NON HUMAN ANIMALS AND THE LAW: A BIBLIOGRAPHY OF ANIMAL LAW RESOURCES AT THE STANFORD LAW LIBRARY

By

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NON HUMAN ANIMALS AND THE LAW: A BIBLIOGRAPHY OF ANIMAL LAW RESOURCES AT THE STANFORD LAW LIBRARY

I. Books
II. Reports
III. Law Review Articles
IV. Newspaper Articles (including legal newspapers)
V. Sound Recordings and Films
VI. Web Resources

I. Books

RESEARCH GUIDES AND BIBLIOGRAPHIES

Hoffman, Piper, and the Harvard Student Animal Legal Defense Fund

The Guide to Animal Law Resources
Hollis, New Hampshire: Puritan Press, 1999
Reference KF 3841 G85

“As law students, we have found that although more resources are available and more people are involved that the case just a few years ago, locating the resource or the person we need in a particular situation remains difficult. The Guide to Animal Law Resources represents our attempt to collect in one place some of the resources a legal professional, law professor or law student might want and have a hard time finding.” Guide includes citations to organizations and internships, animal law court cases, a bibliography, law schools where animal law courses are taught, Internet resources, conferences and lawyers devoted to the cause.

The International Institute for Animal Law

A Bibliography of Animal Law Resources
KF 3841 A1 B53

Kistler, John M.

Animal Rights: A Subject Guide, Bibliography, and Internet Companion
HV 4708 K57


BOOKS

Ascione, Frank R. and Phil Arkow, eds.

Child Abuse, Domestic Violence and Animal Abuse: Linking the Circles of Compassion for Prevention and Intervention
West Lafayette, Indiana: Purdue University Press, 1999
HV 4712 C32
Bekoff, Marc, ed.  
*Encyclopedia of Animal Rights and Animal Welfare*  
HV 4708 E53

Best, Steven and Anthony J. Nocella II  
*Terrorists or Freedom Fighters: Reflections on the Liberation of Animals*  
New York: Lantern Books, 2004  
HV 4930 T47

Cavalieri, Paola  
*The Animal Question: Why Nonhuman Animals Deserve Human Rights*  
New York: Oxford University Press, 2001  
HV 4708 C4313

**Chapters**  
The Cultural Premises; The Problem of Moral Status, The Traditional Accounts; Speciesism; Welfare and the Value of Life; A Minimal Normative Proposal

Cavalieri, Paola, and Peter Singer, eds.  
*The Great Ape Project: Equality Beyond Humanity*  
New York: St. Martin’s Press, 1994  
HV 4711 G73

**Contents**  
Preface  
A Declaration on Great Apes  
Encounters with Free-living Apes  
*Chimpanzees—Bridging the Gap* by Jane Goodall  
*Meeting a Gorilla* by Douglas Adams and Mark Carwardine  
*Chimpanzees Are Always New to Me* by Toshisada Nishida  
Conversations with Apes  
*Chimpanzees’ Use of Sign Language* by Roger S. Fouts and Deborah H. Fouts  
*Language and the Orangutan: The Old ‘Person’ of the Forest* by H. Lyn White  
Miels  
The Case for the Personhood of Gorillas by Francine Patterson and Wendy Gordon  
Similarity and Difference  
*Gaps in the Mind* by Richard Dawkins  
The Third Chimpanzee by Jared Diamond  
*Common Sense, Cognitive Ethnology and Evolution* by Marc Bekoff  
What’s in a Classification by R.I.M. Dunbar  
Apes and the Idea of Kindred by Stephen R.L. Clark  
Ambiguous Apes by Raymond Corbey  
Spirits Dressed in Furs by Adriaan Kortlandt  
Ethics  
Apes, Humans, Aliens, Vampires and Robots by Colin McGinn  
What Darwinians Should Support Equal Treatment for Other Apes by James Rachels  
Profoundly Intellectually Disabled Humans and the Great Apes; A Comparison
Fadali, Moneim A.
*Animal Experimentation: A Harvest of Shame*
Los Angeles, California: Hidden Springs Press, 1996
HV4915 F33

Favre, David S.
*Animals: Welfare, Interests, and Rights*
East Lansing, Michigan: Animal Legal & Historical Center, 2003
KF 3841 F38

Favre, David and Peter L. Borchelt
*Animal Law and Dog Behavior*
KF 390.5 D6 F38

Contents
Ownership of Animals
Harm Caused by Animals
State and Local Government – Animal Regulation
Veterinarian Malpractice
The Development of Anti-Cruelty Laws During the 1800s
*Animal Behavior and the Law, An Introduction* by Peter L. Borchelt
*The Ethology and Epidemiology of Canine Aggression* by Randall Lockwood
Dog Bites – Basic Behavioral Principals and Misunderstanding Words by Peter Borchelt
Attacks by Packs of Dogs Involving Predation on Human Beings by Peter Borchelt, Randall Lockwood, Alan M. Beck, and Victoria L. Voith
*Evaluation of Fatal Dog Bites: The View of the Medical Examiner and Animal Behaviorist – A Case Report* by James R. Lauridson and Laurence Myers
Guidelines for Behavioral Discovery in Dog-Related Injury Cases
*Issues About Animal Behavior Related to Dog Bite Statutes* by Richard H. Polsky
Practical Issues to Consider in the Investigation and Evaluation of Fatal or Serious Dog Attacks by Peter Borchelt

Favre, David S. and Murray Loring
*Animal Law*
KF390.5 A5 F38

Fershtman, Julie I.
*Equine Law & Horse Sense*
KF390.5 H6 F47

“A collection of articles on the topic of equine law by one of the country’s best known lawyers practicing in equine law mixed with a healthy portion of everyday ‘horse sense.’”
Francione, Gary L.

*Animals, Property, and the Law*
KF 3841 F73

Foreword by William M. Kunstler, Esq.

**Book is divided into three parts**
- Part I, the Status of Animals as Property;
- Part II, A General Application of the Theory: Anticruelty Statutes; and
- Part III, A Specific Application of the Theory: The Regulation of Animal Experimentation.
In addition, there is an Epilogue, An Alternative to Legal Welfarism?

**Book Reviews have appeared in**
- Ethics v107 p395 (51-250 words) Jan ’97
- Book World v25 p7 (501+ words) Oct 1 ‘95
- Gary L. Francione, A Response to Adam Roberts (response to book review in Houston Journal of International Law, vol. 19, no.1, pgs 317-324, Fall, 1996

Francione, Gary L.

*Introduction to Animal Rights*
HV 4764 F74

**Chapters**
- The Diagnosis: Our Moral Schizophrenia about Animals; Vivisection: A Trickier Question; The Cause of Our Moral Schizophrenia: Animals as Property; The Cure for Our Moral Schizophrenia: The Principle of Equal Consideration; Robots, Religion, and Rationality; Having Our Cow and Eating Her Too: Bentham’s Mistake; Animal Rights: Your Child or the Dog?

Francione, Gary L.

*Rain without Thunder: The Ideology of the Animal Rights Movement*
HV 4764 F73

“In the past decade, a number of progressive social movements have become increasingly moderate and even reactionary in their attempts to become more ‘mainstream.’ Francione’s book brilliantly analyzes this phenomenon in a particular context—the animal rights movement… [His] analysis is an articulate and insightful warning not only for those interested in animal rights but for those interested in understanding the current paralysis of other movements for social justice. This is an important book.” Drucilla Cornell, Professor of Women’s Studies and Law, Rutgers University.

**Contents**
- Introduction: Animal Rights and Animal Welfare; Animal Rights: The Rejection of Instrumentation; The New Welfarists; The Philosophical and Historical Origins of New

Francione, Gary L. and Anna E. Charlton
*Vivisection and Dissection in the Classroom: A Guide to Conscientious Objection*
KF 3843 F73

Waisman, Sonia S., Bruce A. Wagman, and Pamela D. Frasch
*Animal Law: Cases and Materials*
KF 390.5 A5 A85
Note: This book is on course reserve for Animal Law, Fall 2005.

Frasch, Pamela D., Sonia S. Waisman, Bruce A. Wagman, and Scott Beckstead
*Animal Law: Cases and Materials*
KF 390.5 A5 A85

Animal Law casebook divided into chapters on Property Law, Contract Law, Tort Law, Constitutional Law, Selected Federal and State Civil Statutes, Criminal Law, and Wills and Trusts.

