

Four Kinds of Nonhuman Animal Legal Personification

David Chauvet*

Abstract.

Nonhuman animal legal personification is undoubtedly an international legal issue. However, it seems that the question of what it means to legally personify a nonhuman animal has not been presented clearly. This study, which is part of the French discussion on the issue, aims to clarify the legal concept of nonhuman animal legal personification by showing that there is not just one but four kinds of nonhuman animal legal personality. This descriptive approach is coupled with a normative one to understand which kind of nonhuman animal legal personification is to be favoured. Contrary to what one might think at first sight, all personification is not in favour of nonhuman animals and can even be counterproductive. Moreover, the choice of a suitable personification is not sufficient for achieving an optimal personification. I will present the criteria for a successful legal personification to help inform political, legislative or judicial action regarding the legal personification of nonhuman animals.

1. Introduction

Along with animal rights advocacy and the associated rejection of meat consumption, the question of nonhuman animal legal personification may be seen by some as a product of delusional minds. In either case, however, it is nothing of the sort. These are both long-standing issues, even if the first is much older than the second, since great philosophers, such as Plutarch or Porphyry, have already advocated vegetarianism almost two millennia ago. Nevertheless, it seems that banning meat consumption is not on the political agenda—no country plans to impose it. In contrast, the legal personification of at least some nonhuman animals seems to be a very concrete political issue.

An international legal issue

Undeniably, nonhuman animal legal personification is an international legal issue. On the legislative side, the Great Ape Project (GAP) that originated in Anglo-Saxon countries at the initiative of Peter Singer and Paola Cavalieri (see Cavalieri & Singer 1993a) almost achieved—via its Spanish branch *el Proyecto Gran Simio*—recognition of the legal personality of great apes in Spain in 2008 (see Terrados 2014:596). There have been other legislative attempts as in Romania in 2014, where the draft law of the member of Parliament Remus Cernea aimed to recognize dolphins as nonhuman persons. On the judicial side, the personification of a number of nonhuman animals has been relentlessly pursued by Steven Wise and the Nonhuman Rights Project (NhRP) for many years through *habeas corpus* proceedings (see Wise 2000). However, it is in Argentina that we find the first case of a successful judicial personification of the chimpanzee Cecilia in 2016 (see Marguénaud 2016:15-26). This case had been preceded two years earlier by the case of the orangutan Sandra, which was, however, only an *obiter dictum* (see Wise 2015; Le Bot 2015:119-120). We find other cases of judicial statements in favour of the legal personality of all or some nonhuman animals, such as *Narayan Dutt Bhatt vs. Union of India & others*, a decision of the Uttarakhand High Court (India) in 2018. Besides the legislative and judicial aspects, we find extra-legal statements on the personification of some nonhuman animals such as that agreed to for whales and dolphins by scientists in May 2010, in Helsinki, Finland; or the French Universal Declarations of Animal Rights on the initiative of the French League for Animal Rights (*Ligue française pour les droits de l'animal*) in 1978 and in 1989, the latter declaring that “the legal personality of animals and their rights must be recognized by law”.

An old issue

On the doctrinal side, we can find modern thinkers considering nonhuman animals as subjects of rights as early as the last quarter of the nineteenth century in Germany (Bekker 1873:26). Especially in France,

* Institut de Droit Européen des Droits de l'Homme, University of Montpellier.

at the beginning of the twentieth century, nonhuman animal legal personification was frankly and explicitly proposed by the illustrious René Demogue (1909) or other jurists such as Louis Crémieu (1910). Long before that, a great French jurist of the Renaissance, the Burgundian Barthélemy de Chasseneuz (1480–1541), justified in his *Consilia* considering some nonhuman animals collectively as *persona ficta* (see Pignot 1880: 216):

“In contrarium tamen dicas esse veritatem : nam certum est quod isti convolvoli seu scarabei damnum vitibus afferentes dicuntur universitas, sed universitas hac citatione personali citari non potest, tanquam sit persona ficta” (Chasseneuz 1531)

“In contrarium tamen dicas esse veritatem, nam certum est, quod isti convolvoli seu scarabei damnum vitibus afferentes dicuntur universitas, sed universitas hac citatione personali citari non potest, tanquam sit persona ficta” (Chasseneuz 1588)

(“Say on the contrary, yet, that it is true, because it is for sure, that these caterpillars or beetles damaging the vines are to be described as universitas, but a universitas cannot be summoned to court through this personal summons, as a fictitious person”).

Chasseneuz was among those who legitimized the animal trials that took place across Europe or in other countries in the Middle Ages and beyond—trials in which a personification process of nonhuman animals had certainly started before being stopped by modernity (Chauvet 2012). Today, nonhuman animal legal personification is supported by many authors with their own nuances (in France, see Daiguerperse 1981; Marguénaud 1992, 1998; Boisseau-Sowinski 2008; Hermitte 2011; Burgat 2017; Leroy 2017; Chauvet 2017a, 2018; Regad & Riot 2018; Kirszenblat 2018; Marguénaud, Burgat & Leroy, 2020; for a Muslim law approach, see Kamal, 2020). Others do not consider it realistic (Préaubert 2002:299) or desirable (in France, see Sohm-Bourgeois 1990; Cornu 2007; Desmoulin-Canselier 2006, 2009; Malaurie 2012; Delage 2013).

Can all these universal declarations, doctrinal proposals for personification, personifications in process, or successful personifications be summarized by the single concept, unitary and unambiguous, of a “legal person”? The answer, as we will see, is very clearly negative. This certainly poses a problem: for is it not problematic to make nonhuman animals into legal persons without truly knowing what is a nonhuman animal legal person?

But why, first of all, legally personify nonhuman animals? Clearly, the goal pursued by those who want to personify nonhuman animals is animal advocacy. One may want, by means of personifying nonhuman animals, to improve their condition either directly or indirectly. On the one hand, one may hope that by personifying nonhuman animals, their interests, possibly their fundamental interests such as the right to live, will be directly protected more effectively than they are by means of the current welfare laws. On the other hand, one may hope that this legal personification will indirectly protect their interests by strengthening our esteem for animals and their place in our collective representations, so that we can push back against anthropocentrism or, more precisely, against moral anthropocentrism, understood as the idea that only humans have fundamental moral rights or deserve to have their fundamental interests protected. One therefore hopes that this symbolic progress will ultimately make it possible to concretely improve the condition of animals. The legal personification of nonhuman animals is then understood either as an important opportunity to concretely improve the condition of animals or as a moment of symbolic progress. These are two points to which I will return, but I would like to make this clarification now: the hypothesis that personification is a process capable of achieving these two objectives is not based on empirical evidence. Like all those who explicitly or implicitly assume that this is the case, I, too, merely reason from this hypothesis. This is not to say that I will not give an explanation here which might be useful in understanding why it could be the case that the absence of legal personality is an obstacle to the improvement of the animal condition, but I consider that it is not necessary, since my reasoning at least has a conditional value.

The contributions of French thought to the question

French reflections were carried out very early precisely to show what kinds of nonhuman animal legal personifications are possible. These reflections have been offered since the 1990s by a professor of private law and criminal science, Jean-Pierre Marguénaud, one of the great contemporary pioneers in the debate on nonhuman animal legal personification. I had the opportunity (Chauvet 2017a, 2018) to continue these clarifying efforts to achieve more precision in the various ways of legally personifying nonhuman animals. Since these French reflections, which I believe are important in clarifying the question of the legal personification of nonhuman animals, are fairly unknown outside of French culture, it is certainly useful to make them known both to the research audience concerned with these questions beyond the circle of the French-speaking researchers and to practitioners—lawyers and nonprofit organizational leadership—who are currently advocating through political or judicial means for the legal personification of nonhuman animals. This is the aim of this paper, which briefly summarizes my work on the subject. But first of all, what do I mean by “legal personality”?

The framework of my analysis

To answer this question, I will distinguish two levels of analysis, which can be called the “formal analysis” and the “substantial analysis” of the law (see Chauvet 2018). Basically, and without going into detail here, the formal analysis takes into account only the words used by the makers of law, i.e., those who make legal texts, be those texts laws, court decisions, etc. The substantial analysis seeks to determine what the legal reality is beyond the formal analysis, and the substantial analysis seeks to reform the formal analysis so that it corresponds to the reality that it supposes to be that of law. Let us take an example directly related to our subject, the legal personality of nonhuman animals. According to the formal analysis of law, nonhuman animals are not legal persons because the law does not recognize them as such, any more than it recognizes that they have rights. The reality is quite different according to certain substantial analyses of the law. One can consider, for example, nonhuman animals to be legal persons because certain essential attributes of the property rights of the so-called owner are amputated (Marguénaud 1998). Or, one can consider them to not be legal things but to have rights without being legal persons (Feinberg 1978). Or, one can consider them to be legal things that have legal rights (Kurki 2017a). According to any of these analyses, the common assertions of lawmakers are wrong: lawmakers should recognize either that nonhuman animals are legal persons, that they have legal rights without being legal things or persons, or that they are legal things that have legal rights. According to the formal analysis of the law on the contrary, nonhuman animals are not legal persons, and they have no legal rights, but they are protected by welfare laws, simply because that is what the law says, that is all.

The level of analysis I will choose here is that of formal analysis, and everything I say about the legal personality of nonhuman animals should be understood only within this framework. This means that when I speak of the legal personification of nonhuman animals, I mean the mere explicit recognition of nonhuman animals as legal persons in law regardless of any substantive analysis. In other words, I will simply identify cases of the legal personification of nonhuman animals as those cases where nonhuman animals are explicitly recognized as such or could be. I will also refer to universal declarations and doctrinal proposals for nonhuman animal personification that do not challenge paradigmatic conceptions of the law with respect to nonhuman animals, i.e., which do not base their assertions about the legal status of nonhuman animals on a substantial analysis, such as in the examples above. What I will try to do here is to make explicit the various kinds of personality that are implicitly in question in universal declarations, doctrinal proposals for personification, personifications in process, or successful personifications, within the framework of a formal analysis, which relates only to what is said by lawmakers. What I will show is that these different kinds of personification are implicitly distinguished on the basis of moral criteria, namely, the criterion of moral obligations and the criterion of dignity.

