

# The gathering momentum for animal rights

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***Abstract:** The focus of this article is to track the progress that has been made on behalf of animals within the legal institutions of the United States. While there is an obvious focus on the adoption of new laws, there are many steps or changes that are necessary within broader legal intuitions if substantial progress is to be made in the changing and enforcing of the laws. For example, at the same time that legislatures must be convinced of the need for change, so must the judges believe in the new laws, otherwise enforcement of the law will be not forthcoming.*

*Besides the court and the legislature, legal institutions include law schools, legal publications, and the various associations of lawyers and law professors. What is the visibility and credibility of animal issues within these institutions? Without progress within all aspects of the legal community, success on behalf of animals is not possible. We in the United States have made progress, particularly in the past ten years, but we have much yet that needs to be done. By charting the progress and lack of progress in the United States, the readers in Brazil and other countries will have some landmarks by which to judge the progress of the issue of animal rights/welfare within their own country.*

**Index:** 1. Social/ legal movement; 2. Law schools; 3. The broader legal community; 4. Within the personnel of the court system; 5. Common law development within the courts; 6. Within the legislatures; 7. What direction the future.

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## 1. SOCIAL/ LEGAL MOVEMENT

While the roots of the present animal welfare/rights social movement reaches back into the 1950's with the efforts of a number of individuals to pass a national animal protection law,<sup>2</sup> it was not until the publication of Professor Peter Singer's *Animal Liberation* (1977) and Professor Tom Regan's *A Case for Animal Rights* (1983) that the philosophical claim for animal rights got ignited and the movement achieved intellectual traction.<sup>3</sup>

In 1981 in the midst of the new concern about animal issues, on a November weekend in 1981, at Brooklyn Law School (New York), the first national conference was held for lawyers to consider animal legal issues. (While names can and should be associated with all this historical information, that level of detail will have to wait until a book is written.) The next year at a meeting in San Francisco (California), the first national organization of attorneys was formed to promote animal welfare/rights in the legal system. The initial name was Attorneys for Animal Rights, but several years later the name was changed to the Animal Legal Defense Fund (ALDF).<sup>4</sup>

Also in the 1980's the activist organization PETA (People for the Ethical Treatment of Animals) and many non-legal organizations were formed.<sup>5</sup> Thus began the legal and social movement to create awareness of animal suffering and to obtain change within the legal system on behalf of animals. This growing movement had sufficient activity and interests in the general population that in the summer of 1990 there was a "March for the Animals" in Washington D.C. (our national capital). Upwards of 10,000 people showed up to march from the White House (the residence of the President of the U.S.) to the steps of the national Capital building, chanting slogans and giving speeches on behalf of animals. (The route and format of the march followed the long established traditions of public protest marches, established during the civil rights movement in the U.S. back in the 1960's.)

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<sup>2</sup> The first modest version of the federal Animal Welfare Act (AWA) was adopted in 1967. See, Christine Stevens, *History of the AWA*, in ANIMALS AND THEIR LEGAL RIGHTS 66 (Emily Stewart Leavitt ed., 4th ed. 1990).

<sup>3</sup> The first book of this era was ANIMAL RIGHTS AND HUMAN OBLIGATION, a collection of essays by Tom Regan and Peter Singer (1976). In 1981 Bernard E. Rollin published ANIMAL RIGHTS AND HUMAN MORALITY

<sup>4</sup> See generally, [www.aldf.org](http://www.aldf.org).

<sup>5</sup> See [www.peta.org](http://www.peta.org) and list of organizations at [http://dir.yahoo.com/Science/Biology/Zoology/Animals\\_\\_Insects\\_\\_and\\_Pets/Animal\\_Rights/Organizations/](http://dir.yahoo.com/Science/Biology/Zoology/Animals__Insects__and_Pets/Animal_Rights/Organizations/).

## 2. LAW SCHOOLS

All of this broader social activity in the 1980's and early 1990's had very little impact within the legal profession or the law schools of the country. As the animal issues obtained increasing public awareness college students, in the tradition of environmental movement thirty years earlier, began arriving at law schools to pursue the goal of legal change on behalf of animals. In was back in 1994 that I was asked to write an introduction to the first volume of the Animal Law Review.<sup>6</sup> It should be noted that within the United States legal journals are published primarily by law schools through the efforts of law students, so change can occur by the efforts of students, long before the acceptance of the issue at high levels of authority within legal education. In this case the law review was produced by the law students<sup>7</sup> at Lewis and Clark Law School, in Portland, Oregon, USA. The Law School itself would not pay the cost of printing the Journal, so the ALDF paid the cost of printing, to get animal legal issues formally before the thinking lawyers of the country.

