

CHARTING THE GROWTH OF ANIMAL LAW IN EDUCATION

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"The great aim of education is not knowledge but action."

- Herbert Spencer (1820-1903)

Although the extent to which the animal law movement has succeeded in generating meaningful change for animals remains a subject of debate,¹ one thing about the movement cannot

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From 2002-2006, Peter was the Co-Chair of the Executive Committee of the Animal Rights Legal Advocacy Network (ARLAN), a New Zealand group of lawyers and law students working on animal welfare issues, and also the editor of the ARLAN Report, a short journal discussing topics relating to animals and the law. In 2007, Peter won a \$15,000 grant from Voiceless, the fund for animals (with Steven White of Griffith Law School) to produce a workshop entitled Animal Law in Australasia: A New Dialogue. From this workshop will emerge the first book on animal law ever written in the Southern Hemisphere, expected in late 2008. To learn more about this and other aspects of Peter's work, visit: www.lawstaff.auckland.ac.nz/~psan009.

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¹ See David Wolfson, *Symposium Conclusion*, 13 ANIMAL L. 123, 125 (2007).

be disputed: it is growing at a remarkable pace, both in the United States and abroad. For one thing, there are more people working as animal lawyers and studying to earn this informal classification than ever before.² Where twenty years ago individuals practicing or trying to acquire knowledge in this area operated in isolation, today's enthusiast can attend animal law conferences,³ participate in moot court simulations⁴ and chat with like-minded individuals on animal law related websites.⁵ Most importantly, for the student undertaking the study of law in 2008, there now exists a very strong possibility that the institution they attend offers a course in animal law or will do so in the near future.

The pace in which these developments have unfolded should not be underestimated. The first animal law course was taught just over twenty years ago,⁶ but since that time, courses of this sort have become regular features at reputable universities worldwide, with new ones surfacing every year. It is no wonder that in the United States animal law is being referred to as "one of the nation's fastest growing fields of legal study and practice."⁷

The impact of this change cannot fully be quantified, but it is undoubtedly important. To begin with, increased acceptance of these courses in academic institutions helps to justify the devotion

² See Joyce Tischler, *Symposium Introduction* 13 ANIMAL L. 13, 20-25 (2007).

³ See, e.g., Lewis and Clark Annual *Animal Law Conference*, <http://www.lclark.edu/org/saldf/conference.html> (last visited Oct. 25, 2007); *The Future of Animal Law* at Harvard University, http://www.cmcna.com/animal_law_conference_2007/index.htm (last visited Oct. 25, 2007).

⁴ See, e.g., National Animal Advocacy Competitions, <http://www.lclark.edu/org/nca/mootcourt.html> (last visited Oct. 25, 2007).

⁵ See, e.g., Voiceless Law Talk, http://www.voiceless.org.au/Law/Law_Talk/Introducing_Voiceless_Law_Talk.html (last visited Oct. 25, 2007).

⁶ The first course devoted exclusively to animal law appears to have been taught by Jolene Marion at Pace Law School from 1986 to 1989. E-mail from Steven M. Wise, President, Center for The Expansion of Fundamental Rights, Boston, to Peter Sankoff, Senior Lecturer, Auckland (June 11, 2007), (05:54:15) (on file with author).

⁷ Laura Ireland Moore, *A Review of Animal Rights: Current Debates and New Directions*, 11 ANIMAL L. 311, 311 (2005).

of time and resources for further study and research into animal law issues. The combined effort also lends added credibility to attempts by activist groups and non-governmental organizations to raise legal questions relating to animals on the national and international stage. When animal law was first taught at Harvard University the event made headlines across the United States, and it was regarded as a moment that “gave legitimacy to [animal law issues] that had not previously existed.”⁸ Legitimacy of this type is important if meaningful change for animals is to occur, as there remains much work to be done in developing new sectors of legal research and spreading the message about animal suffering and the role the law plays in entrenching improper treatment. Increased acceptance on law faculties remains a useful way of spurring these advances.

The development of animal law courses also has a practical, albeit more subtle, effect. As Professor Favre has remarked, “eventually, the wave of individuals passing through law schools will have their full effect on legal institutions. As they become legislators, judges and community leaders, the issues of animal welfare will rise on the national agenda.”⁹ Animal law courses are useful ways of spreading the dialogue about animal issues to a wider audience, and the more courses there are, the more extensive the impact.¹⁰

Each of these objectives are important, and with so much to be gained it is hardly surprising that many animal advocacy groups have made increased access to animal law courses a core focus of their strategy for change.¹¹ These efforts have been

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⁸ David Favre, *Gathering Momentum* 1 JOURNAL OF ANIMAL L. 1, 2 (2005).

⁹ *Id.* at 6.

¹⁰ There is, of course, also the incidental benefit of getting students in these classes to re-think their own choices in relation to animals and consider veganism. Posting of Gary Francione, to <http://lawtalk.voiceless.org.au/forum/index.php/topic.74.0.html> (May 2, 2005, 11:19:57).

¹¹ See, e.g., ALDF, *Programs: Animal Law Program*, <http://aldf.org/content/index.php?pid=26> (last visited Oct. 23, 2007) (“Moving toward the day when animal law is part of the curriculum at each and every law school, the Animal Law Program collaborates with students, faculty, and school administrations to facilitate the development

successful, but there is still work to be done. Although animal law “has established roots that run both broad and deep”,¹² many skeptics remain unconvinced about the subject’s viability as anything more than a niche topic. Some of the discipline’s longest tenured academics have signaled that the movement must remain vigilant before assuming that the “battle” to attain legitimacy in law faculties is over. For example, Professor Taimie Bryant of U.C.L.A. recently noted that:

Attitudes in the field have changed remarkably, but I would caution that [animal law] is still not seen as a totally legitimate field in academia because the field is not recognized by law school administrators and faculty as containing sophisticated, complex or particularly troubling issues. While writing and teaching in other fields such as tax and constitutional law brings with it legitimacy and status as engaging with “hard” subjects, writing and teaching in animal law is too often seen as dealing with inconsequential or “emotional” issues.¹³

David Favre has similarly written that “for a number of people [animal law] is a novelty course, not a mainstream area where significant academic effort should be expended.”¹⁴ These attitudes are hardly unfamiliar to the small number of animal law scholars working as full-time academics, many of whom have had to get used to snide comments, jokes, or – in the worst case – overt pressure from other professors or law Deans to abandon this area of teaching and research altogether.

of animal law courses”); *Voiceless Animal Law Advocates (Australia)*, http://www.vaa.org.au/index.php?option=com_content&task=view&id=11&Itemid=21 (accessed Oct. 23, 2007)(“How to Request an Animal Law Course”).

¹² Holly Anne Gibbons, *Origins of Animal Law: Three Perspectives 10* ANIMAL L. 1, 1 (2004).

¹³ Posting of Taimie Bryant, to <http://lawtalk.voiceless.org.au/forum/index.php/topic,269.0.html> (June 1, 2006, 12:59:20).

¹⁴ Favre, *supra* note 8, at 3.

The struggle for legitimacy is even starker outside the United States, where the growth of animal law in academic circles has been more gradual. As the first academic to launch an animal law course in New Zealand, I am well aware of the difficulties that exist for professors who wish to challenge the status quo and get a course of this nature up and running. While the “battle” for recognition may have shifted on the American academic landscape,¹⁵ this is not yet true elsewhere, as the struggle to place animal law on the agenda and create a sophisticated dialogue about these issues remains somewhat contentious outside of the United States.

Sadly, this ongoing institutional intransigence and unwillingness to recognize the value of animal law teaching and research is inhibiting the development of new scholars and the very growth of the discipline. In order to surmount these obstacles, it is critical to recognize that the progress being made in developing this teaching and research area is one of the strongest possible arguments in favour of treating it as a “serious” discipline. Those of us who wish to develop animal law as a core subject interest have a strong motive to publicize and make use of the gains made by our colleagues. Trying to get a “novel” course onto the curriculum at conservative faculties – especially where the subject is perceived as being on the fringes of legal study – is a much more challenging task than establishing a course that is already taught at reputed law schools like Harvard, Duke and NYU.