Gandhi, Meneka, Ozair Husain and Raj Panjwani
*Animal Laws of India*
KNS1517 .A28

“...The law, effectively harnessed, can become the most potent weapon in the fight against animal abuse and exploitation. Interpreted with courage and compassion, it can extend the maximum protection to living beings that cannot speak or fight for themselves.

“Animals are an integral part of the Indian economy and ecology. In their protection lies our own survival. Yet Animal Law has remained a largely neglected arena with few people even aware of the existence of codes that govern our use of animals. As a result, animals in our country have suffered enormous violence victimization.

“To bring about the ethical treatment of animals it is necessary to make Animal Law both familiar and accessible. The book is a first step in that direction. It is a comprehensive compilation of the law as it applies to draught, domestic, wild, experimental, meat, performing, and even pet animals. It is designed to provide the layperson with a fundamental understanding and working knowledge of these laws as well as equip the expert with a clear, concise, easily referred-to resource. It is a practical handbook that shows you what you can do when you see an overloaded bullock cart, a performing monkey or ivory on sale. Its purpose is to empower the citizens of India to use the strength of the law to protect animals against human greed and cruelty. It is a must-have manual for all those who wish to sustain informed campaigns in defense of these voiceless victims.”

Grandin, Temple and Catherine Johnson
*Animals in Translation* (on order)
Guither, Harold D.
*Animal Rights: History and Scope of a Radical Social Movement*
HV4708 G85

Contents
Chapters
The Evolution of Animal Welfare and Animal Rights; A Changing Philosophy for Human and Animal Relationships; Animal Welfare in Europe; Reformists and Abolitionists: Organizations and Their Leaders; A Profile of Animal Rights Activists by Wesley Jamison; The Debate over Animals in Research, Testing and Teaching; Intensive Animal Production: Efficient, Low-Cost Food or a Violation of Animal’s Rights; Expanding the Crusade for Animal Rights; Vegetarianism and Animal Rights; The Professions: Conflicts and Controversies; The Emerging Counterforce: Animal Interest Groups, Scientists, and Consumers React; Animal Protection in Congress; Freedom of Expression Out of Control; Seeking Legal Rights for Animals; Financing Animal Rights and Animal Welfare Activities; Resolving Conflict: Hopes or Dreams.

Appendixes

Tables
Composite Activist Profile; US Meat Consumption Per Capita, 1970-1996; Revenues, Fund Balances, and Assets of Major Animal Rights/Welfare Organizations; Public Support Received by Selected Organizations in Relation to Total Revenues; Bequests of Selected Animal Rights and Welfare Organizations.

Also includes detailed bibliography and index

Jasper, James M. and Dorothy Nelkin
*The Animal Rights Crusade: The Growth of a Moral Protest*
New York: The Free Press, 1992
HV 4764 J37

Jasper, Margaret C.
*Animal Rights Law*
Dobbs Ferry, N.Y.: Oceana Publications, 2002 (2nd ed.)
KF 3841 Z9 J37

Part of the Oceana Legal Almanac Series: Law for the Layperson.

Contents
Chapters
The Animal Rights Movement; Animal Anti-Cruelty Legislation; Marine Mammals; Livestock and the Meatpacking Industry; Animal Experimentation; Hunting and Wildlife Management; Sports and Entertainment; Endangered Species; Companion Animals, Animal Sacrifice

Appendices
National Animal Rights Organizations; State Animal Anti-Cruelty Statutes; Federal Animal Welfare Act; Complaint – *Kissinger v. Board of Trustees of Ohio State University College of Veterinary Medicine*; State Hunter Harassment Statutes; Sample Hunter Harassment Statute – State of Massachusetts; Wild and Free-Roaming Horses and Burros Act; Endangered Species – Categorized by State; The Endangered Species Act; USFWS Endangered Species Program Offices.
From the Introduction: “The purpose of this book is to bring together representatives from many sides of the animal-rights debate, so that students and researchers can see a variety of personalities and points of view in a single printed volume. Dozens of polemical writings are produced each year on animal-rights issues, in journals and in books, presenting their arguments persuasively for one opinion or another. Unfortunately, very few publications have attempted to provide personal perspectives from these activists. This is the first work of its kind, based on collecting interviews with identical questions asked of all participants, so that their responses may be compared and contrasted.”

Participants
Carol J. Adams, Ron Arnold, David Barbarash, Don Barnes, Gene Bauston, Marc Bekoff, Brian Bishop, Robert Cohen, Priscilla Cohn, Karen Coyne, Diana Dawne, Ryan DeMares, Sherrill Durbin, Michael Fox, Milton Freeman, Margery Glickman, Kimber Gorall, Alan Herscovici, Alex Hershaft, J.R. Hyland, Roberta Kalechofsky, Crystal Kendell, Deanna Krantz, Finn Lynge, Kathleen Marquardt, Pat Miller, Laura Moretti, Ingrid Newkirk, Ava Park, Teresa Platt, Susan Roghair, Anthony L. Rose, Andrew Rowan, Jerry Schill, Cindy Schonholz, Mary Zeiss Strange, Patti Strand, Michael Tobias, Frankie L. Trull, William L. Wade, Ed Walsh, Ben White

Questions Asked
Q1: Could you tell us a little bit about yourself? Who are you? Where and when were you born? What do you enjoy?
Q2: How did you become involved in animal rights issues? Was it a single event, or a gradual process that started you down the path toward activism?
Q3: What are one or two issues that you spend the most time on? Why do you care so much about this (or these) issues? Why should other people also care about this?
Q4: What are your short-term and long-term strategies for achieving your goals? What do you do exactly, on a regular basis, toward these goals? Write? Research? Education? Protest?
Q5: What is your ultimate goal on this issue? When could you say, “we have succeeded”? 
Q6: Do you work closely with any formal groups or organizations? Which one(s)?
Q7: What groups or types of people do you consider to be “the opposition”?
Q8: Whom do you admire the most, or who inspires you? Name one or two, modern or ancient heroes you have?
Q9: Is religion or spirituality a part of your life? Does this religion (or lack of it) help, motivate, or hinder your work?
Q10: Would you describe a very funny or very strange experience that you have had in your work as an activist?
Q11: What advice would you give to a person just starting into animal rights (or opposing-animal-rights) activism? What important lessons have you learned; or mistakes you made, that others might learn from?
Q12: Do you have anything to add to these questions that might be helpful to readers?
Contents

Chapters

The Evolution of Anti-Cruelty Laws in the United States by Emily Stewart Leavitt
First Federal Law to Prevent Cruelty to Animals by The Animal Health Division, Agricultural Research Service, United States Department of Agriculture
Humane Slaughter Laws by Emily Stewart Leavitt
Laboratory Animal Welfare by Christine Stevens
Cruelty on the High Seas, Importation of Wild Animals and Birds by Frederick A. Ulmer, Jr.
Dogs by Lewis Sharpley
Cats by Emily Stewart Leavitt
Horses by Pearl Twyne
Laws Regulating the Sale of Small Animals and Birds by Christine Stevens
Fighting and Baiting by Christine Stevens
Trapping by Christine Stevens
Human Education in the Public Schools by Emily Stewart Leavitt
Organizations for the Protection of Animals, and Law Enforcement Agencies by Emily Stewart Leavitt
Marine Mammals by Christine Stevens

Appendix

State Laws Regulating Transportation of Livestock; Federal Humane Slaughter Act; Foreign Anti-Cruelty Laws and Humane Slaughter Laws, Foreign Laboratory Animal Welfare Laws; British Cruelty to Animals Act, 1876; French Decree Regulating Experiments on Animals, 1968; Michigan Law Licensing Animal Dealers; Laws on Dog Stealing; Hit and Run Drivers; Keeping Live Birds to be Shot At; Easter Chick Laws, Ordinances; Massachusetts SPCA Rules Governing Horse and Ox Pulling Contests; Animal Health Division, U.S. Department of Agriculture, Field Stations and Veterinarians in Charge; State Law Libraries; Annotated Statutes of the States; Schweitzer Medallists; Bibliography; Some Publications of the Animal Welfare Institute
From the Editors’ Preface: “Animal Sacrifice and Religious Freedom is a riveting account of a freedom of worship case [Church of the Lukumi Babalu Aye v. City of Hialeah] with more twists and turns, bizarre subplots, and eccentric characters than a classics whodunit. The outline of the story seems clear enough. Ernesto Pichardo, a Cuban immigrant in the 1960s and a self-styled priest of Santeria, sets up a new church in Florida. The sect is an old one, fusing Afro-Cuban ancestor worship, African rituals, and Roman Catholic saints, but Pichardo’s version of it emphasizes its African religious roots and universal truths. Central to these are ritual sacrifices of animals to propitiate the orishas, African ancestral deities. But Pichardo is not of African ancestry, and from its inception his church faces criticism from other adherents of Santeria, the Cuban community, and animal rights advocates.”