At approximately the same time at the same school, an overlapping group of law students formed the first Student Animal Legal Defense Fund (SALDF). Since that time interests in the topic of Animal Law has exploded in the realm of the law schools across the nation. This past summer I wrote the introduction to a second, new journal dealing with animal legal issues, the Journal of Animal Law, a peer reviewed law review of Michigan State University College of Law. Law students at the University of Pennsylvania have also announced their intentions to create a third animal focused law journal.<sup>8</sup>

The existence of these journals is important as they allow the development of ideas and theories within the legal community, at a level of sophistication which could not be realized in the public press. While the first debate within a movement is of philosophy, this lays the conceptual foundation for the direction in which the law ought to proceed. The philosophical debate creates the desire and justification for social change, but does not suggest how to obtain the change within existing laws and institutions. The debate in the law journals occurs when the discussion becomes more focused upon how to change the law. Thus there is a critical role for law journals, where the debate about how to proceed can occur among the lawyers. This

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<sup>6</sup> David Favre, *Time For a Sharper Legal Focus*, 1 Animal Law Review 1 (1995). In that article the focus was on the conflicting views the American public had about wildlife. For example, state agencies were killing wolves in Alaska as unwanted predators while our federal agency was spending millions of dollars to reintroducing wolves into the Yellowstone National Park.

<sup>7</sup> In the United States Law is taught as a graduate education program (JD – Jurist Doctorate). It is a three year program which can be started after obtaining an undergraduate degree, for example a BA or BS.

<sup>8</sup> Also, within the year 2005 it has come to my attention that a Journal has started in England, an online dialog has started among animal lawyers in Australia (Voiceless) and this journal out of Brazil. The movement for animal protection is clearly a growing global phenomenon.

is modestly important for changes of the nature of animal welfare improvements, but is critical for that much more difficult concept of animal rights.<sup>9</sup>

Besides the publication of scholarly articles, another important measure of progress is the teaching of the course within law schools. While a few courses on Animal Law were taught in the 1980's and early 1990's it was the teaching of the course at Harvard Law School that really was a landmark event. There are two aspects of this occurrence that are important to note. First, it was taught by Steven Wise, past president of ALDF and activist attorney, as an adjunct professor,<sup>10</sup> not by one of the tenured professors. In 2005 it is still the case that only a few of the law school's animal law courses are taught by tenured faculty. Secondly, the occurrence of the class at Harvard gave legitimacy to the issue that had not previously existed. An article in the New York Times about the course and the movement resulted in a large cascade of press coverage about the movement generally and possible legal changes specifically.<sup>11</sup>

When Steven Wise taught at Harvard he had to use his own materials, and before wide teaching of the topic could occur it was necessary for a national textbook to arrive upon the scene. Most individuals do not have the ability or time to put together an entire semester's worth of materials. For deans and faculty to approve the creation and teaching of new courses, it is very helpful to be able to show a national textbook that by its chapter headings defines the scope and nature of the course. As might be expected, pioneer teachers, who were and are still adjunct professors at various law schools, wrote the first book published in 2000.<sup>12</sup> It should

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<sup>9</sup> The difference between the two concepts is important. Animal Welfare has as an initial premise that humans have an ethical, moral or religious based obligation to treat animals well, to not inflict unnecessary pain and suffering on animals. It is fairly clear that this premise is not fully reflected in present laws and that considerable change would be required to fulfill that standard.

Animal Rights has a different premise: that animals are beings with a moral, ethical status just like humans being, and that as a result they should have not just protection of the law (welfare) but be a part of the legal system with rights of their own. For example see the proposed new tort for animals where the relief for the harm would run directly to the animal and not the owner. David Favre, *Judicial Recognition of the Interests of Animals; A New Tort*, 2005 MICH. ST. COLL. OF LAW 333, disponível em: [http://animallaw.info/articles/art\\_pdf/favre\\_animal\\_interest.pdf](http://animallaw.info/articles/art_pdf/favre_animal_interest.pdf)

<sup>10</sup> An adjunct professor teaches only part time, is usually underpaid, and is not an academic appointment which has any responsibility for the policy of the College.

