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FOREWORD

ANIMAL DEATH

Fiona Probyn-Rapsey and Jay Johnston (eds.)

The Hon. Michael Kirby AC CMG

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EDITED BY FIONA PROBYN-RAPSEY AND JAY JOHNSTON

FOREWORD

THE HON. MICHAEL KIRBY AC CMG^{*}

A chapter towards the close of this book by Sally Borrell and Carol Freeman, extends the story told in Julia Leigh's 1999 novel *The Hunter*. That work was recently adapted as a film. It tells a story of a man, sent to Tasmania to obtain genetic material from the last Tasmanian 'Tiger', for use in bio-warfare. It explores the impact of technology on animal life and does so under the shadow of the danger of species extinction.

Julia Leigh's book is described by the author as 'unrelentingly bleak'. Some may feel the same about this book. It is about two subjects that most people spend their lives trying to avoid, preferring not to think of them: Animal welfare and protection. And death. Put the two together and one has a combination likely to upset, repel and distress many readers in Australia and abroad.

Animals, for many, tend to be lovely playful things (members of the family) found around the home. Exotic things at zoos or in TV documentaries. Or useful things that live far away and die in circumstances unknown, because their purpose in life is their death: to provide their bodies for nourishment and other uses by the ascendant creature that sits at the top of the living species on earth. This is the creature described in several chapters of this book as the 'human animal'; to distinguish it from the 'non-human animal', destined to die before its natural time.

^{*} Patron of Voiceless. Onetime Justice of the High Court of Australia and President of the International Commission of Jurists.

Fortunately, in the current age, famous writers and ethicists in Australia are reminding our people that it does not have to be so. That the huge industry of the killing of non-human animals could be abolished; should be radically altered; and must, at the very least, be significantly reduced, if only for the benefit of humankind itself, its physical well-being and its moral sensibilities. These advocates of change include John Coetzee, a famous writer and scholar of fiction, laureate of the Nobel Prize for Literature in 2003; originally from South Africa but now living amongst us in Australia. And Peter Singer, the world famous philosopher, who was born amongst us and now enjoys global recognition in the fields of ethics and animal rights, recently awarded Australia's highest civil honour. He teaches from chairs to which he has been appointed at famous universities in the United States of America and Australia. These two leading thinkers, and many others, are showing that there is another pathway to a new and preferable relationship with animals. And that it is the very intelligence and capacity for ethical reflection of human beings that demands of them a new sensitivity in their interactions with other living species.

I stumbled into this context, partly by accident. A certain curiosity about it persuaded me to participate in launching a book on animal welfare laws in Australia and New Zealand. I launch and write forewords for so many books, on so many topics, that there was no certainty that the book on animal law would have a major impact. But impact it had. Too much information. Too many images to haunt my brain.

From the day that I launched the book on animal welfare, in May 2009, I have not eaten the flesh of any animal or fowl. This is possible. So books have power. Words convey moral dilemmas. Human beings are capable of being moral creatures. So it may prove with the present book. Dear reader, be warned. Reading about animal death may prove a life-changing experience. If you do not wish to be exposed to that possibility, read no further. Indulge yourself in the novels of Barbara Cartland. Select a book on statistics or pure mathematics. Do not torment your mind, as mine was tormented with cruel images inflicted on millions of

sentient creatures every year, in the anthropomorphic conceit that humans are completely special. That they are created in the image of God Himself. And that every other living creature is a thing without a soul. That it is put on Earth only to be useful or amusing to human beings. Books and voices can challenge us to re-think these illusions.

This new book is a kaleidoscope with an amazing and, at first, seemingly unconnected, collection of essays. They are bound together by nothing else than a link with the death of animals.

- Jennifer McDonnell laments the lack of understanding and sympathy for those who mourn for their pets and thereby cross the species line by according the animal the dignity of true love that some assert, or feel, should only be reserved to our own species.
- Chloë Taylor recounts the attempts in John Coetzee's novel *Disgrace* of a character who feels severely discomfited by the handling of dead dogs as if they were public rubbish, refuse.
- George Ioannides describes the decomposition of a beloved dog *Sirius* and the beauty that could be found in the most unlikely places through film and cinema of these events.
- Teja Brooks Pribac observes the burial rituals conducted for non-human animals. They are carried out by those who refuse to treat them as mere things.
- Milad Milani explores Islamic notions of ensoulment and of cleanliness that some proponents of that faith see as condemning non-human animals to a permanent netherworld.
- Anne Fawcett explores ideas of euthanasia and what, in real terms, this friendly word means for animals 'put to sleep'.
- Greg Murrie examines earlier British anti-vivisectionist thought and its relationship with the later, global animal rights movement.