Regan, Tom
Defending Animal Rights
HV 4711 R366

Regan, Tom
Empty Cages: Facing the Challenge of Animal Rights
HV 4764 R44

Regan, Tom
The Struggle for Animal Rights
HV 4764 R45

Includes an Introduction by Colman McCarthy.

Sherry, Clifford J.
Animal Rights: A Reference Handbook
Santa Barbara, CA: ABC-CLIO, 1994
HV 4764 S5


Silverstein, Helena
Unleashing Rights: Law, Meaning, and the Animal Rights Movement
HV 4708 S555
“This book examines the relationship between law, social movement activism, and social change by focusing on the animal rights movement’s efforts to advance social reform through the deployment of legal language and practices. Silverstein looks at how prevailing understandings of rights language have shaped the attempt to put forth the idea that animals have rights, and how this attempt, in turn, offers the opportunity to reconsider the meaning of rights. She also analyzes how litigation has influenced the movement’s activities and opportunities for success. She concludes that despite their many constraints, both rights talk and litigation are powerful resources for those who seek change, especially when used by strategically minded activists.” Law and Security Inquiry, Fall, 1996, BOOK NOTES.

Silverstein, Helena
*Unleashing Rights: Law and the Politics of the Animal Rights Movement*
HV 4708 S554

Singer, Peter, Editor
*In Defense of Animals: The Second Wave*

Contents include:
- Contents
- Notes on Contributors
- Introduction
  - Peter Singer
- Part I The Ideas
  - 1 Utilitarianism and Animals
    - Gaverick Matheny
  - 2 The Scientific Basis for Assessing Suffering in Animals
    - Marian Stamp Dawkins
  - 3 On the Question of Personhood beyond Homo sapiens
    - David DeGrazia
  - 4 The Animal Debate: A Reexamination
    - Paola Cavalieri
  - 5 Religion and Animals
    - Paul Waldau
- Part II The Problems
  - 6 Speciesism in the Laboratory
    - Richard D. Ryder
  - 7 Brave New Farm?
    - Jim Mason and Mary Finelli
  - 8 Outlawed in Europe
    - Clare Druce and Philip Lymbery
  - 9 Against Zoos
    - Dale Jamieson
  - 10 To Eat the Laughing Animal
    - Dale Peterson
- Part III Activists and Their Strategies
  - 11 How Austria Achieved a Historic Breakthrough for Animals
    - Martin Balluch
  - 12 Butchers’ Knives into Pruning Hooks: Civil Disobedience for Animals
    - Pelle Strindlund
Opening Cages, Opening Eyes: An Investigation and Open Rescue at an Egg Factory Farm
Miyun Park

Living and Working in Defense of Animals
Matt Ball

Effective Advocacy: Stealing From the Corporate Playbook
Bruce Friedrich

Moving the Media: From Foes, or Indifferent Strangers, to Friends
Karen Dawn

The CEO as Animal Activist: John Mackey and Whole Foods
John Mackey, Karen Dawn, and Lauren Ornelas

Ten Points for Activists
Henry Spira and Peter Singer

A Final Word
Peter Singer

Further Reading: Books and Organization Websites

HV 4711 I6

Singer, Peter
Animal Liberation
HV 4708 S56

Singer, Peter
Ethics into Action: Henry Spira and the Animal Rights Movement
HV 4764 S69 S55

Soave, Orland
Animals, the Law and Veterinary Medicine: A Guide to Veterinary Law
Lanham, Maryland: Austin & Winfield, Publishers, 2000 (4th ed.)
KF 3835 S67

Soave, Orland
Animals, the Law and Veterinary Medicine: A Guide to Veterinary Law
San Francisco: Austin & Winfield, 1997
KF 3835 S67

“A concise presentation of the law as applied to animals in veterinary medicine. An easy reference for veterinarians, attorneys, animal welfarists, animal technicians, Zoo administrators and others interested in animals.”

Sperling, Susan
Animal Liberators: Research and Morality
Berkeley, California: University of California Press, 1988
HV 4764 S68
Sunstein, Cass and Martha Nussbaum, eds.  
*Animal Rights: Current Debates and New Directions*  
New York: Oxford University Press, 2004  
HV 4708 A56

Tester, Keith  
*Animals and Society: The Humanity of Animal Rights*  
New York: Routledge, 1991  
HV 4705 T47

This book “uses a variety of historical sources and a coherent social theory to tell the story of the invention of animal rights. It moves from incidents like the medieval execution of pigs to a discussion of the politics and strategies of modern animal rights organizations. The book also presents radical interpretations of nineteenth-century animal welfare laws, and the accounts of the Noble Savage. The insights generated by social science are always at the core of the discussion and the author draws on the work of Michael Foucault, Norbert Elias and Claude Levi-Strauss and Mary Douglas.”

Varner, Gary E.  
*In Nature’s Interests? Interests, Animal Rights, and Environmental Ethics*  
GE 42 V38

From the book jacket: “This thought-provoking book is a carefully argues response to what author Gary Verner [Associate Professor of Philosophy at Texas A&M University] characterizes as ‘two dogmas of environmentalism’: the assumptions that animal rights philosophies and anthropocentric views are each antithetical to sound environmental policy. Beginning from the view that all and only entities with interests have moral standing, Varner defends a biocentric individualistic stance with affinities to both animal rights and anthropocentric views. He argues that every living organism has interests which ought, other things being equal, to be protected, but that some interests take priority over others. In particular, he defends sentientist principle giving priority to the lives of animals with conscious desires and an anthropocentric principle giving priority to certain very inclusive interests which only humans have. He then shows that these principles are not only consistent with, but provide significant support for, the goals of the environmental agenda. Along the way, Varner surveys problems facing attempts to develop a holistic environmental ethic, provides a careful analysis of the notion of desire and its scope in the animal kingdom, and improves upon available arguments for the claim that nonconscious organism possess morally significant interests.”

Waisman, Sonia S., et al.  
*Animal Law*  
See above, under “Frasch”

Wise, Steven M.  
*Drawing the Line: Science and the Case for Animal Rights*  
HV 4708 W57

Wise, Steven M.
Rattling the Cage: Toward Legal Rights for Animals
K3620 W57

Book review

See also
Rattling the Cage (VHS), 2000 C-SPAN Archives, XV 644

II. Reports

Human Rights Watch
Abuses Against Workers Taint U.S. Meat and Poultry
January 25, 2005
Available at

Report details the sweat shop conditions at slaughterhouses, including the frequent physical and emotional injuries caused by the rapid industrial slaughter and dismemberment of animals. It also points out that agribusiness corporations and slaughterhouses are preventing their employees from unionizing.