<sup>11</sup> William Glaberson, *Legal Pioneers Seek to Raise Lowly Status of Animals*, N.Y. TIMES, Aug. 18, 1999, at A1. For months after that article the office of ALDF received phone calls from the press around the country asking questions about "this animal rights stuff."

<sup>12</sup> Pamela Frasch, Sonia Waisman, Bruce Wagman, and Scott Beckstead drafted the book ANIMAL LAW; CASES AND MATERIALS (1999 Carolina Academic Press). By conscious decision the book focused on classical legal issues like damages, torts, standing and property law, rather than legal rights for animals, which was perhaps too radical for law faculties to accept. While law faculties are often presumed to be very liberal, when acting as a body or institution they are often conservative about introducing new ideas.

be noted that the demand for the teaching of the course arose not from the deans or faculty of the various schools, but by the demand of the students requesting the course be taught.

Increasing student demand, the publishing of a textbook and the availability of attorneys already active in the movement to teach the course have created a significant increase in number of law schools offering a course in Animal Law over the past decade. Omitting the intervening details, consider the scope of the interests today, as measured by both the number of law schools who are offering the course and the number of law schools where students have self organized to promote animal issues. The best count is kept by the Animal Legal Defense Fund and is available from their website.<sup>13</sup> In of the fall of 2005 the site listed 62 law schools as offering the courses, and 68 law schools had student organizations. (There are approximately 190 American Bar Association (ABA) approved law schools in the U.S.)

Another measure of growing interests is that there is now a national Animal Law moot court competition being held annually at Harvard Law School with teams from over a dozen law schools participating each February.<sup>14</sup> A second national textbook joined the scene in 2002 and a book of essays for use in classes in 2004.<sup>15</sup> As a further example of expanding interests, in 2004 at California Western Law College the first international conference for attorneys and professors interested in animal issues was held.<sup>16</sup>

All this activity has created a presence for animal legal issues within the teaching world. However, much is to be done before it can be judged as fully integrated into legal academics. At the present there is no section of the American Society of Law Schools (with over 4,000 law professor members) that has an animal welfare, animal rights focus. This shortcoming is primarily because of the few number of full time professors who write and teach in this area, perhaps not more than six or eight in the U.S., depending on how you count. For a number of people it is a novelty course, not a mainstream area where significant academic effort should be expended. This image is what will need to be overcome. While at least one law professor has received tenure at an ABA law school based upon scholarship in the animal law area, scholarship by full professors is still low. It will be a measure of academic

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<sup>13</sup> See, <http://www.aldf.org/students.asp?sect=resources>.

<sup>14</sup> This competition is organized by the National Center for Animal Law (of Lewis and Clark Law School) and the Student Animal Legal Defense Fund (of Harvard Law School).

<sup>15</sup> David Favre, *ANIMAL LAW, INTERESTS, WELFARE AND RIGHTS* (2002); *ANIMAL RIGHTS: CURRENT DEBATES AND NEW DIRECTIONS* (Cass R. Sunstein & Martha Craven eds., 2004).

<sup>16</sup> Individuals came from nine different countries and had a wide assortment of experiences and ideas. The proceeds of the Conference were published. See *A GLOBAL PERSPECTIVE ON ANIMALS IN THE LEGAL SYSTEM* (2004). More information is available at ANIMAL LEGAL AND HISTORICAL WEB CENTER, <http://www.animallaw.info/policy/pobowelfareconf2004.htm>.

acceptance of the topic when more full time professors begin writing and teaching in the area. A parallel in development can be found in that of environmental law. In 1972 environmental law was a novelty course offered at only a few law schools, but today it is offered at virtually every law school in the U.S. and is usually taught by full time professors who publish law journal articles in their field.

### **3. THE BROADER LEGAL COMMUNITY**

To raise animal issues at attorney meetings (bar associations) a decade ago, often resulted in the attorneys in the audience sounding out cat calls and dog barking; it was not taken seriously by the legal establishment. Initial inroads in this portion of the legal world occurred with the creation of recognized committees within State Bar Associations<sup>17</sup> (usually denoted as an Animal Law Section or Committee). The first such event happened in Michigan in 1995, when the State Bar Association accepted the application of a group of attorneys to form an Animal Law Section. Also, the Bar Association of the City of New York has a long standing committee and has sponsored a number of important conferences over the years. At the moment there are eleven state bars with formally recognized animal law sections. Additionally there are nine regional or city bar associations with animal law sections.<sup>18</sup> The importance of these sections is that they are a critical educational catalysis for attorneys, as almost all of them hold educational conferences at least once a year. Their efforts within the formal associations, dealing with officers and executive directors, are building credibility among the large group of attorneys who do not have personal interests in animal issues.