As I alluded to earlier, the animal law enthusiast who attends conferences, publishes in academic journals, and meets with like-minded colleagues to discuss matters of concern, is already aware that the field is expanding dramatically. Still, it is one thing to *feel* momentum and assume that such growth is occurring, and something else altogether to convince naysayers of the same. As a means of rebutting claims that animal law is nothing more than a niche topic, it is necessary to progress beyond

¹⁵ See Richard Katz, *Origins of Animal Law: Three Perspectives*, 10 ANIMAL L. 1, 1 (2004) (“No one is laughing at the hundreds of lawyers across the United States who practice animal law”). With respect to Katz, I think this proposition is overstated. As the survey responses make clear, the legitimacy of animal law as a discipline remains a work in progress, and many academics and practitioners continue to face skepticism and even downright derision from their colleagues.

the intuitive reaction and measure how much growth is actually occurring. In other words, is animal law still a subject on the fringe, or is it in the process of becoming a core topic in law faculties worldwide?

In late 2006, I began trying to answer these questions by undertaking the first comprehensive survey of animal law in education, with the goal of tracking down and documenting every animal law course that has ever been taught, and seeking to uncover how these courses came into existence. As an initial study, my objectives were modest. The primary goal was to discover where the courses were, who was teaching them, how long they had been in existence, what obstacles professors were encountering, and whether the courses were flourishing or struggling. An attempt was also made to uncover the types of subjects that are taught in the courses themselves, as a preliminary means of understanding what the teaching of animal law actually entails.

To accomplish this, I created a short survey and distributed it to the people teaching animal law courses around the world. The replies that flowed in were both fascinating and revealing, confirming the suspicions of those who felt that animal law was beginning to make a real impact on university campuses. Several primary conclusions can be drawn from the data. First, the sheer volume of courses is growing at a stunning rate – and there is little sign of any let up. Second, although most courses were originally concentrated in the United States, animal law is rapidly becoming a worldwide phenomenon, with offerings popping up around the globe at an extraordinary pace, virtually matching the rate of growth that occurred in the United States during the late 1990's and early 2000's. Third, the nature of the people who teach these courses is starting to change, with a higher number of full-time tenured and tenure track professors becoming involved in this area of study. This factor is spurring greater levels of written scholarship, and an increased proportion of permanent – as opposed to special topic – courses. In this regard, matters have already progressed considerably from just two years ago, when it was estimated that the number of full time professors teaching in this area numbered between six and eight.¹⁶

¹⁶ See Favre, *supra* note 8, at 3.

The news is not entirely positive. Not every course has been successful, and some of the failed initiatives seem to have created resistance at particular institutions, impeding courses from being re-established at these locations. Additionally, at many locations there remain obstacles to the continued success of animal law courses, obstacles felt most prominently by full-time academic staff seeking to move into or continue teaching in this area, and there is evidence that many professors are dissuaded – formally or informally – from teaching a course that is still viewed by many professors and faculty administrative officials as flaky or tangential. Hopefully, this article will help to provide evidence that animal law can no longer be designated in these terms, and has instead become a valid topic worthy of being taught to law students in every jurisdiction.

Methodology and Objectives

The first step in this project seemed simple enough when the idea to proceed initially took hold: track down every animal law course in existence. Not surprisingly, the task turned out to be much more complex than first anticipated. It began with a visit to the most authoritative directory of these courses currently in existence, the Animal Legal Defence Fund (ALDF) website,¹⁷ which provided an extremely useful starting point. For years, this site has been tracking North American universities that offer animal law courses as a means of doing something similar to this article – demonstrating that courses of this type are not unusual, novel, or on the fringe of legal academic study. While the information on the ALDF site did not turn out to be entirely accurate – understandable given the difficult task of keeping up with nearly 100 courses, who teaches them, and whether they remain on the curriculum – it was a very useful starting point, and remains a valuable reference for those seeking an updated list of animal law courses.

The search became much more difficult from this point forward. After some initial follow-up indicated that some of the courses listed on the ALDF site were no longer in existence, it

¹⁷ See ALDF, Programs: Animal Law Courses, <http://aldf.org/content/index.php?pid=83> (last visited Oct. 23, 2007).

occurred to me that there might be many more which were not listed. It was also necessary to track down courses outside of North America, as the ALDF does not list these offerings. For several months, a research assistant conducted web-based research, and attempted to track down and follow-up “rumors” of courses offered outside of the United States, confirmed the existence of those posted on the ALDF website, and obtained the email addresses of professors and practitioners who run the courses themselves. Once this process was completed, the survey was e-mailed.

The survey portion of the project officially began in early January 2007 with the majority of responses collected before March 1, 2007. Follow-up inquiries to confirm or expand upon the data continued until October 2007. The information presented in this article is regarded as substantially accurate in documenting courses taught at any time before or during the fall semester in 2007 in the Northern Hemisphere,¹⁸ and before or during the 2007 academic year in the Southern Hemisphere.¹⁹ In all, almost 100 surveys were obtained. The survey itself follows this article, in Appendix A.

To be clear, not all of the data presented below was obtained from surveys. In some cases, a response could not be obtained because the course was no longer in existence or the professor was unavailable or unwilling to provide information. In these instances – which represent a small minority of the overall data – it was often possible to unearth basic information about the courses themselves and when they had been taught by communicating with administrative staff, even though obtaining particular details about the course was not possible. For this reason, the numbers described below do not remain static across

¹⁸ Thus, courses scheduled for the Spring Semester 2008 or later were not included in the survey. This removed a number of courses from consideration but was necessary to ensure the current accuracy of the data. I am aware of at least seven new courses scheduled to run in the first half of 2008: University of Baltimore Law School; Cleveland-Marshall School of Law; Thomas Goode School of Law; University of Oregon; University of Ottawa (Canada); University of Wollongong (Australia); and Villanova University.

¹⁹ In the Southern Hemisphere, the academic year runs from March to the end of November. Any courses that began in 2007 were included.

each of the questions explored, as the number of respondents varies depending upon the question and the nature of the information we were able to discover.

As a preliminary matter of nomenclature, it is necessary to define an “animal law” course for the purposes of this article. Obviously, any course offered by an accredited university as part of a J.D. or LL.B. degree²⁰ designated in some way as relating to the law of animals, whatever its particular moniker, qualifies.²¹ More difficult is the assessment of courses possessing a significant animal law component, and in particular, to courses based on Wildlife Law. After careful consideration, I decided to exclude both of these categories as a means of maintaining the integrity of the overall data.²² In addition, any seminar or informal gathering that fell short of a standard undergraduate law course devoted entirely to the law relating to animals was excluded from the survey.²³

²⁰ Courses dedicated to animals and the law taught outside of a law faculty were not counted for the purposes of this survey.

²¹ These courses exist under many different names, with the most popular being the simplest: “Animal Law” (67 courses under this heading). There was also the more narrowly defined “Animal Welfare Law” (3 courses), and its philosophical opposite, “Animal Rights Law” (7 courses). Also in existence are some more esoterically titled offerings, including “Animals, Persons and Legal Relations” (McGill University), “Animal Subjects, Human Regulators” (Northwestern) and “Animals, Culture and the Law” (University of Victoria).

²² Sadly, this meant the exclusion of perhaps the longest running animal law related course in existence, that of David Favre at Michigan State. Professor Favre has offered a course in Wildlife Law, concentrating on the law of animals, since 1983. Including wildlife courses, however, became problematic for me once I began to discover a number of these courses abroad. I believed that including them would have inflated the survey numbers dramatically, and perhaps distorted the overall data.

²³ The Yale Animal Law Study group, for example, which is not a fully accredited course – despite being led by such notables as David Wolfson and Paul Waldau – was excluded from the survey. Also excluded were any animal law seminars taught as part of an informal or low-credit symposium.

Animal Law Courses in 2007 – The Raw Numbers

In this section, I intend to focus simply on the number of universities that actually offer animal law courses and consider where they are located. While many numbers have been informally mentioned over the years,²⁴ and some have suspected that as many as 100 universities worldwide now offer courses,²⁵ the actual number of law faculties offering an animal law course in 2007 is ninety-four.²⁶

Number of law faculties offering courses in animal law (current)	94
Law faculties that have ever offered an animal law course	109
Animal law courses currently in existence	102

FIGURE A – RAW NUMBERS

²⁴ See e.g., Clayton Gillette, *Symposium Introduction*, 13 ANIMAL L. 13, 13 (2007) (“well in excess of sixty”); Joyce Tischler, *Symposium Introduction*, 13 ANIMAL L. 13, 21 (2007) (“over seventy law schools”); Voiceless, *Where to Study Animal Law*, http://www.voiceless.org.au/index.php?option=com_content&task=view&id=366&Itemid=312 (last visited Oct. 24, 2007) (“taught at more than 85 law schools in the United States”).