Juvenile Justice Bulletin
Animal Abuse and Youth Violence
U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention
September 2001
HV 4708 A83

CRS Report for Congress
Brief Summaries of Federal Animal Protection Statutes
Henry Cohen, Legislative Attorney, American Law Division
November 30, 1998
KF 3841 A373

American Bar Association
Animal Law Report
Young Lawyers Division, Animal Protection Committee
Winter 1984-85 through Spring 1995
KF 3841 A15 A55
III. Law Review Articles

ARTICLES FROM ANIMAL LAW

Although its contents are itemized below (with a few abstracts from the journal), an excellent place to begin research on animal law issues is by perusing the individual issues of the journal Animal Law, “the nation’s first law journal devoted exclusively to animal-related issues.” Animal Law is published by the students of Northwestern School of Law of Lewis & Clark College in response to the need for legal scholarship concerning animal issues. Its inaugural issue came out in 1995. For more information, contact:

Animal Law
10015 S.W. Terwilliger Blvd.
Portland, Oregon 97219
503-768-6798
alj@lclark.edu
www.lcark.edu/~alj

Its location in the law library is in the basement, call letter K 1 N46

Katz, Richard J., Michael C. Blumm, and Holly Anne Gibbons
Origins of Animal Law: Three Perspectives

Regan, Tom
The Day May Come: Legal Rights for Animals

Dillard, Carter
False Advertising, Animals, and Ethical Consumption

Duckler, Geordie
On Redefining the Boundaries of Animal Ownership: Burdens and Benefits of Evidencing Animals’ Personalities

Favre, David
Integrating Animal Interests Into Our Legal System
ANIMAL LAW, v. 10, p. 87-98 (2004)

Fouts, Roger S.
Apes, Darwinian Continuity, and the Law
Nunalee, Mary Margaret McEachern, and G. Robert Weedon
*Modern Trends in Veterinary Malpractice: How Our Evolving Attitudes Toward Non-Human Animals Will Change Veterinary Medicine*

Green, Christopher
*The Future of Veterinary Malpractice Liability in the Care of Companion Animals*

Chilakamarri, Varu
*Taxpayer Standing: A Step Toward Animal-Centric Litigation*

Nattrass, Kate M.
“...*Und Die Tiere*” *Constitutional Protections for Germany’s Animals*

Burstein, Devin
*Breed Specific Legislation: Unfair Prejudice and Ineffective Policy*

Clermont, Emilie
2003 Legislative Review

Perry, Nancy V.
*Ten Years of Animal Law at Lewis & Clark Law School*
ANIMAL LAW, v. 9, p. ix (2003)

Chambers, Steve Ann, Dominique Castro, and Karla Wejberg, moderators
*The Evolving Legal Status of Chimpanzees*

Introduction: “On September 30, 2002, Harvard Law School hosted a legal symposium sponsored by the Chimpanzee Collaboratory’s Legal Committee. The symposium featured speakers with expertise on chimpanzees, as well as legal scholars and lawyers who discussed the possibility of obtaining legal rights for chimpanzees and other great apes. This symposium sought to advance the argument that chimpanzees are entitled to some degree of legal status, and the speakers presented a range of views about how far such legal rights should extend. These remarks reflect the connection between the growing scientific understanding of chimpanzees and the advances in related legal doctrines.”

Girgen, Jen
*The Historical and Contemporary Prosecution and Punishment of Animals*
Jones, Dena M. and Sheila Hughes Rodriguez
*Restricting the Use of Animal Traps in the United States: An Overview of Laws and Strategy*

Tozzini, Sandra
*Hair Today, Gone Tomorrow: Equine Cosmetic Crimes and Other Tails of Woe*
ANIMAL LAW, v. 9, p. 159-182 (2003)

Antoncic, Lydia S.
*A New Era in Humane Education: How Troubling Youth Trends and a Call for Character Education are Breathing New Life Into Efforts to Education Our Youth About the Value of All Life*

Byszewski, Elaine T.
*Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and a Suggestion for Valuing Pecuniary Loss of Companionship*

Rackstraw, Jennifer H.

DiLuigi, Denee A.
*In the Line of Fire: Brown v. Muhlenberg Township and the Reality of Police Seizures of Companion Animals*

Patel, Shennie
*Making the Change, One Conservative at a Time: A Review of Dominion: The Power of Man, the Suffering of Animals, and the Call To Mercy By Michael Scully*

Tobias, Michael
*A Review of Minding Animals: Awareness, Emotions, and Heart By Dr. Marc Bekoff*

Keturakis, Emilie
*2002 Legislative Review*
ANIMAL LAW, v. 9, p. 331-56 (2003)

Sunstein, Cass R.
*Enforcing Existing Rights*
ANIMAL LAW, v. 8, p. i-vii (2002)
Hoffman, Jane E. and David J. Wolfson, moderators

The Legal Status of Nonhuman Animals

Introduction: “On September 25, 1999, a distinguished group of legal scholars met in New York City at the 5th Annual Conference on Animals and the Law, hosted by the Committee on Legal Issues Pertaining to Animals of the Association of the Bar of the City of New York, to discuss how the law classifies nonhuman animals and whether the current legal framework is in accord with scientific understanding, public attitudes, and fundamental principles of justice.”

Garner, Robert

Political Ideology and the Legal Status of Animals
ANIMAL LAW, v. 8, p. 77-92 (2002)

Striwing, Helena

Animal Law and Animal Rights on the Move in Sweden

Stevenson, Peter

The World Trade Organisation Rules: A Legal Analysis of Their Adverse Impact on Animal Welfare

Bartlett, Steven J.

Roots of Human Resistance to Animal Rights: Psychological and Conceptual Blocks

Tresl, Jacqueline

Shoot First, Talk Later: Blowing Holes in Freedom of Speech
ANIMAL LAW, v. 8, p. 177-198 (2002)

Ms. Tresl examines the constitutionality of hunter harassment laws.

Duckler, Geordie

The Economic Value of Companion Animals: A Legal and Anthropological Argument for Special Valuation

Ireland, Laura J.

Canning Canned Hunts: Using State and Federal Legislation to Eliminate the Unethical Practice of Canned “Hunting”
ANIMAL LAW, v. 8, p. 223-242 (2002)

Campbell, Angela

Could A Chimpanzee or Bonobo Take the Stand?
Fulkerson, Laurie
*2001 Legislative Review*

Blumenauer, Earl
*The Role of Animals in Livable Communities*
ANIMAL LAW, v. 7, p. i-vi (2001)

Tribe, Laurence H.
*Ten Lessons Our Constitutional Experience Can Teach Us About the Puzzle of Animal Rights: The Work of Steven M. Wise*

Wise, Steven M.
*Dismantling the Barrier to Legal Rights for Nonhuman Animals*

Beloof, Douglas E.
*Crime Victims’ Rights: Critical Concepts for Animal Rights*

Taylor, Rowan
*A Step at a Time: New Zealand’s Progress Toward Hominid Rights*
ANIMAL LAW, v. 7, p. 35-44 (2001)

Waisman, Sonia S. and Barbara R. Newell
*Recovery of “Non-Economic Damages” for Wrongful Killing or Injury of Companion Animals: A Judicial and Legislative Trend*
ANIMAL LAW, v. 7, p. 45-74 (2001)

Waldau, Paul
*Will the Heavens Fall? De-Radicalizing the Precedent-Breaking Decision*
ANIMAL LAW, v. 7, p. 75-118 (2001)

Edwards, Sam B. III.
*Legal Trade in African Elephant Ivory: Buy Ivory to Save the Elephant?*
ANIMAL LAW, v. 7, p. 119-140 (2001)

Scheiner, Craig
*“Cruelty to Police Dog” Laws Update*
ANIMAL LAW, v. 7, p. 141-144 (2001)

Finigan, Alicia
*2000 Legislative Review*
Jackson, Erin N.  
*Dead Dog Running: The Cruelty of Greyhound Racing and the Bases for its Abolition in Massachusetts*  
ANIMAL LAW, v. 7, p. 175-220 (2001)  

Davis, Bill  
*Rebuilding the Wall*  
ANIMAL LAW, v. 7, p. 221-36 (2001)  

Furse, Elizabeth  
*Wildlife – Our Most Valuable Public Resource*  
ANIMAL LAW, v. 6, p. i-iv (2000)  

Sauder, Joseph  
*Enacting and Enforcing Felony Animal Cruelty Laws to Prevent Violence Against Humans*  

Hughes, Elaine L. and Christiane Meyer  
*Animal Welfare Law in Canada and Europe*  
ANIMAL LAW, v. 6, p. 23-76 (2000)  

Johnson, Lisa  
*Environmentally Friendly Ranching? An Interview on the High Desert*  
ANIMAL LAW, v. 6, p. 77-82 (2000)  

Nardo, Marilyn Lee  
*Feedlots – Rural America’s Sewer*  

Darling, Lafcadio H.  
*Legal Protection for Horses: Care and Stewardship or Hypocrisy and Neglect?*  
ANIMAL LAW, v. 6, p. 105-128 (2000)  

Roberts, Adam M. and Nancy V. Perry  
*Throwing Caution to the Wind: The Global Bear Parts Trade*  
ANIMAL LAW, v. 6, p. 129-150 (2000)  

Lake, Aaron  
*1999 Legislative Review*  
ANIMAL LAW, v. 6, p. 151-78 (2000)  

Newell, Barbara  
*Animal Custody Disputes: A Growing Crack in the “Legal Thinghood” of Nonhuman Animals*  
ANIMAL LAW, v. 6, p. 179-84 (2000)
Brosnahan, Paula
ANIMAL LAW, v. 6, p. 185-192 (2000)

Suckling, Kieran
A House on Fire: Linking the Biological and Linguistic Diversity Crises

Breyer, Amy A.
Asset Forfeiture and Animal Cruelty: Making One of the Most Powerful Tools in the Law Work for the Most Powerless Members of Society

Albrecht, Michelle K.
Genetic Engineering of Domestic Animals: Human Prerogative or Animal Cruelty?

