

CAMBRIDGE CONFERENCE

PAINISM, SPECIESISM AND THE LAW

Dr Richard Dudley Ryder
St Edmunds College, Cambridge
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Ladies and Gentlemen,

This is probably one of the most unwise things I have ever done: putting my name to a paper with the word “Law” in its title!

I am not a lawyer at all and never will be. I am a psychologist, a campaigner, a bit of a philosopher and a neologismist! But not a lawyer! So, please forgive me, and thank you for inviting me to speak here today. I will be addressing how the law can reduce the suffering of nonhuman animals.

I have this very simplistic view that the law should be built upon Morality and that moral rights more or less form the foundation for legal rights.

I also believe that *moral rights belong to all creatures who can suffer pain* of any sort: nonhuman animals, human animals and perhaps some computers, aliens and robots of the future. I believe that anything capable of suffering is a person in the sense that he or she has rights. Moral rights are built upon the capacity to suffer.

So, we could say — *all painients have rights*, where the words *pain* and *painient* cover all negative feelings; not just so-called “physical” pains but all emotional, cognitive and other negative feelings also. Let’s say that *all conscious beings* deserve moral and legal rights. Then we cover all eventualities. I am afraid I have about ten points to make. This is far too many. So I had better get a move on!

Speciesism and Painism

The title of my paper may be mysterious to some people in the audience.

Speciesism, Painism and the Law

The first two words are ones that I coined in 1970 and 1990 respectively to launch my campaigns to put animals into politics.

Speciesism is defined as a human prejudice that holds that all other species are considered to be “inferior and may therefore be used for human benefit without regard to the suffering inflicted on them.” (*Collins*, 2018.)

I drew the analogy with racism and sexism. Sexism, racism and speciesism are all similar prejudices.

In the 1970s I was invited to appear on radio and television shows in Europe, Australia, America, Canada, Russia and the Ukraine and so had the opportunity to spread the word Speciesism. The word is now quite well established.

I had the luck also to interest the young Peter Singer who liked the term speciesism and further spread the word in his excellent book *Animal Liberation* for which I had provided materials.

Incidentally that campaign of the 1970s revived the whole issue of Ethics which had, in previous decades, become neglected. The informal Oxford Group of young philosophers was formed and it was the animal issue that drove us. The modern animal rights movement started in Britain, by the way, not in America (despite Wikipedia). It was started by young Britons objecting to bloodsports in the 1960s. By the time Peter Singer arrived in the UK, all sorts of protests against bloodsports and cruel experiments were already well under way. Peter very wisely took it all to America a little later. Yet American writers still sometimes get the history in the wrong order.

New Laws

In 2022 I believe we are living at the dawn of a New Age when many young people are discussing the human/animal relationship. There is a huge tidal wave of feeling that all of us animals are brothers and sisters. *We can all suffer. We are all in the same boat of suffering!*

We all have this problem of pain that we have to avoid or overcome. Countries all over the world are suddenly becoming interested. New laws are being passed out of the blue.

Look at the case of Ecuador, for example, where the death of one poor little Woolly Monkey in 2020 has led their Constitutional Courts to pronounce upon the Rights of Animals as a separate entity from the Rights of Nature or the Rights of Humans. Animals are seen as Legal Persons and Rights Holders. They seem to have Habeas Corpus. (Marcia Condoy Trujenque: *A-Law* Conference, July 2022.)

But scientists, philosophers and lawyers speak different languages. Will they be able to talk to each other about the same things — rights, moral status and pain?

Dr Steven Wise has summarised the situation in the USA where the Courts seem to be obsessed with the idea that animals are *not* “persons”. No Court seems to dare to state the obvious — or to suggest that animals are legal persons who have rights. The Indian Supreme Court seems to have beaten the Americans to it. *Of course*, animals have a right to Habeas Corpus. About seven hostile arguments are, however, brought against this but these tend to be mostly dogmatic assertions without supporting evidence.

There have been great advances since 1970. Public opinion in favour of Animal Rights is now huge and growing, and Scientific evidence that thousands of species can suffer is also growing.

It is clearly time for change.

Why is injustice Wrong?	Because it causes Pain
Why is lack of freedom Wrong?	Because it causes Pain
Why is inequality Wrong?	Because it causes Pain
Why is torture Wrong?	Because it causes Pain
Why is boredom Wrong?	Because it causes Pain

And so on and so on etc. etc.

