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***Animal Rights and Human Progress:
Aspects of the History of Animal Rights Concepts, with Special Regard to their
Links with the Ideas of Nonviolence and the Peace Movement***

Introduction

Animal welfare and the animal rights movement are often seen as typical products of an affluent society or even decadence, whilst on the other hand also linked to anti-modern currents, up to the point of National Socialism. Authors who count themselves as part of the animal rights movement classify the term *animal welfare* in conservative, paternalist contexts, whilst the term *animal rights* is granted an emancipatory potential and a connection to other emancipatory aspirations. I would like to not differentiate the terms animal rights and animal welfarism this way, but instead, to then speak of animal rights when terms such as "right", "wrong" or "justice" are applied, not only intra-humanly but also interspecies. Right in this sense is not to be limited to positive rights if even dependencies exist.

First attempts at this took place as early as ancient times, but the notion that animals, as living beings, are due their own rights, especially the right to life and to be spared from violence, was one that slowly developed historically, just like that of human rights. Though the right to be spared from cruelty was sooner accepted than the right to life.

Exemplary for a developed and differentiated formulation of animal rights is a text which, in May 1989, was read out at the Federal Delegates Conference of the German Green Party proclaiming, in seventeen articles, the basic rights of animals¹. Explicit reference was made to the *Declaration of Human and Civil Rights* of 1789 – in recognition of its 200th anniversary – and to the Declaration of the Rights of Woman and Citizen by Olympe de Gouges, 1791.

This was not the first formulation: in 1978, for example, a French "League for Animal Rights" presented their version to the Council of Europe and UNESCO², but up till now it has been the most comprehensive, demanding for animals the right to life and possibilities to live and the protection from physical or psychic violence.

On the other hand we have the decision by the Administrative Tribunal of Hamburg in the well known *Seal Suit* pressed by nine environmental associations in the name of the North Sea seals against the dumping of acid. The tribunal found that "*having legal capacity or being a legal subject or person*" are to be equated, that the protection of animals is only the "*moral obligation of people and not the right of the creatures themselves*" and that the law maker has ruled out the introduction of any *individual rights for animals*.³

¹ Proklamation der Grundrechte der Tiere. Editor: Die Grünen – Bundesarbeitsgruppe Mensch und Tier (Special print, 4 pages).

² "Rechtekonzept" in: Teutsch, Gotthard M.: Lexikon der Tierschutzethik, Göttingen 1987.

³ Administrative Tribunal Hamburg, order of court 22-09-1988, quoted from Weber, Jörg: Die Erde ist nicht untertan. Grundrechte für Tiere und Umwelt, Frankfurt 1990, p. 18.

This explanation shows that the interpretation which today is still authoritative for judicial understanding in Germany was still entirely orientated on Kant's theory in the *Metaphysics of Moral* from 1779: "The judicial relationship between humans and beings that have neither rights nor obligations. *Vacat*. For these are reasonless creatures that neither oblige us, nor to which we can be obliged."⁴

My topic are those voices which, though weak, have challenged the idea of the rightlessness of animals and affirmed the existence of animal rights. In the moral philosophical discussions of the eighteenth century they were singular, in the nineteenth century these voices organised themselves into groups and associations e.g. in animal welfare societies, the anti-vivisection movement and vegetarianism. Also, the relationship to other social reform movements, especially law reform, the women's movement and the peace movement should be taken note of in order to draw attention to the personalities whose presences are not or only little known in this area: *Magnus Schwantje, Ludwig Quidde, Leonard Nelson, Bertha von Suttner and Clara Wichmann*.

Animal Concepts in Ancient Times and the Middle Ages

A look at Non-European ancient cultures shows that in Jainism and Buddhism the killing or harming of animals is seen as wrong, as a violation of the *Ahimsa commandment* which counts for all animals. The effects of this are still seen today. In *classical Greece* some authors saw the mistreatment of animals as a contravention of the principle of justice – called "dike", in the *ancient Egyptian Court of the Dead* cows and geese could appear as plaintiffs.⁵ If we can not yet strictly speak of rights here, it does hint at human-animal relationships in terms of rights/wrongs or justice.

The idea of a relationship of rights with animals is to be found first in *Theophrast*, a pupil and friend of Aristotle, and also in *Plutarch* who were convinced that killing animals meant doing them a great wrong.⁶ *Pythagoras* and *Empedokles* forbade the eating of meat on the basis of reincarnation theories. Animal sacrifices were also often criticized, as was the mistreatment of animals.⁷

In the *Aedilizi edicts* (367 B.C.) animals, like slaves, were construed as things. This can be conceived as granting them minimal protection (from outside interference), in later times other groups dominated by the *patria potestas*: women, children and slaves, were able to emancipate themselves and, as persons, were to become participants in the domination of animals.⁸

The animal as a subject of rights, i.e. as a holder of "natural rights" was emphasized by Ulpian: (170 – 228) "*Jus naturale est, quod natura omnia animalia docuit; nam ius istud non solum*

⁴ Kant, Immanuel: *Metaphysik der Sitten*, in: Kant, I., *Sämtliche Werke in sechs Bänden*, Vol. 5, Leipzig 1922, p. 348. Kant's formulation "vacat" means: does not exist!

⁵ Leven, Claudia: *Tierrechte aus menschenrechtlicher Sicht. Der moralische Staus der Tiere in Vergangenheit und Gegenwart unter besonderer Berücksichtigung des Präferenz-Utilitarismus von Peter Singer*, Hamburg 1999, p. 19.

⁶ Dierauer, Urs: *Vegetarianismus und Tierschonung in der griechisch-römischen Antike (mit einem Ausblick aufs Alte Testament und frühe Christentum)*, in: Linnemann, Manuela/Schorcht, Claudia (eds.): *Vegetarismus. Zur Geschichte und Zukunft einer Lebensweise*. Erlangen, 2001, p. 56.

⁷ Cf. Dierauer, Urs, *Tier und Mensch im Denken der Antike. Studien zur Tierpsychologie, Anthropologie und Ethik*, Amsterdam 1977, pp. 174 - 177.

⁸ Eberstein, Winfried C.: *Das Tierschutzrecht in Deutschland bis zum Erlass des Reichstierschutzgesetzes vom 24. November 1933, unter Berücksichtigung der Entwicklung in England*. Frankfurt 1999, p. 66 f.

*humani generis proprium, sed omnium animalium, quae in terra, quae in mari nascuntur, avium quoque commune est*⁹ ("The Natural Right is that which nature has taught all living beings. For this right does not only belong to the human species, but to all living beings that exist in the air, on the land or in the water").

This begs the question: why – although Ulpian's quote was strengthened 300 years later by the inclusion of his formulation in the Corpus Juris during the course of the Justinian Codification – it could not finally prevail.¹⁰

To this contributed certainly the disapproval of *Paul*¹¹, *Augustine*¹² and *Thomas Aquinas*¹³, who to some degree also reacted to ascetic-vegetarian, "over taxing" currents in early monasticism as with Hieronymus (340 – 420) or so-called heretics.¹⁴

17th and early 18th Century:

Discussion about the Nature of Animals and their Legal Position

Descartes' machine theory of animals is also part of a discussion about their moral status, which Descartes indirectly admits when he claims having eased the consciences of meat eaters (non-pythagorans), by denying animals a soul and defining them as machines, as a merit.¹⁵

The concept of natural rights in the 17th century assumes, as opposed to Ulpian, that humans and animals have no rights in common - see Pufendorff,¹⁶ Thomasius¹⁷ and Wolff¹⁸ - and that animals were created for humans. Likewise in the *contract theoretical founding* of rights, animal rights seem an impossibility because animals can not be contractual partners according to Hobbes¹⁹ and Spinoza²⁰ who both denied any human obligations towards animals.

