



NONHUMAN RIGHTS PROJECT

Animal Welfare vs. Nonhuman Animal Rights

Animal welfare is about providing better conditions for nonhuman animals—for example, in circuses, zoos, laboratories, shelters, and factory farms. There are thousands of animal welfare organizations doing this important work, which originated in 19th century anti-cruelty legislation in the United Kingdom.

Animal welfare laws regulate the manner in which we treat (and often exploit) nonhuman animals while still prioritizing the interests of humans and human institutions. The fight for nonhuman animal rights—rooted in antislavery movements that began in the eighteenth century and grew into a broad international human rights movement in the twentieth century—focuses on the fact that nonhuman animals have their own inherent interests, just as humans do, and calls for these interests to be protected.

Simply put, animal welfare laws aren't enough to protect members of other species from human-caused harm.

Most animal welfare laws are weak, poorly enforced, easily reversed, and apply only to certain species in certain circumstances. Under animal welfare laws, nonhuman animals remain “things” with no actual legal rights, equivalent to a car or any other piece of property.

As such, nonhuman animals like our chimpanzee and elephant clients often have no legal way out of situations where their interests—what they need to survive and thrive, such as freedom from captivity, participation in a community of other members of their species, and the protection of their natural habitats—aren't considered or met. Almost anyone who has tried to vindicate the interests of a nonhuman animal will have come up against this core problem concerning how our legal systems view and treat members of other species and the often tragic inadequacy of animal welfare laws.

This legal status quo—under which all humans are legal persons with rights and all nonhuman animals are legal things with no rights—is immoral, archaic, and unjust. The Nonhuman Rights Project's mission is to urge courts and legislatures to recognize that at least some nonhuman animals have rights that can and must be enforced on their behalf, just as human children and people with disabilities, for example, have rights that can and must be enforced on their behalf.

As with human rights, nonhuman rights are based on fundamental values and principles of justice such as liberty, autonomy, equality, and fairness. Rights protect against wrongs that we as a society have deemed intolerable, such as detaining individuals against their will without sufficient cause or subjecting them to mental or physical torture. All of human history, up to and including the present moment, shows that the only way to truly protect human beings' fundamental interests is to recognize their rights. It's no different for nonhuman animals.