Why choose a formal analysis of the law? Generally speaking, this level of analysis is descriptively acceptable: it is obviously legitimate for describing the law, as it is generally expressed by law or court decisions. But that is not the reason for my choice. I am using this level of analysis because it is the only

relevant level if we are to account for the status assigned to nonhuman animals in law. In other words, this level of analysis captures a reality that cannot be accounted for by the level of substantial analysis. Why? Because the question is not to determine what nonhuman animals *are* legally according to a putative reality of law but what we *want* them to be, namely, the legal status that we want to grant them according to moral criteria. Additionally, what we want them to be in law is precisely how we legally qualify them, that is, what the law says they are. Now, the way they are qualified has consequences for the way we treat them through the law and thus for their legal status, as we will see, and this is precisely the point of the classification that I will propose on the basis of Jean-Pierre Marguénaud's classification.

The assumption that I make here is that it is not a so-called conceptual error that leads the law to neither recognize nonhuman animals as persons nor recognize their rights, but it is rather a tendency to reserve rights or legal personality for humans because of reasons related to moral status. This assumption has been held for a long time and continues to be supported today (in France, see, for example, Demogue 1909:13; Burgat 2018:52-53; Brunet 2019:85). Of course, artificial persons are also given legal personality without this generally implying that there are moral obligations towards them. This is explained simply, as I will show hereafter, because they are means-persons, mere tools, not end-persons such as humans or as dogs would be, for example, if they were legally personified, for in such cases it is generally considered that there are moral obligations towards them. The best proof that in such cases, personification implies a question of moral status is undoubtedly the fact that the personification of nonhuman animals, far from being something trivial, is a spectacular challenge by which the place of other animals in our moral representations seems to play out. The hypothesis that we reserve rights or end-personality for humans for reasons of moral status seems to me to be extremely plausible. As to whether it is correct or not, this is an empirical question, which no doubt concerns social psychology and therefore goes beyond the scope of this paper.

If we succeed in classifying the various kinds of legal personifications of nonhuman animals according to moral criteria, then we can issue prescriptions with regard to the animal condition. Thus, the first part will aim, at a strictly descriptive level, to identify the various forms of nonhuman animal legal personification. I will examine in the second more normative part of the paper which kind of personality must be sought to improve the animal condition.

2. How can we legally personify nonhuman animals?

It is generally accepted that the concept of a “legal person” alone is not sufficient to know what it means to be a legal person. First, of course, there are “natural persons”, also called “physical persons” (in French “personnes physiques”), and “artificial persons” (in French “personnes morales”). *Natural persons* are you and me; *artificial persons* are nonprofit organizations, companies, etc. What is the difference between natural and artificial legal persons exactly?

An ontological criterion & a moral criterion

What distinguishes natural and artificial persons is not a *technical difference*—I am talking about legal technique, of course. A person is a person, and at least in theory, all that a natural person can do legally—contract, inherit, sue, defend his/her/its rights, answer for his/her/its breaches of the law, etc.—an artificial person can or could do. Just like a natural person, an artificial person may be unownable, as we see with nonprofit organizations. Rather, what distinguishes them is an *ontological difference*: natural persons are concrete beings and artificial persons are a **certain type of abstract entity**. It must be concluded that nonhuman animals, who are concrete beings, must be considered natural persons, not artificial persons (Chauvet 2012:21, note 37; Chauvet 2018; see also, for the claim of the natural personality of nonhuman animals, Regad & Riot 2018).

However, this qualification of the ontological type of legal personality is not at all the end of the debate on the various kinds of legal personification. It is clear that something else distinguishes natural and artificial persons. This time, it is a *moral difference*. If you declare the dissolution of a nonprofit organization, you will not be prosecuted for murder. It is very clear that artificial persons do not have the same moral

value as natural persons, which results in very important differences, and the first is that only natural persons have the right to exist. The difference in value between artificial and natural persons is a difference in kind. There are persons who are the object of a moral consideration, that is to say, they are the ends, and others who are the object of an instrumental consideration, that is to say, that they are the means. There are end-persons and means-persons, as I said earlier. Artificial persons are the means of natural persons. That is why we can usually destroy the former and not the latter.

Non-matching of ontological and moral criteria

We can then ask: is the contrast between artificial and natural persons to be founded upon both the ontological and the moral criteria? To put this another way, is an artificial person necessarily (1) an abstract entity and (2) a means, when a natural person is necessarily (1) a concrete entity and (2) an end? The answer is very clearly negative, and it is here that we see the point of having additional categories. One could perfectly well decide that an artificial person has the right to exist on the grounds that there is, in his or her view, a moral duty along the same lines. This is probably very far from current thinking, but such a moral right is not conceptually absurd (for the conceptual possibility of moral rights of beings who have no interests, see Rainbolt 2006:197). Even if it were conceptually absurd in morals, it would not change anything legally: an artificial person who would (even wrongly) be morally seen as an end would legally be ipso facto an end-person. As we can see, the moral criterion does not make it possible to account for the contrast between artificial and natural persons. An artificial person could be an end-person, and a natural person could be a means-person, even if in practice we generally observe the opposite. The important thing is that the contrast between artificial persons/natural persons does not theoretically coincide with the contrast between means-persons/end-persons. In other words, the ontological criterion does not match the moral criterion for distinguishing a type of personality from another. This is even more true when nonhuman animals enter the scene. Suppose that cows were legally personified. These nonhuman animals are used as the means for our purposes since we kill them to eat them. However, if cows were legally personified, they would be natural persons. Thus, some natural persons would be end-persons, and others would be means-persons. If we want to classify various legal persons on the basis of the moral criterion, which clearly distinguishes them as surely as the ontological criterion distinguishes artificial persons from natural persons, it is necessary to determine new categories. Only then will it be possible to account for the moral difference between artificial persons and natural persons (for example, between a company and a human) or between natural persons (for example, between a cow and a human).

2.1 Technical persons & anthropomorphic persons

Employing additional categories is precisely what Marguénaud did, having introduced the “technical persons” (in French “personnes techniques”) and “anthropomorphic persons” (in French “personnes anthropomorphiques”) categories. Basically, anthropomorphic persons are legal persons with dignity, whereas technical persons are those whose personality does not imply a dignity—or in any case, not a dignity such as that of humans (Marguénaud did not specify this point to which I will return a little later). We immediately see the perfect functionality, and hence the descriptive necessity, of this new categorization under which the categories of artificial and natural persons are subsumed: both an artificial person, a human natural person and a nonhuman animal natural person can be a technical person or an anthropomorphic person, depending on whether or not he or she or it is endowed with dignity through his or her legal personality. If we consider the case of artificial persons, they are technical persons, since they are the means of natural persons, as I said earlier. But this does not mean that artificial persons cannot not be anything other than technical persons (since one could consider that there are moral obligations towards some of them, as said above), or even that some of them are *already* something other than technical persons (i.e., one consider there *are* moral obligations towards them). The interest and scientific relevance of the classification of these different kinds of personality is precisely that they are not to be confused with their object, whether it is artificial persons, human natural persons or nonhuman natural

persons. An artificial person can be something other than a technical person—it can be an anthropomorphic person—, because the artificial person is only one object among others of this kind of personality. Conversely, humans could be technical persons. However, when I say that artificial persons are technical persons, I am referring to the most common cases, namely, nonprofit organizations or companies that, as a rule, are end-persons, i.e., technical persons.

Now we also see the limits of this classification: every legal person, whether a nonhuman animal natural person or an artificial person, who does not have dignity or does not have a dignity comparable to that of human natural persons, is described by the same category, the technical personality. However, it seems very clear that if nonhuman animals could be endowed with a non-anthropomorphic personality, this would not result in making them the strict equivalent, with regard to the moral criterion, of artificial persons. It is therefore necessary to add one and even two more additional categories.

2.2 Quasi-technical persons & quasi-anthropomorphic persons

I have identified the first additional category as the “quasi-anthropomorphic personality” (Chauvet 2017a) and the second additional category as the “quasi-technical personality” (Chauvet 2018). These categories are based on two moral criteria: the criterion of *dignity* and that of *moral obligations*. The moral obligations that I am referring to here are those which concern the fundamental interests of an individual, i.e., obligations which make it possible to consider that this individual is not a thing but a person morally, someone we cannot use as a mere means for our ends.

These criteria may seem odd. If the dignity of a being can be, at least partly, defined as one having moral obligations (i.e., direct duties) towards that being (whatever the reality of these moral obligations metaethically), then we should conclude that dignity is the same thing as moral obligations, though seen from different angles—namely, from the point of view of the creditor of the obligations (the one who has dignity) and from the point of view of the debtor of those obligations (the one who has duties to the one who has dignity). Or else, at the very least, dignity is correlated with moral obligations. This does not mean that moral obligations necessarily imply dignity conceptually. Within the framework of a concept of undignified moral rights, there may be moral rights and therefore correlative moral obligations without having to refer to the concept of dignity (Cochrane 2010). However, insofar as we accept the concept of dignity, when there is dignity, there are moral obligations in the sense referred to above, and when there are such moral obligations, there is dignity. That is why it may seem odd to base legal personality on these two criteria: it seems sufficient to base it either on the sole criterion of dignity or on the sole criterion of moral obligations—in any case, not on both of them as if each criterion was supposed to ground its own category of legal personality.