Here are already arguments which were later to be picked up by Kant, often literally and, together with the idea of reason, were to prove the impossibility of animal rights.

⁹ D. 1,1,1,3 = Ulp. Institutiones I,2 pr. ; quoted from: Bretone, Mario: Geschichte des römischen Rechts. Von den Anfängen bis zu Justinian. Translated from the Italian by Brigitte Galsterer. 2nd edition, Munich 1998, pp. 232, 337.

¹⁰ Ibid., p. 20.

¹¹ Corinthians, I, 9 V. 9, 10.

¹² Aurelius Augustinus, Disput über das Töten, in: Baranzke, Heike/Gottwald, Franz Theo/Ingensiep, Hans W. (eds.): Leben – Töten – Essen. Anthropologische Dimensionen, Leipzig 2000, p. 164 ff; Lutterbach, Hubertus: Der Fleischverzicht im Christentum. Ein Mittel zur Therapie der Leidenschaften und zur Aktualisierung des paradiesischen Urzustandes, in: Saeculum - Jahrbuch für Universalgeschichte, vol. 50, 1999, p. 177 ff.

¹³ Thomas Aquinas, Summa theologica (1266 - 1273), II-II, qu. 64, 1, in: Linnemann, Manuela (ed.): Brüder, Bestien, Automaten: Das Tier im abendländischen Denken, Erlangen 2000, p. 43 f.

¹⁴ For a time Augustine belonged to the manichaists, whose "mistake" about the meat ascetic he and Thomas Aquinas strongly criticized. In his monks' community, only the commandments of poverty and chastity were followed, not that of abstinence from flesh, cf. Marrou, Henri: Augustinus in Selbstzeugnissen und Bilddokumenten, Reinbek 1958, p. 32.

¹⁵ Descartes, Rene: Letter to Henry More from 5th February 1649, in: Schütt, Hans Peter (ed.): Die Vernunft der Tiere, Frankfurt 1990, p. 108.

¹⁶ von Pufendorff, Samuel: Vom Natur- und Völkerrecht (De iure naturae et gentium) Volume 1, IV. Book, III. Cap. § 5, (1672), in: Linnemann, p. 76 f.

¹⁷ Thomasius, Christian: Drey Bücher der Göttlichen Rechtsgelahrtheit, II. Book, X. Hauptstück (Main part) (1709), in Linnemann, p. 94 ff. § 19 for example was later almost completely adopted by Kant.

¹⁸ Wolff, Christian: Vernünfftige Gedancken von den Absichten der natürlichen Dinge, XI. Chap., § 235 (1726), in: Linnemann, p. 107 ff.

¹⁹ Hobbes, Thomas: Vom Bürger (De cive), 8th chap., 10, (1642), in: Linnemann, p. 65.

²⁰ Spinoza, Baruch de: Ethik (Ethica more geometrico demonstrata) IV, p.37, in: Linnemann, p. 76.

But on the other side, the pandectist Augustinus Leyser (1683 – 1752), one of the most influential teachers of law of the 18th century, criticized the flaw that animal cruelty, whilst forbidden under Godly laws, was not punishable in the positive law of individual countries²¹, whereby for the first time an explicit demand was made for *animals to be considered in the legal system*.

Whilst in the year 1688 in Sagan in Prussia, a conviction for animal cruelty can still be seen as an exception²², discussion intensified about the increasing animal experiments, which caused serious suffering because they were performed without narcotics. *Customary law* was referred to for their allowance, as by the lawyer, Heinrich Klüver 1711.²³

But as early as 1739 the Leipzig legal scholar *Karl Ferdinand Hommel*²⁴ contradicted the conventional natural rights teachings of the correspondence of rights with obligations and ascertained the human obligation towards animals is not to torment them because God created all beings for happiness and harmony²⁵. Through him the protection of animals was legally anchored and *penally* sanctioned for the first time in the German speaking world. Under the pandects title "De exordinariis criminibus" animal cruelty was subsumed as an extraordinary crime and punished with several brief terms of imprisonment by the Leipzig University in 1765 and in 1766. An extraordinary crime in this sense is one which is not legally sanctioned, but for which the courts can set punishments *ad hoc*. Hommel already had wordings for the judgements for cruel experiments pre-formulated – because of cruelty and inhumanity. He found cruel experiments to be unlawful because no one may "commit a certain ill in the hope of an uncertain good."²⁶

It appears remarkable that here, probably for the first time in legal history, a principle of consideration was applied impartially, meaning it depended on the criteria of certain/uncertain and good or ill and not on the category of human/animal.

To refer to a parallel development: in *England* cruelty to animals has provably been a punishable offence since 1770.²⁷

Late 18th Century: The Animal Issue and the Process of Civilization

In the year 1764 in Milan (more precisely: in Livorno, because of the census) the text "*On Crimes and Punishments*" by the Milanese Cesare Beccaria appeared, in which he denounced the cruelty of torture and the death sentence and questioned their legitimacy. Very soon, from 1765 on, German translations appeared numbering ten by 1870.²⁸ *Hommel* was editor of one German

²¹ Leyser, Augustinus: *Meditationes ad pandectas*, vol. I sec. 3 § 5, quoted from: Cirsovius, Thomas: *Die Verwendung von Tieren zu Lehrzwecken. Historische, verfassungs- und verwaltungsrechtliche Untersuchung*, Baden-Baden 2002, p. 26. Leysers evaluation is taken from: *Allgemeine Encyclopädie der Wissenschaften und Künste*, edited by Ersch, J.S. and Gruber, J.G., Zweite Sektion H-N, Dreiundvierzigster Theil, Leibeigenschaft - Ligatur, edited by Leskien, August, Leipzig 1889.

²² Eberstein, p. 70, fn 276.

²³ Cirsovius, p. 26.

²⁴ Kleinheyer, Gerd/Schröder, Jan (eds.): *Deutsche und europäische Juristen aus neun Jahrhunderten. Eine biographische Einführung in die Rechtswissenschaft*, 4th revised and extended edition, Heidelberg 1996, p. 194 ff.

²⁵ Eberstein, p. 71.

²⁶ Cirsovius, p. 26.

²⁷ Leonardakis, Konstantin: *Ethik im Recht. Am Beispiel des Tatbestandsmerkmals der "ethischen Vertretbarkeit" im Tierschutzgesetz*, Baden-Baden 2001, p. 23.

²⁸ Alff, Wilhelm: *Zur Einführung in Beccarias Leben und Denken*, in: Alff, Wilhelm (ed.), *Cesare Beccaria. Über Verbrechen und Strafen*, Frankfurt 1998, p. 18 ff.

issue and an energetic advocate of Beccaria's theses and an opponent of the death penalty, as he emphatically stressed, long before the acquaintance with him. He advocated the differentiation between sins, crimes and mere contemptible actions, which only served to earn him criticism. Hommel is also called the "German Beccaria". This does not do justice to his independent position, which according to him, was highly influenced by Pietism in regard to animals.²⁹

Sensibilitá is Beccaria's key word and also that of the 18th century. The sensitivity to pain substantiated the right to be spared torture, "madness" is no reason to injure the rights of the personality, hence Philippe Pinel took the chains off the so-called "mad" in the French Revolution.³⁰ In a lot of publications the severe sentences for child murderers were criticized. All these efforts contributed to the formation of an image of humanity which is less cruel and driven, more controlled and thereby more sympathetic, sensitive and conscientious. Babies and young children were more clearly recognized as requiring nurture and having their own needs which were to be respected.³¹ At the same time in pedagogics, despite all remaining inadequacies, there was a departure from the violent methods of discipline towards *more inner-orientated educational measures*, stimulating thereby a more inwardly-orientated personality structure³², able to perceive others in a more differentiated manner and to modify it's own behaviour appropriately. In this social learning process, the treatment of animals plays a central role, as a lot of pedagogic texts and also the high numbers of clergy and teachers in this context prove.