²⁵ Steven White, *Law of the Jungle*, BRISBANE LEGAL, Oct. 4, 2007, 17 (more than 100 courses on animal law taught worldwide).

²⁶ It must be kept in mind that to a certain extent the numbers provided below only represent a snapshot of a particular period in time. Figure A shows that 94 law faculties currently offer courses in animal law, however it would be inaccurate to state that 94 “permanent” animal law courses exist. At least 12 surveys – usually involving the newest courses – reported that it was unclear whether the courses would be repeated in subsequent years. See the discussion on Course Frequency, below.

Figure A shows three important categories of data. The first row shows the number of faculties currently offering courses in animal law, a number which represents the total of “active” courses. This number is restricted to classes that were still in existence, in that they were being taught in 2007 or have been taught in the past, and were scheduled – either tentatively or definitively – to be taught again in future.²⁷ The second figure is the total number of law faculties that have ever offered an animal law course. Not surprisingly, this is a much larger number, as it includes courses that no longer exist, as well as courses offered on a specific short-term basis.²⁸ Finally, the third figure considers the total number of *courses* currently in existence, as opposed to the number of faculties that offer them. One of the most promising trends in this area of study is that many universities are now providing more than one animal law course. This initiative is being led by Lewis & Clark Law School, which now offers five different animal law courses.²⁹ Four other universities also offer more than one animal law course.³⁰

²⁷ As will be seen in Figure J below, not every animal law course is taught annually.

²⁸ The most difficult data to track down was the number of “short term” courses, usually offered by a visiting professor or lecturer. We were able to uncover four such courses - taught at Stetson University, University of British Columbia, University of Toronto and Vanderbilt University. It is highly likely that more of these courses exist, and that more will be offered in future. Unless specifically indicated, data from these courses is not counted in the other measurements in this article, as they are not “permanent” courses, and do not operate in the same manner. Eleven “terminated” courses have been considered for some of the data – specifically relating to impediments, but are not counted in the responses that focus on a measurement of current offerings.

²⁹ National Center for Animal Law, Lewis and Clark Law School’s Animal Law Classes and Seminars, <http://www.lclark.edu/org/ncal/lcanimalcourses.html> (last visited Dec. 10, 2007).

³⁰ These are: Duke (Animal Law; Animal Law Clinic); Georgetown (Animal Law Seminar; Animal Protection Litigation); George Washington (Animal Law and Wildlife Protection; Animal Law Lawyering); Whittier (Animal Law; International Animal Law).

Where are these courses located? Figures B and C provide further detail. Figure B shows the distribution of existing courses worldwide, while Figure C includes both current and terminated courses.

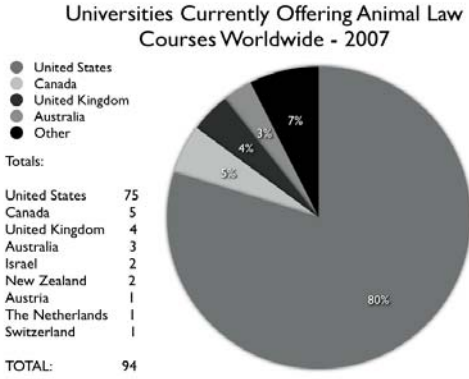


FIGURE B – LAW FACULTIES OFFERING COURSES (LOCATION)

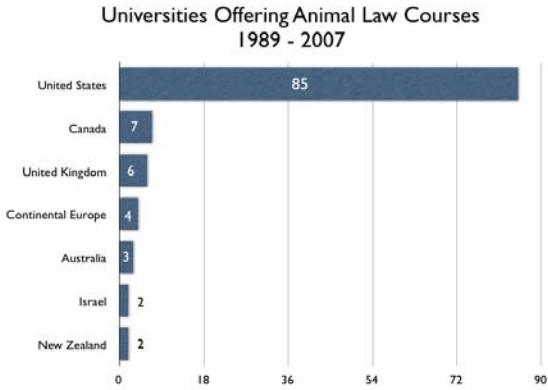


FIGURE C – UNIVERSITIES OFFERING ANIMAL LAW COURSES (EXISTING OR TERMINATED)

The raw data set out in Figures A to C allows a number of conclusions to be drawn. First, as an educational topic, it is apparent that animal law is in a relatively healthy state. While the subject can hardly be considered a “staple” of legal study given the hundreds of law faculties around the world, students no longer have to search far and wide to take a course in this area—especially in the United States. Figures B and C also reveal that animal law remains primarily an American subject of study. Although there has been considerable growth internationally, United States institutions continue to lead the way, and the study of this discipline has been concentrated in this part of the world.

Shifting to the international situation, it seems apparent that the study of the law relating to animals is restricted almost exclusively to common law jurisdictions, which is somewhat unusual. Schools teaching in common law countries account for all but four³¹ of the courses that have ever been offered.³² There is no real explanation for this trend, as issues relating to animal law are just as challenging in civil law jurisdictions, and some of the most promising initiatives at the legislative level have occurred in these regions.³³

³¹ This number could be disputed slightly. Israel should not be considered purely as a common law jurisdiction, and one of the Canadian courses is taught at a French language institution in Quebec that focuses on civil law.

³² It is possible that language difficulties and a lack of detail on some of the international university web pages inhibited my ability to be thorough in my searches for these subjects in foreign jurisdictions. That said, searches in Dutch, German and French were performed, and faculty members teaching animal law in European institutions were asked about other courses they were aware of. No other courses were revealed by these inquiries. Queries were also sent to people working in the field of animal law in Scandinavia, South Africa and India. From the responses received, it would seem that there are no law faculties teaching the subject in these jurisdictions.

³³ For example the constitutional recognition of animals found in Article 20a of the German Constitution (Art. 20a GG) and a recent Austrian case where personhood status and guardianship of Hiasl – a 26 year old Chimpanzee – was taken in an attempt to prevent his sale if the sanctuary where he is residing goes bankrupt: *Austrian Group Wants Chimpanzee Granted Basic Rights*,

Jurisdiction	Law Faculties Offering Animal Law	Law Faculties ³⁴	Percentage
Israel	2	4	50
New Zealand	2	5	40
United States	75	196	38
Canada	5	20	25
Australia	3	30	10
United Kingdom	4	78	5

FIGURE D – PERCENTAGE OF FACULTIES NATIONALLY OFFERING A COURSE IN ANIMAL LAW

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Although great strides have been made in getting animal law courses on university curricula, the data in Figure D shows that there is still considerable room for future growth. In the United States, less than 40% of institutions offering a J.D. program list a course in animal law, and the figures are even sparser in some of the other common law countries. The development of animal law in the United Kingdom has been particularly slow, a somewhat

<http://www.foxnews.com/story/0,2933,270078,00.html> (last visited Dec. 11, 2007.)

³⁴ The number of law faculties is somewhat contentious. For the U.S., the number of ABA sanctioned J.D. programs is listed at: American Bar Association, ABA Approved Law Schools, <http://www.abanet.org/legaled/approvedlawschools/approved.html> (last visited Dec. 6, 2007). In Canada, it is the institutions offering an LL.B. only. The World Law Guide, Law School Canada, <http://www.lexadin.nl/wlg/lawsch/nofr/oeur/lxlsca.htm> (last visited Feb. 8, 2008). In Israel, it is only universities. Israel Science and Technology Homepage, Law: Schools and Faculties in Israel, <http://www.science.co.il/Law-Schools.asp> (last visited Feb. 8, 2008). For Australia see: Council of Australian Law Deans, Law Schools, <http://www.cald.asn.au/schools.htm> (last visited Dec. 6, 2007). For the United Kingdom see: Hg.org, European Law Schools, <http://www.hg.org/euro-schools.html> (last visited Dec. 6, 2007). Finally, for New Zealand see: New Zealand Law Society, New Zealand University Law Schools, <http://www.nz-lawsoc.org.nz/oslnzlawsch.asp> (last visited Feb. 8, 2008).

unusual result since many of the most significant legal gains for animals have been made there,³⁵ and the movement for more humane treatment is such a powerful social force in that jurisdiction.³⁶

Animal Law Courses – Growth (by University)

The previous figures are useful in documenting a “snapshot” of animal law courses in 2007, but they fail to reveal how rapidly this area has expanded worldwide. The following charts and tables illustrate the statistics on this point and reveal some impressive numbers, demonstrating that the explosion of new animal law courses has been both sudden and dramatic.

