

The Economy and Infrastructure Committee
Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture
Parliament House, Spring St
EAST MELBOURNE VIC 3002

Sent via email to: aglawsinquiry@parliament.vic.gov.au

2 August 2019

Dear Committee,

Submission regarding the Impact of Animal Rights Activism on Victorian Agriculture

Thank you for your email of 12 June 2019 inviting Lawyers for Animals ("**LFA**") - an animal protection organisation of which I am currently the (honorary) president - to contribute to the The Economy and Infrastructure Committee's 'Inquiry into the impact of animal rights activism on Victorian agriculture' ("**Inquiry**"). LFA will not be making a submission to this Inquiry. I make this submission in my personal capacity as an individual animal rights activist, based in Victoria. Please note that the views I express in this submission are my own, and do not necessarily reflect those held by LFA.

The brevity of this submission reflects my uncertainty regarding the impartiality and progressive intent of the Inquiry, partly due to the drafting of its terms of reference ("**TOR**"). Nevertheless I feel compelled to make this submission in the hope that it might counter some of the reactionary fear-mongering that the April 2019 vegan protests inspired. In short - assuming the continuation of representative democracy in Victoria - I submit that:

1. The Animal Rights Movement - like every social justice movement that is based on self-evident truth (for instance: abolition, feminism, civil rights, disability rights, children's rights, worker's rights) cannot be halted - its objectives are ultimately inevitable;
2. Attempts to curtail relatively harmless animal rights activism will strengthen the Animal Rights Movement, in the long-term, by creating martyrs; inspiring civil disobedience and reactionary insurrection; and generating awareness of the core truth of speciesism;
3. Passive and lawful protests by animal rights activists will advance the Animals Rights Movement more than unlawful conduct, but ag-gag laws have and will generate greater resistance to passive and lawful protest;

4. Animal rights activism will ultimately benefit Victorian agriculture - activists present no genuine threat to farmers or agricultural interests because veganism is, at its core, non-violent; while the adoption of plant-based diets and agriculture will combat climate change more effectively in Australia than any other act undertaken by the population¹; and
5. The State should embrace the Animals Rights Movement by acting to protect basic animal rights, rather than trying (once again) to prop up an unethical, unenvironmental and inevitably dying animal industry - farmers would benefit more from assistance and incentives to move away from animal agriculture, toward plant-based agriculture.

Factual and philosophical background

As you read this submission, through no fault of their own well over a million animals in Victoria are experiencing lives filled with unnecessary pain and suffering at the hands of humans. As the Committee undertakes this Inquiry, I ask that it regularly call to mind these living beings, whom science strongly suggests suffer in ways almost identical to humans. For instance, all vertebrates - mammals, birds, amphibians, reptiles and fish - produce adrenally-derived glucocorticoid hormones in response to stress.² Living beings which have developed the capacity to move and to defend themselves, find it evolutionarily advantageous to feel pain or fear when their bodily integrity is threatened. Pain triggers instantaneous movement away from the source of pain (if possible), while fear triggers the 'fight or flight' mechanism, which also helps to protect life. So too, it would appear likely that most living beings with the capacity for movement are able to experience pleasure, and will act in ways to increase their enjoyment of life. So too, all living beings who become aware of another being's intention to kill them, will struggle to survive. This suggests that all sentient animals - those able to experience pain and pleasure - have the capacity to enjoy their natural longevity in a similar way to humans.

Despite their physiological similarity to humans in terms of their sentience, due to their physical and intellectual differences, until relatively recently, animals were treated by most humans as beings without any real rights. This was due to the prevalence of a human paradigm known as 'speciesism'. Since 1991 when I was fortunate to study under Professor Peter Singer at Monash University, and to a greater extent since joining LFA in 2005 - as my awareness of animal suffering increased - I have been guided by a philosophical commitment to anti-speciesism.

¹ See, for example: <https://vegvic.org.au/wp-content/uploads/2015/05/eatinguptheworldv4.pdf> and <http://classic.austlii.edu.au/au/journals/NatEnvLawRw/2010/43.html>

² Martin, L. B., Andreassi, E., Watson, W. & Coon, C. (2011) 'Stress and Animal Health: Physiological Mechanisms and Ecological Consequences.' *Nature Education Knowledge* 3(6):11 available online at: <https://www.nature.com/scitable/knowledge/library/stress-and-animal-health-physiological-mechanisms-and-23672697>

The term 'speciesism' was first coined by British psychologist Richard Ryder in 1973³, but gained greater prominence through Professor Peter Singer's 1975 book, *Animal Liberation*⁴. In a nutshell, 'speciesism' connotes the prejudice that most humans practise towards members of other animal species, based on their physical differences, while ignoring their physiological, mental and emotional similarities. Speciesism may be more easily understood by reference to the closely related concepts of 'racism' and 'sexism'.

The fact that almost all farmed animals were plant-eating, passive, prey animals - physically and mentally unequipped to challenge the human apex predator - made them an easy source of high-fat food for our less agriculturally advanced and therefore food-challenged ancestors. It is likely that the historical reliance on killing animals for food encouraged human predatory instincts towards such animals, helping to stem empathy, and thus to reinforce speciesism.