It is always the same bottom line.

It always boils down to pain

Painism

The term *Painism* I coined in 1990 to name my own personal moral theory which I had been formulating since I was at school in the 1950s. Much later, in the 1960s and 1970s, I read Jeremy Bentham and discovered that we were saying similar things. One great difference between Bentham's Utilitarianism and my Painism is, however, my objection to the adding up of the pains and pleasures of separate individuals (called Aggregation) to produce grand totals. Pain has to be *felt* before it is really pain, yet no-one actually feels such grand totals. Yet the *feeling part of it* is all-important.

Also, I disliked the way in which lots of little pains or pleasures can be added together in Utilitarianism and used to justify much larger quantities in a sufferer. For instance, the considerable pain of a gang-rape victim can be excused or justified if the pleasures of the many rapists are added together, and if this *total* of pleasures is said to outweigh the victim's pain!

Clearly, this is unacceptable.

So, in Painism I say it is invalid to add up pains and pleasures *across* individuals. At this point I part company with my two old friends Jeremy Bentham and Peter Singer.

Yet I think we would all agree that it is pains and pleasures that should form the basis for legal rights.

Indeed, I see such a secular theory as the basis for a large amount of Law in the future!

The central problem is how to avoid the aggregated pleasures of many being used to justify the exploitation or abuse of the individual (or the few). In particular, we want to avoid the aggregation of the trivial conveniences of the many being used to justify the severe or extreme sufferings of a few.

Painism promotes the interests and rights of the *individual*. Each individual is a universe of experience unto herself/himself. Painism respects this.

Anyway, we have, over the last fifty years put all animals into politics and into Ethics. Now we need to put all conscious creatures into *Law* also, even at the United Nations.

All conscious individuals should be citizens of the state regardless of their race, sex or species.

Human and animal experience can be divided into the two huge realms of Pain and Pleasure. It seems that all our thoughts and feelings can be divided into one or other category: the painful or the pleasant; the negative or the positive.

How does this have relevance for the law? The desired position of animals under the law seems to me to be almost the same as that of children.

Bringing Bentham Up-to-Date

At last, the implications of Charles Darwin are being faced up to. Animals are all related morally as well as genetically.

I think we are all moving towards a world society guided by *secular* moral principles.

Jeremy Bentham's Utilitarianism is a strong candidate, being based upon commonsense and compassion. Science has also provided increasing evidence.

But some of Bentham's basic assumptions have not been adequately examined. Maybe we can improve on Bentham:-

1) Bentham said that everyone seeks their own happiness, and that it somehow follows from this that everyone is also concerned for everyone *else's* happiness.

Clearly, alas, this does *not* actually follow! (Nevertheless, I am sure that there are such things as natural empathy and compassion.)

2) Bentham also claimed that pleasures and pains (benefits and harms), can cancel each other out. Within the same individual this may be true, but I maintain it is not true *across* individuals. Adding up the pains of individuals A and B does not produce a meaningful total.

3) Experience also suggests that within the same person *pains* can outweigh pleasures *more than* vice versa. So, given the choice of avoiding an hour's torture or having, say, two hours of extreme pleasure, most people choose to avoid the torture. In this sense, pain seems to be more powerful than pleasure.

Even little pains can disrupt big pleasures! I am not talking about a moral equation but an actual psychological effect:

We should bear in mind that it is quite natural for each individual to seek their *own* happiness (by gaining pleasures and avoiding pains). This is a central issue for *psychology*, but not for *morality*.

Morality is surely about how we *ought* to push ourselves (often against our natural impulses), to act to increase the happiness of *others*. This is a big point. I am saying that I think that morality is only about how we treat *others*.

When we talk of pains, we are including *all* negative feelings, e.g. injustice, poverty, boredom, fear, starvation, disease, painful thoughts, lack of liberty or lack of democracy or lack of equality etc. We have a duty to bring happiness to all other painient beings, as much as we reasonably can. Remember, in *my theory of Painism*, I define the word 'pain' to include *all* negative feelings.

We are including *all conscious beings* in our morality such as animals, conscious robots, aliens or computers. (Rules for any conscious individuals who are not actually painient — if there are any — will have to be slightly different.)

Painism also accepts that the reductions or terminations of pains are equivalent to pleasures.

Happiness consists largely of pleasures and the absence of pains.

