Review: Saskia Stucki, One Rights: Human and Animal Rights in the Anthropocene

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Abstract

Animal rights law is in need of an update. Many of its central theories were developed over 20 years ago, meaning that they fail to take account of issues that, in today’s society, are inextricably linked to the question of animal rights. Conspicuously absent in this regard is the relevance of the current climate change emergency. Saskia Stucki’s recent book ‘One Rights: Human and Animal Rights in the Anthropocene’ aims to put animal law in its contemporary context by framing animal rights as a new generation of human rights, proposing a novel paradigm of ‘One Rights’ for the Anthropocene. With its sharp and in-depth engagement with animal law literature, as well as human rights law scholarship, it provides a much-needed and nuanced view of animal rights in the 21st century.

Keywords

Animal rights theory; Anthropocene; One Rights; Book review

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I. Introduction

The global pandemic of 2019-2021 renewed attention to the ways in which human and animal health are interconnected, putting the concept of ‘One Health’ on the international agenda. The book ‘One Rights: Human and Animal Rights in the Anthropocene’ builds further on this central idea by providing a legal-theoretical perspective on the intertwining of human and animal rights in the Anthropocene. It proposes animal rights as a new generation of human rights, showing how the protective human rights-framework could be further extended to include other animals, which eventually would also benefit the fulfilment of human rights. The book is organized into four concise chapters, forming a coherent argument for extending human rights to other animals and introducing a novel One Rights paradigm. In this review, I discuss its main structure (II), strengths (III) and possible limitations (IV).

II. Animal Rights as a New Generation of Human Rights

The central intention of the book is to look at animal rights through the lens of human rights, conceptualizing animal rights as ‘new human rights-candidates’. Building on the idea that human rights are inherently dynamic, it is suggested that the protective umbrella of this legal mechanism could be extended to animals. The obvious objection to such an idea is the fact that the recognition of rights of other animals goes against the core axiom of human rights as exclusively human, grounded on the humanity of our species. This objection is, however, not left unattended for. The author addresses two kinds of objection, a) the conceptual objection (it is impossible to extend human rights to animals) and b) the political/practical objection (granting animal rights is undesirable because of leveling-down concerns) and defends animal rights against both these objections. Eventually, the author proposes a new normative framework for human and animal rights in the shape of the One Rights paradigm.

First, the author addresses the conceptual objection, assessing whether animals possibly can have human rights. Tracing back the history of the human rights paradigm, two kinds of justifications for human rights are identified: a naturalistic justification (regarding human rights as, in some way, connected to human nature) and a political justification (mainly concerned with the function of human rights; what do they do for their bearer?). The naturalistic justification was historically based on a form of human exceptionalism (linked to qualities that were considered exclusively human, such as rationality), but a new form of naturalistic justification is arising: a non-exceptionalist justification, which bases itself on commonly shared capacities (such as bodily vulnerability). This latter form is

more convincing since, contrary to the exceptionalist justifications, no metaphysical and particular human quality needs to be identified. The non-exceptionalist justification, however, also means that other animals could possibly be included in the scope of rights-bearers: humans are regarded, correctly, as a species of animals. Hence, the non-exceptionalist naturalistic basis of human rights does have the potential to include other animals in its scope.

After that, the author addresses the political objection, assessing whether animals should have human rights. Especially the concern that recognizing animal rights would endanger human rights is extensively addressed and rejected. The argument is that there are both principled/ethical reasons as well as prudential/instrumental reasons to extend human rights to non-human animals. The principled argument holds that justice demands fundamental rights for animals in order to address the suffering that animals experience. Rights then would serve as a normative resource against shared experience of injustice and to overcome present conditions of violence. The prudential argument, on the other hand, holds that animal rights are good for humans; rights should be extended to animals for instrumental reasons. The author shows that human and animal rights go hand in hand, making a synergistic approach conceivable. Two reasons are identified to understand human and animal rights as interdependent: 1) the fact that the underlying social injustice can only be addressed jointly and 2) the environmental nexus between human and animal rights. Albeit convincing, this argument remains a bit speculative, as the beneficial nature of animal rights for humans will have to manifest in the future. Ending with the catchy notion that “ignoring the animal question has become a luxury humanity can no longer afford” (p. 81), the door to the One Rights paradigm is opened.

In the last chapter, the author finally sets out her proposal for the One Rights paradigm. This chapter is the shortest, sketching the idea of One Rights as a logical consequence of the foregoing considerations, while not setting out its precise implications or consequences. Intriguing here is that the author suggests that the One Rights approach could (and perhaps should) also accommodate the rights of nature (p. 101), but it remains unclear how that would work. Should we understand the non-exceptionalist conception of human rights so broadly that it could also include trees and rivers? Whereas the argument throughout the previous chapters was very targeted (the extension of human rights to animals is conceptually possible and politically desirable), the last chapter presents a tentative discussion of what One Rights might look like. Hence, where the book succeeds in framing animal rights as a new generation of human rights, it is less successful in its argument that One Rights provides the adequate way to make sense of this extension.

