Unspeakable: The Law, Naming and Unique Wrongs against Animals

Since the 1970s, the animal rights movement has challenged the salience of the species divide between humans and other animals by emphasising their commonalities. This ‘similarities approach’ has been leveraged to critique widely-accepted attitudes and practices involving animals on the basis that similar attitudes and practices would be considered monstrous if directed towards human beings.

This paper will argue that, while the similarities approach is an indispensable component of the animal protection movement’s advocacy, overreliance on this framework erases some of the unique wrongs experienced by animals in, for example, industrial farming systems. A failure to identify – and name – the unique wrongs experienced by animals results in hermeneutical injustice, the injustice of having some significant area of one’s experience obscured from collective understanding. This paper shall consider the potential, challenges and limits of using the law to address this injustice.

Joe Wills

Dr Joe Wills is a lecturer in law at the University of Leicester. He publishes and researches in the areas of animal rights and human rights law. He has recently completed a Leverhulme Research Fellowship exploring the legal status of animals in Britain.