These are usually also the authors of the texts directed against the rough treatment of animals. This includes, for example, Wilhelm Dietlers' call for "*Justice for Animals*", 1787; Lauritz Smith: "*On Nature and the Determination of Animals and on Humans and their Obligations to Animals*", 1789; Christian Gotthelf Schmeisser: "*The Distress of Animals. An attempt to reduce this*", 1789; Johann Friedrich Ludwig Volckmann: "*Human Pride and Animal Torture*", 1799; Jean Paul: "*Levana or Educational Teachings*", 1807; Johann Heinrich Eichholz: "*Some Tips about Enlightenment and Humanity next to a small discourse about the determination of and obligations towards Animals*", 1805; J. C. W. Scherer: "*The Suffering of Animals. A book for every man, especially the youth and their friends, about the proper and loving treatment of animals*" (2nd print, 1808³³), to name but a few.

The combination of *animal ethics* and the efforts for a *humane, civil society* is found with the *Jacobin Freiherr von Knigge*, and also exemplary embodied in *Voltaire*, who denounced political and judicial despotism, social prejudice and injustice just as he did the cruelty of animal exploitation, be it slaughter or vivisection: "Barbarians take a dog, (...) they nail it to a table and dissect it alive to show you the nerves. You discover in it all the same sensory organs as are inside you. Answer me, machinist, did nature place in it all the springs of sensitivity only for it to

²⁹ Kleinheyer, Schröder, p.196; on the influence of the book of the pietist writer Christian Gerber "Derer unerkannten Sünden" see Cirsovius, p. 28, n. 75.

³⁰ Alff, Wilhelm, p. 38.

³¹ Badinter, Elisabeth: *Die Mutterliebe. Geschichte eines Gefühls*, Frankfurt 1988; de Mause, Lloyd: *Hört ihr die Kinder weinen? Eine psychoanalytische Geschichte der Kindheit*, Frankfurt 1977.

³² Elias, Norbert: *Über den Prozeß der Zivilisation. Soziogenetische und psychogenetische Untersuchungen. First Volume: Wandlungen des Verhaltens in den weltlichen Oberschichten des Abendlandes*, Frankfurt, 15th edition, 1990; p. 161 refers to the increasing scruples when eating meat towards paying attention to the dead animal. In the Middle Ages this was often displayed whole on the most noble tables and was now no longer at the table but was instead carved on special pantries. Today this process is even more advanced, as the popularity of foods such as Chicken M^cNuggets or fish fingers shows.

³³ Excerpt from this author in Linnemann, p. 138 ff.

³⁴ Excerpt from this author in Linnemann, p. 138 ff.

feel nothing? Does it have nerves to be insensitive? Do not believe in such a blatant contradiction of nature."³⁵

In his "Ideas on the Philosophy of the History of Humanity", which takes as its central theme, the historical development and sympathetic connection of all living beings, Herder criticizes Descartes' mechanic idea of the animal, which he called "inconsistent philosophy"³⁶ and a "Sin against nature like any other".³⁷ "It took hardened nerves to open up a living creature and to listen in on its convulsions. Only the insatiable thirst for fame and science could gradually numb this organic empathy."³⁸

In answer to the question of whether animals can reason, Herder says, "We have human ideas, human feelings, let them have animal ideas, animal feelings"³⁹, assuming a basic similarity of the human and animal psyche. He even assumes basic social principles in humans and animals to be the same: "Similarity in the way of thinking - a unity of purpose in different persons, similar faithfulness in an alliance established all *human, people's and animal right*: for animals, too, who live in a society follow the law of justness and people who, through cunning or strength, deviate from this, are the most *inhuman(e)* of all creatures ..."⁴⁰ It appears remarkable that Herder even attributes animals the ability to follow a form of legal principle. His idea of a principle mutual to humans and animals is reminiscent of Ulpian's idea of a "jus naturale" which both parties participate in.

But there is also an other side to the enlightenment: Kant not only rejects the idea of animal rights, he also makes fun of *Beccaria*, who, "*through the compassionate Empfindelei*"⁴¹ of an *affected humanity* (compassibilitas) puts forward his contention of the *unlawfulness* of all death sentences"⁴² and he (Kant) defended their justification and necessity against this "sophistry and tort"⁴³.

Other peers also saw sentimentality as an extravagant and enthusiastic feeling for friendship and love, as a very "*irritable sympathy*" with the pain of others and *even the animals* rather critically⁴⁴. Where the outward nature – the animals – should remain subjugated – so too must, in the common concept, the inner emotional, animal side of human nature be subdued and too-strong emotions, including those of sympathy endanger society's consensus based on reason, rationality and economy.

³⁵ Voltaire in: Cirsovius, p. 25.

³⁶ Herder, Johann Gottfried: *Ideen zur Philosophie der Geschichte der Menschheit*. Appendix. Ältere Niederschriften und ausgesonderte Kapitel. Meist ungedruckt. Kap. 5. Vorzüge des Menschen vor seinen Brüdern, den Erdthieren, in: Herder, J. G., *Sämtliche Werke XIII*, edited by Bernhard Supan, Hildesheim 1967, p. 445.

³⁷ Herder, J. G., *Ideen zur Philosophie der Geschichte der Menschheit*. First Part, p. 108.

³⁸ Herder, J. G., *Ideen ...*, p. 157.

³⁹ Herder, J. G., *Ideen ...*, Anhang, p. 446.

⁴⁰ Herder, J. G., *Ideen ...*, Erster Teil, p. 160.

⁴¹ Ironic modification of the German word "Empfinden" = feeling; meaning comparable to 'sentimentality'.

⁴² Kant, Immanuel, *Metaphysik der Sitten*, , loc. cit., p. 459.

⁴³ Ibid

⁴⁴ Pockels, C. F.: *Über die Verschiedenheit und Mischung der Charaktere*. In: Pockels, C. F. (ed.): *Beiträge zur Beförderung der Menschenkenntnis, besonders in Rücksicht unserer moralischen Natur*, 1 Stück, Berlin 1788, p. 37; quoted from: Rohlje, Uwe: *Autoerotik und Gesundheit. Untersuchungen zur gesellschaftlichen Entstehung und Funktion der Masturbationsbekämpfung im 18. Jahrhundert*, Münster, New York 1991, p. 118.

It is Jeremy Bentham who is to be credited with showing the crucial logical errors in the Kantian argumentation, namely that the question of the treatment of animals is not one of reason ("can they reason?") but of sentience ("can they suffer?").⁴⁵

The *Danish theologian, Lauritz Smith* undertook a *direct refutation* of Kant's concept that humans have no direct obligations towards animals in his earlier mentioned text from 1789. "Never would I have mentioned this peculiar conclusion, if it hadn't been for a famous scholar of our times using it in all seriousness ..."⁴⁶. Smith doubted that the knowledge of ones own rights is a compelling requirement for possessing those rights and criticized the *means-to-an-end dichotomy* which Kant assumes⁴⁷. In objection to this he stresses "... that the existence of animals is precisely the main intention in the most real and direct comprehension; that every living being, most closely and directly, exists for the sake of itself, and in order to be happy through existence."⁴⁸

The German philosopher, *Karl Christian Friedrich Krause* (1781 – 1832) in his "System of Legal Philosophy", 1825/28 also differed to Kant in adjudging animals reason on a lower level and awarding them corresponding rights, "that they represent the concept of their animality in a fundamental manner"⁴⁹.