Just within the past year this assimilation process started within the premiere national association of attorneys, the American Bar Association. Through considerable effort, an Animal Law Committee within the TIPS Section of the ABA was approved in the fall of 2004.<sup>19</sup> This initial presence will hopefully foster more acceptance of animal issues within the broader bar activities.

### **4. WITHIN THE PERSONNEL OF THE COURT SYSTEM**

The ultimate measurement of the acceptance of animal welfare considerations by the legal system occur within the ranks of those who implement laws: the judges,

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<sup>17</sup> In the U.S. lawyers are organized at the state level, not the national level. There are 50 or more Bar Associations across the country, at least one per state.

<sup>18</sup> Again see the ALDF website for the most comprehensive list.

<sup>19</sup> Barbara Gailson was the first chair of the committee. In August of 2005 they presented their first program within ABA's annual meeting.

police and prosecutors of criminal laws. This article is too short to consider this aspect in detail and hard facts are difficult to find. The best that can be said at this point is that some police, some prosecutors<sup>20</sup> and some judges, by their actions, show an acceptance of animal welfare issues as socially important and deserving of their time and energy. However, there is still a long road to travel. While groups of prosecutors are considering animal enforcement issues, the same cannot be said about judge based organizations. When national associations of judges have panel presentations about animal issues at their annual meetings, then truly animal issues will have been integrated into the legal profession, and society at large.

## 5. COMMON LAW DEVELOPMENT WITHIN THE COURTS

Within the U.S. there has not been any break through case for animal rights, and not much change in animal welfare in the courts over the past decade. It needs to be remembered that the U.S. has a common law history (not a civil law history) which gives to state judges the power to enhance and develop law where the legislature has been silent. Perhaps the most litigated issue of the past decade (besides dog bite cases) has been the issue of what damages will be available for someone whose pet has been harmed or killed by another. At the beginning there were high hopes that state supreme courts would allow loss of companionship, intrinsic value or human pain and suffering as measures for determining the value of a pet, rather than the traditional measure of the market value of the animal. But as we look at the legal landscape today, it is fairly clear that the courts will not be the catalysis for change in this area,<sup>21</sup> and that legislatures are the only avenue open for real change. A few legislatures have tentatively begun to allow the recovery for harm to pets based upon non-economic basis.<sup>22</sup>

For example, a Texas trial court awarded damages to a plaintiff whose dog had escaped the defendant's care and was killed. On appeal the court would not let stand the damages for mental anguish of the human plaintiff or the intrinsic value of the animal companion.<sup>23</sup> In the past decade notwithstanding the occasional

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<sup>20</sup> An individual who is an officer in a national association of prosecuting attorneys is also a Board member of ALDE.

<sup>21</sup> See generally, Rebecca Huss, *Recent Developments in Animal Law*, TORT TRIAL & INSURANCE PRACTICE LAW JOURNAL, Winter 2005 (40:2) 233, 237-46; Animal Damages at [www.animallaw.info/ddanimaldamage](http://www.animallaw.info/ddanimaldamage).

<sup>22</sup> In 2002 Tennessee adopted a statute allowing up to \$4,000 in non-economic damages, in limited circumstances. Tenn. Code Ann. § 44-17-403(e) (2004). In 2005 Connecticut added a section allowing such damages in small claims court (maximum of \$3,500), Conn. Gen. Statute § 22-351.