However, that does not truly reflect the legal situation. Accepting, indeed, that certain beings have fundamental interests means neither legally protecting all their fundamental interests nor protecting none of them. To put this another way, it is possible to respect the dignity of some beings by protecting all their fundamental interests and to disrespect the dignity of other beings, without this implying, however, to protect none of their fundamental interests, that is to say, without this implying to disrespect any moral obligation towards them in a legislation. Let us take the case of a cow that is intended to end up in the slaughterhouses of most countries. It can be said that there are legal (and moral) obligations towards the cow. For example, it is forbidden to inflict preventable suffering on farm animals in a large number of countries. However, we would not say, or at least we should not say, that their dignity is respected. What, indeed, may be the respect for the dignity of an animal sent to a slaughterhouse? It is always possible to declare that one’s dignity is respected because he or she is protected from “useless” sufferings, as does the Swiss law (articles 1 and 2 of the Animal Protection Act of 16 December 2005). However, this is an obvious conceptual error in the current concept of dignity, i.e., the most common way people understand dignity. If we were to start killing human beings tomorrow for the mere sake of producing useful things, we would not say that their dignity is respected. The reason is that dignity is legally recognized (i.e., moral dignity is respected) when all moral obligations are respected, which includes the obligation not to kill

others (or to respect their right to life). It is therefore justified to describe the legal situation on the basis of two different moral criteria: dignity and moral obligations.

Before going on, I emphasize that my point is not to distinguish the moral statuses of human and non-human animals according to the nature of the moral foundations of their respective statuses. It is of little importance here to consider, for example, the possibility that human dignity is generally perceived as being based on metaphysical reasoning of the Kantian type and moral obligations towards other animals on some interest-based morality. It is more simply a matter of observing that, in general, dignity is only recognized when fundamental interests are generally respected, which allows us to say that nonhuman animals whose all fundamental interests are respected have some form of dignity (I will come back to this), even if the foundation or the nature of their dignity is very different from that of humans. The personification of nonhuman animals whose fundamental interests are respected can then mean a sort of recognition by law that such nonhuman animals have dignity.

The criterion of dignity

Based on this criterion, it is possible to distinguish between persons with dignity (such as human persons) and those without dignity (such as artificial persons and nonhuman animals legally personified and sent to the slaughterhouse). However, what about nonhuman animals that we do not send to the slaughterhouse? Would they necessarily have the same dignity as humans? The answer is negative. Suppose that legal personality was granted to dogs or cats whose fundamental interests are already respected, that is to say that the current protection of their fundamental interests would take the form of the legal personality that would be granted to them. Unlike cows, their fundamental rights would all be respected, especially their right to life (many legislations worldwide, by the way, already protect the lives of these nonhuman animals). The *extent of protection* of the fundamental interests that the legal personality of these nonhuman animals would guarantee would be the same as that of human persons. However, one can easily imagine that there might be a willingness to express a difference of importance between nonhuman and human animals. This would be the case if the offenses against these personified nonhuman animals were repressed less severely than those committed against human persons. In contrast to the extent of protection of the fundamental interests of these nonhuman animal persons, which would be the same as for human persons, the *intensity of protection* of these interests would be lower. Clearly, in both cases, dignity would be legally recognized, but that of nonhuman animals would appear to be less important than that of humans. If the murder of a human being is punished by 30 years in prison and that of a dog, say, by 5 years, it is clear that we attach more importance to the respect of the dignity of the one than the other. In this way, we could thus express the difference in the degree of the dignity of humans and personified animals—and this is probably the only significant way that we legally express such a difference (see Chauvet 2018). Both have dignity since all their rights are respected (or all their fundamental interests are protected by legal obligations) and in that sense there is an identity of kind. However, animal dignity is of lower value because the severity of the punishments imposed on the violation of animal legal rights, interests or legal obligations is less important. We can thus describe this difference in degree by distinguishing between anthropomorphic and quasi-anthropomorphic persons. Like the anthropomorphic person, and contrary to the technical person, the quasi-anthropomorphic person is an end-person and not a means-person because we legally recognize his or her dignity (or its dignity, if we were to dignify artificial persons), in the conceptually correct sense of the term. However, unlike the anthropomorphic person, the quasi-anthropomorphic person is not entirely an end, since he/she is not respected as much as he/she could be.

The fact that quasi-anthropomorphic persons, like anthropomorphic persons, are end-persons does not mean that they are treated in the same way in every respect. For example, pets may be euthanized, but humans may not, and it does not seem that this is necessarily an obstacle to their quasi-anthropomorphic personification, as long as these animals are not treated as a means. Now, these animals are respected as ends as long as euthanasia is practised for medical reasons and in their own interest. Even if it is also in their interest to procreate, their sterilization is also in their interest, because the aim is to make sure that they do not get sick because of tumours that may occur due to lack of sterilization, or it is at least in the

interest of animals in general, to avoid overpopulation, which is detrimental to animal welfare. All these points could be discussed, but the important thing here is that in such situations, we are clearly searching to treat these animals as ends, not to treat them as tools like the animals used for food. Certainly, some cases may pose more difficulty. Let us take the example where attacks on the lives of animals are generally repressed by a legislation that nevertheless allows convenience euthanasia, i.e., the possibility of having the pet you no longer want killed by a veterinarian without medical reasons, under certain conditions. Such euthanasia is currently allowed in France, for example (see Renson-Bourguine 2018). Should we consider that, under these conditions, pets are, in general, in the same situation as cows, which are routinely killed to produce meat? Of course not, but the difference is only in degree. Pets, in such cases, are treated as a means. Their dignity is obviously not respected, at least in the conceptually correct sense of the term—for comparison, no one would say that the dignity of a child was respected if his/her parents had him/her killed by the family doctor to get rid of him/her. That is why, as it should be noted, the current protection of nonhuman animals such as dogs and cats does not allow the recognition of their dignity, even if their lives are *generally* protected.

A more contentious point could be the fact that personified nonhuman animals, as I said above, could be property, and then could be sold, as dogs and cats are currently sold in pet stores, for example. Is such a situation conceivable in the quasi-anthropomorphic personality characterized by dignity? It is on the basis of this criterion that the end-persons—of which the quasi-anthropomorphic personality is a part—and the means-persons differ, as I said, and I have understood this criterion according to the extent of the protection of fundamental interests such as the interest of living or not being mistreated in one way or another. A legal protection covering the most fundamental interests is a necessary condition for the recognition of dignity—one does not recognize the dignity, in the most commonly accepted conceptually correct sense, of a being whose most fundamental interests are not legally protected, which means that there is an interest-based part of dignity. Is this a sufficient condition? Or must we add the fact of not being owned by someone, of not being likely to be bought or sold, or, in short, of not being a good, even if no interest would be violated? Property status is generally considered to violate human dignity. Why should it not also be an attack on that of nonhuman animals? One could object that they cannot suffer from being goods because they are not aware of it, unlike humans. But people may think that the dignity of nonhuman animals can be violated even though their interests are respected, that is, even if they do not suffer from treatments which are disrespectful in a purely symbolic way. Let us take this example given by Elizabeth Anderson (2004:282): “We would rightly be outraged at some fool who turned a dog into a figure of ridicule by spray-painting graffiti on its fur. We could even say that this treatment violates the dog’s right to dignified treatment.” There is little doubt that most people see things more or less that way. Regarding the dignity of this dog, the dignity has an interest-unbased part (in the sense that the dignity of an individual is not based on respect for the interests of this individual), in the same way as the dignity of the profoundly demented Alzheimer patient, which requires his or her hair to be combed even if this patient has no interest in being presentable because he or she is unable to recognize himself or herself (another example given by Anderson). However, for one to think that graffiti on the fur of dogs violate their dignity, it is necessary to recognize their dignity beforehand. Now, dogs are goods. Clearly, being a good is not an obstacle to the recognition of dignity in the case of nonhuman animals. Is it some kind of conceptual error, like that of the aforementioned Swiss law? No doubt not.

Let us look at why. The concept of dignity used in this Swiss law is totally at odds with the most commonly accepted conceptually correct sense of dignity, namely, both in its interest-based and in its interest-unbased parts. On the contrary, in the case of Anderson’s dog, the concept of dignity is, at the very least, not in contradiction with the interest-based part of dignity. Indeed, being a good is simply a process by which nonhuman animals are produced, that is, brought into existence, and assigned to certain persons designated as owners. Dogs and cats are born this way to become part of human families, not to become slaves or food—or at least that is how things are expected to happen. If all the fundamental interests of these nonhuman animals, in such a situation, are protected, then it is very clear that they cannot be considered to be tools such as a cow, for example. In the specific case where the fact of being a good causes or favours the violation of certain interests of the animals owned, it suffices simply to identify

these cases and to prohibit them. For example, it could be prohibited to sell an animal to someone who cannot provide assurance that they can take care of it properly. This account allows us to consider that property status is not in all cases an obstacle to nonhuman animal dignity without departing from our current representations. Maybe that is really what people think, maybe not—this is an empirical question. Anyway, it is not unreasonable to consider that the fact that animals are property is not an absolute obstacle to their dignity, or at least a certain level of dignity, or a certain form of dignity. In any case, it makes more sense than considering that legally personified nonhuman animals that are also goods would have absolutely no dignity and would therefore not be end-persons, since dignity distinguishes means-persons from end-persons. Suppose that pets are legally personified and that attacks on their lives or other fundamental interests are punished with the same penalties as those on humans today but that pets personified in this way remain a good. Should we see these nonhuman animals as means-persons? No, of course not.

However, if there are differences in the way of attributing dignity to human and nonhuman animals, it is appropriate to express them in the classification of the various legal personifications. As we have seen, in the case of humans, not being a good is necessary for the recognition of a dignity. It cannot be explained by the interest-based part of dignity, because it is quite obvious that owning humans would not be accepted even if it was in their interest. In the case of humans, therefore, what excludes dignity when there is a status of property seems to be the interest-unbased part of dignity; whereas in the case of nonhuman animals, such as Anderson's dog, what allows dignity despite the status of property is probably (or at least could rightly be) the interest-based part of dignity. Insofar as (1) human dignity implies that humans are not goods, and (2) human legal personality is the anthropomorphic personality, it follows that (3) the legal personality which excludes the status of good is the anthropomorphic personality. In contrast, quasi-anthropomorphic personality is the one that admits it. Thus, if we were to grant nonhuman animals such as pets a legal personality that respects all their fundamental interests but without abolishing their property status, they would be end-persons *almost* like human persons: they would be quasi-anthropomorphic persons.

