New perspectives in Animals and the Law

Improving animal welfare: a practical approach
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Teresa Giménez-Candela
Universitat Autònoma de Barcelona

Full Professor on Roman Law
Animal Law Professor

Director Research Group ADS (UAB)

by NEIL YOUNG
Thoughts on Animal Welfare Law for Veterinarians

• 1. Veterinarians and lawyers need to work together for the welfare of animals.

• 2. A legal discussion of welfare is different from a science based discussion.

• 3. The legal public policy debate is about what is socially unacceptable
1. Veterinarians and lawyers need to work together for the welfare of animals

- Each brings a different skill set to the issues before the public, about the appropriate level of care that should be given to farm animals.
Practical consequences

• Silence of the Law
  – Aloofness. Paradoxical
  Regulation clearly limited, until recently

• Legislator regulates only when coexistence is threatened?

• Collision of interests
  Economic conflicts
A background reflection

• For any Code (Civil, Criminal), outside the world of persons (natural or legal) only exist THINGS.

• The technique of making a Code consists of:
  - To simplify, the complex
  - Refer to the same legal system
  - Apply rules of integration, which are always the same

• If animals are not persons they may only be, in legal life, THINGS
2. A legal discussion of welfare is different from a science-based discussion.
Scientifical discussions

• In science the discussion is how to describe and understand optimum conditions for the well being of animals.

• Science is also necessary for describing the consequences to animals of various living conditions, if less than optimal conditions are imposed upon animals.

• For example, what would be the quality of life if one chicken lived: free range or in a 10 sq. ft. cage, or a 5 sq. ft. cage or a 1 sq. ft. cage?
• *Lucky Family*, photography by Yang Zhen Zhong, from the exposition *Bêtes et hommes* (París, Octubre 07-Enero 08)
Legal Discussions

• Animal welfare discussions at law are not about optimum living conditions, but what conditions are so poor that it should be a criminal act (fines and jail time), or a civil law violation (money fines and revocation of licensees) for the keeping animals in such poor conditions.

• There is usually considerable difference between
  – the best conditions and
  – the criminally liable conditions.
How to transform animal rights into law standards

Distinguish between general anti-cruelty prohibitions protecting all animals from the duty to provide care for owners and keeps of animals – insert some statutory language
SYNTHESIS

• The law takes care of the animals:  
  A) As it falls to them the possession or ownership  
  B) As they are reference of contracts or source of responsibility

None of this relates to the animal itself, but it relates to the legal relations of people, in which the animals are an object of them
3. The legal public policy debate is about what is socially unacceptable
• While science is focused upon the animal, the creation of law represents the balancing of many diverse factors.

• Law is the result of the political process and the power of many diverse human voices.
The political process must take into account the values of society, for example the protection of endangered species, or the control of water pollution or child labor.
• Socially acceptable levels of animal welfare like the issue of acceptable levels of child labor is ultimately a political question for each country, and the differences seen in the world around us suggest that the political answers are not the same in different countries.

• The making of law is the art of compromise between competing visions within the political arena of a given state.
Growing demand for policy measures that lead to more responsible behavior to animals

- The relationship between humans and animals is a value linked to the expectations of consumers

Opportunity to provide a transparent Information to consumers

Cooperation and collaboration among international scientist and lawyers those involved in the food chain
MARY THE COW

- http://www.youtube.com/watch?v=_smKyihbQ3s
CONCLUSION

• **Scientist** can provide significant aid to the debate by providing *truthful information* about the animal welfare consequences to the alternatives that might be before the political decision makers.

• **Lawyers** can provide a significant aid to the law making process providing a *flexibilization of concepts* used until today and a *revision of the juridical language*:
  - Easier!
  - Clearer!
  - Preciser!
THANK YOU FOR YOUR ATTENTION

MUCHAS GRACIAS POR VUESTRA ATENCIÓN!!

MOLTES GRACIES PER LA VOSTRA ATENCIÓ!!

teresa.gimenez.candela@uab.cat