³⁵ Examples include the banning of veal crates (Welfare of Farmed Animals (England)(Amendment) Regulations 2000); fox hunting and hare coursing (Hunting Act 2004); fur farming (Fur farming (Prohibition) Act 2000); and sow crates (Welfare of Farmed Animals (England)(Amendment) Regulations 2003).

³⁶ In addition to the legal reforms, animal welfare campaigns and the mass public protest that has followed have often helped bring issues to the fore and placed pressure for change. In the 1990s mass protests against live veal exports brought several of Britain’s ports to a standstill, Arkangel for Animal Liberation, UK Newspaper Stands up Against the Cruelty of Live Exports,

<http://www.arkangelweb.org/international/uk/20060627mirrorcalfexports.php> (last visited Dec. 11, 2007), similarly, large scale campaigns and the subsequent public outcry, resulting in protests up to 2,000 people strong, led to the closure of several laboratory animal suppliers including Consort Beagle breeders, and Hillgrove farm (a supplier of cats for research). Jill Phipps, Coventry Animal Alliance, <http://www.jillhipps.org.uk/covAA.htm> (last visited Dec. 11, 2007).

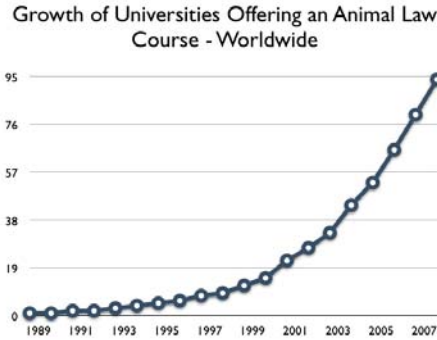


FIGURE E – GROWTH WORLDWIDE

Figure E shows the overall growth of animal law courses – counted by the number of universities offering such courses – over the past twenty years. In this chart, the data is cumulative, meaning that it takes into account both the new courses that have appeared and the courses that have been terminated.³⁷

The dramatic shape of the curve in Figure E should be enough to demonstrate how quickly the increase of courses has occurred, but to put this growth in its proper perspective, it is helpful to divide this data further by examining two separate periods of time. Leaving aside the initial three-year period of 1986-1988 during which the animal law course at Pace University was the only one in existence, it is useful to assess the remaining nineteen-year era in two separate blocks. The first, which I refer to as the “pioneering” period, measures growth between 1989-1999, a time in which each professor starting out to teach an animal law course could fairly be characterized as a pioneer. Not surprisingly, this initial ten-year period was one of sporadic growth. During this time, people like Professors Gary Francione, Taimie Bryant and Steven Wise in the United States, joined by Michael Radford and Simon Brooman in the United Kingdom, led the way by

³⁷ Courses offered only once by a visiting professor, with no possibility of being renewed, are not part of this data.

establishing new courses that paved the way for others in later years. Figure F below demonstrates the slow but steady rate of expansion in the U.S. and abroad in this period.

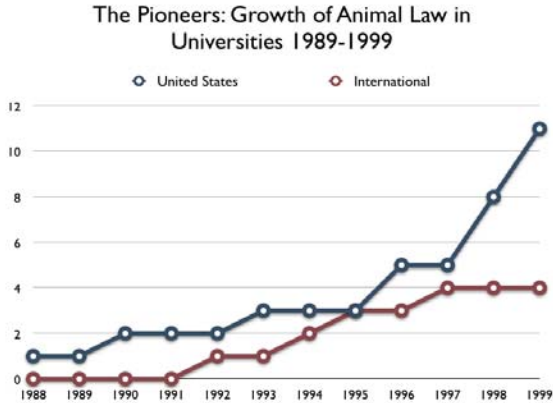


FIGURE F – EARLY GROWTH

As this figure demonstrates, new courses did occasionally appear during this early period, but growth was generally along the lines of being steady rather than spectacular. Between 1989 and 1996, the number of animal law courses went from one to just eight, essentially growing at a rate of about one new course per year. Within three years however, that number had doubled, with sixteen courses in place by the end of 1999. Outside of the U.S. however, growth was much slower. The three courses in place in 1995 had barely increased to four by the end of the decade.

Although sixteen courses worldwide was a good starting point, there was certainly no reason to expect in 1999 that the teaching of animal law would suddenly explode, but it did nonetheless. With Harvard University joining the fold in 2000, a new era had clearly begun, and during this period growth was much more dramatic, as Figure G reveals.

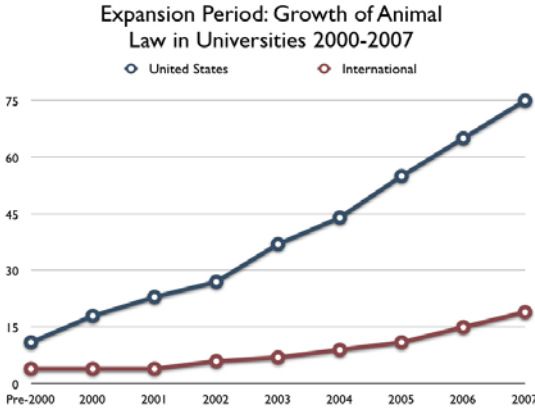


FIGURE G – A PERIOD OF EXPANSION

The data underpinning this chart is undeniably impressive. Since 1999, the number of available animal law courses has increased by almost 600%, with an average growth rate of close to 25% annually. In raw numbers, roughly 11 new courses are started each year.

<i>Year</i>	<i>Number of Courses</i>	<i># Increase</i>	<i>% Increase</i>
1999	15	3	25
2000	22	7	47
2001	27	5	23
2002	33	6	22
2003	44	11	33
2004	53	9	20
2005	66	13	25
2006	80	14	21
2007	94	14	18

FIGURE H – INCREASE OF UNIVERSITIES OFFERING COURSES WORLDWIDE

While the number of courses available has grown impressively, the rate of change has not been distributed evenly in a geographical sense. For a brief period in 1995 a student wishing to attend an animal law course would have an equal chance of doing so whether she lived in Europe or the United States. This parity did not last long, however. Since 1999, United States universities have offered at least four times as many courses as all the academic institutions in the rest of the world put together.

This trend seems to be in the process of changing, however. Although course growth outside of the United States stagnated for a seven-year period between 1995 and 2002, new interest abroad has stimulated a process of expansion similar to that which occurred in the United States between 1999 and 2007. Although the overall numbers are less impressive, the growth rate itself is similar. Moreover, as Figure I demonstrates, the gap in the distribution of courses between the United States and the rest of the world measured by percentage is narrowing - now at under 80%, from a high of almost 86% in 2001 - with more courses available each year in different countries around the globe. Obviously, there remains a large disparity, but it is encouraging to witness law faculties outside of the United States slowly waking up and recognizing the value of these types of courses.

<i>Year</i>	<i>United States Courses</i>	<i>Other Courses</i>	<i>% United States</i>
1995	3	3	50
1999	11	4	73
2000	18	4	81.8
2001	23	4	85.2
2002	27	6	81.8
2003	37	7	84.1
2004	44	9	83.0
2005	55	11	83.3
2006	65	15	81.2
2007	75	19	79.7

FIGURE I – DISTRIBUTION OF COURSES AS A PERCENTAGE

The data is certainly positive for those who believe that the teaching of these courses outside of the U.S. is desirable, as all trends point to this growth continuing, with each new course seeming to spur the development of several others. When I proposed my new course on animal law in New Zealand, I was aware of only one other course in the Southern Hemisphere – a graduate course offered at the University of New South Wales in Sydney. Two years later in April 2007, I was amazed to meet with no fewer than eight professors at an animal law teaching workshop in Sydney, Australia, all of whom were either teaching or interested in teaching a course on the topic. By late 2007, there were five courses up and running in Australia and New Zealand, with at least five more in the process of being established. The international scene looks ready to explode with new offerings over the next decade.³⁸

Frequency: How Often are Courses Offered?

The health of a particular subject can be measured in a number of ways. To be sure, the number of new courses that have been developed each year indicates the growth of animal law as a discipline, but it is one thing to get a new subject on the law school curriculum, and something else altogether to make it a “successful” course.

While it is hardly a definitive indicator, one measure of the success of a particular course is the frequency with which it is offered. Although this factor varies with each university and its available resources, there is a limit to the ability of a given faculty to offer every one of its courses in an annual period. As a very general rule, the most important and popular courses tend to be offered annually, while “niche” courses receive a lesser focus, and are taught on a bi-annual or occasional basis.

³⁸ As aforementioned, new courses are also in the works at several Canadian institutions, and there is interest in developing a course at Hong Kong University.