The result of all of this is that there are at least three ways of being a quasi-anthropomorphic person, all of which are subcategories of the quasi-anthropomorphic personality. Thus, in addition to the four kinds of nonhuman animal personality, we find the following subcategories: a quasi-anthropomorphic personality in which the intensity of protection is weaker than the anthropomorphic personality but nonhuman animals are not goods (let us call this subcategory "quasi-anthropomorphic personality of type 1"); a quasi-anthropomorphic personality in which the intensity of protection is not weaker than the anthropomorphic personality but nonhuman animals are goods ("quasi-anthropomorphic personality of type 2"); and a quasi-anthropomorphic personality in which the intensity of protection is weaker than the anthropomorphic personality and nonhuman animals are goods ("quasi-anthropomorphic personality of type 3").

We could probably add many other subcategories based on criteria other than the intensity of protection and the fact of being a good. For example, one could consider that having negative rights, such as the right not to be killed, is insufficient to have a dignity of the same level or nature as humans, that is, a dignity that is not based on interest; and that there must also be positive rights, such as the right to care in the event of a disaster (on this distinction, see Kymlicka & Donaldson 2018). If personified animals do not belong to a particular territory (for example, migratory birds), a State is no more obliged to come to their aid in the event of a disaster than to help humans who suffer the same thing in a foreign country. These animals will therefore not be quasi-anthropomorphic persons by the simple fact of not having the right to assistance in such an event. Indeed, by refusing this right, one would not express a tendency to consider that such personified animals deserve less consideration than human persons. This difference can nevertheless be expressed in other cases, for example if only the human nationals of a country are to be saved in the event of a disaster, and not personified nonhuman animals. In short, there can be as many subcategories that allow us to distinguish nonhuman from human animals in terms of end-personality, as there are ways to distinguish a quasi-anthropomorphic personality from an anthropomorphic personality.

Here, again, this does not mean that the slightest difference in the legal regime of human and nonhuman animals must lead to the creation of a new subcategory of quasi-anthropomorphic personality, that is to say, to deny nonhuman animal end-persons an anthropomorphic personality. Not all humans have exactly the same rights (for example, children do not have the right to vote); however, all humans have an anthropomorphic personality because the difference in rights does not necessarily imply a difference in dignity. Similarly, in the case of nonhuman animals, it is necessary to find a difference in dignity implied by a difference in rights—not just a difference in rights—for the legal personality to be quasi-anthropomorphic rather anthropomorphic. Note that, in all these cases, what is at stake is a difference or an equality in the intensity of the protection, not in its extent. This means that being unownable is not enough to have legal recognition of dignity. If it was a sufficient condition, then artificial persons which are not ownable would be recognized ipso facto as having dignity and would be end-persons, which is not the case.

The criterion of moral obligations

With the criterion of dignity, it is possible to distinguish between legal persons who are legally recognized as having dignity (such as human persons) and those who are not. The legal situation is not yet exhaustively described. It is clear that there is also a moral difference between a cow, for example, and an artificial person. Although legally both are means to human ends, cows are not *pure* means. Thus, as Delage rightly pointed out, “there does not seem to be any animal personification which can be resolutely (and only) qualified as technical” (2013: 692). This is a blind spot in Marguénaud’s analysis, which encompassed these two very different cases in the same category of technical persons. The fact that cows are not legally (and morally) viewed as pure means is another way to say that the law recognizes moral obligations towards them, even if it does not recognize their dignity. We must therefore distinguish between not only persons with dignity and without dignity but also, among persons without dignity, those to whom there are moral obligations and those to whom there are none. This had led me to radicalize the Marguenian concept of a technical person, from which I had excluded nonhuman animals to whom there are moral obligations (see Chauvet 2018). These nonhuman animals that are personified but killed for meat (among other things) can then be placed in a new category, that of quasi-technical persons. Indeed, like the technical person and unlike the anthropomorphic and quasi-anthropomorphic persons, the quasi-technical person is a means-person and not an end-person because the law does not treat him or her (or it) as having dignity in the conceptually correct sense of the term. However, unlike the technical person, the quasi-technical person is not entirely a means, since there are certain moral obligations towards him/her. In other words, technical persons and quasi-technical persons are characterized by the negative criterion of not having dignity and differ from each other by the criterion of moral obligations, which characterizes only quasi-technical persons.

Summary and remarks

To summarize, the four kinds of nonhuman animal (or any being whatever) legal personification are as follows. *The technical personality* is that of pure means. There is no moral obligation directly to it/him/her, who is seen in a perfectly instrumental manner. This is currently the case for artificial persons. *The quasi-technical personality* is that of means and without dignity in so far that some of his or her fundamental interests (or its integrity) are not protected but to whom there are nevertheless certain moral obligations. This would be the case, for example, of nonhuman animal natural persons (such as farm animals) towards whom the moral duty of avoiding making them suffer would be recognized. *The anthropomorphic personality* is that of ends, that is to say, these are beings whose dignity is recognized. This is currently the case for human natural persons. *The quasi-anthropomorphic personality* is that of ends whose dignity is recognized but which is considered less important than that of anthropomorphic persons. This would be the case, for example, of nonhuman animal natural persons (such as pets) towards whom the moral duty of respecting all their basic interests would be recognized, while attacks on them would be less severely penalized.

What motivated my approach of taking up the Marguenian terminology is of course an interest in good science, which requires not multiplying the terminological elements to indicate the same thing unless

there is a very good reason for doing so. To date, I do not see such reasons. Suppose we replace this terminology with more abstract wording such as “no moral obligation-based personality”, “moral obligation-based personality”, “weak dignity-based personality” and “strong dignity-based personality”. We would then lose an interesting and useful aspect of the Marguenian terminology on the descriptive level, namely, the fact that it makes it possible to describe our representations as they are expressed in the legal personification. The use of the term “anthropomorphic” aims to attribute to nonhuman animals a personality of the human type, which is actually a strict reality and therefore describes the situation very well. Indeed, it is undisputable that the end-personality is seen to this day almost as a synonym of human person. For example, if we were to grant other animals an anthropomorphic personality, it is clear that we would give them a personality “like that of humans”. Hence, that is the particular interest of this terminology, namely, showing the *scala naturae* that humans develop and, from there, showing how the place of nonhuman animals could evolve in this hierarchy—this essential aspect, which concerns the question of anthropocentrism, is something to which I will return in the normative part of this paper.

However, by anticipating a little in this aspect, one can already object to the above by saying that the term “anthropomorphic” refers to the idea that it would be illegitimate to grant nonhuman animals a legal personality whose level of protection is comparable to that of humans and that it is therefore necessary to reject this terminology, which could strengthen anthropocentrism. This argument, I think, is not valid for at least three reasons. First, to interpret the terminology “anthropomorphic personality” as implying the idea that it is illegitimate to grant this type of personality to other animals, it is only that—an interpretation—nothing more. There is no need to interpret the term that way; we can just as easily understand “anthropomorphic personality”, as “human personality” as I said above. Second, the present terminology, which is intended for specialists, is unlikely to be known to the general public to the point of anthropocentrically modifying our representations. Third, suppose, however that by an extraordinary turn of events, this classification becomes famous. It could just as well be considered that, far from reinforcing anthropocentrism, this terminology would help to make it go backwards. It is clear that granting nonhuman animals a personality generally seen as typically human, as emphasized by this terminology, would show that nonhuman animals are placed on the same level as humans, just as it would be with extending human rights to great apes, as suggested by Paola Cavalieri (2000).

I will end this section with two remarks on the current terminology in which the fact that the paradigmatic end-personality is the human personality is emphasized. This allows, *ipso facto*, for the dismissal of any accusation of arbitrarily defining the level of punishment that corresponds to anthropomorphic personality or other types of legal personalities. The regime of anthropomorphic personality, and therefore the level of criminal sanctions, follows the regime of human personality. Today, being an anthropomorphic person means having a personality whose murder is punished with, say, thirty years in prison; tomorrow, it may be fifty years or ten years: once again, classification is a description, and as such, is historical.

For the same reason, and this is my last remark, the terminology is not set in stone and is likely to change depending on possible developments in this area. Suppose that tomorrow, the number of nonhuman animals with an anthropomorphic personality becomes so large that it will become obvious that the paradigmatic end-personality is not that of humans alone. It will make sense then to replace the terminology “anthropomorphic personality” with “zoomorphic personality”, for example, so that it corresponds well with the state of our representations. However, we are very far from there, and the current terminology probably has, alas, a bright future ahead.

2.3 Describing the legal situation

Now, we can classify any of the universal declarations, doctrinal proposals for personification, personifications in process, or successful personifications of nonhuman animals into the four kinds of legal personification that we have identified. Here are some examples (Chauvet 2018).

Let us start with the Romanian draft law of 2014 mentioned in the introduction. Article 2 protects all fundamental interests of dolphins: “The hereby law defines a non-human person any being that does not belong to the human species, yet possess a developed intelligence, the capacity to form complex social

relations, and is the bearer of the following rights: 1. Right to life 2. Right to bodily integrity, and to be free from any acts of cruelty 3. Right to free movement in their own natural environment, not to be captured or hold in captivity with other purposes other than to be offered medical assistance or to be protected from an impending danger.” In addition, Article 4 provides that “Any violation of the rights of non-human persons is forbidden and shall be prosecuted with penalties that are equivalent with those stipulated in the Penal Code for violation of similar rights of human persons.” The extent and intensity of protection are therefore equivalent to those of human beings. Insofar as this draft law can be reasonably understood as prohibiting the ownership of these nonhuman animals, this legal personality is very clearly an *anthropomorphic personality*.

Another example is that of the socialist and ecological “*proposición no de ley*” (parliamentary resolution) initiated by the *Proyecto Gran Simio* in May 2006. The text reads: “El Congreso de los Diputados insta al Gobierno a [...] 4. Impulsar y emprender las acciones necesarias en los foros y organismos internacionales que procedan para la protección de los grandes simios del maltrato, la esclavitud, la tortura, la muerte y extinción.” (“The Congress of Deputies urges the government to [...] promote and take necessary actions in appropriate international forums and organizations to protect great apes against abuse, slavery, torture, death and extinction.”) In § 2, this resolution prohibits the ownership of these nonhuman animals, at least for commercial purposes. However, this article only provides for a simple increase in criminal sanctions in the specific cases of trade, illegal possession or abuse of great apes. This is likely to be interpreted as a lack of equality in criminal sanctions with human natural persons. That alone is enough for this legal personality to be viewed as a *quasi-anthropomorphic personality* (of type 1).

