



MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW



'Rights of Nature include Rights of Domestic Animals'

***11TH WORLD CONGRESS OF CONSTITUTIONAL LAW
CONSTITUTIONAL TRANSFORMATIONS***

6 December 2022

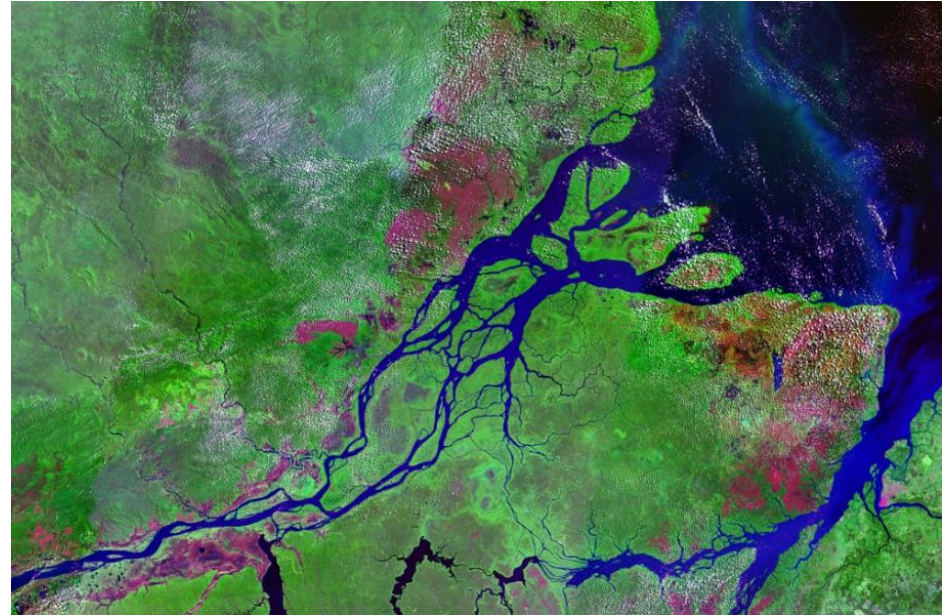
Prof Dr Anne Peters



I. Thesis

1. Rights of Nature are more accepted in legal practice than rights of animals.

2. But: Domesticated animals need legal rights as much as (or more than) rivers.





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Constitutional Court of Ecuador, *Mona Estrellita*, Sentencia No. 253-20-JH/22, 27 January 2022





Rights of Nature neglecting domestic animals are:

- Veiled holism.
- Veiled anthropocentrism.
- Organised Hypocrisy



II. Rationales of Rights

1. For natural entities

Materialism or animism?

2. For animals

Sentience.



III. Functions of Rights

1. Response to harm shielded by property and sovereignty – against monetarisation

Resembles human dignity as the quasi-sacral placeholder.

“Rights” express an inherent value.

Kant: “no price but a dignity”.



III. Functions of Rights

2. Shift of argumentation
and burden
to justify





III. Functions of Rights

- **3. Compensation for specific interests' structural under-representation**

in the
democratic
political
process.





IV. Concluding thoughts: The transformation of “rights” and of “law”

1. Borrowing legitimacy from “rights”
 2. Sham indigenisation or true legal pluralism?
 3. Symbolic (judicial) law-making
- Stop analogical reasoning and think fresh **who** needs rights, **why**, and **which**?



Thank you!