Besides Laurenz Smith, others such as *Humphrey Primatt* (1776), who drew parallels between animal exploitation and racism⁵⁰, *Wilhelm Dietler* (1787)⁵¹, *Johann Ludwig Volckmann* (1789)⁵² or *Herman Daggett* (1791)⁵³ called for the term "rights" to be applied to animals. These authors' arguments were not considered by Kant.

The 19th Century: Social Progress, Animal Welfare and Vegetarianism

The 19th century certainly brought for animals in general an intensification and quantitative increase as well as a multiplication of the methods of exploitation in agriculture, industry and science. At the same time, but without being even nearly able to compensate for the deplorable state of affairs spread by the development of industrial society, new approaches to animal welfare and in defence of animals were developed.

On the one hand, animal welfare and rights were now represented in an organised manner, in associations, and a wide spectrum of literature emerged, above all for children and young readers. On the side of the state, *the first positive legal rulings* on the treatment of animals were passed, though, as a practical application of the Kantian teaching of the merely indirect

⁴⁵ Bentham, Jeremy: Eine Einführung in die Prinzipien der Moral und Gesetzgebung, 1789, in: Singer, Peter: Befreiung der Tiere, Munich 1982, p. 26 f.

⁴⁶ Smith, Lauritz: Über die Natur und die Bestimmung der Thiere wie auch von den Pflichten der Menschen gegen die Thiere, II. Theil 1. Cap. 1790, in: Linnemann, p. 140.

⁴⁷ Animals as a means to any human ends, humans as an "end to themselves", never just a means.

⁴⁸ Smith, Lauritz: Über die Natur und die Bestimmung der Thiere ..., p. 142.

⁴⁹ Krause, Karl Christian Friedrich: System der Rechtsphilosophie (1825-1828), I. Theil, in: Linnemann, p.172.

⁵⁰ Primatt, Humphrey: Über Barmherzigkeit und Grausamkeit gegen die thierische Schöpfung, 1st chapter, (1778), in: Linnemann, p. 135 ff.

⁵¹ Dietler, Wilhelm: Gerechtigkeit gegen Thiere. Appell von 1787, Reprint, Bad Nauheim 1997.

⁵² Volckmann, Johann Friedrich Ludwig: Menschenstolz und Tierqualen. Eine Verteidigung der seufzenden Kreatur vor dem Richterstuhle der Menschlichkeit, Helmstedt, 1799, in: Linnemann, p. 143 ff. The legal scholar Volckmann directs himself against Descartes and the "usual speculative philosophy" (Kant?), which has developed an arrogant idea of human reason and the unreason of animals.

⁵³ Daggett, Herman: The rights of animals, an oration (1791), in: Clarke, Paul A. B./Linzey, Andrew (eds.): Political theory and animal rights, London 1990, pp. 129 - 132.

obligations humans have towards animals, "arousing public offence" or "offending moral sensibilities" were necessary constituents, since injury to the rights of animals could not happen. The first, very remarkable, animal welfare act is known to have passed in England in 1822, other countries on the continent followed, Saxony being the first in Germany in 1838.⁵⁴

Eventually the propagation and structured organization of the *vegetarian movement* in the 19th century is important in that it posed the question of the justification of *killing animals*, namely that of the *right to life* and not just of being spared cruelty. The American minister *Herman Daggett* had already argued against the eating of meat. In 1847 England's first Vegetarian Society was founded in Manchester, in 1867 came the first one in Germany through the Free Church minister and revolutionary of 1848, *Eduard Balzer* in Nordhausen, the second in 1868 in Stuttgart, through *Gustav and Amelie Struve*. Both were vegetarian for ethical reasons and both participated in the Baden war of liberation of 1848, in which Amelie was recognised and arrested because she did not eat meat. *Gustav von Struve* wrote a "propagandistic" vegetarian novel, who's "heroes", Indians (!), rather starved than to eat meat in German prison.⁵⁵

Whilst *Mary Wollstonecraft's* "Vindication of the Rights of Woman" was answered in 1792 with a "Vindication of the Rights of Brutes" by the old philologist, *Thomas Taylor*, using the idea of animal rights to lead the idea of women's rights *ad absurdum*, there were, in the 19th and early 20th centuries, feminists such as *Frances Cobb*, *Charlotte Despard* and *Clara Wichmann*, who saw a connection between both as anti-hierarchical concepts.⁵⁶

Henry S. Salt's (1851 – 1939) book, "*Animals' Rights - Considered in Relation to Social Progress*" (1892)⁵⁷ indicates in its title: animal rights are part of social advancement, an understanding which has remained in Anglo-Saxon tradition until today. Salt was a humanist and socialist, author of "Humanitarianism: its General Principles and Progress" (1893) and founder of the *Humanitarian League*, which may be seen as the *first animal rights organization (1891)*, just as his book, "Animals' Rights" as the basis for animal rights as we know them today.⁵⁸

The situation in England and the development there of trade unions and socialist organizations made a connection between the political left and the animal rights movement easier, reference to *G. B. Shaw* and *Mahatma Ghandi* as exemplary may be sufficient, whilst in Germany the socialist left, orientated on the Marxist paradigm of the domination of nature, developed virtually animal-hostile ideas. In comparison England even saw disturbances on the streets because of vivisection in the "Old Brown Dog" riots of 1907, in which both women and workers found symbols of their own oppression in the animal experiments.⁵⁹

⁵⁴ Eberstein, p. 77 ff. shows the steps from the first drafts up to the final law.

⁵⁵ *Struve, Amalie: Erinnerungen aus den badischen Freiheitskämpfen*, Hamburg 1850, in: *Hummel-Hasis, Gerlinde* (ed.): *Schwester zerreit eure Ketten. Zeugnisse zur Geschichte der Frauen in der Revolution von 1848/49*, Frankfurt 1989, p. 208; also cf. *Struve, Gustav: Pflanzenkost, die Grundlage einer neuen Weltanschauung*, Stuttgart 1869; reprint Osnabrck 1994.

⁵⁶ *Baumgartner, Judith: Vegetarisch im 20. Jahrhundert – eine moderne und zukunftsfähige Ernährung*, in: *Linnemann, M./Schorcht, C., Vegetarismus. Zur Geschichte und Zukunft einer Lebensweise*, Erlangen 2001.

⁵⁷ *Salt, Henry S., Animals' Rights - Considered in Relation to Social Progress (1892)*, ed. by: *Society for Animal Rights, Inc.*, Clarks Summit, Pennsylvania 1980.

⁵⁸ *Baumgartner, J.*, p. 118.

⁵⁹ *Baumgartner, J.*, p. 120.

Early 20th Century: Peace Movement, Radical Ethics and Animal Rights

In Germany, around 1900, it was more often pacifists and humanists than socialists who associated the question of killing animals with that of social violence and branded it as *illegitimate violence*, in which there is only a quantitative and not a qualitative difference in whether it is directed against humans or animals. Aphoristically formulated by Tolstoi: "As long as there are slaughterhouses, there will be battlefields."

In association with the "*Federation for Radical Ethic*" we find a whole list of personalities from the pacifist, democratic and social movement of those days, be it as authors, subscribers, donators or society members: Ludwig Quidde, first German to win the Nobel Peace Prize, Magnus Schwantje, Hans Paasche, Otto Umfried, Johannes Ude, Emil Julius Gumbel, Walter Hammer, Theodor Lessing, Bertha von Suttner, Lida Gustava Heymann und Anita Augspurg, Ludwig Gurlitt, Leopold Katscher, Theodor Lessing, to name but a few. This area of their work, though for the majority a very important part of their lives, has often been overlooked, if not consciously concealed by biographers and editors.