When measuring pains and pleasures we are dealing with both the *intensity* and the *duration* of such pains and pleasures. Of course, there remain problems of measurement but the Home Office has been making progress. (I understand that the Home Office now sometimes takes the Painist line by *not* aggregating benefits across individuals, when calculating cost-benefits under the Animals (Scientific Procedures) Act, 1986.)

There are many verbal confusions currently. But to base Ethics and Law on Pain (and the avoidance of Pain) is a very good thing. It is clear and straightforward. It is strong. We all know pain and we all hate it.

The new *Animal Welfare (Sentience) Act 2022* will require clarity. So this is a good time to be considering such matters.

We will have to be careful that the use of the word *sentience* is not just restricted to nonhuman animals. We do not want “sentience” to become some sort of a second-rate form of consciousness that is experienced only by nonhumans. (This would be yet another form of Speciesism!)

It will, of course, be up to lawyers to interpret the new Act and use it, hopefully for the animals’ benefit. Psychologists and other scientists will be on hand to keep them up to date with the science. The Science of Animal Welfare is now quite formidable. I am proud to say that we in the RSPCA invested over £1 million to develop this science in the 1970s and 1980s. So the RSPCA played a major part in developing the new field of Animal Welfare Science internationally.

When I joined the RSPCA Council in 1971 no Science of Animal Welfare existed and the RSPCA itself had no written animal welfare policies. So, in 1975 I persuaded the RSPCA to

let Bill Jordan (RSPCA Deputy Chief Vet) and myself write its first scientifically-based Animal Welfare policies.

In doing this we emphasised the importance of mental and emotional suffering and reiterated the role of pleasures as well as pains (e.g. the need for genuine environmental enrichment and the measuring of the *preferences* of animals. Animals cannot verbally tell you what they want but *they can vote with their feet*). Ultimately, surely, our aim is to ensure the *happiness* of all animals everywhere. Because pains can so effectively disrupt happiness, we often attack pains before we go on to promote independent pleasures.

I welcome any new proposals — for example, the recent so-called “Five Domains” approach of *nutrition, environment, health, behaviour and mental state* that seem to have been suggested in New Zealand. It is good to emphasise the positives and the mental state, which is what the Five Domains approach does.

When it comes to Ethics it is, as far as I am concerned, all about our mental states: pleasure and pain; positive and negative feelings; happy and unhappy, what animals like and dislike.

That great Pleasure and Pain dichotomy seems to permeate almost everywhere!

Painism (Aggregation)

You can begin by seeing my theory of Painism as almost the same as Jeremy Bentham's Utilitarianism. I had formulated my ideas in my teens and as an undergraduate Experimental Psychologist at Cambridge *before* I had read Bentham, so I felt very pleased when I finally read Bentham in the early 1960s. We seemed to agree on most things! (He died in 1832 but is now on display in his box at University College, London.)

However, I believe that pains and pleasures cannot be aggregated as they are separately experienced by *separate* people. No one person feels these great totals of pain or pleasure, and surely pain has to be *felt* in order to be called a pain?

Besides, one does not aggregate or add up other feelings like loves or surprises or angers across individuals. One would be considered crazy to do so. So why can one be allowed to do it with pains and pleasures? If I said: "The fifty people in group (A) are feeling a total of 10 units of love and the five people in group (B) are feeling a total of 20 units of love, therefore (B) is better than (A), my audience would think I was mad! Probably correctly!

I remain convinced that we cannot legitimately add up the pains and pleasures of many separate individuals and produce a result that means anything.

This sort of argument justifies any wrongdoing at all provided you have enough malefactors who really enjoy doing it! Is this democracy by the way? *Does the mere convenience of*

many justify the agony of the few? No, the badness of a situation is probably measured more accurately by the intensity of pain of the maximum sufferer.

In my opinion, we cannot aggregate pains or pleasures *across* individuals at all. Furthermore, I believe that pain is not pain unless it is felt. Of course, I use the word 'pain' as a psychologist tends to do, to describe any sort of negative experience including negative *emotions* like fear, horror, guilt and boredom, and negative *cognitions* like difficult mathematics, unpleasant ideas and so on.