Frequency of Animal Law Course Offerings

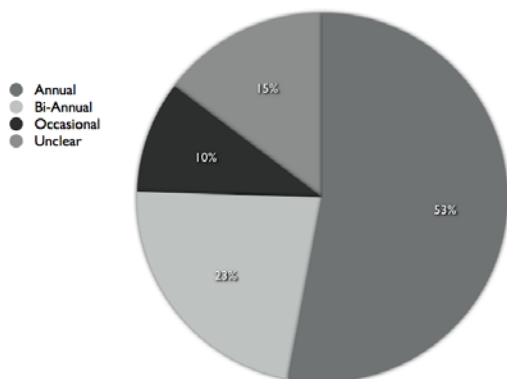


FIGURE J – FREQUENCY OF THE OFFERINGS

As Figure J demonstrates, if frequency is a valid indicator of health, animal law courses seem to be faring reasonably well in the quest for legitimacy, with over 50% offered on an annual basis. Twenty-three percent are offered on a bi-annual basis, and only 10% are provided less regularly.³⁹ A further 15% fall into a category that can only be described as “unclear,” mostly owing to the fact that they are simply too new to have a permanent place on the law school curriculum, though in most of these cases, survey respondents indicated that they hoped to teach the course on an annual basis.

In retrospect, it would have been useful to have asked professors whether their courses had always been taught at the same frequency, so as to be able to measure whether there is currently a higher percentage of courses offered annually than there was at an earlier date. Unfortunately, the survey was not designed in this manner. While it is possible to provide some idea

³⁹ An occasional course is any offering taught less than once during a two year period.

of teaching frequency for courses that were available at an earlier date by using the responses provided by older courses in the survey, there is no guarantee that these responses are accurate representations of how the courses were taught when they first originated. For this reason, I have avoided these sorts of comparisons.

Animal Law – Who is Teaching the Course?

In most law faculties, courses are taught by a mixture of different individuals. Tenured professors usually provide the bulk of the instruction, complemented by their younger colleagues on the “tenure-track”. In some institutions, courses are also taught by full-time staff who are not tenured – for example, the director of a research center or a member of the library. Almost every faculty also has members of the profession – known as “adjunct” professors – who teach courses as well.

Not surprisingly, people falling within each of these categories teach animal law, although the survey data (see Figure K) does reveal that a majority of the courses tend to be provided by adjunct professors. In a broad sense, there are advantages and disadvantages to this. Without question, adjunct professors are usually lawyers who bring a wealth of practical experience to the table. In the best instances, adjuncts are able to provide students with a “real world” perspective of cases involving animals and a sound understanding of the obstacles that await animal lawyers in the courtroom.

Permanent faculty members are not always able to provide this sort of perspective, but there are other gains in having full-time professors teaching in this area. To begin with, permanent faculty who teach animal law are also likely to conduct and supervise research in this area,⁴⁰ a development that permits graduate and post-graduate students to work on animal law related topics. It is somewhat speculative given the small amount of data, but the numbers also indicate that having a permanent member of staff teaching the course increases the likelihood of its long-term

⁴⁰ This is not always the case. Of the 46 full time members of faculty cited in Figure K who teach an animal law course, 11 show no signs of pursuing research in the area, though they may well do so in future.

survival. Of the eleven courses that have been terminated, only three have involved tenured faculty, and in two of these cases, the course only ended because the faculty member moved to another institution or retired.

An additional advantage provided by permanent professors is the presence these teachers provide on campus—a presence that is difficult to attain where the course is only taught by an adjunct. Worldwide there is a strong correlation between faculties where a permanent member of staff is involved and the development of activities related to animal law outside the classroom. Whether it involves the development of journals,⁴¹ the running of conferences or seminar series,⁴² the creation of research centers,⁴³ or the development of advocacy groups, full-time academics often tend to enrich the animal law experience for students inside and outside the classroom.⁴⁴ Notwithstanding the many benefits provided by adjuncts, they are seldom able to establish a robust presence at the faculty, as their teaching time tends to be the only contact they have with the institution. While such a hypothesis is impossible to

⁴¹ The first two animal law journals were developed at universities with permanent members of staff involved in animal law—the Animal Law Journal at Lewis & Clark and the Journal of Animal Law at Michigan State. Interestingly, the two newest law journals – the Journal of Animal Law and Ethics (Pennsylvania), and The Journal of Animal Law and Policy (Stanford), have started up at institutions where no permanent member of staff teaches animal law.

⁴² *E.g.*, Lewis & Clark Annual Animal Law Conference, <http://www.lclark.edu/org/saldf/conference.html> (last visited Dec. 14, 2007); Duke Animal Law Conference, <http://www.law.duke.edu/journals/lcp/articles/animallawconference.pdf> (last visited Dec. 14, 2007).

⁴³ *E.g.*, Lewis & Clark National Center for Animal Law, <http://www.lclark.edu/org/ncl/> (last visited Dec. 14, 2007); Duke Animal Law Project, <http://www.law.duke.edu/animallaw/index> (last visited Dec. 14, 2007).

⁴⁴ *E.g.*, Animal Rights Legal Advocacy Network, <http://www.arlan.org.nz> (last visited Dec. 14, 2007) (started at the University of Auckland with support of a faculty member); Griffith University Society for the Prevention of Cruelty to Animals, <http://lawtalk.voiceless.org.au/forum/index.php/topic,51.0.html> (last visited Dec. 14, 2007) (started at Griffith Law School with a lecturer as the group's advisor).

substantiate numerically, it stands to reason that student participation in animal law related activity is higher at institutions with permanent staff working or researching in this area.

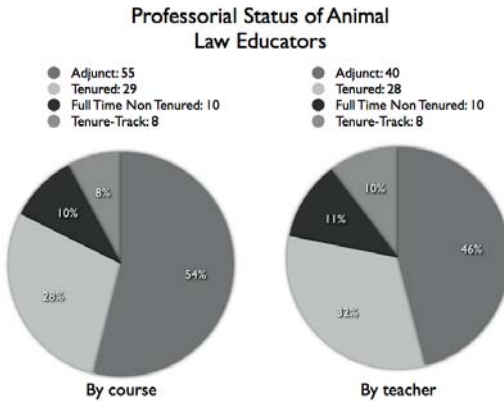


FIGURE K – STATUS OF THE PROFESSORS

Figure K breaks down the status of those people currently teaching courses in animal law. In terms of raw numbers, the split of full-time versus part-time teachers is almost even, with 55 of the 102 courses taught by adjunct professors and 47 taught by tenured, tenure-track or full-time faculty. Interestingly, if one focuses solely on the number of people teaching animal law, the percentages switch in the opposite direction, as several adjunct professors currently teach in more than one institution. Measured by individual, adjuncts represent only 46% of the people teaching animal law worldwide.

Of all the facts uncovered through the survey, this data may be the most surprising, especially given the persistent speculation suggesting that the teaching of animal law is undertaken almost entirely by adjunct professors.⁴⁵ This perspective is not entirely erroneous however, at least where the

⁴⁵ Favre, *supra* note 8, at 3.

United States is concerned. Figure L breaks down the status of professors by splitting the U.S. data off from the rest of the world, and the results demonstrate a marked disparity between the two regions.

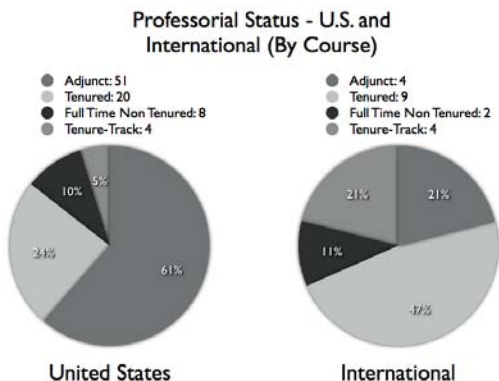


FIGURE L – COMPARISON OF PROFESSORIAL STATUS (REGIONAL)

The differences here are significant. In the United States, adjunct professors teach over 60% of the available animal law courses, while that number drops to just 21% abroad. Despite there being almost four times as many courses in the United States, the number of tenured or tenure track faculty involved in teaching them is not even double: 24 professors in the United States and 13 abroad.

Discerning the reason for this disparity is not easy, though a few speculative suggestions can be advanced. The first relates to the general willingness of international institutions to hire adjunct lecturers to begin with. In contrast to many of their international counterparts, most United States institutions offer a bewildering array of elective courses and encourage adjuncts to teach some of the more eclectic offerings. Many of the international institutions – and here I speak from my own experience, supplemented by what I have learned from my colleagues – are much more reluctant

to expand their range of electives, as they tend to depend heavily on government funding for financial support, and there is often little to be gained from putting a wider range of courses on the curriculum.