Wise, Steven M.
Animal Law – The Casebook
ANIMAL LAW, v. 6, p. 251-8 (2000)

This review discusses the recently published ANIMAL LAW casebook. Mr. Wise discusses its positive impact on the growing field of animal law and argues that it should focus more on animal rights law.

Wolfson, David J.
Steven M. Wise: Rattling the Cage – Toward Legal Rights For Animals
ANIMAL LAW, v. 6, p. 259-70 (2000)

Book review.

Rosenthal, Chandra and Kara Gillon
Don’t Fence Me In—Application of the Unlawful Inclosures of Public Lands Act to Benefit Wildlife

Ms. Rosenthal and Ms. Gillon discuss the effect of the Unlawful Inclosures Act on movement of wildlife on public lands. The authors propose that access protections preserved for other wildlife should be extended to the Sonoran pronghorn antelope in the southwestern United States.

Lockwood, Randall
Animal Cruelty and Violence Against Humans: Making the Connection
ANIMAL LAW, v. 5, p. 81-88 (1999)

This essay focuses on the theory relating repeated international abuse of animals to a variety of violent, antisocial behaviors including child abuse, domestic violence, and violent criminal activities. Mr. Lockwood argues that the public became aware of this connection long before most
law enforcement or mental health officials did. He emphasizes that animal abuse should be used as an indicator of violence in the home, and as a warning for future violent acts against people.

Wise, Steven M.  
*Animal Thing to Animal Person—Thoughts on Time, Place, and Theories*  
ANIMAL LAW, v. 5, p.61-68 (1999)

Mr. Wise challenges the rule that ‘animals are property’ and argues that animals deserve the legal rights afforded to humans. He offers seven strategic considerations for attorneys who wish to have an impact on animal rights and overcome the Great Legal Wall in the animal law field.

Earnshaw, Gwendellyn Io  
*Equity as a Paradigm for Sustainability: Evolving the Process Toward Interspecies Equity*  
ANIMAL LAW, v. 5, p. 113-46 (1999)

Ms. Earnshaw discusses the concept of resource sustainability and argues that the only way to reach a truly sustainable system is to embody interspecies equity. She believes that consideration of non-human animals based upon their own inherent self interests is the true test of sustainability. The article explores the negative impacts of suppressing interspecies equity and presents examples of how to incorporate the ideals of equity into sustainability theory.

Dylan, Coby  
*Examining the Viability of Another Lord of Yesterday: Open Range Laws and Livestock Dominance in the Modern West*  
ANIMAL LAW, v. 5, p. 147-76 (1999)

Mr. Dolan focuses on the recent case of Dr. Patrick Shipsey, an Oregon landowner convicted of shooting cattle that wandered onto his land, to demonstrate the development of open range laws in Oregon and the West. The comment also provides policy alternatives that reflect modern demographic changes and rebalancing of the economic and environmental burdens of ranching practices.

Lake, Aaron  
*1998 Legislative Review*  
ANIMAL LAW, v. 5, p.89-112 (1999)

Legislative Review is a new feature summarizing the major state ballot initiative drives over the past year. The 1998 Legislative Review contains an overview of initiatives cockfighting in Arizona and Missouri; trapping in Alaska and California, including: hunting in Minnesota and Ohio; animal farming in California, Colorado, and South Dakota; and wildlife protection in Utah.

Wolfson, David J.  
*McLibel*  
ANIMAL LAW, v. 5, p. 21-60 (1999)

Mr. Wolfson discusses the background and holding of the English ‘McLibel’ case in relation to cruel common farming practices, its unique legal context, and the impact of the holding on animal law in general and state anti-cruelty laws in the United states. In addition, he explores the
contradiction that McLibel exposes: the fact that a common farming practice can be found cruel in the view of a reasonable person, yet legal pursuant to an anti-cruelty statute.

Frasch, Pamela D., Stephan K. Otto, Kristen M. Olsen, and Paul A. Ernest
State Animal Anti-Cruelty Statutes: An Overview
ANIMAL LAW, v. 5, p. 69-80 (1999)

These authors introduce the current status of state animal anti-cruelty laws in the United States. This essay is intended to serve as a resource for research and statistical purposes, and as a guide to determine which anti-cruelty statues need improvement.

Scheiner, Craig Ian
Statutes With Four Legs to Stand On?: An Examination of “Cruelty to Police Dog” Laws
ANIMAL LAW, v. 5, p. 177-225 (1999)

This comment review police dog laws of forty states and one territory of the Untied States. Mr Scheiner explores the policy considerations of using police dogs and the laws that protect them. He concludes that police departments have the sole discretion of deployment and therefore are the only ones who can truly protect police dogs.

Lyman, Howard
Free Speech, Animal Law, and Food Activism
ANIMAL LAW, v. 5, p. i-vi (1999)

Mr. Lyman relates his experience with ‘Mad Cow Disease,’ particularly his appearance as a guest on the segment of Oprah that lead to the suit by Texas cattlemen against Lyman and Oprah Winfrey. He proposes that free speech should allow all citizens to air their opinions about the safety of food and the treatment of animals in the United States.

Wise, Steven M.
ANIMAL LAW, v. 4, p.33 (1998)

The author is President, center for the Expansion of Fundamental Rights, Inc. in Boston; Adjunct Professor, Vermont Law School (teaching Animal Rights Law since 1990); Lecturer, Masters Program in Animals and Public Policy, Tufts University School of Veterinary Medicine.

“The ‘animals as property’ syllogism arbitrarily, irrationally, unfairly, and formally limits recovery of noneconomic damages for the wrongful deaths of companion animals. It ignores the fact that the relationship between a human and his companion animal is no more based upon economics than is any other family relationship. It perversely permits the award of damages for an economic loss that a human companion does not suffer and refuses to compensate for the emotional distress and the loss of society and companionship that he actually does suffer. The failure to recognize the reality of the relationship that exists between human companions and companion animals may also lead to a failure to permit damages for the emotional distress that a human companion suffers upon witnessing the circumstances of a companion animal’s wrongful death.

“The claims of humans for the emotional distress they suffer after witnessing the wrongful killing of their companion animals and from the emotional distress and loss of companionship they suffer from the loss itself should be evaluated as are any other damages for tortuous injury. If human
companions of companion animals are not compensated for the injuries they actually suffer, and no rational, fair, and sufficiently weighty policy considerations can justify this refusal, the overarching principle of full compensation for tortuous injury will be undermined by an irrationality and arbitrariness that should not be part of the common law.”