As I have said, one of the important similarities between Bentham's Utilitarianism and my Painism is that he uses *pain* to indicate what is wrong, just as I do. Both of us use the concept of pain as one of our basics. But I go a bit further in pointing out that experiments show that even small pains can sometimes disrupt or outweigh great pleasures. Stopping others' pains therefore seems to be more important than increasing their pleasures. There is nothing wrong in increasing the pleasures of others, indeed it is a good thing, but it is better to try to reduce their pains first and then, if that is partially or fully achieved, move on to giving pleasures. Of course, both can sometimes be achieved at the same time, and that is even better!

Remember that I include *all* negative experiences within the term "Pain".

Of course, all cephalopod molluscs and decapod crustacea (e.g. lobsters and octopuses) have recently been recognised in law as being capable of pain. They are now considered to be *animals* under the new Animal Welfare (Sentience) Act of 2022.

Speciesism

Well, the other word in my title is *Speciesism* which I coined in 1970. It was meant to bring out the parallels between all of our irrational and outrageous prejudices against others. Speciesism is like racism or sexism or ageism: it is an outrageous prejudice based upon morally irrelevant physical differences. *What matters is that all animals can suffer.*

Why should membership of another species allow us to torture them or abuse them? What has *species* got to do with permitting cruelty? The answer is nothing. No more than sex or race.

X amount of pain experienced by a dog or a guinea pig is as important morally as X amount of pain felt by a human — or X amount felt by a robot or an alien. In a sense, it is the pain itself that matters morally, not its vehicles.

Why should a species-difference (or a race difference or a sex difference) allow me to be cruel? It doesn't!

Charles Darwin

We still haven't fully accepted the *implications* of Charles Darwin that all species evolve from a common ancestry, and experience pain and pleasure. Darwin was tormented by cruelty to humans and animals alike. However, afraid of upsetting other people, he often kept quiet about his theories. Fearing upsetting his religious wife, Darwin delayed publication of his Theory of Evolution and afraid, perhaps, of upsetting his hard-headed and hard-hearted scientific friends such as Thomas Huxley, he tried not to criticise the cruelty of vivisection.

It is likely that he suffered from a number of psychosomatic illnesses due to the awful tensions which he consequently experienced.

Darwin regarded unnecessarily painful experiments without anaesthetics, for example, as deserving "detestation and abhorrence". (Evidence to the Royal Commission on Vivisection.)

Darwinism, and the theories that descend from Darwin, today provide some of the great foundations of modern science. They demand *a complete further revolution in our legal and moral positionings of other species.*

The great separation of the human species from all other living things *is*, especially since Charles Darwin, completely out of date! It is sheer arrogance and speciesism, as stupid as racism or sexism.

Pain is the proper basis for Morality and Law, and the fact that all animals, as far as is known, suffer pain and distress in similar ways should now bring all of us under the same (or very similar) protection of the Law.

Animal Welfare (Sentience) Act 2022

So, it is fitting that earlier this year in the *Animal Welfare (Sentience) Act* of May 2022, the term “animal” is reinterpreted to include:

- (i) any cephalopod mollusc, and
- (ii) any decapod crustacean

For the first time, non-vertebrates such as octopuses, crayfish, prawns, crabs and lobsters are being included. This is wonderful. Yet we are still boiling them to death in this country — as I speak!

We need to move on from there to introduce the basic principles of Painience into World Law (e.g. a UN Convention).

Lawyers

I warmly welcome the growing involvement of British lawyers in this field. You will I hope find ways in which nonhuman animals can be given more secure and protected positions in

law. In many ways, as I see it in my naïve non-lawyerly way, nonhuman animals have, or ought to have, the same position as *human children*: the full protection of the law. Then we need to apply the findings of science in a rational way.

Above all, there is now a huge amount of scientific evidence that animals can and do suffer pain and distress.

Yet they do not, for example, have the legal right to a name nor a nationality. Nor a right to receive care, nor basic social services, health care, shelter nor nutrition. Wild animals are given very little statutory help from the state. No-one has a duty in law to rescue wild creatures from starvation or plague or natural disasters. They are the poorest of the poor. Yet they can suffer very similarly to ourselves.

All wild animals are very hard done by. Voles, rabbits, foxes, deer, birds, fish, elephants, tigers, bears, snakes, insects, cephalopods, crustacea — are mostly left to suffer and die alone. A wild life is a hard life indeed.

