

New Era Dawning for Animal Rights

By [Sherwood Ross](#)

Theme: [History](#)

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A new and more humane era may be dawning for animals as recognition spreads that, like human beings, they are sentient creatures who experience joy and feel pain and are entitled to legal protection.

“Animal law is a rapidly expanding field that is becoming an important aspect of our social policy,” says animal rights authority Diane Sullivan, who in 2004 founded an animal rights program at the Massachusetts School of Law at Andover (MSL). At present, “Legal textbooks on animal rights are replete with judicial decisions that, in case after case, make all too clear that the law does nothing to genuinely protect animals. It certainly does not recognize their true value and special place in our homes,” the law professor says. Recent studies, she says, suggest dogs possess “a sense of fairness” and are on the same mental plane as a two-year-old child.

“Historically, animals have been defined as property and used for profit. They are slaughtered for food, experimented upon, worn as fashion, and serve as entertainment props,” says Sullivan. “Today in the United States we slaughter approximately 9 billion animals for food every year. People eat meat and I accept that but the conditions we raise the animals in are something that I care about.”

Sullivan says animal cruelty is more widespread than most people recognize. People seeking relief on behalf of a harmed animal have little chance of real success. The lack of legal “standing” can also be a significant impediment to protect animals. “Lawsuits could be more easily advanced on behalf of animals if the law in all states was changed to provide automatic standing to assert claims on behalf of animals.”

In 2004, Massachusetts made animal cruelty a felony punishable by five years in prison and other states—including Alaska, Florida, and Kentucky—now award monetary judgments for emotional distress when an animal is harmed or killed. And Rhode Island now considers pet owners as “guardians,” a distinction that reflects animals’ greater value. “Some states are changing the law to reflect that animals are members of our family,” Sullivan says.

A handful of states have enacted statutes providing recovery for damages for intentional or harmful harm to animals, Sullivan notes. Tennessee was the first state to do so and today has a cap of \$5,000 on damages. In Ohio, one who maliciously or willfully without the owners’ consent injures another’s animal can be ordered to pay restitution of up to \$25,000 per act. California also permits recovery as do Alaska, Florida and Kentucky.

Referring to the case of a killed cat, Sullivan said, “We need to have police chiefs and

prosecutors take such cases seriously and prosecute to the full extent of the law. Unfortunately, many have the mindset that an animal is property with no rights and little protection under the law.”

Sullivan said the low value placed on the life of animals was demonstrated during Hurricane Katrina when “we saw images of animals that were abandoned, drowned, starved and left for dead and left behind by rescuers, perhaps 50,000 in all. People being rescued were commanded to abandon their pets and forcibly separated from them.”

Legislation was considered mandating pets be included in evacuations, Sullivan said. U.S. Rep. Barney Frank(D-Mass.) sponsored the bill that requires provisions for pets and service animals in disaster plans in order for those plans to qualify a state or municipality for federal emergency funding.

Besides teaching her animal rights courses, Sullivan in 2006 took up a collection to buy a new roof for the Beaks and Noses animal shelter of Billerica, Mass., a non-profit rescue home and also created the Shadow Fund to provide funds to help with medical surgery for beloved pets. The fund is named for its first recipient, a yellow Lab whose ex-Marine owner could not afford to pay \$4,000.

With another professor, Holly Vietzke, Sullivan edited a book of 49 animal rescue stories contributed by MSL students titled “Please, Can We Keep The Donkey?”(Lantern Books). Sullivan said she was surprised by the number and quality of essays about animals that her students turned in and decided they had a heart-warming book. The 175-page work has just received a Clarion Award for the best non-fiction book of the year. Proceeds from the book’s sales go to the Shadow Fund.

The book can be purchased by sending \$23 to The Shadow Fund at the Massachusetts School of Law, 500 Federal St., Andover, Mass. 01810; or through the MSL Internet Web site at www.mslaw.edu; or by calling the law school directly at (978)-681-0800.

Summing up, Sullivan says, “Our unfortunate history shows that slaves, women and children were previously treated as property. The law was changed to stop this deplorable treatment. It is time to reclassify the legal status of companion animals.”

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