**OTHER ARTICLES**

Bratspies, Rebecca M.  
*Glowing in the Dark: How America’s First Transgenic Animal Escaped Regulation*  

Coxwell, Will  
*The Case for Strengthening Alabama’s Animal Cruelty Laws*  

Favre, David S.  
*Judicial Recognition of the Interests of Animals – A New Tort*  

Fischer, Lorraine L.  
*“No Animals Were Harmed . . .”: Protecting Chimpanzees From Cruelty Behind the Curtain*  
HASTINGS COMMUNICATIONS AND ENTERTAINMENT LAW JOURNAL, v. 27 n. 2, p. 405-41 (2005)

Huss, Rebecca J.  
*Recent Developments in Animal Law*  

Kreuziger, Colin  
*Dismembering the Meat Industry Piece by Piece: The Value of Federalism to Farm Animals*  

Kreuziger, Colin  
*The Value of Federalism to Farm Animals*  

Seymour, Julaine  
*Who Can Be Harassed? Claims against Animal Rights Protestors under Section 3 of the Protection from Harassment Act 1997*  
THE CAMBRIDGE LAW JOURNAL v. 64, pt. 1, p. 57-65 (2005)
Skibinsky, Christina G.  
*Changes in Store for the Livestock Industry? Canada's Recurring Proposed Animal Cruelty Amendments*  

Brower, Charles H. II.  
*The Lives of Animals, the Lives of Prisoners, and the Revelations of Abu Ghraib*  

Burke, Katherine A.  
*Can we stand for it? Amending the Endangered Species Act with an animal-suit provision*  

Cucuzzella, Paul J.  

Krieger, Jonathan  
*Emotions and Standing for Animal Advocates after ASPCA v. Ringling Bros. & Barnum & Bailey Circus*  

Liebman, Matthew G.  
*Detailed Discussion of Exotic Pet Laws*  
ANIMAL LEGAL AND HISTORICAL CENTER (2004)  
Available online at http://www.animallaw.info/articles/ddusexoticpets.htm.

Markarian, Michael and Jonathan R. Lovvorn  
*Swan Song? Giving a Voice to Mute Swans in the Chesapeake Bay*  

Mickish, Janet, and Kathleen Schoen  
*Colorado alliance for cruelty prevention: safe pets, safe families, safe communities*  

Seymour, George  
*Animals and the Law: Towards a Guardianship Model*  

Sileo, Carmel  
*In emotional distress case, judge shows horse sense*  
Takahashi, Mitsuhiko A.
*Cats v. Birds in Japan: How to Reconcile Wildlife Conservation and Animal Protection*

Adams, W. A.
*The myth of ethical neutrality: property, patents, animal rights and animal welfare in Commissioner of Patents v. President and Fellows of Harvard College*

Asay, Addie Patricia
*Greyhounds: racing to their deaths*

Gillespie, Alexander
*Humane Killing: A Recognition of Universal Common Sense in International Law*

Harrop, Stuart R.
*From Cartel to Conservation and on to Compassion: Animal Welfare and the International Whaling Commission*

Letourneau, Lyne
*Toward animal liberation? The new anti-cruelty provisions in Canada and their impact on the status of animals*

Lubinski, Joseph
*The Cow Says Moo, the Duck Says Quack, and the Dog Says Vote! The Use of the Initiative to Promote Animal Protection*

Parmenter, Mark J.
*Does Iowa's anti-cruelty to animals statute have enough bite?*

Sunstein, Cass R.
*The Rights of Animals*

Tao, Betsy
*A Stitch in Time: Addressing the Environmental, Health, and Animal Welfare Effects of China’s Expanding Meat Industry*
White, Steven
*Legislating for animal welfare*

Albright, Katrina M.
*The Extension of Legal Rights to Animals under a Caring Ethic: An Ecofeminist Exploration of Steven Wise’s Rattling the Cage*

Chandola, M. Varn
*Dissecting American Animal Protection Law: Healing the Wounds with Animal Rights and Eastern Enlightenment*
**WISCONSIN ENVIRONMENTAL LAW JOURNAL**, v. 8, n. 1, p. 3-30 (2002)

Davis, Susan E.
*Prosecuting Animal Hoarders Is like Herding Cats*

Kang, Andrea
National Audubon Society v. Davis, *307 F.3d 835 (9th Cir. 2002)*

Kruse, Corwin R.
*Baby steps: Minnesota raises certain forms of animal cruelty to felony status*
**WILLIAM MITCHELL LAW REVIEW**, v. 28, n. 4, p. 1649-80 (2002)

Payne, Ruth
*Animal Welfare, Animal Rights, and the Path to Social Reform: One Movement's Struggle for Coherency in the Quest for Change*

Pyc, Joanne M.
*Changing the Animal Legal Paradigm Using the United States Tax Code*

Roth, Jaime I.
*Reptiles in the Weeds: Civil RICO vs. the First Amendment in the Animal Rights Debate*

Senatori, Megan Ann
*The Second Revolution: the Diverging Paths of Animal Activism and Environmental Law*
**WISCONSIN ENVIRONMENTAL LAW JOURNAL**, v. 8, n. 1, p. 31-51 (2002)
Swanson, Katharine M.  
*Carte Blanche for Cruelty: The Non-Enforcement of the Animal Welfare Act*  

Tresl, Jacqueline  
*The broken window: laying down the law for animals*  

Winters, Heather D.  
*Updating Ohio's animal cruelty statute: how human interests are advanced*  

Wise, Steven M.  
*Rattling the Cage defended*  

Dryden, Amie J.  
*Overcoming the inadequacies of animal cruelty statutes and the property-based view of animals*  

Frasso, Paula J.  
*The Massachusetts anti-cruelty statute: a real dog--a proposal for a re-draft of the current law*  

Gentry, Dianna J.  
*Including companion animals in protective orders: curtailing the reach of domestic violence*  

Hersini, Deawn A.  
*Can’t get there from here . . . without substantive revision: the case for amending the Animal Welfare Act*  

Kolber, Adam  
*Standing upright: the moral and legal standing of humans and other apes*  

Kramer, Matthew H.  
*Do animals and dead people have legal rights?*  
Livingston, Margit
*Desecrating the ark: animal abuse and the law’s role in prevention*

Mavany, Salma
*Regulating the military's survival skills training under the Animal Welfare Act*
*BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW*, v. 29, n. 1, p. 45-68 (2001)

Mosel, Amy
*What about Wilbur? Proposing a federal statute to provide minimum humane living conditions for farm animals raised for food production*
*UNIVERSITY OF DAYTON LAW REVIEW*, v. 27, n. 1, p. 133-87 (2001)

Nussbaum, Martha Craven
*Animal rights: the need for a theoretical basis*
*HARVARD LAW REVIEW*, v. 114, n. 5, p. 1506-49 (2001)

Scheiner, Craig I.
*Crimes Against Nonhuman Animals and Florida’s Courts 1889-2001*
*THE FLORIDA BAR JOURNAL*, v. 75, n. 10, p. 52-8 (2001)

Trollinger, Melissa
*The link among animal abuse, child abuse, and domestic violence*
*THE COLORADO LAWYER*, v. 30, n. 9, p. 29-32 (2001)

Uralde, Jimena
*Congress’ failure to enact animal welfare legislation for the rearing of farm animals: what is truly at stake?*
*UNIVERSITY OF MIAMI BUSINESS LAW REVIEW*, v. 9, n. 1/2, p. 193-216 (2001)

Verchick, Robert R. M.
*A new species of rights*
*CALIFORNIA LAW REVIEW*, v. 89, n. 1, p. 207-29 (2001)

Camm, Tara, and David Bowles

Favre, David S.
*Equitable self-ownership for animals*
Gardner, Joshua E.

At the intersection of constitutional standing, congressional citizen-suits, and the humane treatment of animals: proposals to strengthen the Animal Welfare Act


Harrop, Stuart R.

The international regulation of animal welfare and conservation issues through standards dealing with the trapping of wild mammals


Madeline, Beth Ann

Cruelty to animals: recognizing violence against nonhuman victims


Posner, Richard A.

Animal rights


Rosa, Jennifer S.

Chapters 118 and 208 of the laws of 1999: the New York Legislature develops a pseudo animal rights agenda


Sunstein, Cass R.

Standing for animals (with notes on animal rights)


Nowicki, Carole Lynn

The Animal Welfare Act: All Bark and No Bite [Note]


Burt, Marianna J.

Laws & Paws: the Legal Path to Justice for Animals

ANIMAL GUARDIAN, Summer, p. 11 (1999)

Also available at:
http://www.ddal.org/Publications/Guardian/laws.html

Kelch, Thomas G.