Another factor may well be the manner in which the animal law movement began in the United States, as for the most part it started with lawyers rather than academics. The Animal Legal Defense Fund (ALDF) has been a powerful force in the United States for almost two decades, and no other country can boast a similarly influential legal group. Early on, the ALDF recognized the importance of encouraging the development of animal law courses, and many members of the ALDF have taught them. In the United States, animal law in education started from the ground up, while in other countries it seems to have sprouted from academics interested in what the movement was doing in America. In direct contrast to the United States experience, most international faculty members indicated in their surveys that the decision to start a course was their own initiative, and that there was no groundswell of support or interest from the administration, or even from students. For these professors, teaching animal law has been mostly a labor of love or pursuit out of intellectual interest.

Impediments to the Development of Animal Law Courses

Although the process undoubtedly varies by institution, getting a new course onto the academic calendar is rarely easy. Faculties have a certain number of compulsory courses they must provide, a finite amount of resources, and an endless demand for modern subjects from students and educators. In many universities, proposals for new courses must be run through a faculty curriculum committee, making the process even more rigorous.

With so many obstacles to overcome, the growth of animal law over the past decade seems even more remarkable, but that is not to say that the expansion process has been entirely seamless. Many professors have had to fight hard in order to get their courses on the agenda, and have faced challenges in keeping them there. For some, the barriers have been slight, simply a matter of having to endure jokes or unpleasant comments from colleagues, but

others have faced more serious problems. In several cases, the difficulties were severe enough to lead to the termination of the course.

It may be useful to begin this section by simply presenting the raw data. On the positive side, the majority of people teaching animal law courses reported facing no resistance whatsoever. Leaving aside the four one-time courses, 104 universities have offered animal law courses as part of their regular curriculum. In 68 of these - 65% of the total – professors reported that they faced no impediments whatsoever. Indeed, many of the professors newest to teaching indicated that they were actually *invited* by the school to teach the course, proof of the health and continuing evolution of the discipline. On the other hand, over the past ten years eleven animal law courses have begun and subsequently been terminated, and not surprisingly, impediments were cited in all of these cases. In addition to these instances, 25 other professors reported impediments of some degree of seriousness, sometimes more than one.⁴⁶

Obstacles to the teaching of an animal law course tended to fall into one of three categories. The first is low student demand, a factor that was occasionally expressed as a matter of concern (e.g. “students don’t seem interested in this class”), but sometimes tended to reflect a more serious problem, to wit, the lack of priority given to the course by the administration (e.g. “this course is often scheduled in a very poor time slot”). The second category tended to be exclusive to full-time academics: that other courses were given priority. Again, the nature of this impediment varied dramatically, with comments occasionally posited in a neutral manner (e.g. “I enjoy teaching other courses as well and cannot fit all of them in”); more commonly, the comments reflected a concern that animal law was not given priority by the institution (e.g. “I’d like to teach animal law more often, but the faculty wants me to teach other courses”). Finally, a common complaint was a more general type of “institutional resistance,” a category that encompassed everything ranging from jokes by

⁴⁶ For this reason, the number of impediments listed in Figures M and N is not equal. Thirty-six professors reported at least one type of impediment (Figure N), but a total of forty-five impediments are listed (Figure M).

fewer members of faculty to intense opposition to the course by university administration. The number of each type of impediment is shown in Figure M.

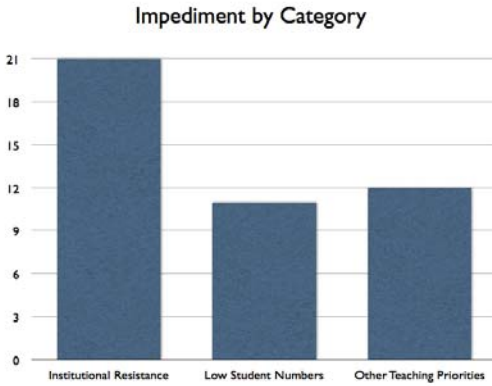


FIGURE M – IMPEDIMENTS TO TEACHING ANIMAL LAW

This data shows that animal law still has a long way to go before being accepted as a “core” legal studies course. Although I have not sourced any comparative figures, it would be highly unexpected if more than one in five courses (21 out of 104) on another legal topic faced institutional resistance from members of faculty. In my own faculty, courses of all sorts are regularly green-lighted once a professor expresses a strong interest in teaching them. Nonetheless, despite my persistence, it took five years for Animal Law to appear on the curriculum, and my experience was shared by other academics who took part in the survey.

The sheer number of courses facing resistance is only part of the problem. An equal source of concern relates to the identity of the professors who face this opposition, as the survey data revealed that it was full-time members of academic staff who confronted the biggest challenges in trying to establish animal law courses. As Figure N demonstrates, adjunct professors tend to meet with far fewer obstacles in teaching animal law courses than

their professional counterparts. While only 27% of adjunct professors faced any kind of difficulty with their animal law courses, that number rose to 44% of full-time academic staff.

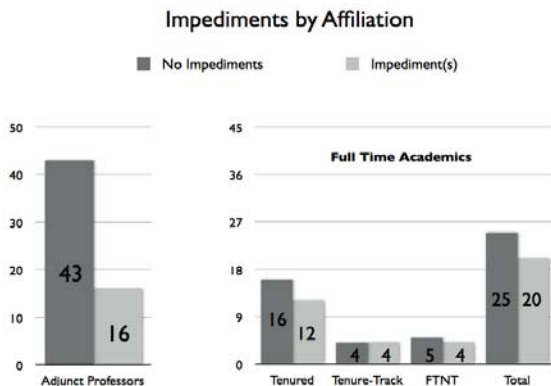


FIGURE N – IMPEDIMENT BY PROFESORIAL AFFILIATION⁴⁷

All things considered, this data is not particularly surprising. To begin with, many adjunct professors indicated that they were invited to teach courses in animal law, making it far less likely that they would report any type of institutional resistance. In addition, although it is not always the case, adjunct professors almost invariably teach just one course at the law faculty, and thus almost none reported the complaint that other courses took priority over their teaching time. Part-timers also tend to have far less contact with members of permanent staff, and thus remain immune to negative comments or efforts to alter the course's status on the academic calendar. Similarly, promotion and tenure are not a concern for adjuncts, and thus there is less reason for other academic staff to attempt to influence teaching and research choices with some form of subtle or explicit pressure.

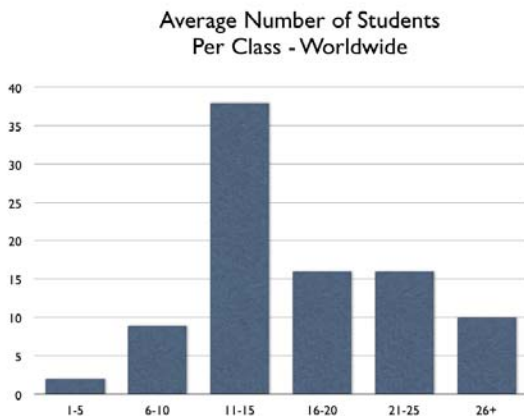
⁴⁷ FTNT stands for full-time non-tenured staff.

Naturally, all of these matters were concerns for full-time academic staff. Almost half of those surveyed reported an inability to focus on animal law issues as much as they would have liked, owing to some form of institutional pressure. Again, this pressure ranged from subtle comments of the administration that the energy put into the course would be better focused elsewhere, to overt demands to cease teaching the subject entirely. Several professors reported that they were only permitted to teach animal law if they offered it in addition to their ordinary course load.

It is hard not to imagine that lurking underneath many of these impediments was the continued perception amongst members of the legal academic world that animal law is not a subject worthy of intellectual study. Thankfully, this is likely to be the perception most easy to change over time. Over the past ten years, animal law has slowly begun making its way into the mainstream, and efforts like the law journals and conferences already discussed, along with some of the provocative new books written by animal lawyers and non-animal lawyers alike,⁴⁸ are forcing even the most conservative members of academic institutions to recognize that the study is a creditable subject of legal education.

What has also helped change negative perceptions is the relative health of animal law courses worldwide, in terms of students taking them. Only eleven out of 104 courses reported low student numbers as an impediment, and of those eleven, at least seven were new courses, and their professors attributed the low numbers as much to institutional resistance as student interest, with the courses placed in highly undesirable spots on the timetable.