For Magnus Schwantje (1877-1959), originally book seller, founder and focal point of "*Federation for Radical Ethics*", the question of animal rights was closely connected to other social questions. Long before Albert Schweitzer, namely in 1902, Schwantje developed the term "*reverence for life*" and, with considerably fewer means and greater personal sacrifice, lived this consistently⁶⁰. His philosophical considerations repeatedly circle around the problem of violence and the possibility for peace. He thought that repulsion for violence and war must include all violence – also violence against animals. This understanding that the murder of humans is only one step away from the murder of animals caused him to see the peace and animal welfare movement as quasi natural allies, as he formulated in his welcoming speech at the German Peace Congress in October 1912.⁶¹

In 1907 he founded the "*Society for the Promotion of Animal Welfare and Related Endeavours*", which he renamed "*Federation for Radical Ethics*" after the 1st World War. In 1912 he started the monthly newsletter, "Ethische Rundschau – Monatschrift zur Läuterung und Vertiefung der ethischen Anschauungen und zur Förderung ethischer Bestrebungen". (Ethical Magazine - Monthly Review for the purification and deepening of ethical attitudes and for the promotion of ethical endeavours). This was intended to "show the connection of all these endeavours and their interdependence on each other"⁶². These endeavours were *animal welfare movement* (especially vegetarianism, the fight against vivisection and the fight against hunting for pleasure), the peace movement, the fight against alcoholism, law and penal reform, land ownership reform, the city garden movement, conservation of landscape, school reform, child protection, the endeavours for bettering sexual morals (e.g. legal protection of pregnant and nursing mothers), some liberal political goals, some of the aims of the women's movement and many others.⁶³

⁶⁰ Schwantje, Magnus: Die Ehrfurcht vor dem Leben und der Vegetarismus, in: Schwantje, Magnus: Gesammelte Werke, Vol. 1, Vegetarismus. Schriften und Notizen zur Begründung der vegetarischen Lehre. Edited by Magnus-Schwantje-Archiv, München 1976, p. 173.

⁶¹ Schwantje, Tierschutzbewegung und Friedensbewegung als Bundesgenossen, in: Ethische Rundschau, Vol. I, 1912, p. 22 f.

⁶² Schwantje, Über die Aufgaben dieser Zeitschrift, in: Ethische Rundschau, Vol. I, 1912, p. 3.

⁶³ Ibid, p. 3.

With the foundation of a new magazine, Schwantje hoped to rectify the lack of coverage that important, sustainable movements, such as those first mentioned, received in the press, whilst the other concerns which already had publicity, were to be supported by the *Ethischen Rundschau* but taken from a different angle and shown in connection with the animal and peace problematic.

Therefore the *Ethische Rundschau* did not just take animal experiments as its central theme, but also experimentation on humans e.g. on children taken from orphanages; criticized hunting and the dangerous and strenuous use of children at shoots; the fencing bouts by determination, and the public naming of convicts as well as the debasement of disabled people. Of course the question of: "Do we have the right to eat meat?", the killing of animals and the cruelty of slaughter stood in the foreground, but at the same time, Schwantje criticized the double standards towards the slaughter man, who some meat eaters secretly despised despite needing him, whilst many slaughter men, especially the trainees from the poorer classes would not have been able to choose their professions. Schwantje's sharpened social sensitivity and his political consciousness always lead him to the side of the republic, democracy and peace, free from any prejudice, be it against people with foreign backgrounds, against Jews, against women or against marginal groups, for example prisoners or disabled people⁶⁴. By intensive work with the organisations of the German peace movement, Schwantje always tried to make clear the unity of all endeavours directed towards peace and non-violence and to promote his comprehensive ethics.

As the nationalist propaganda of the 1st World War tried to make the sentence "God punish England" popular as the "German greeting", Schwantje demanded for it to be banned in schools and suggested, instead of this, to wish "God bless all peoples!"⁶⁵. During the war he also didn't slight from bringing an article about Poincaré as an opponent of hunting and to also print one about the mass extermination of animals in society hunts, especially by Franz-Ferdinand von Habsburg and Kaiser Wilhelm II.⁶⁶

In 1919 Schwantje belonged to the founders of the "*Federation of Opponents to Military Service*" and represented the "*Federation for Radical Ethics*" in the "*German Peace Alliance*". His text, "The Right to Apply Violence", which critically discusses the demand for an absolute renunciation of violence following Tolstoj found strong resonance in the peace movement and decidedly contributed to the clarification of the viewpoints. Kurt Hiller called it "one of the most important legal-philosophical investigations to appear since the war"⁶⁷

Despite the "good reputation" that the "Federation for Radical Ethics" received in the peace movement, despite the fact that after the outbreak of war, the *Ethische Rundschau* fought the "War Psychosis" with more courage and energy than most other pacifist magazines until it had to be discontinued in 1915, despite the recognition of many intellectuals and the great political engagement of Magnus Schwantje in general political questions (e.g. against the election of

⁶⁴ Critique of medical experiments in orphans, in: *Ethische Rundschau*, Vol. I, 1912, p. 25; Critique of the publication of convicts' names as an "unnecessary roughness", *ibid.*, Vol. II, 1913, p. 155; Kritik an behindertenfeindlichen Forderungen und explizite Distanzierung, *ibid.*, Vol. III, 1914/15 p. 155; Kritik an den Bestimmungsmessuren wegen des Todes eines Studenten in: *Ethische Rundschau*, Vol. II, 1913, p. 236.

⁶⁵ *Ibid.*, III, p. 30.

⁶⁶ *Ibid.*, p. 54.

⁶⁷ Donat, Helmut/Holl, Karl (eds.): *Die Friedensbewegung. Organisierter Pazifismus in Deutschland, Österreich und der Schweiz*. Düsseldorf 1983, p. 64. Kurt Hiller, in: *Berliner Tageblatt* vom 2. Juni 1927, quoted in: Schwantje, Magnus, *Gesammelte Werke*, Vol. 1, p. 16 (Preface of the editor Walter Schütte).

Hindenburg in 1925, against compensation for princes, for the freedom of the arts and other activities), and despite the intensive work with one of the most important personalities of the German peace movement, Ludwig Quidde, he was not able to combine the animal rights idea with the idea of peace lastingly and on a broad basis and to institutionalize this. The institutional cooperation consisted of financial donations from individual peace associations, publications and talks from private persons upon whose ideals it remained bound. All the same, the peace movement showed enough openness to this subject that in 1927 Magnus Schwantje was able to hold a speech at the VII International Democratic Peace Congress in Würzburg about "Reverence for Life, Fraternity and Vegetarianism" which seemed reasonable considering his strong engagement in the peace movement.⁶⁸ He could obviously not carry on with his peace and animal rights work in Germany after 1933. He left Berlin on 1st March 1933 but was arrested and questioned at his place of refuge, Mittelbach, was harassed by the Gestapo multiple times after his return to Berlin, was arrested on 7th September 1933, imprisoned in Columbia House in Berlin and put on a list for transport to Dachau. He was struck off this list and offered a position at the animal welfare movement which had been forced into line; so, of course, he turned the offer down. After his provisional release he dissolved the "Federation for Radical Ethics"- the ideas of which were in direct opposition to those of the National Socialist ideology and emigrated to Switzerland, where he, with the meagre means he had to hand, carried on with his work. In 1950 he returned to the Federal Republic of Germany which refused him a pension as a persecuted person. He died in 1959.⁶⁹