Toward A Non-Property Status of Animals

NEW YORK UNIVERSITY ENVIRONMENTAL LAW JOURNAL, vol. 6, p. 531 (1998)

The author, an Associate Professor of Law at the Whittier Law School, writes

“This Article will demonstrate that, under the traditional methodology for modification of the common law, all of the factors suggestive of a need for change in the status of animals as property
presently exist. Thus, it is an appropriate time for the judiciary to take an evolutionary step in the development of the common law and remove animals from their status as mere property.

“In addition, the Article makes a proposal for the direction of this evolutionary stride, arguing that animals should be viewed not as property but as the holders of the fundamental rights necessary to fulfill their nature—their telos…”

The author concludes,

“…Once this proposition is accepted, the content of animals’ rights can be developed as society progresses toward recognizing the interests of animals. Ultimately we will have what might be termed an Animals’ bill of Rights. We now require only the courage of our jurists to press in the direction required under our inherited notions of the common law.”

Wise, Steven M.
The Legal Thinghood of Nonhuman Animals

Abstract: Giving non-human animals a legal thinghood stems from the moist primitive legal systems. This arose from ancient hierarchical cosmologies and the triumph of man-centered Biblical law over the secular, utilitarian law of Mesopotamia. Only in the 18th century did the discrediting of these theocentric, hierarchical cosmologies start, yet many still reject Darwinism, believe in hierarchical cosmologies and regard animals as property. The law should liberate at least some of the nonhuman animals from the legal thinghood and give them some of the rights of legal personhood.

Francione, Gary L.
Animals, Property and Legal Welfarism: “Unnecessary” Suffering and the “Humane” Treatment of Animals

Grey, Marilyn
Animal Testing and the Law
ANIMALS’ AGENDA, May, p. 39, 47 (1991)

Frye v. United States in 1923 established the legal precedent supporting the admissibility of animal test data in cases involving humans. More recently, cases have demonstrated significant failure of animal test data. Courts have ruled “studies to be inclusive” (Wells v. Ortho Pharmaceutical), “speculative… unconvincing… not solid scientific date” (UAW v. Johnson Controls), and “not helpful in the instant case because they involve different species” (Agent Orange Produce Liability). Chronic Toxicity Studies determine cancer risk, but high levels used would rarely, if ever, be found in humans, and courts are accordingly skeptical of CTS information. IN lynch v. Merrell National Labs, the court ruled: “There is no evidence that Lynch was exposed to the types of animal studies…are therefore inadmissible in opinion nor create a genuine issue for trial.” In Richardson v. Richardson-Merrell Inc. and Berhardt v. Richardson-Merrell the court ruled that extrapolating animal data to explain human effects was too theoretical to meet the requirements of legal proof.

Abstract courtesy of the Humane Education network (H.E.N) Animals in Laboratories Information Service (ALIS) database. For more information, kindly visit http://www.hennet.org
Kellert, Stephen R. and Alan R. Felthous  
*Childhood Cruelty toward Animals among Criminals and Noncriminals*  

“This paper examines the relationship between childhood cruelty toward animals and aggressive behavior among criminals and noncriminals in adulthood.

“Data were derived from personal interviews with 152 criminals and noncriminals in Knasas and Connecticut. A standardized, closed, and open-ended interview, requiring approximately 1-2 hours to complete, was administered to all subjects. Aggressiveness was defined by behavioral criteria rather than by reason for incarceration.

“Childhood cruelty toward animals occurred to a significantly greater degree among aggressive criminals than among nonaggressive criminals or noncriminals. Additionally, the occurrence of more than 40 cases of extreme animal cruelty facilitated the development of a preliminary classification of nine distinct motivations for animal cruelty. Finally, family violence, particularly paternal abuse and alcoholism, were significantly more common among aggressive criminals with a history of childhood cruelty toward animals.”

Joyce Tischler  
*Rights For Nonhuman Animals: A Guardianship Model for Dogs and Cats*  
14 *San Diego Law Review* 484 (1977)

IV. Newspapers (including legal newspapers)

*Dog’s Best Friend: Bruce Wagman has made a career of defending animals*  
By Brenda Sandburg  
*The Recorder*, August 1, 2005, p. 1  
PF RE OK

Article profiles Bruce Wagman, litigation director for the Animal Legal Defense Fund and the professor of Stanford’s Animal Law class.

*Milk Board Ads Bring the State into 17200 Suit*  
By Mike McKee  
*The Recorder*, November 17, 2004, p. 1  
PF RE OK

*A Courtroom Champion For 4-Legged Creatures: A Conversation with Steven Wise*  
By Claudia Dreifus  

*Solo Practitioner Dogged About Animal Rights*  
By Victoria Rivkin  
*New York Law Journal*, November 27, 2000, p. 1
Rattling Cages: Animal Law, or the Law of the Jungle and the Backyard, is Being Taken very Seriously By Some Attorneys and Animal Rights Activists

By Meredith Alexander
SAN FRANCISCO DAILY JOURNAL, October 19, 1999, p. 1

Reports on San Francisco’s proposed new health law that describes humans as the “guardians” of their pets as well as their “owners.” The article says “[t]he guardianship idea was posited in a law review article 20 years ago by Joyce Tischler, now executive director of the Animal legal Defense Fund in Petaluma.” The article also reports that a case brought by the ALDF, Animal Legal Defense Fund v. Glickman, involving a roadside zoo that allegedly neglected a chimpanzee’s psychological well-being will be argued later in October, 1999. The article also credits San Francisco lawyer Derek St. Pierre as one of the two students who successfully lobbied for an animal law course at U.C., Hastings, making that school the first in the San Francisco Bay Area to offer such a course. St. Pierre files briefs on behalf of the Mill Valley based In Defense of Animals. One of their cases is the deceased willed that his Cadillac car should be crushed and his horses killed after his death; St. Pierre “argued that animals, unlike a Cadillac, were not mere property, and that Anglo-American law ‘creates an artificial dualism’ between persons and property. Probate Judge Susan Fowler agreed, and cited St. Pierre’s argument in her decision to save the horses.” The article also goes into some detail on the legislative history of the proposed change to San Francisco’s law, with comments from both those who support and oppose the insertion of “guardian” into the city’s health code, a change approved by 5-1 vote of the San Francisco Commission for Animal Control and Welfare.

This article is reprinted, with the same title here:
SAN JOSE POST RECORD, October 20, 1999 p.1

Animal Law Practitioners Seek Justice, Not Dollars

By Victoria Rivkin
NEW YORK LAW JOURNAL, October 19, 1999, p.1

Quotes a number of attorneys who devote all or a substantial part of their practices to animal law issues. Elinor Molbegott is identified as one who helped draft the Felony Animal Cruelty Law, also known as “Bustler’s Law,” which elevated to a felony intentional and extreme cruelty toward non-farm domesticated animals. Other NY attorneys identified in the piece include: Karen Copeland, Maddy Tarnofsky, David J. Wolfson, Darryl M. Vernon, Suzan Porto.

Pet Peeve: Do We Own Our Pets, or Just Supervise Them?

We Are Owners: Laws Backed by Animal Activists Have the Potential to Go Too Far, by Bob Hallstrom [a small animal veterinarian practicing in Pittsburg, California]
We Are Guardians: People Who Adopt Animals Need Recognition for Acting Ethically by Elliot Katz [a veterinarian who is the founder and president of In Defense of Animals]
SAN FRANCISCO CHRONICLE, September 2, 1999, p. A29 (opinion page)

Answering the Call of the Wild: A Rare Breed of California Lawyer is Waging Legal Battles Over the Fate of the Peregrine Falcon, the Delta Smelt and Other Endangered Snakes, Birds and Animals.
By Pamela d. McClintock
CALIFORNIA LAW BUSINESS, October 5, 1998, p.12

Fighting Crime Against Critters: Rights Groups Work Toward Stricter Penalties For Violence Against Animals
By Anh-Minh Le

This article talks about the work being done by the Walnut Creek, California based Voices for Pets and quotes its director Leroy Moyer as saying, “we want to make sure that court system is aware that the public is watching and wants [animal cruelty] treated as a violent crime.” The article also discusses California Senate Bill 1991, which would require a defendant who is convicted of animal cruelty and placed on probation to be evaluated to determine the need for psychiatric or psychological counseling, in recognition of the “link between torturing animals and harming or killing people…”

Michael Rotsen: Ace Pet Attorney
By Elizabeth Freudenthal
CALIFORNIA LAW BUSINESS,

This article is a profile of Encino, California attorney Michael Rotsen who runs a solo practice devoted entirely to animal law.

