

An Attempt to Define Animal Law

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In established fields of law, animal law is typically considered to belong to the field of legal theory, environmental law, administrative law or criminal law. However, animal law as a whole does not fit well into any of the traditional fields of law but rather forms its own interdisciplinary field, which moves quite freely between the different fields of public and private law, depending on the focus and methods of the studies in question. Thus, not all legal research or laws relating to animals should be considered as animal law. The argumentation here is based on the author's personal understanding of animal law as a field of law and jurisprudence (subject of law).

In contrast to, for instance, environmental law, animal law distances itself from anthropocentrism but focuses rather on *the animal*. For example, the *environment*, the concept at the heart of environmental law, is different from the concept of the *animal* applied in animal law that focuses on living sentient beings, while the *environment* also covers the inanimate environment and animals mainly as species, not as individuals. The focal point in animal law regardless of the context is the living sentient being perspective.¹ This fundamental premise has a crucial impact on the research questions, methods and conclusions in research, but should also have an impact on lawmaking, its interpretation and implementation, and the entry of the legislation into force. Therefore, because of the animal-centered approach and the questions raised thereby, traditional areas of law will never fully be able to tackle all the questions that animal law seeks to answer.

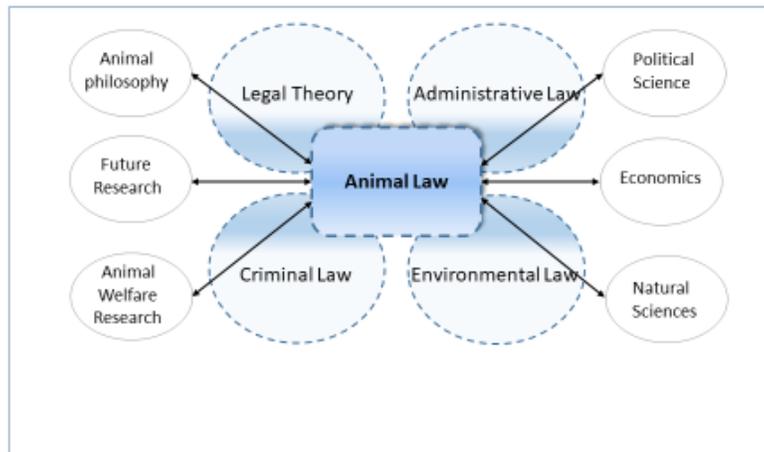
Currently, the objects of animal law research can range from theoretical questions to legislative matters, activities of the animal protection authorities and legal practice. Animal protection includes both animal welfare laws, wildlife laws (conservation) and rights laws, and is rooted in written law and in the practical application of statutes, regulations, and case law. It can be focused on national, European or international legislation, concern all animals or a single species, or a specific type of activity such as animal transportation or slaughter. However, animal law as a subject of law is broader and includes theoretical and legal philosophical issues, such as questions about the legal status of animals. The main approaches applied in animal law studies are legal theory, legal dogmatics, legal policy and legal history. In addition, comparative and empirical research is carried out within the field of law. In practice, teleological arguments are prominent in animal law studies. **Generally, one could determine that the aim of animal law is to break away from the traditional legal subject–object dichotomy and examine from an animal perspective how ani-**

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¹ I do not find it useful to include legal issues concerning e.g. animal by-products in animal law. Animal by-products are parts harvested or manufactured from animals that are not intended for human consumption. The norms concerning animal by-products include fractions produced during the slaughter of animals (focus on already dead animals). Similarly, legal questions related to the disposal of animal carcasses (in Finland by virtue of the Waste Act 646/2011, Hunting Act 615/1993, Health Protection Act 763/1994, Act on the Maintenance, Cleaning and Clearing of Public Areas 669/1978 or the Environmental Protection Act 527/2014) do not, in my view, belong to the sphere of animal law.

imals are best protected by law from negative human impact. Thus, in animal law, we ask fundamental questions about the nature of a legal right or interest, how laws create or entrench (power) imbalances, and, most importantly, how those imbalances impact animals both *de lege lata* and *de lege ferenda*.

Animal law overlaps with many traditional areas of law and jurisprudence, but the field also explores other areas, such as natural science, political science, and philosophy. Animal law is multidimensional and an accumulation of knowledge from a variety of disciplines. At best, animal law is engaged in intense dialogue with other scientific fields and subjects. By making use of results and understanding from, for example, research on animals and human-animal relations, animal law takes shape as a multidisciplinary field of law.² By ‘multidisciplinary’ I refer to the fact that dialogue between several fields of sciences is required to solve legal questions concerning animals. ‘Multijurisprudential’ refers to the multilayered fashioning of diverse legal material that shapes animal law and the understanding of animals as individual legal entities, in other words, the filtering and absorption of information from other fields of law. The diagram below illustrates the multidisciplinary and multilawdisciplinary nature of animal law.



Animal law differs from other fields of law based on five characteristics (the characteristics are present in individual studies to a varying degree depending on the research question(s) and method(s) chosen):

- 1) Animals and animal protection (welfare, interests and rights of animals) are at the core of animal law;
- 2) Animal law aims to distance itself from anthropocentrism i.e. the animal perspective is in focus;
- 3) Animal law is multidisciplinary;
- 4) Animal law is ‘multilawdisciplinary’ within the subjects of law;

² “Multilawdisciplinary” is referred to by Kumpula, Anne in *EU:n ympäristöoikeuden perusteet* required reading for entrance exam at the University of Turku 3/2010, p. 3.

5) The fundamental questions within animal law are universal³.

In conclusion, the knowledge and understanding of animals provided by different fields of law and areas of science viewed from an animal (law) perspective, form animal law. However, dialogue and acquisition of knowledge from other areas is meaningful only when it adds to our legal understanding of animals and serves as a means to resolve legal questions from an animal point of view.⁴ Therefore, collaboration within multidisciplinary and multilawdisciplinarity must be pursued with care and only when it has true significance for animals. This is partly why I do not consider animal law as part of any of the existing anthropocentric fields of law. Keeping animals in focus, which is the most important characteristic of animal law, changes the approach and perspective, and thereby also the content and outcomes. Thus, I do not personally support the view that any course or study involving an animal or animal-related legislation should be considered as Animal Law *per se*.

A different approach leads to different conclusions and outcomes. At the current state of development, the manifestations, contents, methods and aspects of animal law are still taking shape and being discussed. To be regularly reviewed and redefined is a prerequisite for the evolution of Animal Law, which has as its main goal to better protect animals from negative human impact.

As a summary, I propose the following as an international definition of Animal Law:

‘In animal law we ask fundamental questions about the nature of a legal right or interest, how laws create or entrench power imbalances, and - most importantly - how the law and those imbalances impact animals evaluated from an animal point of view.

Animal law overlaps with many traditional areas of the law and jurisprudence, but the field also explores other areas of science such as e.g. natural and political science and philosophy. Animal law is rooted in the written law and in the practical application of statutes, regulations, and case law.’

³ For instance, the questions concerning the legal status of animals is a universal question in the sense that it is significant and fundamental regardless of the legal system it is raised within. Other universal questions relate to the content and meaning of certain key concepts (e.g. the concepts of animal welfare, recognition of animal’s dignity and intrinsic value, respect for animals and animals’ fundamental rights).

⁴ Compare this approach to children’s legal status and child law, which focuses on the best interests and welfare of the child as natural persons (legal subjects).