<sup>23</sup> *Petco Animal Supplies, Inc. v. Schuster*, 144 S.W.3d 554 (Tex. App. 2004).

award at the trial court level, no state supreme court as allowed recovery for harm to pets based upon companionship or intrinsic value. The Wisconsin Supreme Court gave a fairly detailed discussion of the public policy considerations before holding that they were unwilling to extend the law, and left the issue in the hands of the legislature.<sup>24</sup> The cause of action known as intentional infliction of emotional distress, where available generally, is still available for fact patterns that include harm to animals. However, negligent infliction of emotional distress has not received a warm reception.<sup>25</sup>

At the federal level there was one significant case over the past decade. A key issue for the implementation of the federal Animal Welfare Act (AWA) has been that of standing; which private plaintiff might qualify to bring an action to challenge how the federal agency implemented the law. The D.C. Court of Appeals in 1998 for the first time found an individual had standing under the AWA based upon his personal interest in not seeing a chimpanzee suffer at a zoo. His legal claim being that the chimpanzee was being kept in conditions that, while acceptable under the agency regulations, violated the language adopted by the legislature.<sup>26</sup>

## 6. WITHIN THE LEGISLATURES

At the national level the political mix in Washington D.C., with the dominance of the Republican Party in both the Executive Branch and Legislative Branch, has resulted in a loss of protection for animals. On the wildlife side there has been very little new legislation. Amendments to the Migratory Bird Act in 2004 removed protection for nonnative birds.<sup>27</sup> A 2004 amendment to the Wild Horses and Burros Act has made it easier to get older unwanted horses to slaughter. Change to the Endangered Species Act and the Marine Mammal Protection Act occurred in 2004 when provisions were added which reduced the burden on the Defense Department in complying with these laws when required by the national defense needs of the country.<sup>28</sup>

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<sup>24</sup> Rabideau v. Racine, 627 N.W.2d, 795 (Wis. 2001), available at <http://animallaw.info/cases/causwi627nw2d795.htm>.

<sup>25</sup> Harabes v. Barkery, Inc., 791 A.2d 1142, 1143-46 (N.J. Super. Ct. Law Div. 2001). Also see, Pickford v. Mason, 98 P.3d 1232 (Court of Appeals of Washington, 2004).

<sup>26</sup> ALDF v. Glickman, 154 F.3d 426 (1998); available at, <http://www.animallaw.info/cases/caus154f3d426.htm>. The plaintiff visited a zoo a number of times where a chimpanzee was kept in solitary confinement, which he claimed violated the AWA.

<sup>27</sup> See Rebecca F. Wisch, *Overview of the Migratory Bird Treaty Reform Act*, ANIMAL LEGAL & HISTORICAL WEB CENTER, <http://www.animallaw.info/articles/ovusmbtra2004.htm>.

<sup>28</sup> See generally, Defense Authorization Act, Pub. L. No. 108-136, 117 Stat. 1392 (2004) and discussion in Legislative Review, 11Animal Law 325, 328-34 (2003).



On the domestic animal side, the premier federal legislation is the Animal Welfare Act.<sup>29</sup> After the significant enhancement of the Animal Welfare Act in the 1987 Amendments, There have been only two changes to the Act. In 1990 there was a modest strengthening of the provisions to keep stolen pets out of the chain of commerce.<sup>30</sup> In 2002 Congress, under the watchful eye of Senator Jessie Helms, amended the AWA to make clear that birds, rats and mice were exempted from the protections of the Act.<sup>31</sup> Amendments to help restrain puppy mills and outlaw the use of downed animals for commercial slaughter were removed from the final version that became law.<sup>32</sup> The housing and care of the millions of commercial food animals in the U.S. have never been under the provisions of the Animal Welfare Act and there has not been any movement to include them under the Act.

At the State level, the past decade has seen a number of positive changes. The criminal provision of state cruelty laws have been enhanced in many states, including amending the laws to make some of the provisions felonies rather than just misdemeanours.<sup>33</sup> In 1992 only seven states had felony anti-cruelty provisions, by 2005 forty-one states had some felony provisions. (In the U.S. a felony is any sentence more than one year in length, while a misdemeanour is a year or less in jail.)

Additionally, based on an addition to the Uniform Trust Act, a number of states have made it possible to have lawful pet trusts.<sup>34</sup> Thirty-two states have animal law trust provisions adopted, nine are considering new provisions and nine still have the traditional approach to animals in wills and trust. Within this quiet area of property law, animals have realized their most significant legal advance of the past decade. The traditional view in the United States disallowed animals to be the lawful subject of a provision in a will or trust.<sup>35</sup> This inability of individuals to make provisions for their pets after their deaths was addressed by the drafters of the Uniform Trust Law in the late 1990's with the drafting of Section 408 of the Act.

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<sup>29</sup> 7 U.S.C. §§ 2131-2159; available at, <http://www.animallaw.info/statutes/stusawa.htm>.

