

but also perhaps birds and sophisticated insects such as bees, the “tiny brains” of which, Wise claims, produce “sentience” if not full practical autonomy.⁹

Seeking Legal Standing for Animals in Courts

Animals don't have the right to sue in human courts because they are not legal persons, and hence they lack “standing” to seek redress for grievances. This legal principle constrains animal rights activists from attacking animal industries “from the inside” by having, say, a steer sue a feedlot alleging abuse. This limitation requires animal rights groups to find other legal pretexts on which to bring litigation against animal-using industries.

For example, in 2006 the Humane Society of the United States filed a federal lawsuit against Hudson Valley Foie Gras, described in the HSUS publicity release about the case as a “notorious factory farm.”¹⁰ *Foie gras* is considered by some to be an especially delicious delicacy, but animal rights/liberationists detest the manufacturing of *foie gras* because it is made from the livers of ducks and geese that have been fattened through forced overfeeding so that their livers swell to three times the normal size.¹¹ HSUS's lawsuit, however, technically had nothing to do with the treatment of Hudson Valley's birds. Rather, HSUS—which is *not* an environmental protection organization—charged the company with violating the federal Clean Water Act, contending that the farm permitted bird feces to pollute the Hudson River.

The pollution case was not the first time HSUS had filed suit against Hudson Valley Foie Gras. In another case, the animal rights group claimed that the company was delivering tainted food to the marketplace. And just months before filing the pollution suit against the farm, HSUS had lost a suit that sought to prevent New York's Empire State Development Corporation from awarding the farm a \$400,000 grant intended to help it *upgrade and expand its water treatment facilities*. In other words, HSUS first tried to prevent Hudson Valley Foie Gras from receiving state money that would help it run a cleaner operation with regard to water pollution, and then turned right around and charged the company with polluting water.¹²

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Clearly, pollution isn't the real issue driving HSUS's legal war against Hudson Valley; it is a pretext. HSUS's actual gripe against Hudson Valley is over the company's raising, force-feeding, and slaughter of geese. So, why sue over a public policy matter with which HSUS is not primarily concerned? Because these were the only legal avenues open to it. As a private nonprofit juridical entity, *it would not have legal standing* to bring a private case against Hudson Valley for alleged animal abuse or to have the *foie gras* manufacturing process declared a form of illegal animal abuse. Thus, wanting to impede Hudson Valley's business operations, HSUS was forced to instead avail itself of the private right to sue its enemy as permitted under the Clean Water Act. Animal rights organizations often hit animal industries with lawsuits that have little to do with protecting animals or directly improving their welfare. They pursue this tactic because the law rarely permits private litigation to enforce animal welfare standards.

But what if animal rights organizations such as PETA and HSUS could sue cattle ranches, leather merchants, pet food manufacturers, fishing fleets, hunters, meat processors, dog breeders, any and all animal-using enterprises directly for alleged animal abuse? Or, better yet from the animal liberationist's perspective, what if instead of HSUS suing Hudson Valley for pollution violations, *the company's geese could sue the company directly for abuse*? What if animal liberationists could provide lawyers so that animals could bring legal cases? They could easily use their considerable budgets to pay lawyers to flood the courts with lawsuits fair and foul—and thereby tie animal industries into hopeless knots, raising their cost of doing business, and perhaps making insurance companies unwilling to provide coverage for fear of financial losses.

Animals bringing lawsuits? Don't laugh. Granting animals the right to sue—known as “legal standing”—is a major long-term goal of the animal rights movement. (Of course, it would be the liberationists who would bring the cases on behalf of the oblivious animals as their “guardians.”) Moreover, there is a dedicated cadre of lawyers and law students eagerly working toward achieving this and other legal goals of animal rights through the courts. (At last count there were nearly a hundred law schools offering animal law classes or programs, often at the behest of animal rights groups such as the Animal Legal Defense Fund.)