge to simply say sentient animals aren't human, and that's that. I want more insight into how to combat speciesist assumptions.



While personhood would grant sentient animals the same legal status as humans, ensuring that animal interests could not be traded away when it suits humans, Cochrane argues that it's still not enough. Animals, he argues, deserve membership in the political community, in which their interests could shape the political aims and they could receive communal goods. This idea might seem farfetched, but he is persuasive. Since sentient animals have an interest in living well, they would have an interest in membership in the political community. To achieve this, Cochrane further argues for

some form of democratic representation to be developed.

Although, as always, Cochrane's arguments are clear and often undeniable, the book becomes a bit idealistic and fantastical at this point. Cochrane states that it's clearly not enough to simply respect the interests of animals without helping them to live well, because we wouldn't accept this hands-off view when it comes to humans. He writes, with human society, we believe that it's a "vital and necessary feature of a political community that it not only protects certain humans from harm but also provides them with certain

communal goods and services.” However, this principle is hard to use as a foundational tenet of any belief when human society is quickly and aggressively rejecting such ideals. Not only are many of our governments actively failing to provide certain goods and services, but the crucial keystone of our political communities – to protect people from harm – has become so warped or forgotten that to use it to argue for further protection almost seems absurd. Obviously we want this kind of care and protection for animals, but it’s hard to see it has anything but a fantasy when our political communities are forsaking many humans.

If other readers can keep their cynicism in check, these arguments for further protections and rights

for animals seem necessary for true justice. Despite easily skipping through all these layers of democratic revolution, Cochrane shores them up enough to keep us there with him. He may be very optimistic, but his conclusions are correct. To truly respect the intrinsic value of animals, it’s not enough to keep them from harm or ensure they are left alone. They cannot be left alone, because we already live in multi-species societies, and they should be treated as members of such. This book is a fascinating and convincing look at what true justice for animals would look like.

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