<sup>30</sup> US Public Law 101 - 624 (1990); available at, [http://www.animallaw.info/statutes/stusawapl\\_101\\_624.htm](http://www.animallaw.info/statutes/stusawapl_101_624.htm).

<sup>31</sup> 116 Stat. 134 (2002); available at, [http://www.animallaw.info/statutes/stusawapl107\\_171.htm](http://www.animallaw.info/statutes/stusawapl107_171.htm).

<sup>32</sup> *Legislative Review*, 9 ANIMAL LAW 331, 334-5 (2003).

<sup>33</sup> See, Stephan K. Otto, *State Animal Protection Laws – The Next Generation*, 11 ANIMAL LAW 131 (2005); available at, [http://www.animallaw.info/journals/jo\\_pdf/vol11\\_p131.pdf](http://www.animallaw.info/journals/jo_pdf/vol11_p131.pdf).

<sup>34</sup> Uniform Trust Code § 408, as adopted by National Conference of Commissions on Uniform State Laws (2003). Uniform Laws are only recommendations to the states, each individual state legislature must decide whether to adopt a particular provision before it can become the law of the state. See generally, Suzette Daniels, *An Introduction to Pet in Wills and Pet Euthanasia*, <http://www.animallaw.info/articles/arusdanielssuzette2004.htm>

<sup>35</sup> See generally, Gerry W. Beyer *Pet Animals: What Happens When Their Humans Die?* 40 SANTA CLARA L. REV. 617(2000); Siobhan Morrissey, *Wills Go To the Dogs*, 89 ABA JOUR. 24 (May 2003).

Under this section a trust for the care of an animal is specifically allowed along with the authorization for courts to appoint someone to enforce the trust.<sup>36</sup> Parallel language has also been made part of the Uniform Probate Law.<sup>37</sup> Thus a pet becomes a legally relevant being, one who has income and assets which must be protected and accounted for with in the legal system. This goes beyond animal welfare concerns and actually provides a legal right for animals.<sup>38</sup>

## 7. WHAT DIRECTION THE FUTURE

The obtaining of enhanced legal status for animals is not going to occur without the acceptance and understanding of the legal community in which the law is adopted and enforced. We in the U.S. are on the path toward that goal, but are not there just yet. Eventually the wave of individuals passing through law schools will have their full effect on legal institutions. As they become legislators, judges and community leaders, the issues of animal welfare will rise on national agenda. The welfare of animals is most likely to be enhanced at the state level rather than the federal level in the foreseeable future. As states have primary control over animal property law and anti-cruelty laws, they are the appropriate place for change to originate. Additionally, getting animals on the national agenda in Washington D.C. is not likely in the present political climate.

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<sup>36</sup> Trust for Care of Animal:

(a) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal or, if the trust was created to provide for the care of more than one animal alive during the settlor's lifetime, upon the death of the last surviving animal.

(b) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.

Uniform Trust Code § 408, supra note 35 .

<sup>37</sup> Uniform Probate Code § 2-907(1993). Adopted by Arizona:

Honorary trusts; trusts for pets; conditions

B. A trust for the care of a designated domestic or pet animal is valid. The trust terminates when no living animal is covered by the trust. A governing instrument shall be liberally construed to bring the transfer within this subsection, to presume against the merely precatory or honorary nature of the disposition and to carry out the general intent of the transferor. Extrinsic evidence is admissible in determining the transferor's intent.

Az. Rev. Statute §14-2907.

<sup>38</sup> See supra note 9 for discussion of the term "animal rights."

It is in the natural of a maturing civilization that its laws reflect the concern about the less capable, to acknowledge the needs of others and with increasing social and economic wealth be willing to dedication some level of resources to the conditions of beings not able to speak for themselves. Within this context there is considerable hope for obtaining increasing consideration of the plight of so many animals.

Where is Brazil on this road toward change? The existence of the Journal in which you are reading this article is itself a sign of progress. Does Brazil have a national organization of lawyers focusing on legal issues? Is the topic being considered in law schools? Has the issue of laws been in the general press? Is there any full time faculty member at a University who focused his or her academic efforts on behalf of animal issues? All of these things are steps in the process of assimilation of the ideas into broader society. Step to measure the progress of the legal profile of animals. While there must be broad awareness in the general public about the need for change, it will not happen without integration of the issues into the legal intuitions of the nation. I hope to hear continuing positive reports from Brazil as the years pass.