

ANIMALS IN CHINA – LAW AND SOCIETY

Book Review

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The book *Animals in China - Law and Society*, written by Professor Deborah Cao², was published in August 2015 by Palgrave Macmillan as part of its Animal Ethics Series. The book is composed of eight chapters, written in English. In addition to the comprehensive introduction of the traditional role of animals and their legal status under the Chinese philosophical discourses and ancient legal regimes, it covers all the key areas of controversial animal issues in China in recent years, including wildlife, companion animals, fur animals, lab animals and other working animals, and it is the first comprehensive research monograph on the subject.

Nowadays animal welfare has become one of the most significant international issues. As the largest global trading country, China is not only known as the largest world factory of manufactured goods but also the world factory of manufactured animal cruelty on a new phenomenon of globalized institutional animal cruelty. So far China has virtually no law protecting animals from cruelty and mistreatment. Despite the fact that China has enacted its *Wildlife Protection Law (the WPL)* since 1988 and has several administrative laws and regulations regarding animal health and disease, specific animal raising and management and laboratory animal welfare, most of these rules are neither on the basis of the purpose of animal protection and humane treatment nor well implemented, and some of them even lack enforcement mechanism.

More significantly, the deficiencies and problems of the legislations further result in much worse and severer animal cruelty issues and phenomena in China, for example, the legalization of wildlife exploitation and animal abuse under *the WPL*. Such legalization not only promote the development of animal cruelty-based businesses such as tiger and bear farming but also provide a black market for those illegal trading, selling and buying of wildlife products in China. Professor Deborah Cao provides a

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comprehensive and detailed introduction of these relevant regulatory regimes, animals involved, the social and cultural context and more importantly, the economic factor behind these controversial animal issues. These issues are not only related to the facts of extreme animal cruelty in either individual cases or institutional systems, but also associated with other serious crimes and social problems concerning animals, such as the problems of stolen owned animals and worsening food safety resulting from the consumption of dog and cat meat. This provides an overall and practical picture of animal-related problems, difficulties and challenges in China. These bases of information and understanding are fundamental and necessary in helping the country to further improve the social situation and the treatment of animals.

Notably, Professor Deborah Cao specifically introduces the increasing development of public condemnation of animal cruelty and animal rescue events in China. She holds a relatively positive perspective on the future development of emerging animal protection movement in the country, since as long as the developmental direction of animal protection is neither political nor controversial, it can be allowed to develop in the current politically sensitive environment created by the Chinese government. However, as the central issues of animal protection and cruelty mainly involve enormous conflicts of interest between the development of economy and the humane treatment of animals, they can hardly be largely improved without open political lobby and further legislation. It is essential to note that the necessary and fundamental factor of developing any animal protection movement and promoting legislation in any country lies in the irreplaceable influence of domestic animal protection groups for their persistent and long-term legislative and political lobbying and advocacy.³ So far China's lawmaking is a completely exclusive national privilege without any political liberalization and open policymaking space for society.⁴ For example, nowadays the formation and operation of environmental or any other grass root groups remain highly restrictive, in that their activity and advocacy are both under the nation's overall control and supervision.⁵ This is also the reason why the amendment of *Wildlife Protection Law* (*the WPL*) hardly moves further forward even if the obvious inabilities and severe deficiencies of the law

³ Mike Radford, *Animal Welfare Law in Britain: Regulation and Responsibility*, OUP Oxford (2006) at 167-192; Elaine L. Hughes & Christiane Meyer, "Animal Welfare Law in Canada and Europe", 6 *Animal L.* 23 (2000).

⁴ Peter J. Li, "Enforcing Wildlife Protection in China-The Legislative and Political Solutions", *China Information*, vol. 21 no. 1 71-107(2007)

⁵ *Id.*

have been widely noticed and resulted in massive controversy and criticism either in national or international level. As Professor Li states, “Chinese activists, particularly those who are versed in the politics of contemporary China, are extremely cautious not to get involved in controversies that could cause government reprisal and lead to a reversal of what has already been accomplished.”⁶

