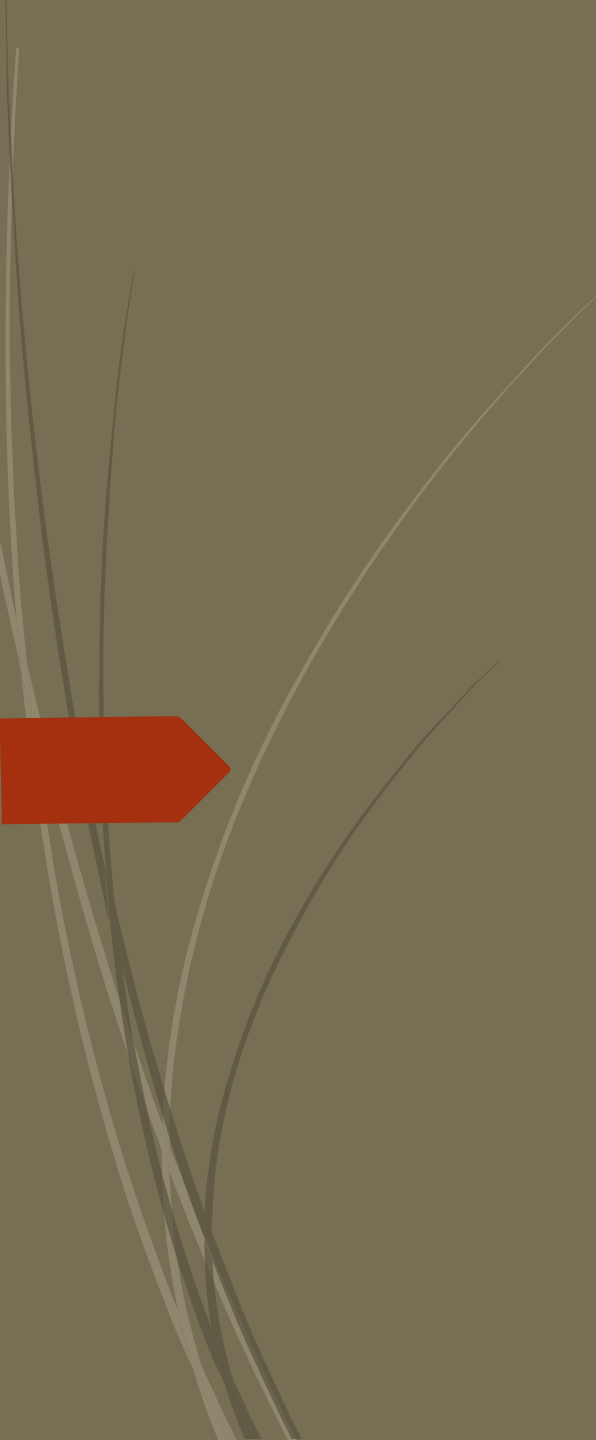




The Arc of History: Future Directions

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www.animallaw.info



ANIMAL
LEGAL & HISTORICAL
CENTER

David Favre

The Future of Animal Law



3

New Book

“Top Ram”

- Four year old Icelandic ram, senior ram until the day he died.





Where have we been where are we now,
what is in the Future - Why focus on the Law?