A final example is the bill announced last year in the press by French MP Olivier Falorni (in Bourriane 2018). He proposes to grant natural personality to nonhuman animals so that there are “positive consequences for the way they are treated”. However, he specifies that “giving a legal personality to animals does not mean that one will not kill animals anymore. I repeat, a human natural person has nothing to do with a nonhuman natural person”. There would therefore be moral obligations towards these nonhuman animals legally personified in this way, but all their basic interests would not be respected. Very clearly, this is a *quasi-technical personality*.

Normally, it should be possible to link all universal declarations, doctrinal proposals or legal attempts, successful or not, to legally personify nonhuman animals that have been made so far and particularly in recent decades, to one of these categories (with the exception of the technical personality, because the probability of finding a proposal for such personification of nonhuman animals is extremely low; I will return to this point). If a universal declaration, proposal or legal attempt cannot be placed in one of these categories, it is not due to a defect in this classification but to inaccuracies in the universal declaration, proposal or attempt—and then we can see the whole problem that arises politically. We can say that the personality that is the object of such a universal declaration, proposal or legal attempt is *undetermined*. Those who try to legally personify nonhuman animals in that way are not clear about what they are proposing. Conversely, the personality that matches one of these categories is *determined*. Qualifying a personality as undetermined means that we do not know whether there is a difference in kind or degree between that personality and other types of personality. Thus, it is either a technical personality, a quasi-technical personality, an anthropomorphic personality, or a quasi-anthropomorphic personality. It is *relatively undetermined* when one is informed about the difference in kind between this personality and other types of personality but not about the difference in degree. It is thus either an undetermined means-person (either a technical person or a quasi-technical person) or an undetermined end-person (either an anthropomorphic person or a quasi-anthropomorphic person).

An example of an undetermined personality can be given with the *Declaration of Rights for Cetaceans: Whales and Dolphins* agreed to by scientists in Helsinki, Finland, on 22 May 2010, which inspired the 2014 Romanian draft law (see Chauvet 2017a: 221-2). One might think at first glance that the personality that is the object of this universal declaration is determined because there is no difference in kind within the end-persons category, i.e., no difference in kind between this personality and an anthropomorphic personality. Many fundamental rights are indeed mentioned, such as the right to life (§ 1), the right not to be held in

captivity or servitude; be subject to cruel treatment; or be removed from their natural environment (§ 2), the right to freedom of movement and residence within their natural environment (§ 3), the right not to be the property of any State, corporation, human group or individual (§ 4), the right to the protection of their natural environment (§ 5), or the right not to be subject to the disruption of their cultures (§ 6). However, in § 7, this declaration merely provides that “The rights, freedoms and norms set forth in this Declaration should be protected under international and domestic law.” The level of penalties is therefore not specified. Consequently, this personality is *relatively undetermined* as to the difference in degree within the end-persons category. This means that we do not know whether the legal personification proposed for cetaceans is anthropomorphic or quasi-anthropomorphic. This personality is therefore either *anthropomorphic* or *quasi-anthropomorphic* (of type 1).

So much for some historical examples of determined or undetermined legal personalities (for other examples, see Chauvet 2018). We see the important function of the classification based on the four types of legal personality that have been identified. Now that we are equipped with this effective classification matrix, we should be able to properly examine the issue of the legal personification of animals from a normative angle.

3. How should we legally personify nonhuman animals?

We can now determine which legal personality should be pursued politically. Here, I assume that the political objective is improvement in the animal condition; in other words, animal advocacy. Not because this is my personal objective—although it is indeed—but simply because it is the objective of all the promoters of nonhuman animal legal personification worldwide. To this day, to my knowledge, no one supports this personification for reasons of mere legal technique not aimed at improving the animal condition, let alone those who would do so to degrade the animal condition in that way. Nevertheless, it would be possible, and this was even the case in history! In the Middle Ages, some nonhuman animals were legally personified on the occasion of trials but it was not to defend their interests. They could be defended during trials, but that was not the purpose of the proceedings. Essentially, people were either trying to punish nonhuman animals that had killed or injured humans, or they were trying to get rid of insects that had destroyed crops or other pests by means of judicial excommunication. Currently, no one is trying to legally personify nonhuman animals to bring them to justice for their misdeeds. In theory, however, the personification of nonhuman animals could be used in a different way to make the animal condition regress. Indeed, the technical personality, as we have defined it, includes no moral obligation towards the personified being. It would therefore be theoretically possible to legally personify a nonhuman animal without any of its fundamental interests being protected. For example, this legally personified nonhuman animal could be protected for the benefit of its owner from infringement by third parties. This is legally possible, since one can own artificial persons, even if this question is a matter of debate (see Kurki 2017b:1086). The fact that nonhuman animals have legal personality would not in itself prevent them from being owned or at least would not prevent someone from having the right to use nonhuman animals as he/she pleases and, in particular, to kill them (and in what follows, when I talk about the possibility of owning a personified nonhuman animal, I will implicitly also consider this right to use nonhuman animals without implying property in the strict sense of the term).

Just as those who legally have the power to dissolve an association are the only ones who can do it, the third parties being excluded from having such a prerogative (except public authorities under certain conditions provided for by legislations worldwide). We can see clearly that in theory, it would be possible to make the animal condition regress by allowing, through such a technical personification, that the owner of a nonhuman animal natural person infringes the animal’s fundamental interests, which are protected by current state of law in many countries—at least some, such as the interest not to be made to suffer.

This brings me to a point mentioned in the first part of this paper. I said that within the same category—that of technical persons—there is a confusion between artificial persons and certain nonhuman animals (those such as cows, whose dignity we would not recognize but towards whom we would recognize certain moral obligations). I said that this confusion is a blind spot in the Marguenian analysis. This is

true from the point of view of a purely descriptive analysis: from this point of view, we cannot place artificial persons and cows in the same category as soon as the categorization is based on a moral criterion. This is indeed the foundation of the Marguenian distinction between technical and anthropomorphic persons, since, as noted above, what distinguishes the former from the latter is a difference in dignity. However, it would be an exaggeration to consider that it is a blind spot from a normative point of view. The reason is that, as I have said, no one would propose to grant nonhuman animals a technical personality—a legal personality without the slightest moral obligation toward this legal person—since it would be a regress with regard to the current animal condition. This category is concerned with only artificial persons. Therefore, quasi-technical, quasi-anthropomorphic and anthropomorphic personalities are obviously the only types of personality that are politically feasible at the present time. In fact, these are also the only ones that have been considered as shown by the examples I gave in the first part. Thus, it is entirely understandable, from a normative point of view, to designate the “technical person” as both nonhuman animals such as cows and artificial persons. For, implicit in this confusion is the assumption that cows, because they have interests deemed worthy of protection—even if they are not recognized as having dignity in the conceptually correct sense—should not be treated exactly as artificial persons from a moral point of view. In particular, animals should benefit from the protection of some of the interests that they have as sentient beings, interests that artificial persons do not have, which is why we generally regard these legal persons as pure means. The specificity of nonhuman animals qualified as “technical persons” is therefore not a blind spot on the normative level: one does not forget that nonhuman animals should not be treated as pure means, even by wrongly attributing to them a kind of personality common to artificial persons which are pure means. Thus, from a normative point of view, the “technical person” and “quasi-technical person” categories can be identified with each other, even if this is an error from a descriptive point of view. Let us now return to the normative question of nonhuman animal legal personification for improving the animal condition. Here, we must return to a distinction mentioned in the introduction between two types of objectives: concrete and symbolic.

3.1 Concrete progress in the animal condition

As I said earlier, when I talk about concrete progress in the animal condition, I mean any type of improvement in the consideration of nonhuman animals’ fundamental interests. This ranges from welfare improvement to the abolition of any nonhuman animal exploitation. Clearly, the quasi-technical personality concerns the former ambition, and the quasi-anthropomorphic and anthropomorphic personalities concern the latter. Because the animals we eat must be killed, they cannot be attributed a quasi-anthropomorphic or an anthropomorphic personality. Only animals that we do not eat can be given a quasi-anthropomorphic or an anthropomorphic personality. Thus, in the current state, those we call “farm animals” cannot have such legal personalities.

Whether it is welfarism or abolitionism, we do not need legal personality for improving the animal condition: the anticruelty statutes would be enough. We can decide to respect all the fundamental interests of nonhuman animals—especially the interest of living—without legally personifying them. Gary Francione has been saying for several years that respect for the fundamental interests of nonhuman animals necessarily requires their legal personification. That is, according to him, it requires that they are no longer goods. To say it yet another way, it requires that they no longer have owners. To be the property of someone, he says, inevitably amounts to serving the owner’s interests to the detriment of one’s own: “as long as animals are property, their interests will always count for *less* than one because the interests of property will never be judged as similar to the interests of property owners” (Francione 2000: xxxii). However, we can see that the lives and well-being of nonhuman animals such as dogs and cats—who have owners—are in fact protected in France and other countries. The *extent* of their criminal protection, with regard to their most fundamental interests, is comparable to that of human legal persons. The fact that a nonhuman animal is the property of someone else does not in itself imply that it is permissible to infringe his/her interests in favour of those of his/her owner.