To make matters worse, the strongest animal of all — Homo so-called Sapiens — hunts, traps, shoots, poisons and chases wild life merely for entertainment! Pity the poor wild animals in this world! When some humans see the wild ones struggling their best for survival, they just put the boot in! They add a millionfold to their sufferings, peppering them with shot or trapping them in leghold traps, or chasing them for amusement! Is there anything more wicked or despicable that a man or woman can do?

To pick upon the weakest and most disadvantaged and to shoot at them, spear them, chase them or kill them at close range for stuffed trophies?

Torturing the weakest just for fun!

That's what hundreds of British so-called men, along with Americans and Russians and other pathetic specimens of manhood do in their holidays. ***They chase, wound and kill terrified and disadvantaged nonhumans just for fun!***

In some parts of the world, farmers do much the same to increase their profits. Farm animals suffer in millions of cages around the world. So do laboratory animals and animals in circuses, or in human homes. Animal abuse is far more prevalent than child abuse!

Lord Erskine and Richard Martin

Of course, there have been good lawyers involved in the past — none better than various judges of the Coleridge family and the great Lord Erskine himself. Robert Erskine became Lord Chancellor and in 1809 tried to introduce legislation to protect animals from vicious exploitation. He argued against the immunity that servants claimed when obeying their masters' orders, and the claim that, as they *owned* animals, men could do what they wanted with them because the animals were their *property*!

Later, he joined forces with another Cambridge educated lawyer, Richard Martin MP, in passing the first Parliamentary legislation anywhere in the world to protect farm animals from cruelty. That was 1822 — exactly two hundred years ago this year. So, yes, lawyers can indeed feel proud! We are celebrating Richard Martin and Robert Erskine today! Both were Cambridge lawyers.

I repeat: two hundred years ago, they together passed the first Parliamentary law in the world to protect animals from cruelty!

Because the quality of painience is not always easy for others to determine, it should be assumed. That is why, in practice, any being that may be capable of consciousness should be given rights.

History

Can I add a few words here as a historian? It is strange that the worldwide revolution in the consideration of Animal Rights that took place from about 1965 onwards was:-

- (1) Led by activists in Britain
- (2) That some of those activists were professional philosophers, but
- (3) That so few were lawyers

Both politicians and public opinion led world opinion in Britain, but there were few British lawyers involved in the 1970s. Why was this? A well-known lawyer has recently suggested it was due to some British lawyers being very fond of foxhunting! They mistakenly may have believed that foxhunting was a badge of aristocracy or career success!

Yet the philosophical and political movement flourished in Britain and was extended via international academia and by journalists and politicians. I had set up *Eurogroup* in 1980 and it and *Compassion in World Farming*, together with the *RSPCA* in the UK, were largely responsible for the 56 reforms in Animal Welfare law that took place in Europe between the years 1970 and 2010. (David Bowles, *RSPCA*, 2016.)

For those interested in history the *Oxford* Group was formed in about 1970 when Brigid Brophy introduced me to Stanley and Roz Godlovitch — graduate philosophers at *Oxford* University. Brigid and I had just been on the world's first ever *televised* discussion of Animal Rights (Scottish Television, *The Lion's Share*, 29th November 1969). (See Robert Garner and Yewande Okuleye's excellent: *The Oxford Group and the Emergence of Animal Rights: An Intellectual History*, OUP, 2021, P 128.)

Indeed, I suspect it was the open pursuit of bloodsports that provoked Britain to lead the new Animal Rights revolution of the 1960s and 1970s.

How do we know there were so few British lawyers involved in the modern revolution?

Well, for example, I co-initiated with Rev Andrew Linzey the world's apparently first ever

Animal Rights Conference at Trinity College, here in Cambridge, in the summer of 1977, and I wrote its Declaration Against Speciesism which was signed by about one hundred and fifty people — only one of whom was, to my knowledge, a lawyer! (That was the late Mary Rose Barrington.) Among the 28 speakers at that Trinity Conference in 1977, 6 or 7 were professional philosophers and 6 were scientists; but none were lawyers!

We missed you!

It is so good that British lawyers are now so active. Animal reformers have some powerful enemies, so you are certainly needed to protect campaigners. I was lucky that I had Sir David Napley to help me when I was threatened!

I welcome the advent of so many outstanding British lawyers into this field over the last ten years — notably our hosts today — Raffael Fasel and Sean Butler.