➡ 1850

➡ 1900

➡ 2000-2023

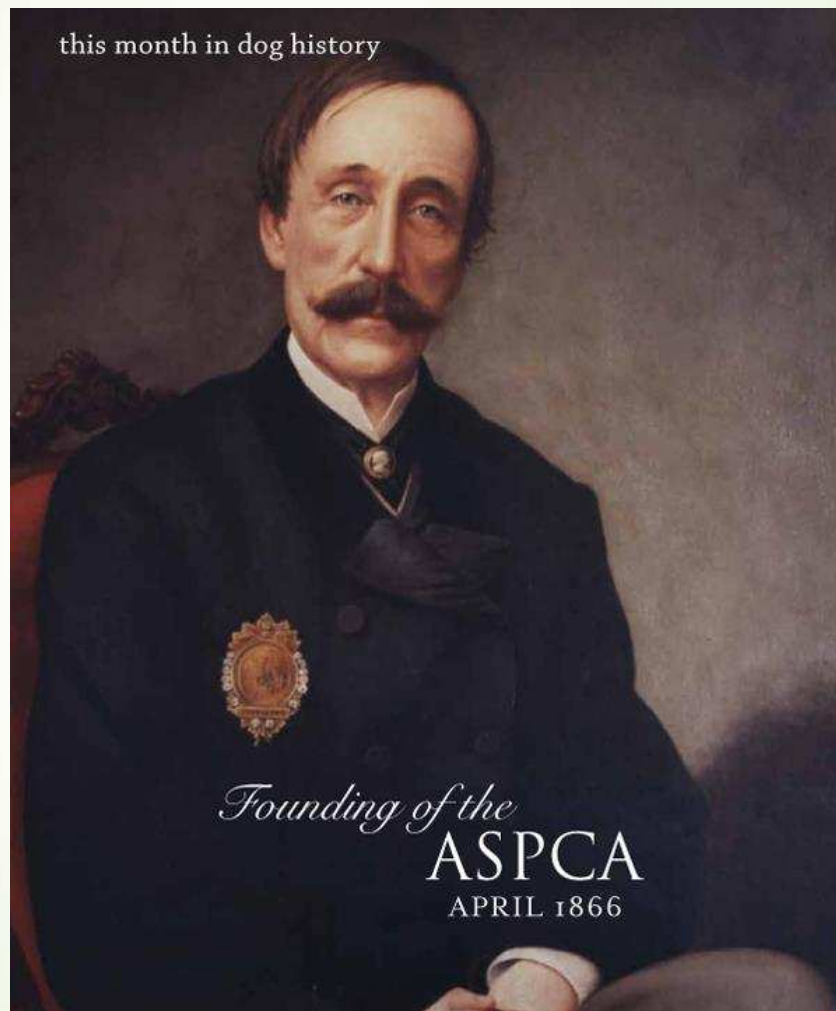
➡ 2100



Tools of Legal Analysis for Criminal Law

- Which animals are protected?
 -
- Is human motivation/intention an element?
- Which action or inaction as relates to the animal is covered?
- Is the statutory language to be judged in a social context before becoming illegal?
- What is the level of punishment for violations?

Transition to modern law



Evolution of Statutory Language

- Every person who [part one] shall
- **maliciously kill, maim or wound any horse, ox or other cattle, or any sheep, belonging to another,** or [part two] shall
- **maliciously and cruelly beat or torture any such animals,** whether **belonging to himself or another,**
- [1867 – New York]
- **It is illegal to torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill any living creature, [no ownership statement] [modest penalty – misdemeanor]**



➤ History in India

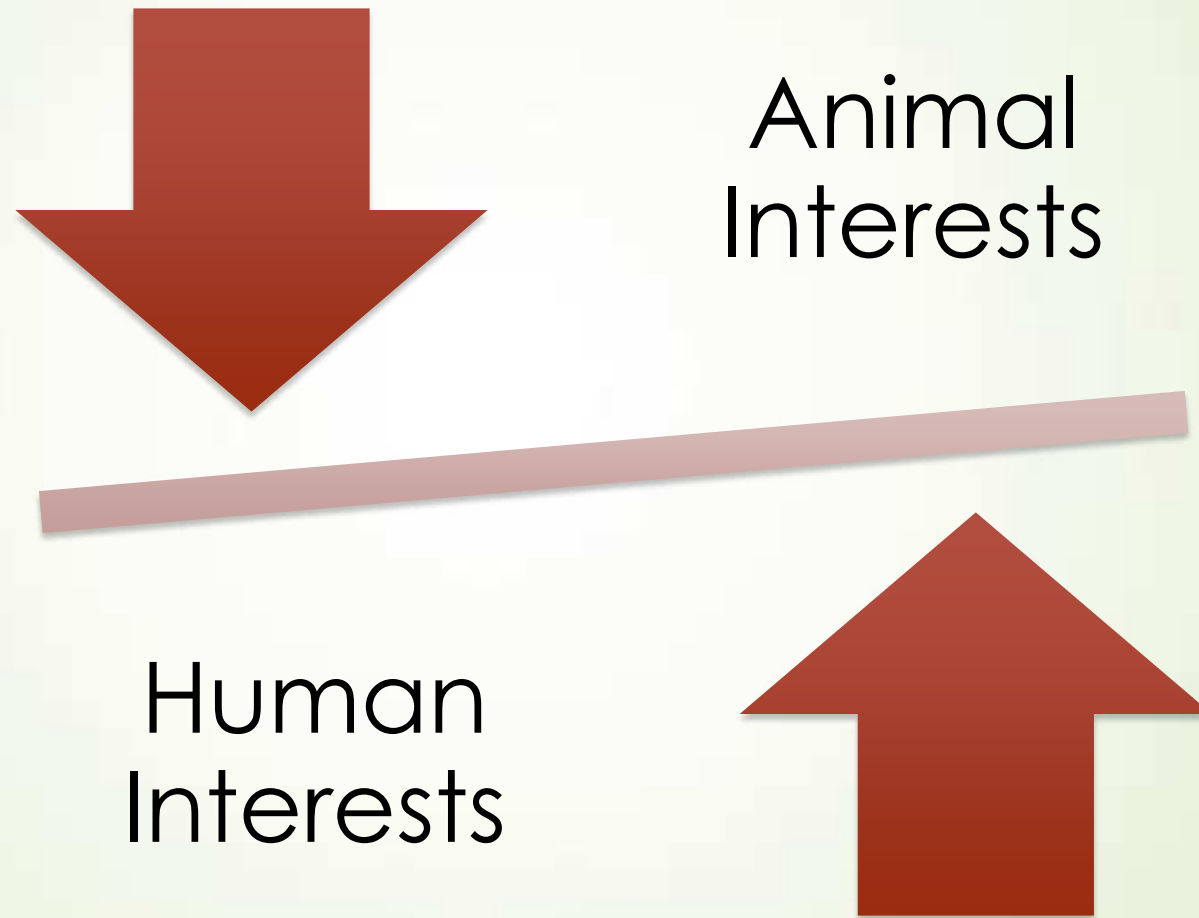
**Existence of Five Societies for the Protection
of Animals.**