However, things might be more complicated regarding the *intensity* of this protection. The fear is that the penalties for harming a nonhuman animal will not be enhanced precisely because this is not a legal person—and it is time to give here the explanation to which I alluded in the introduction, when I asked the question about why the legal personification of nonhuman animals should be a better means than their current status to concretely improve their condition. There could be a strong desire to symbolically maintain a difference between legal things in general and legal persons—or, more precisely, between legal things and a certain type of legal persons, namely, natural persons—through different levels of punishment. It is to this symbolic extent only—and not because the current legal status of nonhuman animals could only lead us to neglect their fundamental interests for the sole purpose of satisfying those of their owners—that legal personification of nonhuman animals would be necessary to reach a level of punishment that is sufficiently dissuasive (Chauvet 2018). Suppose that humans were resolutely determined to express a symbolic difference between legal things and natural persons through different punishment regimes in these two cases. It would then be necessary to legally personify nonhuman animals if we wanted both to maintain the symbolic difference between legal things and natural persons and to protect nonhuman animals in a sufficiently dissuasive way. However, if we did not want to express such a symbolic difference between legal thinghood and natural personhood, then we should be able to increase in a sufficiently deterrent way the penalties for violating the protection of nonhuman animals without having to personify them. Francione, of course, opposes this solution because nonhuman animals will always be under the sway of humans and exposed to the risk of suffering violence or ill-treatment even if these or any other form of harm are prohibited (see Francione 2007 quoted by Donaldson & Kymlicka 2011:78). However, this would also be the case if nonhuman animals were legal persons because a nonhuman animal could still live with humans even in the absence of any ownership. The only solution would be to prevent nonhuman animals from living with human animals. Since these nonhuman animals are no more adapted to life in the wilderness than you and me, this means that they would have to disappear. Francione specifically advocates this extinctionist view, that is to say, the disappearance of domestic species due to their non-reproduction (for a critique of this view, see Donaldson & Kymlicka 2011). Either we accept the risk of violence against domestic animals—as we accept it with regard to any vulnerable human person—or we do not accept it, and we support the extinction of these nonhuman animals accordingly. However, if we were to accept this risk, it would exist whether there were ownership or not. Therefore, if we want to ensure peaceful coexistence between humans and other animals rather than going extinctionists, what is at stake is not the question of ownership but that of punishment for violence against nonhuman animals. It must be sufficiently deterrent to reduce the risk to a minimum.

I will not discuss whether the situation of domestic animals should be considered worrying, in that they suffer abnormally high rates of violence; that is, violence that could be avoided if the public authorities showed a greater voluntarism in this area. This is unfortunately very possible: sordid events are quite commonly observed in the media. However, this is an empirical question that is not relevant to this study. Nor will I consider whether, assuming that the condition of domestic animals is indeed a matter for concern, the reason for this would be that the penalties are insufficient, rather than, for example, the fact that judicial institutions are failing on this issue (these are not mutually exclusive). This is also an empirical question that cannot be examined here, if only because the situation may vary from one country to another; therefore, my reasoning from the data on one country might not be valid for another country where the data are different. Studies providing data on domestic animal abuse at both a national level and an international level would be needed to discuss this issue on a solid empirical basis and to my knowledge, we unfortunately do not have these.

However, this is not a hindrance to the debate on the impact of legal personification on the condition of domestic animals. All we need to say here, conditionally, is that

- (1) if we are not extinctionists, and
- (2) if it is indeed the case that the situation of domestic animals is worrying, and
- (3) if it is indeed the case that penalties must be considerably enhanced to stop the scourge of domestic animal abuse, and

- (4) if we do not agree to enhance penalties for nonhuman animal abuse as much as is necessary just because they are not legal persons and because we want to express a symbolic difference between legal things and natural persons by means of higher penalties for offenses against natural persons, then
- (5) it is necessary to legally personify domestic animals by means of an anthropomorphic personality or, if not that, by means of a quasi-anthropomorphic personality whose level of intensity of criminal protection is sufficiently deterrent.

Here, the attentive reader may have noticed that I surreptitiously moved from the idea of nonhuman animal personification to that of domestic animal personification. Does what I said regarding the latter apply to the former? The answer is no, and that is why I finally insisted on pets. This will be explained in the following section, which will deal with the symbolic aspect of legal personification. This aspect justifies, as we will see, legally personifying only nonhuman animals that are not killed, whether they are domestic animals or certain wild animals, such as great apes, dolphins or elephants.

3.2 Symbolic progress in the animal condition

When granting legal personality to nonhuman animals, one may want to push back anthropocentrism to modify our representations because having good representations is viewed as an end in itself. However, if a concrete improvement in the animal condition is the end goal of nonhuman animal legal personification, then symbolic improvement in their status in our representations can only be a means towards this end. Therefore, the symbolic improvement in the status of nonhuman animals must necessarily serve a concrete improvement in their condition. The question then is to understand under what conditions a legal personification of nonhuman animals produces a symbolic effect that can be reasonably expected to lead to a concrete improvement in the animal condition. If the current status of nonhuman animals is characterized by being part of an unequal relationship, with humans at the top of a moral hierarchy and nonhuman animals below, then the symbolic improvement will be successful if it promotes the representation that human and nonhuman animals are morally equal. Therefore, a legal personification of nonhuman animals that allows a symbolic improvement in their status is a personification that tends to express some moral equality between human and nonhuman animals with regard to the protection of their fundamental interests. I have identified four conditions for a legal personification of animals to be symbolically successful in relation to this concrete equality of treatment. Here, I leave aside the question of the possession of personified nonhuman animals. This means that in what follows, when I refer to the quasi-anthropomorphic personality, the one I will talk about is type 3 (where the intensity of protection is lower than the anthropomorphic personality and where the legal person has an owner). The reason is that I do not have empirical evidence or even an intuitive belief that it is a very important element to improve the status of nonhuman animals in our representations and thus reduce anthropocentrism. Conversely, it is clear that protection is absolutely essential in this regard. Let us consider the case of a nonhuman animal that cannot be property, such as the common res, but unlike them, this nonhuman animal is a legal person, though one would have the right to kill this nonhuman animal, even without the right to use the corpse. For example, one would have the right to kill the nonhuman animal on the hunt, just for the pleasure of killing an animal. In such a case, we would be very far from pushing back anthropocentrism. That said, even if we accept the assumption that not being a property is important for improving the status of nonhuman animals in our representations, it would suffice to prohibit the sale and purchase of the personified nonhuman animals in question and to make it clear in legal texts that such nonhuman animals cannot be owned, which do not require any particular development here.

The choice of legally personified nonhuman animals

For a personification to be symbolically successful—for it to push back anthropocentrism to foster future concrete improvements—this personification must express a moral identity of kind between human and nonhuman animals. This ipso facto excludes technical and quasi-technical personalities in which nonhuman animals are not recognized as dignified. No equality can be expressed through a legal personification that excludes the protection of fundamental interests such as that of living. This means that the legal personification of nonhuman animals such as cows must be discarded for these symbolic reasons. Indeed,

if we were to legally personify cows—that we send to the slaughterhouse—what we would express is that animal persons are good for the slaughterhouse. Everyone would understand that an animal raised to the rank of a legal person while being killed would not truly be a person in the noble sense of the term—the one according to which humans are persons. Therefore, there would be no symbolic progress, except perhaps a very weak one. At worst, the very idea of the legal personality of nonhuman animals could be damaged, in the sense that this political prospect would be devalued. Once you give a legal personality to the animals that you send to the slaughterhouse, you acquire the idea that a nonhuman animal person is not worth much. In this way, any symbolic progress of animals through the method of legal personification is rendered more difficult or maybe it is even annihilated. Once nonhuman animals are legally personified, you cannot ask for their personification again. You cannot ask that they become anthropomorphic or quasi-anthropomorphic persons because these are just doctrinal categories. They are intended to be used by the researcher for describing the legal situation and possibly formulating prescriptions on this descriptive basis, but they are bound to be completely ignored by the general public, as I said earlier. All you can ask for is that nonhuman animals have legal rights that they did not have as legal persons. However, legal personification will no longer be an occasion for a symbolic progress: this prospect will have been blocked by a symbolically failed quasi-technical personification.

Therefore, the ideal candidates for legal personification would be nonhuman animals such as dogs, cats or great apes. They alone, in fact, may have an anthropomorphic or quasi-anthropomorphic personality. Why? Simply because we do not kill them, whether to eat them or something else. This is basically the only real reason to legally personify nonhuman animals. Seeing things this way, we can end the controversy initiated in recent years on the issue of the personification of great apes, whether with the GAP or the NhRP. This discussion leads me directly to the second condition for a legal personification to be symbolically successful.

The criterion of legal personification

Some have criticized these initiatives on the grounds that they have set the criterion for granting legal personification too close to human cognition (in particular, Dunayer 2004; Francione 2006). These critics have suggested that the criterion for personification should be sentience, which implies the ability to enjoy or suffer from the way one is treated, that is to say, having interests. A fairly close criterion could be consciousness, which has been recognized in a large part of the animal world by many scientists via the *Cambridge Declaration on Consciousness* (Low et al. 2012). Such criteria nevertheless come up against the fact that the law would become incoherent: if the criterion for granting a personality to the great apes were sentience or consciousness, why would cows, hens or fish not be legal persons? They are also conscious/sentient. We can thus say that choosing “higher” cognitive criteria avoids this inconsistency. However, nothing is less certain. At the end of his masterpiece *Rattling the Cage*, Wise notes that many nonhuman animal species other than great apes have high cognitive abilities (Wise 2000:268-70). He does not discuss animals that are sent to be slaughtered, but they too have cognitive abilities that are certainly not limited to simply being able to feel pleasure, pain or emotions. Second, critics are correct to point out that excluding on such a basis certain nonhuman animals from having a legal personality is a symbolic attack on them. Indeed, Dunayer rightly says,

“It’s right to seek legal personhood for nonhuman great apes. It isn’t right to do so in a speciesist way. As currently conceived and presented, GAP reinforces a species hierarchy, with great apes ranking above all other animals.” (Dunayer 2004:119; for similar comments see Francione 2005:52)