⁴⁸ *E.g.*, ANIMAL RIGHTS: CURRENT DEBATES AND NEW DIRECTIONS (Cass Sunstein & Martha Nussbaum, eds., Oxford U. Press 2004); ANIMAL LAW IN AUSTRALASIA: A NEW DIALOGUE (Peter Sankoff & Steven White eds., Federation Press 2008 (forthcoming)).



**FIGURE O – STUDENTS IN ANIMAL LAW COURSES
(AVERAGE)**

Figure O sets out the average number of students per animal law course.⁴⁹ While this Figure provides some idea of the relative health of animal law as a topic in law faculties, its usefulness is somewhat muted by the huge variation in the courses themselves, the size of the universities where they are located, and the requirements of the individual faculties regarding course enrollment. For example, while most animal law courses at American universities are intended to be small seminars and restricted to no more than 20-25 students, in elective courses at the University of Auckland, where I teach, enrollment is never capped, which explains the high average of sixty-five students per class. Indeed, student numbers of this sort are common outside of North American institutions, as universities in these regions tend to offer fewer elective courses, which leads to larger student numbers taking animal law. The differences are shown in Figure P.

⁴⁹ Figures O&P include data from any survey that was returned, and thus includes data from courses that no longer exist, though this represented a very small proportion of the overall results.

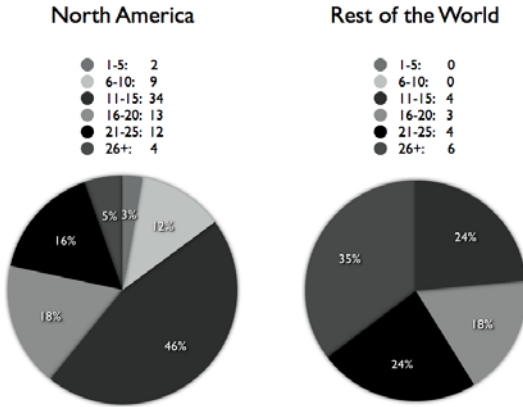


FIGURE P – AVERAGE NUMBER OF STUDENTS

With this level of disparity, it is not really possible to use student numbers as a strong indicator regarding the health of animal law as a subject. That said, the numbers are still of some interest and demonstrate that the topic is attracting a reasonable number of students. Almost 88% of respondents said that an average of eleven or more students enrolled in their courses annually, and 46% reported having at least sixteen students per year.

What is Being Taught?

The most difficult aspect of the survey lay in my attempt to discover what the teaching of animal law actually encompasses. Undoubtedly, much of the failure to uncover information on this matter rests with the survey itself, as only two questions related to the material covered in the animal law course: Question #3, which asked about the materials used in the course, and the request for a class syllabus. From these two queries, it was possible to draw some very rudimentary conclusions about the types of animal law

courses that currently exist. It is worth noting that many survey respondents did not have a syllabus or were unwilling to provide it, so the data in this section is restricted to a consideration of 77 courses that are currently being taught.

Of the seventy-seven, the easiest to separate are the small number of litigation courses, which have a very distinct focus. Only four of these courses exist.⁵⁰ These new offerings concentrate on how to use the law in court as a means of helping animals and have a very strong practical component. Often, students work in a clinic, and have only moderate course instruction.

Things become more difficult once the litigation courses are separated from the rest of the data. Looking over the syllabi as a whole, it is unquestionable that there are significant differences in the way in which animal law is taught, and these distinctions came through from the survey responses as well. Still, pinning down a precise distinction is not an easy task, although I believe the courses can be divided roughly into two categories: (a) courses that focus on law “in which the nature – legal, social or biological – of nonhuman animals is an important factor”⁵¹ and attempt to provide students with an overview of this law; and (b) courses focusing almost exclusively on broader jurisprudential themes relating to the law governing human-animal relations. For practical purposes, I have labeled Category A as Legal Courses, as these courses attempt to provide students with a survey of the major laws affecting animals. Category B is entitled Jurisprudential Courses, as these courses focus less on specific laws and the way they deal with animals, and more on the theoretical dimensions of the law related to animals.⁵²

⁵⁰ These include Duke (Animal Law Clinic), Georgetown (Animal Protection Litigation Seminar), George Washington (Animal Law Lawyering), and Lewis & Clark (Animal Law Clinic).

⁵¹ Pamela D. Frasch et al, *Animal Law*, 2d ed. (Carolina Academic Press, 2002) at xvii.

⁵² A division that might sound more familiar would be (a) Animal Law, and (b) Animal Rights Law: see Steven Wise, *Book Review: Animal Law – The Casebook*, 6 *Animal L.* 251 (2000). I chose not to use this terminology however, as I felt it did not truly reflect the courses that fell within the “jurisprudential” spectrum, for many specifically eschew the term “animal rights” in their syllabus.

To be sure, it is not a precise divide. Many Legal courses spend some time focusing on the theoretical aspects of the animal law debate, while most Jurisprudential courses spend some time on existing legislation or case law. Still, after looking at the focus of these courses in detail, it was impossible not to see distinctions between the two groups. Legal courses tended to cover a great deal more ground, exploring most of the major issues involving the law relating to animals, focusing upon legislation and case law. Questions of animal ownership, property concerns, tort law, contracts and constitutional law were all components of the course. In contrast, many Jurisprudential courses never touched on these matters at all. Instead, the courses tended to focus on philosophical and ethical questions and examine how animal interests are addressed in law. They grapple almost exclusively “with the difficult moral and legal questions that surround the legal personhood of nonhuman animals and whether we should be able to use and abuse them as we do”.⁵³ Not surprisingly, these courses tended to contain many references and excerpts from the work of Peter Singer, Tom Regan, Gary Francione, and Steven Wise.

Obviously, both types of courses have value, and the choice of how to approach the subject will depend heavily upon the desires of the individual professor and the demands of the institution. Interestingly, from what it was possible to divine from the information provided, animal law courses currently tend to break down almost evenly into the two categories, as Figure Q reveals. A third category, which I have defined as “Mixed”, constitutes courses that seem to cover an almost even balance of jurisprudential and legal topics.

<i>Category</i>	<i>Number of Courses</i>	<i>Percentage of Total</i>
Jurisprudential	36	48
Legal	28	36
Mixed	9	11
Litigation	4	5

FIGURE Q – TYPE OF ANIMAL LAW COURSES

⁵³ Wise, *id.* at 257.

Further information regarding the nature of the different animal law courses can be derived from the proscribed materials required for student reading. Not surprisingly, the *Animal Law* casebook – first released in 2000 and now in its third edition – is the most popular text, as indicated by Figure R.⁵⁴ Every one of the Legal courses utilized this text, but its usage was not restricted to this category. A number of jurisprudentially focused courses also relied upon this text for at least a portion of the allocated teaching time, though almost invariably, prepared materials or another book were provided as supplemental reading.

Animal Law: Use of Text Books

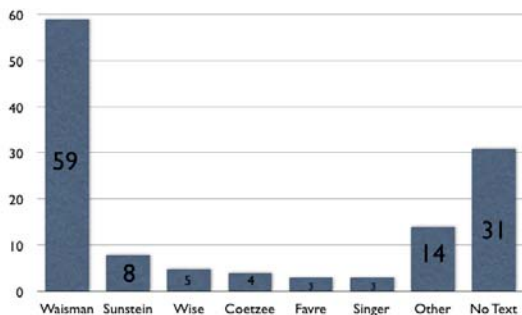


FIGURE R – TEXT BOOKS USED IN COURSES⁵⁵

⁵⁴ This popularity is restricted exclusively to the United States. With its strong focus on American law, *Animal Law* is not utilized by any of the international courses.

⁵⁵ These do not add up to the number of courses available, as a number of courses prescribed more than one book. The references are as follows: Waisman – *Animal Law*, supra n.51; Sunstein – *Animal Rights: Current Debates and New Directions*, supra n.48; Wise – Steven Wise, *Rattling the Cage – Towards Legal Rights for Animals* (Perseus Books, 2000); Coetzee – J.M. Coetzee, *The Lives of Animals* (Princeton University Press, 1999); Favre – David Favre, *Animals: Welfare, Interests and*

Conclusion

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Although it is impossible to chart a road map showing the precise route to a legal system that better protects animals, there can be little doubt that education plays a major part in the process. If nothing else, the development of animal law courses worldwide has helped give the movement a subtle push forward, both by increasing the quantity and quality of available legal research upon which to build new ideas, and by providing knowledge and inspiration for the “soldiers” who take up the battle.