Recent Changes

I was among those who pressed for a new official Committee or Commission which has helped to produce the recent *Animal Welfare (Sentience) Act, 2022*. As you know, this recognizes animal sentience in law perhaps for the first time. It relates to the effects of government policy on the welfare of animals as sentient beings. It sets up a Committee which has powers to comment upon Government policy to which the Secretary of State must reply. (All this is in line with my suggestion for an Animal Protection Commission which

together with a lawyer, Katya Lester, I first put to the Government in 1977. Indeed, Prime Minister Callaghan wrote to me promising that he would set up such a Council in 1979 but he wasn't re-elected.) So, we have finally got there about forty-three years late!

We need legal minds working with philosophers, psychologists, and other scientists to tidy up the meanings of these words as far as possible. The new Act will need this.

Currently two Government departments deal with cruelty to animals in the UK: DEFRA and the Home Office. Officials at these two Departments have become some of the most experienced in the world in:-

- 1) Estimating the intensity of suffering that will be experienced by animals in experiments and in various other conditions

- 2) Applying Painist judgements when judging cost/benefit analyses. For example, not attempting to justify the great suffering of the few by aggregating the little benefits of the many. The principle here is that the adding together of pains or pleasures (costs and benefits) *across individuals* is considered to be invalid (in line with my Painism).

If modern ethics continues to be based upon such principles, I can see modern laws protecting not only nonhuman but also human animals in similar ways.

I think all protective and anti-abuse legislation, for human animals as well, should be based upon such Painist rules. It is protection from pain that matters.

The Home Office administers the Animals (Scientific Procedures) Act of 1986 and they have become quite expert at what was said in 1980 to be impossible — the estimation in advance of intensities of suffering. As regards *Animal Welfare Impact Assessments*, they have also sometimes tended to follow my Painist line in *not* aggregating pains and pleasures *across individuals* when estimating cost-benefit analyses.

So I welcome the growing interest in animal rights shown by British members of the legal profession.

After all, I believe it is the duty of states to protect all painient things within their borders.

ALL PAINIENTS ARE CITIZENS!

Only perhaps 1% of things in the Universe may be conscious. The important cosmic division now appears to be not between Human and Nonhuman but between Conscious and Not Conscious. We conscious and painient things need to hang together!

Painients of the world unite!

The recent claims that a chatbox was asking not to be switched off have received some attention. We simply do not know whether it was conscious. We cannot ascertain such things. How can we be sure? Maybe gunpowder is conscious — well if you hit it, it certainly may react! But reactions do not in themselves indicate consciousness! Decisions do not have to be conscious! Sleepwalkers have been said to commit murders while unconscious. Certain types of brain disordered patients too. Consciousness sometimes seems amazingly fragile. Have you never driven a mile or two without apparently having been conscious of the road? I imagine that these matters could be of considerable interest to criminal lawyers.

I have spent an hour walking and talking with someone who afterwards said they had been entirely unconscious at the time. Quite automatically he could avoid the traffic in the centre of Oxford while he ignored my questions. Was I literally walking with a zombie? (His problem was Temporal Lobe Epilepsy.)

One day we will begin to understand how the brain creates consciousness.

Is it to be understood through Quantum Mechanics — the explanation of the very small.

When I once said I thought that subatomic particles showed evidence of Free Will, Freeman Dyson (the great physicist), who had overheard me, agreed enthusiastically!

Perhaps Consciousness is a Quantum thing. Perhaps it is rather like Observation itself — something that is alleged to affect the behaviour of subatomic particles.

This is all speculative. But for lawyers it may help to say that what I am proposing is that moral rights should be based on the subjective mysteries of pain and pleasure, and that legal rights should be based upon moral rights. Pains and pleasures are fundamental throughout the Animal Kingdom. The human species on average is in some senses cleverer than other species, *but otherwise it is **not** a special case*. Lawyers can be of immense assistance here. Laws should be applied throughout the Animal Kingdom and throughout the Realm of Consciousness. Protective laws are for *all* painient creatures.

Lawyers are now needed to work out how the world of Law can be extended to all painient things. What needs to be done?

Changes Needed

I notice that David Thomas has recently criticised the predicament of laboratory animals (ASDAW, July, 2022). He feels the elementary three Rs (the Reduction, Replacement and Refinement of procedures) need to be more formally put into Law along with the Harm-Benefit Test. As one of the drafters of the original Animal (Scientific Procedures) Act, 1986, in which these matters arise, I warmly concur. The way the Act is enforced needs attention. Scientific benefit needs to be clarified. Maybe the whole idea of a Harm/Benefit Test needs to be scrapped. Prevailing public attitudes have greatly changed over the last thirty years and the Science has expanded.

