

The Definition of Animal Law

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Creating a global definition of “Animal Law” is not for the faint of heart. As evidenced by the diverse collection of definitions in this journal – all authored by highly experienced and thoughtful animal law professionals from around the world – animal law can mean very different things to different people. So, to paraphrase a common expression, perhaps it is true that animal law is in the eye of the beholder, and thus impossible to define with any kind of universal precision. And yet, it is important to articulate some borders within which this important field of teaching, scholarship, practice, and advocacy is rightfully placed. With this difficult task in mind, I offer the following thoughts on how we might define animal law now and in the future.

In a purely academic sense, animal law is the field of study, scholarship, practice, and advocacy in which the nature (legal, social, or biological) of a nonhuman animal is an important factor. Some have argued that animal law is itself a neutral term -- a body of statutory and decisional law in which animals are somehow at issue. I used to subscribe to that definition myself, but over the course of working, studying, and teaching in this field for over 25 years, my opinion has shifted. Neutrality in the definition acts as a *de facto* endorsement of the status quo, and that is precisely what so many of us in the field find unacceptable and are working to change.

The essence of animal law then requires us to engage the legal system from the perspective of what is in the best interests of the animal. Being highly interdisciplinary, practitioners must be knowledgeable in multiple sub-specialties such as criminal, constitutional, and administrative law. But, sub-specialization is not the prominent characteristic of animal law. We should not say there is “criminal animal law” or “administrative animal law.” Doing so places the emphasis on a traditional area of law, which historically has not considered the interests of animals. Rather, we must acknowledge that animal law is fundamentally nested within a social justice movement to improve the status of animals through, among other things, reliance on a variety of disciplines to best understand the nature and interests of animals. The key is that the animals’ interests are always paramount when considering how best to address their needs within the legal system. Whether we are applying existing laws, drafting new laws, arguing in court, or interpreting judicial opinions, the animal law attorney always does so through a lens that has the animals’ interests front and center.

With this perspective operating as a north star, I propose the following definition for “Animal Law” –

Animal Law is that field of study, scholarship, practice, and advocacy in which serving the best interests of nonhuman animal through the legal system is the primary goal.

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