When people are 'racist', 'sexist' or 'speciesist', they consider one group - almost always their own - to have superior value, and therefore, superior rights, to another physically distinct group. In all three cases, the underlying physiological, mental and emotional similarities between the groups are ignored, sometimes at a subconscious rather than conscious level. The level of defensiveness that many non-vegans feel when challenged on the ethics of their dietary choices seems likely to be related to a level of subconscious guilt, which in turn generates multiple irrational excuses for remaining non-vegan. I can speak from experience about that guilt, and from the unexpected relief and greater affinity I felt with farm animals, as I gradually ceased to experience it, on my long path to veganism.

While humans and animals generally differ in both their level and range of intelligence - be it intellectual, emotional, sensory or kinetic - it is important to note that not all humans are more intelligent than animals. So the most common excuse for human dominion over animals, falls away. For it is not by reason of intelligence, alone, that human or animal life holds value. In discussing this question, British Enlightenment philosopher, abolitionist and legal scholar, Jeremy Bentham, wrote:

The day has been, I am sad to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing, as, in England for example, the inferior races of animals are still. The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognised that the number of the legs, the villosity [or hairiness] of the skin, or the

³ Richard Ryder, 'All beings that feel pain deserve human rights', *The Guardian*, 6 August 2005 viewed 02/03/2018 at: <https://www.theguardian.com/uk/2005/aug/06/animalwelfare>

⁴ Peter Singer, *Animal liberation: A new ethics for our treatment of animals*, 1975, New York: New York Review

termination of the os sacrum [the tailbone - where an animal's tail commences] are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day or a week or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, Can they reason? nor, Can they talk? but, Can they suffer?⁵

Since there is ample scientific evidence that animals experience physical pain and psychological stress in a similar way to humans⁶, as an anti-speciesist I strive to prevent and alleviate the suffering of all sentient animals.

While history is populated by brilliant people who adopted a vegetarian lifestyle (for example: Pythagoras; Leonardo Da Vinci; Albert Einstein); it was only around the time of the Enlightenment that more humans began to recognise rights among some classes of animal. However, those animals regarded a consumable or thought to be useful experimentally have continued to be treated as having lower status than, for example, those regarded as potential work-partners and affectionate companions. Right now in Victoria, millions of animals are presently confined in stalls, crates, feedlots, battery and other cages until their mind and spirit withers; they are socially isolated or unnaturally overstocked; subjected to excruciating procedures without anaesthesia or pain relief; forcibly impregnated; packed onto trucks where they journey for days, dehydrated, famished, freezing or overheated; and finally, they are subjected to the most undignified deaths: terrifying and premature mass-killing (with or without stunning).

Existing laws in Victoria do not practically protect the basic rights of animals or their 'Five Freedoms'⁷, namely:

1. freedom from hunger, thirst and malnutrition;
2. freedom from fear and distress;
3. freedom from physical and thermal discomfort;
4. freedom from pain, injury and disease; and

⁵ Jeremy Bentham, Introduction to the Principles of Morals and Legislation, 1789, chapter 17, footnote

⁶ For research links and information see: Marc Bekoff 'After 2,500 studies it's time to declare animal sentience proven', 6 September 2013, LiveScience website viewed 18/03/2018 at: <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

⁷ An early version of 'The Five Freedoms' was enunciated by the UK Government body, the Farm Animal Welfare Council, shortly after its formation in 1979. It drew on conclusions in the 1965 'Report of the Technical Committee to Enquire into the Welfare of Animals kept under Intensive Livestock Husbandry Systems', which was commissioned by the UK Government partly in response to concerns raised by Ruth Harrison's 1964 book 'Animal Machines'. The Five Freedoms are now recognised by animal organisations worldwide, including the World Organisation for Animal Health (better known by its historical acronym: OIE); various Societies for the Prevention of Cruelty to Animals (SPCAs); and various veterinary organisations including the Australian Veterinary Association and the Federation of Veterinarians of Europe.

5. freedom to express normal patterns of behaviour.⁸

The reason I think the law does not protect basic animal rights is because, traditionally, the vast majority of humans have viewed animal products as essential to meet their basic needs for food, clothing and - in the case of whales - fuel. Not unlike infants, humans have traditionally equated what we 'want' with what we are 'entitled to', and have hence claimed the 'right' to exploit and kill animals. Centuries after human agriculture and technology advanced to the point whereby reliance on animal products became unnecessary, human taste preferences - likely encouraged by the ancient evolutionary benefit of a high fat diet produced with minimal physical labour through animal agriculture - has inspired the killing of billions of animals. Industrialisation of animal agriculture has further worsened conditions for animals on most farms and rangelands.

Incrementally, beginning with the most cruel treatment undertaken for profit - intensive animal agriculture, animal experimentation and companion animal farming, for instance - I believe Victoria can and should do better. The Animal Rights Movement of which I am proud to be a member welcomes any and all farmers, politicians and others. It takes a non-judgemental approach to those who wish to adopt a more ethical way of life, just as all successful social justice movements must.

Thank you for reading this submission. Should the Committee have any queries concerning its content, please contact me via email: [REDACTED]

Yours faithfully,

Nichola Donovan

(address withheld for publication purposes)

⁸ This version of The Five Freedoms is taken from OIE, Terrestrial Animal Health Code, Ch.7.1 Introduction to the Recommendations for Animal Welfare, viewed 1/3/2018: http://www.oie.int/index.php?id=169&L=0&htmfile=chapitre_aw_introduction.htm