Therefore, we are faced with alternatives neither of which are really satisfactory. On the one hand, choosing the criterion of sentience/consciousness leads to attributing an anthropomorphic or a quasi-anthropomorphic personality to nonhuman animals who cannot have such a personality since they are killed for food. On the other hand, choosing higher cognitive criteria leads to making the benefits of legal personification restricted to animals that we do not kill but reinforces a species hierarchy. How to get out

of this dilemma? Simply by telling the truth. Neither Singer nor Cavalieri nor Wise have sought to establish a hierarchy to legitimize the exploitation of farm animals by advocating the legal personification of great apes on the basis of high cognitive criteria. Quite the contrary, Singer and Cavalieri have explicitly stated that the personification of great apes was not an end in itself but a step towards extending the moral circle to other nonhuman animals: “the first breach in the species barrier” (Cavalieri & Singer 1993b:311). While advocating the personification of great apes based on high cognitive criteria, Singer and Wise argued that the exploitation of farm animals should be abolished (Singer 1993:134; Wise 1986:227). However, this was just a moral standpoint that everyone knows is not at all likely to be on our political agenda in the current state of affairs. It would be the same with the demand for legal personification of farm animals whether in a symbolically successful way or not. Conversely, from an abolitionist point of view, the debate about the legal personification of great apes makes sense only to the extent that it is an attainable goal. Why not say it out loud? Why not simply say that realistically in the short term we cannot propose the legal personification of all nonhuman animals because the condition of some—those we do not kill for food or other products—allows it while the condition of others, alas, does not? We break the deadlock mentioned above not only by posing a cognitive criterion for the legal personification of nonhuman animals but also, above all, by stipulating a political criterion: that the animals we legally personify are those that we *can* politically personify. Those who can realistically in the short term have a symbolically successful legal personality are those against whom the lethal grip of humanity is sufficiently relaxed, not those who are subject to it in an absolutely massive way. Thus, what is in question is not the cognitive limits, supposed or real, of farm animals. What is at stake are our own political or ethical limits. No hierarchy is reinforced in this way; it is quite the opposite. What the political criterion of the animal condition asserts, contrary to that of high cognitive abilities, is that farm animals should have, if we were able to go beyond our own political limits, a quasi-anthropomorphic or anthropomorphic legal personality, whether or not they have high cognitive abilities, because the mere fact of being sentient/conscious is sufficient to justify such a legal personification. In addition, what this criterion of the animal condition asserts, contrary to the sole criterion of sentience/consciousness, is that it is false that this criterion makes it possible to legally personify animals in a symbolically successful way, since if this were the case, then farm animals could be personified in this way from the moment when personification based on sentience/consciousness were possible. The reality is that we can only legally personify animals that we do not exploit. We might as well say it clearly.

These two criteria—that of the choice of animals to be personified and that which governs the granting of personality—have an impact on the extent of protection. We have shown that the legal personification of farm animals should be rejected because of the particular form that it would take in the current state of affairs, namely, a quasi-technical personification. Only the anthropomorphic or quasi-anthropomorphic personifications of nonhuman animals are likely to be symbolically successful. However, other conditions must be met for such a personification to be symbolically successful or at least optimized (Chauvet 2017b, 2019). These are the last criteria that we have to discuss briefly.

The level of penalties

In the case of a quasi-anthropomorphic personification—no doubt much more realistic than an anthropomorphic personification—the question arises of the symbolic impact on the level of penalties (i.e., the intensity of the protection of this kind of personification). If there were to be a gap in the severity of the punishments for ideological reasons, this gap should not be large; otherwise, the symbolic significance of legal personification would be significantly reduced. Currently, in the positive law of most countries where nonhuman animal lives are protected, the penalties are far too low. In France, for example, the current penalty for attacks on animal life is a simple 5th class offense, which is up to €1,500 or €3,000 in the event of a subsequent offence (Article 655-1 of the Penal Code). To achieve a symbolically successful quasi-anthropomorphic personification, the penalties would have to be radically increased by a term of imprisonment, and this penalty should be high enough that the difference from the human situation is not excessively important.

The amendment of the Civil and Penal Codes

In Romano-Germanic law (or civil law) countries, the role of legal codes is much more important than in common law countries, where power to create legal norms is left in the hands of the judiciary to a much wider extent. What follows is therefore particularly true for civil law countries, where nonhuman animal legal personification would be likely to result in substantial modifications in law codes. This is not a necessity: it is certainly imaginable that one decides to pass a law stating that animals are persons without this resulting in modifications of the codes of law. This would be precisely the situation to avoid, for it is very clear that declaring nonhuman animals are persons without any change in the legal environment would greatly diminish the symbolic significance of this personification. However, this is only true up to a point. Let us assume a nonhuman animal anthropomorphic personality—in which the level of penalties for attacks against nonhuman animal life is the same as for attacks against human life. It seems that the symbolic significance of this situation would be extremely strong and would not depend on formal modifications to legal codes. However, if we assumed a case of quasi-anthropomorphic personality whose intensity of protection were very low—with penalties regarding nonhuman animal life roughly comparable to those that currently exist in France or in countries whose legislation is similar—then clearly the symbolic significance would be much weaker than in the previous case. We would simply call “legal persons” the nonhuman animals that currently enjoy protection of fundamental interests comparable to that of humans, but of which the intensity is much lower.

I am not saying that there would be no symbolic effect by that fact alone. Granting nonhuman animals a quasi-anthropomorphic personality, even one with a low intensity of protection, would certainly have a good symbolic impact. Especially since some of the legal effects that normally come with legal personification may also have a certain symbolic effect in and of themselves. The best example is the inheritance of pets, which is not possible given their actual legal status. They can inherit an asset only indirectly: in the United States, for example, through a trust. Pets can indeed be the beneficiaries of trusts since the Pet Trust Laws put an end to the court rules that had forbidden it (see Foster 2011:836). However, this effect should not be overestimated, quite simply because people often believe that pets can *already* inherit (see Darbyshire 2019). For the symbolic impact to be significant, it therefore seems necessary that the intensity of protection of nonhuman animal fundamental interests be comparable to that of humans. Regardless, with or without a high level of intensity of protection, the symbolic impact of personification could be improved in a significant way by modifying the legal codes.

We can illustrate how to properly perform these modifications with the French case. In the French Civil Code, nonhuman animals are currently mainly addressed in Book II, entitled “On Property and Various Modifications Of Property” (Article 515-14). The best solution for a symbolically successful legal personification would be to move personified animals to Book I entitled “On Persons”, and maybe, if appropriate, to devote to them a specific Title within this Book I. A less ambitious solution would be to modify the current title of Book II to distinguish nonhuman animal persons both from nonpersonified nonhuman animals and from goods, or to create for great apes and other animals likely to join them one day a specific Book entitled “On nonhuman animal persons”.

In the French Penal Code, nonhuman animals are currently mainly addressed in Book V, entitled “On Felonies and Misdemeanors”, Title II “Other Provisions”, Single Chapter “On Serious Maltreatment or Acts of Cruelty Towards Animals” (Articles 521-1 and 521-2). The best solution for a symbolically successful legal personification would be to move personified nonhuman animals to Book II entitled “On Felonies And Misdemeanours Against Persons”, and maybe, if appropriate, to devote to them a specific Title within this Book II. A less ambitious solution would be to devote to these personified nonhuman animals a specific Title or Chapter entitled “On Felonies and Misdemeanours Against Nonhuman Animal Persons”. Indeed, contrary to what happens in the Civil Code, the Book V of the Penal Code does not separate nonhuman animals from humans to bring them closer to being a property: this book also deals with, in Title I, offenses against public health including biomedical ethics. It would therefore not be excessively harmful symbolically to leave personified animals in Book V without modifying its title.

So much for the French case. If you live in a civil law country, it should be easy to adapt this reasoning to your situation. If you live in a common law country, this reasoning is of course also applicable to your legal codes.

The legal terminology

Finally, if we want to further optimize the symbolic result of nonhuman animal legal personification, the legal terminology that applies to legal persons in criminal matters should also apply to great apes or other personified animals. For example, the word “murder” should be applied to the situation of personified nonhuman animals who are mortally wounded. This does not mean that the penalties must necessarily be equivalent to those for mortal harm to humans, as we saw above, as long as the difference is not excessively important.

4. Conclusion

This is what I can say to clarify the issue of legal personification of nonhuman animals. I hope that it will now become clear that a nonhuman animal—like any being or entity—can be legally personified in a variety of ways. I hope it is also clear that not all are equal given the objective of improving the condition of nonhuman animals concretely or their status symbolically. In particular, I have shown that despite what one might think at a first glance, generously granting legal personality to all nonhuman animals would be not only entirely unrealistic but also counterproductive. In the unlikely event that we would succeed, we would deprive ourselves of the possibility of legal personification as a means of promoting the idea of moral equality between humans and other animals and therefore future concrete improvements in the animal condition. The personification of some nonhuman animals should not be seen as a means of recognizing their dignity at the expense of others but rather as a means of pushing back anthropocentrism, which should benefit all nonhuman animals in the long term. In the history of human legal rights, nothing has been won with a single blow for everyone, but changes have, on the contrary, favoured new ones in a gradual process. There is no reason to think that things should be different for nonhuman animal legal rights.

5. References

- E. Anderson, 2004. “Animal Rights And The Values Of Nonhuman Life” in C. Sunstein, M. Nussbaum (eds), *Animal Rights: Current Debates And New Directions*, New York, Oxford University Press.
- E. Bekker, 1873. *Zur Lehre von Rechtsobjekt: Genuß und Verfügung; Zwecksetzungen, Zweckvermögen und juristische Personen* [On The Theory Of The Subject Of Law: Enjoyment And Disposition, Acts Establishing A Particular Purpose, Patrimonies Destined For A Particular Purpose, And Legal Persons] in R. von Ihering, J. Unger (eds), *Jahrbücher für die Dogmatik des heutigen römischen und deutschen Privatrechts*, Iéna, F. Mauke.
- L. Boisseau-Sowinski, 2008. *La désappropriation de l'animal* [The Disappropriation Of Animals], PhD in Law thesis under the direction of J.-P. Marguénaud, University of Limoges.
- L. Bourriane, September 15, 2018. “Le député Falorni veut donner une personnalité juridique aux animaux” [MP Falorni Wants To Give Legal Personality To Animals] [available online: <https://www.sudouest.fr/2018/09/15/le-depute-falorni-veut-donner-une-personnalite-juridique-aux-animaux-5394382-710.php> (accessed April 22, 2019)].
- P. Brunet, 2019. “L’animal dans l’arène des juristes” [Animals In The Jurists’ Arena] in F. Carrié, C. Traïni (eds), *S’engager pour les animaux* [Committing To Animals], Paris, Presses Universitaires de France.
- F. Burgat, 2017. “La personne, une catégorie juridique souple propre à accueillir les animaux” [The Person, A Flexible Legal Category Fit To Include Animals], *Archives de Philosophie du Droit* 57.
- F. Burgat, 2018. *Être le bien d’un autre* [Being Owned By Someone], Paris, Payot & Rivages.
- P. Cavalieri, P. Singer (eds), 1993a. *The Great Ape Project: Equality Beyond Humanity*, London, Fourth Estate.
- P. Cavalieri, P. Singer, 1993b. “The Great Ape Project — And Beyond” in P. Cavalieri, P. Singer (eds), *The Great Ape Project: Equality Beyond Humanity*, London, Fourth Estate.
- P. Cavalieri, 2000. “Les droits de l’homme pour les grands singes ‘non humains?’” [Human Rights For Nonhuman Great Apes?], *Le Débat* 108(1).
- B. de Chasseneuz, 1531. *Repertorium consiliorum* [Collection Of Legal Advice], Lyon, Vincent Simon.