Animal Abusers Face Jail Terms as States Crack Down
By J.C. Conklin

Pets Suits Yielding Larger Damages for the Owners Emotional distress a factor, among other novel theories
By Gail Diane Cox

Article reports on a number of the “five figure recoveries for pets” including:

A $15,000 jury verdict after the plaintiff’s dog bled to death following a spaying operation. The court allowed a jury instruction that “intrinsic value can supplement market value, analogizing it to the ‘heirloom’ worth of wedding photos or a grandmother’s brooch. Stephanski v. Wimpy, DEC 266.40 (Franklin Cir. Court)

A $30,000 settlement after a security guard shot an arthritic German shepherd.

“clients of New York sole practitioner Edward Martz…turned down a $25,000 settlement of a veterinary malpractice suit because the deal included no admission or wrongdoing…”

Drafting Trusts for Animals
By Frances Carlisle and Paul Franken
NEW YORK LAW JOURNAL, December 13, 1997, p.1

In July, 1996, the New York Legislature added section 7-6.1 to the Estates, Powers and Trusts Law to permit a person to create a trust for the care of designated domestic or pet animals. This article discusses some practical aspects of creating these trusts and some of the problems that may arise in attempting to comply with the statute.
DA Watches Out for The Bears
By Jean Guccione
SAN FRANCISCO DAILY JOURNAL, July 7, 1997, p. 1

Profile of Alpine County, California District Attorney Colleen E. Hemingway who is “…fast becoming known for her vigilance in protecting members of the local bear population she fears will be hunted down an killed for breaking and entering sheds and cars in search of food.

Animal Abuse Targeted: Novel Oregon effort brings together prosecutors, animal protection groups
By Cynthia Scanlon

This article reports on the “…first program in the nation to prosecute animal abuse cases…a joint effort between the Multnomah County District Attorney’s Office in Portland, the Multnomah County Animal Control, the Oregon Humane society and the4 Animal Protection Legal Defense Fund.”

Dog-Death Damages Expanded to “Intrinsic Value”
By Bill Alden
NEW YORK LAW JOURNAL, August 28, 1996, p. 1

This article comments upon the court case Erwin v. The Animal Medical Center where, “[c]larifying the type of damages that a pet owner can receive for the loss of a dog, a Bronx [NY] judge has ruled that…Erwin can go ahead with at least part of his novel suit on the grounds that he is not limited to recovering the purchase price of his dog.

“Instead, declaring that a dog is ‘somewhere between a person and personal property,’ Civil Court Judge Karen. B. Smith has ruled that pet owners are entitled to the ‘actual value’ of their pets in cases where they prove their pets died as a result of someone else’s negligence.”

By Stephanie Francis Cahill
CALIFORNIA LAW BUSINESS, March 18, 1996, p. 17

Profiles the work of Michael Rotsten, Giselle and Bill Abernathy, and Daniel Hempey

Animal Rights Activists Condemn Agribusiness
By Josh Stratham
HARVARD LAW RECORD, November 17, 1995, p. 1

“Representatives of various interests opposed to factory farming discussed the negative impact of agribusiness on animals, the environment and rural communities and also touched on the failure of the legal system to offer sufficient remedies.

“ ‘The fundamental problem non-human animals have…is they have no legal rights,’ said Steven Wise”
Futility Hasn’t Dull Lawyer’s Ardor for Animal Rights
By Neil MacFarquhar
NEW YORK TIMES, November 15, 1995, p. C19

Profile of Garly L. Francione of the Rutgers University’s Animal Rights Law Center.

V. Sound Recordings and Films

A Legal Person: A Lawyer Makes the Case for Animal Rights
100 Minutes (DVD)
2004 Ambient Cat
XY 38

A documentary exploring controversial lawyer and legal scholar Steven Wise's arguments for the legal rights of chimpanzees and bonobos.

Wolf – An Ancient Spirit Returns
46 Minutes, 29 Seconds (VHS)
2004 Howard Rosen Productions, Inc.
XV 840

Reexamines the relationship between humans and wolves. See http://www.bullfrogfilms.com/catalog/wolf.html for synopsis, awards, and reviews.

The Buffalo War
56 Minutes, 40 Seconds (VHS)
2001 Buffalo Jump Pictures, Inc.
XV 841

The battle over the yearly slaughter of America’s last wild bison outside Yellowstone National Park. See http://www.bullfrogfilms.com/catalog/buff.html for synopsis, awards, and reviews.

Rattling the Cage
69 Minutes (VHS)
2000 C-SPAN Archives
XV 644

Discussion and debate on animal rights, particularly concerning professor Wise’s book Rattling the Cage. The author argues that basic legal rights should be extended to animals, starting with chimpanzees and other lab animals.

Henry – One Man’s Way
53 Minutes (VHS)
1997 Peter Singer
XV 839
An inspiring portrait of Henry Spira, the most effective animal rights activist of the pasty twenty years. While he might not be a household name, Spira took on companies that are. Virtually every shampoo or cosmetic product sold today has the words “Not Tested on Animals” on its packaging, largely due to Henry’s efforts. See http://www.bullfrogfilms.com/catalog/henry.html for synopsis, awards, and reviews.

**McLibel – Two Worlds Collide**

57 Minutes, 11 Seconds (VHS)

1997 One-Off Productions

XV 842

Two activists take on McDonald’s in the longest trial in English history. McLibel is the inside story of how a single father and a part-time bar worker took on the McDonald’s Corporation. Filmed over three years, the documentary follows Helen Steel and Dave Morris as they are transformed from anonymous campaigners against the fast food giant into unlikely heroes. Struggling to defend themselves in the longest trial in English history, the pair face infiltration by spies, secret meetings with corporate executives, 40,000 pages of background reading and a visit from Ronald McDonald. For more of the synopsis, and for a listing of awards and reviews, see http://www.bullfrogfilms.com/catalog/mclib.html.

**Making the connection: animal cruelty and human violence**

1997 Humane Society of the United States (Sound Recording)

Symposium and Annual Membership Meeting, September 9-10, Washington, D.C.


11 sound cassettes

XQ 104 (Library has tapes 1-6; 8-12)

VI. Web Resources

The National Center for Animal Law and Lewis & Clark Law School is an excellent starting point for research animal law on the Web. Their home page is at:

http://www.lclark.edu/org/ncal/

And their resources link includes links to the following websites:

Animal Law Resources

Law Journals

- Animal Law Review, Lewis & Clark Law School
- Journal of International Wildlife Law & Policy, Whittier Law School
- Journal of Animal Law, Michigan State University College of Law
- Journal of Animal Law & Ethics, Penn Law

Internet Resources

- Animal Legal & Historical Center
- Pet Abuse: Animal Criminology
- AnimalLaw.com
- Pet Guardian: Pet Trust Plans
- Estate Planning for Pets
- Animal Legal Reports Services
- Animal Protection Law Resources
- Paladin Animal Law
- ASPCA Links to State Animal Anti-Cruelty Laws
- National Association for Biomedical Research: Animal Law Section
- Animal Rights Law Project

Organizations Involved in Legal Advocacy

- The Humane Society of the United States
- Animal Protection Institute
- Animal Legal Defense Fund
- Center for Wildlife Law
- Animals & Society Institute
- International Society for Animal Rights
- ASPCA
- Society for Animal Protective Legislation
- Doris Day Animal League
- In Defense of Animals
- Captive Wild Animal Protection Coalition
- International Fund for Animal Welfare
• People for the Ethical Treatment of Animals
• Farm Sanctuary
• Defenders of Wildlife
• Institute for Animal Rights Law
• The International Institute for Animal Law
• National Institute for Animal Advocacy
• Species Survival Network
• Voiceless
• Great Ape Project

Animal Related Jobs/Internships

• NCAL's Animal Law Opportunities Page

Animal Law Classes and Student Groups

• Animal Law Classes and Seminars
• Animal Law Student Organizations
• ALDF's list of Classes & Student Organizations

Animal Law Bar Associations

• ALDF's links to National, State & Regional Bar Association Committees