Bertha von Suttner is known as a pioneer of the peace movement, for her novel "*Die Waffen Nieder*" ("Lay Down Your Arms") from 1889, amongst other things. That she herself saw her engagement in a broader context, as her work published in 1899 "*Schach der Qual*" shows is overlooked. Here she passionately criticized the class struggle, racial hatred, wars of nations, animal cruelty, especially vivisection in which she saw abuses which were only justified by threadbare explanations of higher worth and should be abolished.⁷⁰ Bertha von Suttner was not afraid of strong words: cruelty is a crime and animal experiments are consistently referred to as crimes, which can be offset by anything – not even by the advancement of science or in the interests of human society. The damage that they do – and this argument also comes up by Schwantje and others – is immense, for even the perpetrators themselves and human society sink morally, become used to cruelty and apply the principle of violence also to relationships between people.⁷¹ Another leading personality in the peace movement, the historian, democratic politician and winner of the Nobel Peace Prize in the year 1927, *Ludwig Quidde*, also worked intensively and for almost his whole life, certainly at least from 1902, for the rights of animals. He also worked closely together with Magnus Schwantje, for example in the leadership of the "World Federation for the Protection of Animals and Against Vivisection" who's 4th International congress in London he took part in. He played a part in their discussions about aims and organization structure and through requests and contributions, was substantially involved in the structure of the

⁶⁸ Magnus Schwantje repeatedly published pieces by pacifist authors who didn't necessarily have to share his views on animals, on the other hand, local peace organizations also donated money to the "Federation for Radical Ethics", as several entries in the "Ethische Rundschau" show. His speech is printed in: Schwantje, M., *Gesammelte Werke*, Vol. I, pp. 107 – 143.

⁶⁹ On Magnus Schwantje's biography: Schwantje, M., *Gesammelte Werke*, Vol. 1, Preface of the editor. .

⁷⁰ Suttner, Bertha von: *Schach der Qual*. Berlin 1899; *Aussprüche Bertha von Suttners über die Vivisektion*, in: *Ethische Rundschau* I, 1912, p. 73; Katscher, Leopold: *Zum 70. Geburtstage Bertha von Suttners*, in: *Ethische Rundschau* II, 1913, pp. 109 - 111; *Aussprüche Bertha von Suttners über die Vivisektion II*, *ibid.*, p. 111.

⁷¹ *Ibid.*

5th congress in Zürich, which took place there from 5th - 10th August 1912.⁷² But still much later, in 1925, Ludwig Quidde took part in the International Animal Welfare Conference in Paris as representative for the World Association.⁷³ After Quidde's lustrous academic career was ended because of his disparagement of Kaiser Wilhelm II in "Caligula. A Study of Roman Caesarean Madness", he worked as a private scholar and editor of the German Reichstag Documents. As a politician, he worked on a municipal level for the Liberals, in the Bavarian state parliament from 1907 – 1918 and finally on the National Assembly. As a pacifist, he led the German delegation at World Peace Congresses from 1901, sat in the International Bureau of Peace as the German representative, belonged to the Inter Parliamentary Union and, in Germany, to the Presidency of the German Peace Society as director from 1914 – 1929. Just as lasting and significant was Quidde's roll in the presidency of the "German Peace Alliance", the umbrella organisation of many societies and associations of the peace movement between 1921 – 1930. He was awarded the Nobel Prize for Peace for his engagement in 1927. His work for the animal welfare and anti-vivisection movement was, in his understanding, an integral part of this comprehensive pacifist work, which however, is not at all so perceived by his biographers of today. At least some of his scientific academic colleagues or acquaintances in those days strongly criticized his engagement in animal rights politics. So the anatomist Flesch said: "It hurts me to see you in that company"⁷⁴ and the medical historian, Bretschneider formulated condescendingly: Quidde has "employed himself as a wandering speaker against animal experiments and, together with his wife, written brochures and leaflets"⁷⁵. It seems that the more disparaging of his observers better understood the significance of his engagement.

Like Schwantje, Ludwig Quidde also had to emigrate to Switzerland and until his death in 1941, continue his work there under the most difficult circumstances. Till today the fact that one of the leading figures in the German peace movement was intensively involved in the animal rights movement has not been taken note of.

A close friend of Magnus Schwantje was *Hans Paasche*, known for reciting the so called Meisner Formula at the Free German Youth Day in 1913 and for his book, "*Die Reise des Lukanga Mukura in das Innere Deutschland*" which formed a critique of the German circumstances from the viewpoint of an African. Paasche, who had been a successful officer, had, because of his experiences in the colonies, distanced himself from militarism and also other civic customs.⁷⁶ Thus he refused to consume alcohol, which was a provocation in the officer corps, fought for animal welfare and especially against hunting and fashion traditions, such as the fashion for feathers which endangered several types of bird.⁷⁷ He intensively discussed questions of animal ethics with Magnus Schwantje, though because of society's constraints on him as a land and forest owner, he could not always fulfil the demands of these, because of proscribed shooting, for example. Imprisoned for his opposition to the war, he was liberated in 1918 and – sympathizing politically with the left wing of the USPD – was voted into the executive council of the workers'

⁷² Ethische Rundschau I, 1912, p. 197.

⁷³ Mitteilungen des Bundes für radikale Ethik, II, 1925.

⁷⁴ Bretschneider, Hubert: Der Streit um die Vivisektion im 19. Jahrhundert. Verlauf – Argumente - Ergebnisse. Stuttgart 1962, p. 136.

⁷⁵ Bretschneider, Hubert, loc. cit., p. 136, footnote 496.

⁷⁶ Schwantje, Magnus: Hans Paasche. Sein Leben und Wirken. Flugschrift des Bundes Neues Vaterland. Berlin 1921.

⁷⁷ Paasche, Hans: Der reine Teint, in: Der Vortrupp, 1, 31, 1912, No. 7, p. 193 - 198; Der Jagdfilm, *ibid.*, pp. 334 – 338; Deutscher Naturschutz I. Die deutschen Jäger, in: *ibid.*, No. 20, pp. 609 - 617; Deutscher Naturschutz II, *ibid.*, pp. 641 - 645.

and soldiers' councils where he fought for the punishment of those who were responsible for the war and its prolongation. Paasche critically examined militarism, colonialism and assumptions of a master race, nor did his marriage follow the usual patriarchal model for he undertook journeys to Africa with his wife and worked as a writer. In my opinion this talent for self critical reflection and willingness to change also developed his commitment to animal rights which he himself categorized it in this context and which showed itself, for instance, in the criticism of the meat consumption of some participants of the Free German Youth Day on Hohen Meißner in 1913. The same applied to one of the postcard actions in which he named the "radical ethical endeavours" that he supported, "... animal welfare and related endeavours: the peace movement, vegetarianism, abstinence, land reform, the fight against forced vaccinations, the death sentence, scientific torture of animals and for women's right to vote."⁷⁸

The central idea of *Leonard Nelson*, mathematician, philosopher, pacifist and ethical socialist, was that of *rights and the lawful state* – and this shaped his attitude towards animal rights. He demonstrated that Kant drew the circle of moral duties too finely because of his false identification of subjects of duties and subjects of rights.