As this article demonstrates, the growth of animal law as an educational topic is also one of the movement’s most tangible gains. In just over twenty years, animal law has gone from a subject on the fringe of academia to one that can legitimately be regarded as a common topic of legal study. With representation in less than half of the world’s common law institutions, it would be an overstatement to anoint the subject as a core topic of legal study, but it can no longer be described as a fringe subject pursued by a small number of devotees either.

Another promising fact revealed by the survey data is the growing number of full-time members of faculty who are beginning to teach in this area, as teaching animal law should give professors the opportunity to conduct research on this topic as well. Aside from producing a broader spread of research, the work of tenured professors should eventually attract funding and more detailed interdisciplinary work that can only be a boon for the movement as a whole.

In addition to the rapid growth occurring across the United States, the survey reveals that the experiment begun at Pace University in 1985 is becoming a worldwide success. American institutions are clearly leading the way, but this solid foundation is now making it possible for universities in other countries to come on board as well. This is a significant trend, for the global trade in animal products makes the legal status of animals a worldwide concern, and creating a framework that better respects the interests of animals will require solutions at the national, regional and

Rights (Mich. St. U., Det. Coll. L., 2003); Singer – Peter Singer, *Animal Liberation* (Random House, 1975).

international level.⁵⁶ Until recently, the quality and quantity of scholarly research and legal advocacy outside of North America lagged significantly behind the progress made in the United States, but the continued development of animal law courses internationally can only help narrow this gap in the long-term.

Perhaps more than anything else, what the survey data demonstrates most clearly is that success in getting one animal law course on a university curriculum tends to pave the way for many more. With each new course, animal law becomes a more entrenched and viable platform for those who wish to be pioneers in their own law faculties. Hopefully, five to ten years from now, neither full-time nor adjunct members of academic staff will face impediments in getting a course up and running in their own institution. Although there is still a long way to go in terms of using the law to attain a better world for the animals that live in it, the continued development of the subject in law schools is doing an excellent job of putting in place a framework that will give future lawyers the tools to take up this vital challenge.

⁵⁶ This is especially true where the World Trade Organization rules are concerned, as these rules are likely to have a major impact on any domestic reform in the long-term. See Peter Stevenson, *The World Trade Organisation Rules: A Legal Analysis of their Impact on Animal Welfare* 8 Animal L. 107 (2002); Laura Donnellan, *Animal Testing in Cosmetics: Recent Developments in the European Union and the United States* 13 Animal L. 215 at 262-265 (2006) (WTO impact on national legislation); Edward M Thomas *Playing Chicken at the WTO: Defending an Animal Welfare-Based Trade Restriction Under GATT's Moral Exception* 34 B. C. Env'tl. Aff. L. Rev. 605 (2007) (Examining GATT's impact on reforming EU standards, import restrictions/bans).

APPENDIX A – ANIMAL LAW SURVEY 2007

1. When was the first time you taught animal law in a Faculty of Law? [If you have taught the course at multiple law schools, please list the first time at each] If the course has not yet been taught, when is it scheduled to be taught for the first time?
2. Is your course still being offered? If so, how frequently? [e.g. Annually, bi-annually, occasional]

IF THE ANSWER TO QUESTION #2 IS “NO”, PLEASE ANSWER QUESTIONS 2A, 2B AND 2C, OTHERWISE SKIP TO QUESTION 3.

- 2a. When was the course last offered?
- 2b. Do you plan to teach the course again at any point?
- 2c. Why did you stop teaching the course?
3. Do you use a prescribed text for your course, or your own materials? If you do require students to purchase a text, which one?
4. On average, how many students tend to enroll in the course?
5. Have you encountered impediments, institutional or otherwise, to this course being offered at your faculty? [e.g. Resistance from other faculty, low student support, priority to teach other subjects]
6. What is your affiliation with the University? [e.g. Tenured faculty, tenure-track faculty, adjunct Professor]
7. How many years of experience do you have teaching in a University setting?

IF POSSIBLE, PLEASE INCLUDE A CLASS SYLLABUS FOR
YOUR COURSE AS AN ATTACHMENT

**APPENDIX B – LIST OF UNIVERSITIES
OFFERING ANIMAL LAW COURSES**

United States

<u>LOCATION</u>	<u>FIRST TAUGHT</u>
1. American University Washington.....	2007
2. University of Arizona, James Rogers College.....	2006
3. Arizona State University.....	2005
4. University of Arkansas, Little Rock.....	1998
5. University of California - Berkeley.....	2004
6. University of California - Davis.....	2000
7. University of California - Hastings.....	1996
8. University of California - Los Angeles.....	1993
9. California Western School of Law.....	1998
10. Benjamin N. Cardozo School of Law.....	1999
11. Case Western Reserve University.....	2002
12. Chapman University.....	2005
13. Chicago-Kent College of Law.....	2003
14. University of Cincinnati.....	2003
15. Columbia University.....	2006
16. University of Connecticut.....	2003
17. Cornell University.....	2007
18. DePaul University.....	2004
19. Duke University.....	2000
20. Emory University.....	2006
21. Florida Coastal School of law.....	2005
22. University of Florida Levin.....	2001
23. Georgetown University.....	2000
24. George Washington University.....	2002
25. George Mason University.....	2007
26. Harvard University.....	2002
27. Hofstra University.....	2001
28. University of Houston.....	2006
29. Indiana University.....	1999
30. John Marshall Law School.....	1998
31. Lewis & Clark, College of Law.....	1998
32. University of Louisville.....	2001
33. Loyola Law School - Los Angeles.....	2005

34. Marquette University.....	2005
35. University of Maryland	2003
36. University of Massachusetts.....	2004
37. Mercer University.....	2004
38. University of Miami	2007
39. Michigan State University.....	2000
40. University of Michigan.....	2000
41. University of Missouri-Kansas City.....	2003
42. University of New Mexico	2007
43. New York University	2006
44. Northeastern University.....	2007
45. Northwestern University	1999
46. Nova Southeastern University.....	2005
47. Pace University.....	2003
48. University of Pennsylvania.....	2006
49. Pepperdine University	2005
50. Rutgers University – Camden	2007
51. Rutgers University - Newark.....	1989
52. University of San Diego.....	2004
53. University of San Francisco	2003
54. Santa Clara University.....	2006
55. Seattle University	2003
56. South Texas College of Law	2006
57. Southern New England School of Law	2004
58. Southwestern University	2007
59. Stanford University	2005
60. University of St Thomas.....	2006
61. Temple University	2007
62. University of Tennessee	2005
63. University of Texas	2007
64. Texas Wesleyan University.....	2006
65. Tulane University	2005
66. Valparaiso University.....	2006
67. Vermont Law School.....	1990
68. Wake Forest University.....	2004
69. University of Washington.....	2003
70. Washington & Lee University.....	2006
71. Western State University.....	2007
72. William Mitchell College of Law.....	2005
73. Whittier College	1996

74. Widener University	2005
75. University of Wisconsin	2003

International

<u>LOCATION</u>	<u>FIRST TAUGHT</u>
1. University of Aberdeen (Scotland)	2000
2. University of Alberta (Canada)	2002
3. University of Auckland (New Zealand)	2006
4. University of Canterbury (New Zealand)	2006
5. Dalhousie University (Canada)	2004
6. Griffith University (Australia)	2007
7. University of Leeds (England)	2007
8. Liverpool John Moores University (England)	1994
9. McGill University (Canada)	2006
10. University of New South Wales (Australia)	2005
11. Northumbria (England)	2005
12. Quebec University (Canada)	2007
13. Ramat Gan Law School (Israel)	2002
14. Southern Cross University (Australia)	2006
15. Tel Aviv University (Israel)	2003
16. University of Utrecht (Netherlands)	1997
17. University of Victoria (Canada)	2007
18. University of Vienna (Austria)	2007
19. University of Zurich (Switzerland)	1995

Courses No Longer in Existence

<u>LOCATION</u>	<u>FIRST TAUGHT</u>
Boston College Law School (USA)	2003
University of Denver (USA)	2007
University of East Anglia (England)	2000
Golden Gate University (USA)	2004
Hamline University (USA)	2004
Florida State University (USA)	2005
Kingston University London (England)	2006
San Joaquin College of Law (USA)	2004
University of Southern California (USA)	2003

Suffolk University (USA)	2005
University of Lisbon (Portugal)	2004