Professor Donald Broom of Cambridge, an outstanding champion of the animals, suggests a number of legal improvements of the current position which could produce huge reductions in sufferings.

For example, the introduction of penalties for:-

- 1) The “gratuitous killing” of animals on the road
- 2) The unnecessary killing of insects
- 3) Allowing cats to torture their prey
- 4) Catching non-target animals in traps (e.g. in trawling and by-catches generally)
- 5) Cruel pest control (e.g. glue traps and pesticides)
- 6) Careless habitat destructions
- 7) Neglecting wildlife welfare generally

(*A-Law* Conference, August 2022.)

Professor Mike Radford agrees by suggesting that legal steps should be taken to expand our obligations to wildlife generally.

I very much agree. Mike Radford and Paula Sparks have been outstanding.

Many reforms are currently passing through Parliament in *the Kept Animals Bill*: the hugely important ban on live exports, for example, restrictions on primates as pets, measures against

puppy smuggling. There has been a ban on Glue Traps, the introduction of fixed penalty notices for animal offences, and an increase of sentences to a maximum of five years.

The Johnson Government will go down in history as a step forward for Animal Rights.

I am grateful for this.

I hope Labour will be able to keep up.

There is still so much to do.

Animal Welfare Science

As Dr Jonathan Birch points out — the sophistication of an animal is not necessary for its painience. I would guess with confidence that cognition itself may not be necessary for suffering to occur.

Shakespeare speaks of the suffering of a simple little beetle as “being as *great* as when a giant dies”. In this case, surely, size does *not* matter!

Conclusions

More and more humans are understanding that *conscious beings*, capable of suffering, are all together in a special category.

Many physically *little* animals have so far been overlooked.

In the 1970s Douglas (Lord) Houghton and I went around Europe saying it is time to:

PUT ANIMALS INTO POLITICS!

(We succeeded.)

Also, in the 1970s and 1980s we helped to put animal welfare into science. (I set up the RSPCA's Science Departments and (as I have said) persuaded the RSPCA to pay for the development of Animal Welfare as a Science.)

Now I am suggesting it is time for the next step. It is time to:-

PUT ANIMALS FURTHER UNDER THE PROTECTION OF THE LAW!

So, thank you for inviting me to speak at your important Conference today.

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CV, September 2022

Dr Richard Dudley Ryder has an MA in Experimental Psychology from Cambridge (1960 – 1963), a Diploma in Clinical Psychology (Edinburgh), is an Associate Fellow of the British Psychological Society, a PhD (Cambridge) in Political and Social Science and is a Fellow of the Zoological Society. He has published leaflets and books since 1969 on *Speciesism* and *Painism*, words he coined, and from 1971 to 2020 was a Trustee of the RSPCA, several times its Chairman and its President from 2021 – 2023.

Ryder has been an active political and media campaigner for animals from 1965 onwards. From 1969 he led successful campaigns to stop otter hunting and hare coursing in Britain and, with Douglas Lord Houghton, to control animal experimentation. This led to the Animals (Scientific Procedures) Act of 1986 and the relevant EU Directive. He campaigned against factory farming, seal killing, cosmetics testing, and for the stopping of all hunting with hounds (the Hunting Act 2004). He also campaigned for the updating of animal protection generally (the Animal Welfare Act 2006). He saw onto the Statute Books twelve new UK pieces of animal legislation from 1970 – 2010, and forty-four in the EU. From 2020 to 2023 there were another five reforms including the Animal Welfare (Sentience) Act of 2022.

Ryder was Director of the Political Animal Lobby (PAL) from 1991 to 2000. He has done media tours internationally, was a Parliamentary Candidate for the Liberal Democrats, helped to reform the RSPCA, instigated the RSPCA's Science Departments, founded Eurogroup, procured generous RSPCA funding to launch the Science of Animal Welfare and to purchase the first *Sea Shepherd* ship. His main influence was through radio and television and he was Mellon Professor in the Department of Philosophy at Tulane University. He was awarded the Richard Martin Award in 2003, and the Peter Singer Prize in Berlin in 2021.

He is hoping to see a UN Convention on Animal Protection and is helping this campaign.