The exceptional feature of Nelson is that he took up the defence of animal rights in his *political programme*: "A worker who does not wish to be merely a 'foiled capitalist' and is thus serious for the struggle against every exploitation, does not bow to the despicable habit of exploiting harmless animals, does not participate in the daily murder of millions which overshadows the cruelty, brutality and cowardliness all the horrors of the World War – these are matters, comrades, which are beyond choice ... Either you want to fight exploitation or you let it be. The *socialist* who laughs about these demands does not know what he is doing. He proves that he has never seriously thought about what the word socialism means."⁷⁹

In the actual existing socialism of the Soviet Union where Nelson travelled to in 1927 he noticed a very poor treatment of animals however, and suffered especially from that what he saw through the cellar windows of the Psychological Institute of the Communist Academy "... the pitiful, heartbreaking cries of these tortured animals ... day in, day out, hour after hour."⁸⁰

Accordingly, the members of the "International Youth Federation" - later renamed the "International Federation for Socialist Struggle",⁸¹ of which he was the founder, were obliged to follow a vegetarian lifestyle and to visit a slaughterhouse, just as the "Landerziehungsheim *Walkemühle*" was also vegetarian. The vegetarian restaurants run by the "International Federation for Socialist Struggle" played a role as meeting places and source of finance for the resistance against the National Socialist regime.⁸² To give an impression of the ISK's possibilities, the federation never amounted to more than 300 members and a maximum of 1000

⁷⁸ Schwantje, Hans Paasche ..., p. 14 f.

⁷⁹ Nelson, Leonard: *Lebensnähe*, in: ISK. Mitteilungsblatt des Internationalen Sozialistischen Kampfbundes, Vol. 1, Issue. 3, 1926; reprinted in: Nelson, Leonard: *Gesammelte Schriften in neun Bänden*, Vol. IX, p. 361 passim.

⁸⁰ Nelson, Leonard: *Bericht über die Russlandreise 1927*, in: Franke, Holger: *Leonard Nelson. Ein biographischer Beitrag unter besonderer Berücksichtigung seiner rechts- und staatsphilosophischen Arbeiten*, 2nd reworked edition, Ammersbek near Hamburg, 1997, p. 217.

⁸¹ (Internationaler Sozialistischer Kampfbund - ISK).

⁸² Beyer, Anna: *Politik ist mein Leben*, ed. by Lücking, Ursula, Frankfurt 1991, p. 25, pp. 36 – 41; Giesselmann, Rudolf: *Geschichten von der Walkemühle bei Melsungen in Nordhessen. Wirkungsfeld von Minna Specht, Leonard Nelson, IJB und ISK*, Bad Homburg 1997, p. 71. At least Anna Beyer stresses that as a member of ISK she remained loyal to the principles introduced by Nelson her life long.

sympathizers. It was seen by the communists as a "hostile organization" and the SPD (Social-Democratic Party) looked upon it critically because of its marked anti-clericalism and pacifism. Resistance against the burgeoning fascism, the efforts to build a unified front, the publication of a daily newspaper from 1932 ("*Der Funken*") all show an enormous exertion in the face of such meagre powers, which the members were surely only able to summon up through their pronounced idealistic stance, which also was expressed by their commitment to the rights of animals.

Leonard Nelson, Hans Paasche, Walter Hammer and others represent the part of the youth movement or life reform movement ("*Lebensreform*") based on emancipation, democracy, pacifism and non-violence, which today is often underappreciated in its meaning because attention is strongly focused on its nationalist areas. As some subjects in the life reform movement e.g. anti-alcoholism, anti-smoking, health and "nature" are, or appear to be, the same, the decisive differences get overlooked. Thus, in his book "The Nazi War on Cancer", Robert N. Proctor classified the pacifist and life reformer, *Johannes Ude*, who was also a supporter of animal rights, as a part of the Nazi struggle because of a brochure against smoking, although Ude fought against militarist, nationalist and anti-Semitic tendencies all his life, was persecuted and was even sentenced to death for "incitement to refuse military service" and "aiding and abetting the enemy". The allies freed him from prison in April 1945.⁸³

Although *Clara Wichmann*, a jurist practising in the Netherlands (1885 - 1922), a feminist and pacifist who was especially distinguished for her ideas on legal reform and as chair of the Dutch Association for Women's Right to the Vote as well as being a pacifist and anti-militarist, did not give urgent attention to the animal rights idea in her short life, I consider her to be of special importance because of her qualifications in her field, her political engagement and her pronounced anti-hierarchic thinking. Clara Wichmann championed the rights of deprived groups through her work in the statistical office in the Netherlands. Historians today regard her as the *theoretician of non-violence*, of similar importance to *Ghandi* and as the first historical philosopher.⁸⁴ When she speaks of the rightlessness of animals, this is not just a hackneyed phrase but has a definite meaning. For example, she delivered a sound analysis of the Taylorist system, works about the cruelty of the conception of punishment at that time, or about the lower legal status of women. Clara Wichmann criticized injustice and violence, and like Schwantje and Nelson and many others, did this not just in an *inter-human* but also in a *trans-human* respect. This was acknowledged shortly after her death by the communist author Henriette Roland-Holst: "But as Clara Wichmann, despite her decided personal aversion to force and violence, did not turn absolute non-violence into a dogma, she unconditionally turned against it when it was employed by the powerful against the powerless, by the strong against the weak and defenceless. The urge to protect and to care for those who were not in the position to stand up for themselves was an important, probably the most important part of her legal consciousness. Guided by this legal consciousness she worked for the rights of women and children, to live according to

⁸³ Proctor, Robert N.: *Blitzkrieg gegen den Krebs. Gesundheit und Propaganda im Dritten Reich*. Stuttgart 2002, p. 227, especially footnote 91, p. 386. A short biography of Ude in: Donat, Helmut/Holl, Karl (eds.): *Die Friedensbewegung. Organisierter Pazifismus in Deutschland, Österreich und in der Schweiz*, Düsseldorf 1983.

⁸⁴ Jochheim, Gernot: *Einführung*. About Clara Wichmann and about this book, in: Jochheim, G. (ed.): *Clara Wichmann, Der Weg der Befreiung. Texte über aktive Gewaltlosigkeit 1917 - 21*, Kassel 1989, p. 8. Jochheim is to my knowledge the only scientist in the German language area to have studied Clara Wichmann, though not under the aspect of animal rights.

their own wants and needs; of woman and the proletariat, to fully partake in the creation of culture; of the criminal, to be recognised as a human who should not be excluded, but instead be helped to overcome his weakness; and finally for the rights of the most defenceless of all beings belonging to the culture milieu created by humans, the companion animals, their right to be treated as living beings with feelings and reason. Also in respect to animals, she assumes to opinion that they have the right to be well provided for. One reads her lovely piece in "*Befreiung*" about the legal position of out animals – full of love for the animal and at the same time completely devoid of sentimentality."⁸⁵

In her essay about *the future moral*, she also assigns the animal rights idea a place and recognizes the vegetarian and anti-vivisection movements of the present day as meaningful for the development of society in general.⁸⁶ Clara Wichmann examined the legal position of companion animals in her essay "*De Rechtspositie der Huisdieren*" (1920) which she characteristically wrote under a pseudonym.⁸⁷ She attacked the subordination of animals under the law of property and the terming of offences against them as offences against the "moral". She compares the situation of animals in the human legal system with that of slaves, or with members of subordinated peoples such as the Celts under Germanic or the Helots under Spartan law, or also in a wider sense, with the situation of women. She sees an unbridgeable contradiction that conditions which *personally* affect animals should be seen by the law as a question of property, and demands that animals be recognised as *beings with their own rights*, whereby this opens up the question of the property right of animals.⁸⁸

In Germany especially, there is the tendency, often with an self-interested or polemic intention, to place animal welfare and animal rights in connection with conservative, anti-emancipatory currents, up to the point of national socialism, e.g. with reference to the Reich's animal protection law of 1933, or personal quirks of Hitler's, or other more or less evidential details.