Colonial period -1902.

The Prevention of Cruelty to Animals Act, 1960

- India's Act enumerates different variants of cruelty to animals under Section 11 as the following actions:
 - a) Beating, kicking, overriding, overloading, torturing and causing unnecessary pain to any animal.
 - b) Using an old or injured or unfit animal for work (the punishment applies to the owner as well as the user).

Balancing Interests – Illegal Actions



Who will do the balancing?

General Prohibitions – Specific Prohibitions

Legislature – adoption of laws

Administrative/Executive – regulations & decisions

Judiciary / Jury – individual cases

Dog Fighting



Use by the rich



Ethical Use? Lawful Use?





The Future ???

- Less economic efficiency – more respect
- Values other than economic need to be recognized
 - Value as part of family group
 - Value as part of environment
 - Inherent value

- What will be the bridge to the future???
- Who will build it?
- What will be on the other side?

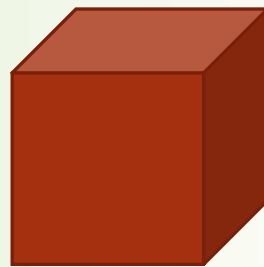




What do we need to cross the bridge?

- 1. We need a new legal box in which to put animals. --- Living Property
- 2. We need an ethical construct with which to build and judge the new laws. --- A Right of Place

A Future box for Animals

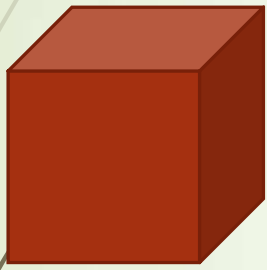


Not Property

Guardians/Companions

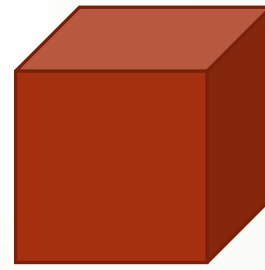
New Status

Books
Cars, Tables



Non-Living Personal Property

Dogs & Cats
& Chimpanzees



Living Property



The Right of Place

- ▶ Every animal need adequate space – not liberty.
 - ▶ In square or cubic meters,
- ▶ Relevant physical objects – To engage the interests of the animal.
- ▶ The social content relevant to the animal – others.
- ▶ The opportunity to use the space with choice and control.



How will legal Rights Arise?

➤ **The Big Bang** – Blow up the Wall of Separation

- Logic Driven – Science based – Chimpanzees as focus
- Go to Courts who say they are logic and evidence driven

➤ **The Accretion** – As the river bends

- Emotion Driven – sense of fairness and rightness – Dogs as focus
- Who is family?
- Go to legislature – logical is not dominant – voters count – a little anyways

➤ **The Constitution** – not in the US, but South America perhaps



International Activity – in support of animal welfare

- One Health Concept
 - COVID consequences
 - WHO - UN
 - CITES – Endangered Species
 - New Treaty – Convention on Animal Protection
 - <https://www.conventiononanimalprotection.org/the-cap-treaty>
 - International Animal Groups as part of civil society
- 

What is progress?

- Push the boundaries of the legal system to make more room for the animals:
- New legislation,
- Court enforcement of existing legislation,
- New constitutional language,
- Push the idea that animals might be a legal person, not a human, but beings with visibility and presence within the legal system.

Thank you