Along with an increasing public awareness of animal protection among Chinese citizens, the attitude towards animals has been gradually changing in the country, especially in the minds of the younger generation, and several domestic animal protections groups have also been subsequently established in the last few years.⁷The scope of animal protection issues, however is still fairly restricted and mainly focuses on very limited animal species such as dogs and cats and their rescue events,⁸ for example, to rescue dogs and cats being in dangerous situations or being transported for human consumption and to take care of homeless animals. I would say it is a development of animal charity instead of that of emerging social movements. Since these concerns and efforts cannot be expanded in terms of their scope and influence and, more importantly, further result in comprehensive animal protection issues rising up the political and legal agenda, the development would merely be limited within an individual event, and the best example is the drafting of the general and specific animal protection laws and the failures of their further enactments in 2004 and 2009.⁹

In 2004 the Beijing municipal government released its draft laboratory animal welfare law but withdrew it from consideration soon afterwards because of the concern of the difficulties of enforcing the law from opposing officials and scholars; they generally believed that the draft was completely impractical and premature even though the scope of protection of the law merely covered the welfare of experimental animals.¹⁰In June 2009, 36,000 dogs were brutally killed by the Hanzhong government after the outbreak of rabies; the massive, cruel slaughter attracted the attention of international society and aroused immense controversies and criticisms.¹¹In response to the outbreak over the past two months, the Chinese central

⁶ *Id.*

⁷ Jiaqi Lu, Kathryn Bayne, Jianfei Wang, “Current status of animal welfare and animal rights in China”, *Altern Lab Anim.*,41(5):351-7, (2013).

⁸ Pages 150-167.

⁹ Li, *Supra* note 4; Joan Schaffner, *An Introduction to Animals and the Law*, Basingstoke, England: Palgrave Macmillan (2011) at 2.

¹⁰ *Id.*

¹¹ *Id.*

government released a comprehensive animal protection draft law which was entitled the *Animal Protection Law of the People's Republic of China (the APL)* for stipulating various minimum standards of animal welfare for companion, farm, laboratory, wild and entertainment animals and preventing them from deliberate cruelty.¹² Yet, later in March 2010, the draft law was revised and its name was changed to the *Prevention of Cruelty to Animals Law of the People's Republic of China (the PCL)* as the proposed version.¹³ The new version of the draft law puts the main emphasis on the prohibition of animal cruelty and excludes the majority of the provisions regarding the minimum standard requirement of animal welfare because of the political pressure and resistance.¹⁴ However, none of these draft laws has been further developed and promoted and the impossibility of their enactment has also been determined since, as mentioned, without continuous and long-term domestic legislative and political lobbying and advocacy for more comprehensive issues of animal protection by local pressure groups, the possibility of further improving the animal treatment in the country seems to be less promising and unlikely. Thus, the major challenge of developing its social movement and promoting relevant legislation for protecting animals in China remains a political difficulty; it can only be really overcome with the political will of the Chinese government and the approval of political lobbying and advocacy on this specific issue. Notwithstanding that such a developmental condition in China seems to be fairly unlikely in the near future, the gradual and invisible influence of domestic animal protection groups exerted on society is still irreplaceable and indispensable. However, the essential step of achieving this for the domestic animal protection groups should be to further expand the scope of issues which they merely focuses on the concern for dogs and cats to more critical and comprehensive issues, for example, to highlight the issues of general animal cruelty and the concept of “unnecessary suffering” through education and other acceptable advocacies such as support from celebrities. Although several specific animal cruelty issues have, to a certain extent, successfully attracted the attention of society and have achieved certain improvements under the efforts of some international animal protection groups, such as the campaign against moon bear farming arranged by the *Animal Asia* which enables China to sign an international agreement of closing certain bear farms,¹⁵ the role and influence of the domestic animal protection groups

¹² Schaffner, *Supra* note 9, at 3; Amanda Whitfort, “Evaluating China’s Draft Animal Protection Law”, *Sydney Law Review* Vol. 34:347(2012)

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Bruce A. Wagman & Matthew Liebman, *A Worldview of Animal Law*, Carolina Academic Press (2011) at 31.

still cannot be replaced. This is why they should catch up with the trend of promoting various broader and deeper issues for protecting animals without any delay. This is also the very and necessary step for the country to actually initiate its emerging animal protection movement.

Overall, *Animals in China – Law and Society* is not only the first but also the very significant publication on animal protection issues either in national or international context in terms of new phenomenon of globalized institutional animal cruelty. I strongly recommend the book for anyone concerned about the suffering of animals and their treatment either in China or any other country with poor animal protection and slow development, since understanding is the very first step of improvement.