Here, the alleged dialectic of love of animals and hatred of humans which was popular in socialist political propaganda, used to defame the oppositional civic camp, may play a role. It was presumably especially memorable because it could be portrayed well visually – especially in the popular caricatures in publications such as "*Der wahre Jakob*", "*Kladderadatsch*" or by cartoonists like Thomas Theodor Heine. Not least, they speculated on the feeling which many people have of

⁸⁵ Roland-Holst-Van der Schalk, Henriette: Clara Meijer-Wichmann Herdacht, in: Wichmann, Clara: *Vrouw en maatschappij*, p. 45 (In Memory of Clara Meijer-Wichmann, in: Clara Meijer-Wichmann, *Woman and Society*) – As far as can be seen, this is the only recognition Clara Wichmann's contribution to animal rights receives. It is only thanks to her husband, Jo Meijer, that the essay on the legal status of companion animals was included in her anthology "*Bevrijding*" (Liberation).

⁸⁶ Wichmann, Clara: *De moraal in de maatschappij de toekomst* (1917), in: Wichmann., *Vrouw en maatschappij*, Utrecht 1936, p 227 (The Moral of the Future Society, in: *Woman and Society*).

⁸⁷ Wichmann, Clara: *De rechtspositie der huisdieren*, published 1920 under the pseudonym Eumäus in: *De Nieuwe Amsterdamer*, reprinted in: Jo Meijer (ed.): *Bevrijding*. Opstellen van Clara Meijer-Wichmann, Arnhem 1924, pp. 156 – 162. *De Nieuwe Amsterdamer* was a weekly newsletter from the "Bond van Revolutionnair Socialistische Intellectueelen", which Clara Wichmann belonged to for a time, see Jochheim, p. 46.

⁸⁸ Clara Wichmann reports of a doctorate in law in which this question of her regret was taken as a joke: the prospective doctor's statement that young storks who could not yet fly belonged to the owner of the storks' nest the examiner countered this with the question of whether the stork parents were not the owners of the nest. In another example, described by Clara Wichmann as "unforgettable", an farmer sold a new-born goat because she found it a pity about the milk. Clara Wichmann asked for whom "our dear Lord" had meant the milk, if not for new-born goats? This is the only time that Clara Wichmann turns to religious language to express the "actually obvious" entitlements of animals.

somehow having been given the short straw, but still being able to be sure of one superior position, the superiority over the animals.⁸⁹

Alone in Karl Marx an intensive effort is made to create a stable connection between the terms "animal", "animal lover" and "*bourgeois*" and to defame supposed love of animals as anti-progressive.⁹⁰ For Marx – and therefore for Marxism and finally for the workers movement in general – the animal is simply a resource, nature which must be appropriated, which in the spirit of development of productive power, must be transformed.⁹¹

The belief in scientific advancement particularly led to an uncritical support of animal experimental methods, as is seen in Karl Kautsky's essay "*Die Vivisektion des Proletariats*" which he published upon request by Friedrich Engels to fix a vivisection friendly position in the workers' movement.⁹² This restriction of the workers' movement or of its theoreticians to patently anti-animal positions was not actually a matter of course, for the prejudice-free reception of the theory of evolution would have pointed to a stronger consideration of animals' interests. The rejection of a position towards animals characterized by sympathy became so notorious that Rosa Luxemburg, who herself had this position, could only dare to admit to it privately and feared having said something "unsocialist", a sort of betrayal.⁹³ Even in cases against political dissidents in the later GDR, sympathy for animals or efforts to strengthen animal welfare tended to lead to tougher sentences.⁹⁴

The proponents of Critical Theory, however, are an exception.⁹⁵ The modern domination of nature, in particular the deprivation of animals of their rights, was a central theme in their critique of society, most impressively illustrated by the image of the skyscraper of global human society with its tiers of oppression. The basement of this monumental misery of colonies, factories, barracks, is the "animal hell" of capitalist society, a "slaughterhouse". It really is amazing how seldom this is recognised for Adorno and above all for Horkheimer, although this is a serious and important aspect of their work, as numerous references show. The fact that Rudi Dutschke quoted this image in one of the widely read books of the 1968 student movement⁹⁶, remained an erratic one-off without consequences, whilst a further expert on Critical Theory even managed to

⁸⁹ This sort of "vulgar dialectic" is already shown in a caricature of "Punch" 1843, printed in: Gerhard, Gerd: Grundkurs Philosophie, Vol. 2, Ethik, Politik; Munich 1992, p. 201.

⁹⁰ Karl Marx, Friedrich Engels on Georg Friedrich Daumer, *Die Religionen des neuen Weltalters. Versuch einer combinatorisch-aphoristischen Grundlegung*. 2 Volumes, Hamburg 1850, in: MEGA Vol. 10, 1st section, Berlin 1977, pp. 197 - 202.

⁹¹ Mütterich, Birgit: *Die Problematik der Mensch-Tier-Beziehung in der Soziologie: Weber, Marx und die Frankfurter Schule*, 2nd edition, Münster 2004, p. 95 passim.

⁹² Kautsky, Karl: *Die Vivisektion des Proletariats*, in: MEGA, Vol. 25, Berlin 1985, p. 489 ff.

⁹³ Luxemburg, Rosa: Letter to Sonja Liebknecht from the prison Wronke, mid December 1917, in: Liebknecht, Sonja (ed.): *Rosa Luxemburg. Briefe aus dem Gefängnis*, Berlin 1920, pp. 57 - 59, quoted from Nettel, Peter: *Rosa Luxemburg*, Köln, Berlin 1969, p. 460 f.; Luxemburg, Rosa: *Unter Hummeln und Gras*. From a letter from 2.5.1917 in: Teutsch, Gotthard M. (ed.): *Da Tiere eine Seele haben ... Stimmen aus zwei Jahrtausenden*, Stuttgart 1987, p. 59 f.

⁹⁴ Message from Edgar Guhde, Düsseldorf, a student of political sciences and supporter of animal welfarism in the former GDR, as one personally affected. An examination by the author of several relevant handbooks on medical research showed that under "animal welfare" for laboratory animals, the protection of material for example, from defence reactions of animals was meant - animal suffering played no role.

⁹⁵ Mütterich, Birgit, p. 139 passim.

⁹⁶ The image of the "Wolkenkratzer" in: Regius, Heinrich (i.e. Max Horkheimer): *Dämmerung. Notizen in Deutschland*, reprint of the edition Zurich 1934, p. 132 f.; quoted in: Dutschke, Rudi: *Die Widersprüche des Spätkapitalismus, die antiautoritären Studenten und ihr Verhältnis zur Dritten Welt*, in: Bergmann, Uwe/Dutschke, Rudi/Lefevre, Wolfgang/Rabehl, Bernd: *Rebellion der Studenten oder: Die neue Opposition*, Hamburg 1968, p. 57 f.

reinterpret this quite seriously meant "animal hell", referring to real animals, as a metaphor for human alienation.⁹⁷

⁹⁷ Wiggershaus, Rolf: Die Frankfurter Schule, Munich 1997, p. 62; critical response, Mütterich, pp. 151, 163.

Conclusion

The look back at the forerunners of the animal rights idea has shown a very much longer and richer history than would be presumed in the face of the actual position of animals. The idea of animal rights does not just begin with Peter Singer or Tom Regan, but can be traced far back to the 18th century and even to ancient times. One has to ask: why, despite so many good arguments on the side of the defendants of animal rights, has this thought not been generally accepted, and must here join Leonard Nelson and cite human interest.

The described animal rights proponents were generally also proponents of human rights, and as the last three examples show, exceedingly active ones. The fact that this has nearly been forgotten or mainly overseen by historians shows the importance of an ongoing historical research on this "lost tradition" of the animal rights idea and animal rights movement in Europe and especially in Germany. The world of ideas presented by Magnus Schwantje, Ludwig Quidde, Leonard Nelson and other personages of the peace movement can enrich our modern thinking. Their democratic and progressive potential can help us to understand the structure and value of integrated concepts including human and animal rights as part of indivisible ethics.

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