- B. de Chasseneuz, 1588. *Consilia D. Bartholomaei a Chasseneo* [Legal Advice By Barthélémy De Chasseneuz], Lyon, Nathanael Vincent.
- D. Chauvet, 2012. *La personnalité juridique des animaux jugés au Moyen Âge: XIII^e-XVI^e siècles* [The Legal Personality Of Animals Tried In Court In The Middle Ages: 13th-16th centuries], Paris, l'Harmattan.
- D. Chauvet, 2017a. "Quelle personnalité juridique est digne des animaux?" [What Legal Personality Is Worthy Of Animals?], *Droits* 62/1.
- D. Chauvet, 2017b. "Personnification juridique des animaux: ce que les abolitionnistes doivent savoir" [Legal Personification Of Animals: What Abolitionists Need To Know], lecture presented at the Conference Cycle *Le Spécisme en Question(s)* organized in Geneva by PEA–Pour l'Égalité Animale, September 2, 2017.
- D. Chauvet, 2018. *Les animaux face au droit naturel. L'égalité animale par-delà la morale* [Animals Faced With Natural Law: Animal Equality Beyond Morality], Phd in Law thesis under the direction of J.-P. Marguénaud, University of Limoges.
- D. Chauvet, 2019. *Pourquoi et comment personnaliser juridiquement les animaux?* [Why And How To Legally Personify Animals?], a lecture organized in Paris, CEDIAS-Musée Social, by CAP–Convergence Animaux Politique, April 10, 2019.
- A. Crane, 2010. "Undignified Bioethics", *Bioethics* 24(5).
- G. Cornu, 2007. *Droit civil. Les biens* [Civil Law: Property], 13th ed., Paris, Montchrestien.
- L. Crémieu, 1910. "Les théories modernes sur la personnalité juridique" [Modern Theories On Legal Personality], *Annales de Droit Commercial et Industriel Français, Etranger et International* 24.
- C. Daigueperse, April 4, 1981. "L'animal sujet de droit: une réalité de demain" [Animals As Subjects of Law: A Reality Of Tomorrow], *Gazette du Palais*, doctrine.
- M. Darbyshire, February 22, 2019. "Karl Lagerfeld's Cat: The Reality Of Pet Inheritance" [available online: <https://www.ft.com/content/b9b78aac-1f32-11e9-a46f-08f9738d6b2b> (accessed May 2, 2019)].
- P.-J. Delage, 2013. *La condition animale. Essai juridique sur les justes places de l'Homme et de l'animal* [The Condition Of Animals: Legal Essay On The Rightful Places Of Man And Animal], Phd in Law thesis under the direction of J.-P. Marguénaud, University of Limoges.
- R. Demogue, 1909. *La notion de sujet de droit* [The Idea Of The Subject Of Law], Paris, Larose & Tenin.
- S. Desmoulin-Canselier, 2006. *L'animal, entre science et droit* [Animals, Between Science And Law], Aix-en-Provence, Presses universitaires d'Aix-Marseille.
- S. Desmoulin-Canselier, 2009. "Quel droit pour les animaux? Quel statut juridique pour l'animal?" [What Law For Animals? What Legal Status For The Animal?], *Pouvoirs* 131.
- S. Donaldson, W. Kymlicka, 2011. *Zoopolis: A Political Theory Of Animal Rights*, New York, Oxford University Press.
- J. Dunayer, 2004. *Speciesism*, Derwood, MD, Ryce Publishing.
- F. Foster, 2011. "Should Pets Inherit?", *Florida Law Review* 63(4).
- G. Francione, 2000. *Introduction To Animal Rights: Your Child Or The Dog?*, Philadelphia, Temple University Press.
- G. Francione, June 4, 2005. "Our Hypocrisy", *New Scientist* 2502.
- G. Francione, 2006. "Taking Sentience Seriously", *Journal of Animal Law and Ethics* 1.
- M.-A. Hermitte, 2011. "La nature, sujet de droit?" [Nature As Subject Of Law?], *Annales. Histoire, Sciences Sociales* 66(1).
- F. Kamal, 2020. "La personnalité juridique des animaux en droit musulman" [The Legal Personality Of Animals In Muslim Law] in O. Marongiu-Perria (dir.), *L'islam et les animaux* [Islam And Animals], Neuilly, Atlande.
- J. Feinberg [1978] 1980. "Human duties and animal rights" in J. Feinberg, *Rights, Justice, And The Bounds Of Liberty. Essays In Social Philosophy*, Princeton, Princeton University Press.
- J. Kirszenblat, 2018. *L'animal en droit public* [Animals In Public Law], Phd in Law thesis under the direction of O. Le Bot, University of Aix-en-Provence.
- V. Kurki, 2017a. "Why Things Can Hold Rights: Reconceptualizing The Legal Person" in V. Kurki, T. Pietrzykowski (eds.), *Legal Personhood: Animals, Artificial Intelligence And The unborn*, Springer.
- V. Kurki, 2017b. "Animals, Slaves, and Corporations: Analyzing Legal Thinghood", *German Law Journal* 18(5).
- W. Kymlicka, S. Donaldson, 2018. "Rights" in L. Gruen (ed), *Critical Terms In Animal Studies*, Chicago, University of Chicago Press.
- O. Le Bot, 2015. "Argentine: habeas corpus en faveur d'un orang-outan" [Argentina: Habeas Corpus In Favour Of An Orangutan], *Revue Semestrielle de Droit Animalier* 1/2015.
- J.-P. Marguénaud, 1992. *L'animal en droit privé* [Animals In Private Law], Paris, Presses Universitaires de France.
- J.-P. Marguénaud, 1998. "La personnification juridique des animaux" [The Legal Personification Of Animals], *Recueil Dalloz* 20.

- J.-P. Marguénaud, 2016. “La femelle chimpanzé Cécilia, premier animal reconnu comme personne juridique non humaine” [The Female Chimp Cecilia, The First Animal Recognized As A Nonhuman Legal Person], *Revue Semestrielle de Droit Animalier* 2/2016.
- J.-P. Marguénaud, F. Burgat, J. Leroy 2020. “La personnalité animale” [Animal Personhood], *Recueil Dalloz*.
- P. Low et al., 2012. *The Cambridge Declaration On Consciousness*, publicly proclaimed in Cambridge, UK, at the Francis Crick Memorial Conference on Consciousness in Human and non-Human Animals, at Churchill College, University of Cambridge, on July 7, 2012.
- J. Leroy, 2017. “L’intérêt bien compris de l’animal” [The Well-Understood Interest Of Animals], *Revue Semestrielle de Droit Animalier* 2/2017.
- P. Malaurie, 2012. *Les personnes: la protection des mineurs et des majeurs* [Persons: The Protection Of Minors And Adults], 6th edition, Paris, Defrénois.
- J.-H. Pignot, 1880. *Un jurisconsulte au seizième siècle: Barthélémy de Chasseneux* [A Legal Expert In The Sixteenth Century: Barthélémy De Chasseneux], Paris, Larose.
- C. Préaubert, 2002. *La protection juridique de l’animal en France* [The Legal Protection Of Animals In France], Ville-neuve d’Ascq, Presses Universitaires du Septentrion.
- G. Rainbolt, 2006. *The Concept Of Rights*, Dordrecht, Springer.
- C. Regad, C. Riot, S. Schmitt (dir.), 2018. *La personnalité juridique de l’animal. L’animal de compagnie* [The Legal Personality Of Animals: Pets], Paris, LexisNexis.
- M. Renson-Bourgine, 2018. “Euthanasie d’un animal en bonne santé : quel est le rôle du vétérinaire ?” [Euthanizing Healthy Animals: What Is The Role Played By Veterinarians?] [available online: <http://www.france-soir.fr/societe-faits-divers/euthanasie-de-convenance-animaux-quel-est-le-role-du-veterinaire-refus-decision-bien-etre-bonne-sante-abandon-chien-chat-alain-delon> (accessed January 18, 2020)].
- P. Singer, 1993. *Practical Ethics*, 2nd edition, Cambridge, Cambridge University Press.
- A.-M. Sohm-Bourgeois, 1990. “La personification de l’animal: une tentation à repousser” [The Personification Of Animals: A Temptation To Be Rejected], *Recueil Dalloz* 7.
- P.P. Terrados, 2014. *Defensores de la igualdad: Libertad sin cadenas, más allá de la genética* [Defenders Of Equality: Freedom Without Chains, Beyond Genetics], Punto Rojo Libros.
- S. Wise, 1986. “Of Farm Animals And Justice”, *Pace Environmental Law Review* 3(2).
- S. Wise, 2000. *Rattling The Cage. Towards Legal Rights For Animals*, Cambridge, MA, Perseus Books.
- S. Wise, March 6, 2015. “Update On The Sandra Orangutan Case In Argentina” [available online: <http://www.nonhumanrightsproject.org/2015/03/06/update-on-the-sandra-orangutan-case-in-argentina> (accessed July 20, 2017)].