III. A Much-Needed Update of Animal Rights Theory

Undoubtedly, the book One Rights presents a much-needed and valuable addition to the field of animal rights theory. Among its most important assets are the thorough and profound overview of the different justifications and conceptions of human and animal rights through in-depth engagement with relevant literature, its precise and sharp argumentation, its inclusion of critical and feminist theories of animal rights, and its links to other contemporary movements such as the environmental movement. The argument is logical, clear, convincing, and sharp, and it never drags forth or becomes tedious. Any scholar working in human or animal rights will have encountered different justifications for why humans have rights and animals do not; however, it is a delight to read such a clear and comprehensive overview of the literature, and how these different arguments relate to each other. It is also praiseworthy that the author includes various contemporary perspectives, for instance, on the way in which animalization and dehumanization are intertwined.

Arguably the most important contribution of the book is that it addresses the elephant in the room of animal rights theory: the relation between animal rights and climate change. Whereas, to laypersons, the intertwining between these two issues seems obvious, academic scholarship in animal rights only rarely takes the interlinkages between the two into account. The way in which the author links these issues both in a practical and in a conceptual manner is quite innovative. Especially the
third chapter presents a highly original and up-to-date perspective on the argument why animals should have rights. Furthermore, the way in which the author looks at animal rights through the lens of the legal paradigm of human rights without reproducing some form of the Similarity Argument is highly original. The title is slightly misleading, however; even if the intention to conceptualize animal rights as new human rights may sound anthropocentric, it is just as correct to state that the book conceptualizes human rights as animal rights (p. 14). Innovatively, it shows how many existing human rights aim to protect the animal side of our existence, that animal rights share a similar “human rights-generative experiential basis” (p. 93) and are therefore relevant to other species as well. This is an important difference to the out-dated Similarity Argument – ‘animals should have rights because of their human-like intelligence’ – which, paradoxically, tends to support the exceptionalist conception of human rights (and thereby is possibly detrimental for animal rights as well as inter-human equality on the long run).² Hopefully, this book will mark the end of this line of reasoning in animal rights theory by foregrounding the non-exceptionalist justification of any type of rights.

IV. Hungry for More: Elaboration of the One Rights Paradigm

There are also some drawbacks to the approach chosen in the book. First, it presents a highly theoretical account of animal rights, and its abstract nature is further complicated by the use of various typologies, which at times makes the reader feel lost in a maze of theoretical terms: we come across political and naturalistic conceptions, exceptionalist and non-exceptionalist accounts, principled and prudential reasons, antagonistic and synergistic relations, and many more such distinctions. However, the author helps the reader navigate the complex theories, keeping herself far from ‘woolly’ and ‘poetic’ language: at all times, the writing style is clear, straightforward, and lucid, which largely makes up for the abstract subject-matter.

Second, the title suggests that the book situates animal rights in the Anthropocene, but the discussion of the concept of ‘the Anthropocene’ is confined to a paragraph in the introduction, and the more theoretical implications of the Anthropocene (such as the collapse of the nature-culture distinction) are not discussed. The book could have benefitted from more engagement with Anthropocene literature, for instance, on the emergence of ‘Earth System Law’ and how the One Rights paradigm relates to this other ‘novel legal paradigm for the Anthropocene’.³ Furthermore, as noted before, the reader is left somewhat hungry for further elaboration on what the implications of the novel paradigm exactly are. How would animal and human rights be balanced against each other in the paradigm of One Rights? How would courts have to deal with and interpret the novel paradigm? It should be noted, however, that the author has proclaimed the introductory intention of her book from the beginning, emphasizing that it merely seeks to take first steps and does not aspire to “develop a full-fledged and detailed account of One Rights as a legal paradigm” (p. 18). Therefore, the book should be better understood as an invitation to think differently about the relation between human and animal rights, rather than an elaborate answer with respect to the implications of doing so in the Anthropocene context.

In the end, some of us may remain doubtful whether the extension of human rights to other animals as a basis for One Rights, is also the most strategic road to this novel paradigm. It seems like this route renders the One Rights paradigm conditional upon the agreement of human rights scholars

² Maneesha Deckha, ‘Animalization and Dehumanization Concerns: Another Psychological Barrier to Animal Law Reform’ (2023) 2 Psychology of Human-Animal Intergroup Relations 1.
that a) human rights have a non-exceptionalist basis and b) human and animal rights are synergetic rather than antagonistic. Even though the writer of this review (as an animal rights scholar herself) was convinced, human rights scholars that have spent their lives arguing the exact opposite may be less open to such argumentation. The question arises whether it is necessary to construe animal rights as a new form of human rights to begin with: would the intertwinement of human and animal health in One Health, for instance, not be a sufficient ground to extend rights to animals for prudential reasons? The reader is left wondering whether the central choice of the author to look at animal rights through the human rights lens is strategic, conceptual, principled, pragmatic, prudential, or political… Food for another book!

V. Concluding Remarks

Animal rights theory is a relatively young discipline. This is why books like One Rights are crucial for its development, greatly contributing to its maturation. The main limitation of the book, in the end, is not really a shortcoming: it leaves one hungry for more, clearly indicating the need for further research. Hopefully, the book will inspire other scholars as well as the author herself to elaborate on the novel One Rights paradigm in further detail, riding on the wave of the current surge of research and policy-making on the One Health concept. Saskia Stucki, already an established scholar in animal rights theory, has made use of her considerable expertise and previous work to produce a manuscript of undeniable importance for animal rights in the 21st century.