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Why Study Animal Law?

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Regarding animals, our code adopts the legal status of things in property, a view based on historical configuration that condenses and transmits the Napoleonic codification to all the codified legal regimes. However, the uniformity imposed by this conception has been broken relatively recently in three European countries (as well as in Catalonia), in align with the dictates and guidance of many EU regulations, directives and protocols that increasingly highlight the legal condition of animals as “sentient beings”.

European regulation limits Member States legislation and policy to a consideration of animals that collides head-on with the status of “thing” (object) that our codified laws establish. Therefore, as an example of coherent legal technique, Austria, Germany and Switzerland recently reformed their respective Civil Codes, removing animals from the treatise on property, qualifying them “not things”, before similarly reforming their respective constitutions; in the case of Germany, to recognise that the protection of animals and nature is “an obligation taken on by the State for future generations”. For these reasons, it tries to deepen the legal condition of animals and review certain open questions that are asked by society, such as the regulation of protection agencies, shelters and rescue centers in their role as transferers or creators of the adoption bond; the situation for individuals that, at the time of death, are worried for the future of their companion animals; the cases of separations and divorces within the framework of assistance for companion animals; the urgent need for regulation of Animal Assisted Therapies, which are increasingly developing in our country; the prevention and sancioning of violent conduct with animals, which are a sign of asocial behaviour, as our well-founded studies show. Basically, all the questions over which the State has regulatory faculty, those for which a legal framework of animal welfare could provide coherence, foresight and univocality, in the face of great dispersion and diversity of treatment that currently prevails over this topic. In this sense, the question is: what can and must the University do to achieve a step forward in the search for new solutions and for adapting the legal system to current demands of society in terms of animals?

Transversality is one of the most relevant outcomes of the new EHEA (European Higher Education Area). In this sense, what have up until now been called subjects come from a new design not just in a simple unfocused application of the ICT (Information and Communication Technologies) within e-learning strategies.. The methodology of teaching and learning, as well as the evaluation, must be restructured and adapt to the changes deduced from problem-based teaching and evaluation by competency.

The University is growing and evolving at such a rapid speed as we find ourselves immersed in a globalised society. This means identifying emerging topics of interest that prevail as routes through which the social demand for new professionals can be channelled. Our contribution is rising up to these emerging needs and restructuring disciplines that have until now been detached and scattered across different bachelor degrees, masters or doctorate programs. The efforts of some of us are expressed through

specific proposals that aim to redefine and evaluate the competencies that society demands of universities, within the specific field of Animal Law and, by consequence, in the legal regulation of Animal Welfare.

Since November 2005 the Eurobarometer has been identifying animal welfare as one of the five priorities for the vast majority of European citizens. In January 2006 and November 2006 the EU Commission, with the Animal Welfare Action Plan (23.1.2006), and the Council of Europe and the World Organisation for Animal Health (24.11.2006) recognised this priority and agreed to follow a plan aimed at introducing measures tending towards treating animals as sentient beings into the European legislative systems. Society appears to be moving ahead of legislation on this topic. Otherwise, the last General Strategy of the EU Commission (“A new Animal Health Strategy for the European Union (2007-2013) where ‘Prevention is better than cure’; Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. COM 539 [2007]), tries to achieve the objective of joining three pillars that have until now been independent, namely: Animal Welfare, Public Health, Food Safety. This new EU demand, which will be imperative in society within a few years, cannot be left behind. Spanish Universities deserve to have pioneering studies in this area, like those that will shortly appear in European universities and, since the 80s, have been appearing in the main universities in the USA.

Animal Welfare is currently studied in the Veterinary (Etology), Philosophy (Ethics of Nature), Environmental Sciences, and Biology Faculties, and, since 2007-2008, Animal Law has been studied for the first time in Spain, at the Law Faculty of the Autonomous University of Barcelona.

The projects that are being developed by the ADS-UAB Investigation Group, which I have been managing for some years, aim at unifying and redefining these ‘courses’ in a subject of shared interest and teaching, accessible to all universities that channel their professional future in the ambit in which the relations between humans and animals intersect; that is, lawyers (of course), biologists, veterinarians, environmental science specialists – all that may in the future be relevant agents and creators of opinion and social participation trends. It is not a private proposal, but one that aspires to serve as a framework to be applied in other Spanish universities.

In this sense, the Animal Law and Society Master, which will begin its third edition in October, tries to develop knowledge and reflection on animals from a legal point of view and within a global context. Experts in Animal Law, with a broad but focused vision of what society needs, are in increasing demand; professionals that can become involved in industry, advocacy and administration in international bodies. With this dream, with this determination, we work day after day.

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