- Kathie Jenni insists that degrading cruelty is a truly unacceptable pornography, the work of pornographers of pain.
- Agata Mrva-Montoya recounts the discovery of the bones of animals in pre-historic funeral sites. Silent witnesses to their unequal relationship with human beings over the millenia.
- Jill Bough takes this one step further with the lessons to be drawn from the discovery, in a pharaoh's burial chamber, of 10 donkey skeletons. Amongst animals, donkey's rank low. But they can be loved, as the Australian soldiers showed at Gallipoli.
- Melissa Boyde draws parallels between the violent death of animals in the outback and the attitudes of the same protagonists to fellow humans.
- Fiona Probyn-Rapsey recounts the lives of albino animals.
- Annie Potts describes the familiar chicken and how billions of this most social of animals are disparaged and abused, and demised their nature, in the mass production of food for humans.
- Eva Birch recounts the similarities and differences between plants, animals and humans and traces the western dualism of body and mind back to ancient times.
- Rowan Savage describes the cruelty to animals that occurred during the Indian Partition and how it came to parallel cruelty by exactly the same actors towards fellow human beings.
- Atilla Orel reminds us of the murder of 'Fanny Adams' in England 150 years ago and draws links between the debasement of a human object and the constant cruelty involved in the production of 'meat'.
- Peta Tait examines the great artists of civilised humanity for their presentation in words and paint of animal bodies.
- Rowena Braddock describes fake taxidermy in contemporary art.
- Tarsh Bates and Megal Schlipalius explore the willingness of animals, other than humans, to exhibit care for other species.
- Michael Adams recounts the relationship of Aboriginal Australians, as hunters with their prey. The peculiar culture of hunters and their organisations are examined; but in a world in which most humans have nothing to do with the killing of animals. We delegate this to the few who do it for the many.

- Rick De Vos expounds the relationship between Greenland's hunters and their huskies, humans and non-human beings now dramatically reduced in numbers because of global climate change.
- Katrina Schlunke and Elaine Kelly question the eating of kangaroos in Australia. Is this the ultimate hospitality which this large native marsupial is expected to show to the settlers?
- Sally Borrell and Carol Freeman derive from *The Hunter* messages for contemporary human beings about their need for changing attitudes to non-human animals.
- Deborah Bird-Rose examines the boundaries of multi-species death zones and does so in the context of species extinctions.
- Matthew Chrulew takes us to the zoo. But is it a recreated Garden of Eden where the animals are gently tendered and fed? Or is it a horror place, a kind of imprisonment, alien to natural animal existence? In a book of sombre messages, this one at least recounts stories of the improving sensitivity of zoos towards animals and to the dedication of modern zoos to diminishing the pains and fears involved in premature animal deaths.
- Helen Tiffin, at the end, examines the conflict of animal advocates and wildlife environmentalists. She uses her examination to demonstrate what she sees as the wildly contradictory attitudes to animals that human beings display. At the very time of corporatised killing of animals, often in cruel and fearsome circumstances, human beings are themselves becoming a 'plague species' in the biosphere. It is to reducing the numbers of humans, rather than to animals, that the main focus of moral examination must be applied.

My description of the many chapters of this book does scant justice to the new ideas and pressing thoughts that the authors offer to the readers. Some of the chapters are essentially literary and artistic in their objective. Others are scientific, empirical and factual. Not a few are allegorical and didactic. Some speak directly and sharply of the need for human change. Others do so with great subtlety and by allegorical images.

In the end, by concentrating our attention on death in animals, in so many guises and circumstances, we the human readers are brought face to face with the reality of our world. It is a world of pain, fear and enormous stress and cruelty. It is a world that will not change anytime soon into a human community of vegetarians or vegans. But at least books like this are being written for public reflection. Books like the one of animal welfare that changed my life are now being used to teach animal welfare law in a growing number of institutions of legal education throughout Australasia and in the western world. Laws are being enacted to prohibit the worst instances of corporatised greed and indifference to animal fear and needless pain. Organisations of citizens are lifting their voices and causing protests, in an increasingly successful effort to focus attention on the duty that we humans owe to other sentient animals.

During my service as a judge in the High Court of Australia, two significant cases raised, indirectly the issues of animal welfare and its advocacy: *Levy v Victoria* (1997) 189 CLR 579 and *Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd* (2001) 208 CLR 199. More cases will come. Lawyers and other citizens will insist upon change. And books like this one will plant ideas in the human consciousness of our world. Such ideas will prove powerful. Experience, law and literature combine. They can change the world for all of the animals in it.

Sydney,

Michael Kirby

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