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Research Handbook on Animal Law and Animal Rights

By Tomasz Pietrzykowski & Birgitta Wahlberg (eds)

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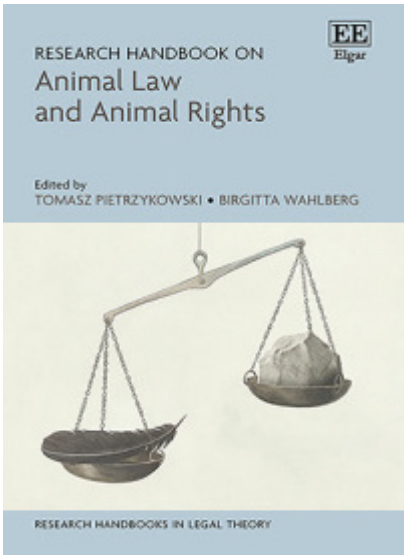

A significant transformation in humanities and social sciences literature has been propelled by factors such as developments in moral and philosophical understandings, scientific discoveries on animal sentience and increasing ethical concerns about human-animal relationships. The traditional legal perceptions of animals as 'things' and mere property or resources are increasingly being challenged in contemporary legal discourses and confronted with innovative conceptual and normative premises that reflect the intrinsic value of animals. This evolving, multi-scalar legal terrain has increasingly influenced its various stakeholders while also inviting critical reflection on its possibilities and limitations. Against this backdrop, the *Research Handbook on Animal Law and Animal Rights* edited by Tomasz Pietrzykowski and Birgitta Wahlberg delves into the development of animal law as a distinct field of scholarship and situates the discussion in relation to broader philosophical and questions such as whether, how and to what extent animals possess legally recognised status and rights, and practical concerns such as the role and effectiveness of administrative and institutional structures. The Handbook also facilitates a cross-fertilisation of ideas with related disciplinary frameworks and provides insights into the contemporary and prospective models for the development of animal law. The book's overall methodology of presenting an interwoven tapestry of legal, philosophical, economic, religious, cultural and science-based perspectives on animal law and animal rights provides a strong foundation for a

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comprehensive handbook for the researchers of an evolving discipline.

Part I, titled 'Animal Law as a Jurisprudential Discipline', comprises of five chapters that establish the theoretical foundations of animal law. Wahlberg and Frasch divide the evolution of animal law to three eras (pre-modern, modern, and *era novum* (p 3-13)) and provide a detailed account of the contemporary actions and challenges, which is meaningfully complemented by Blattner's contribution on constitutional approaches to animal protection. The position of animal interests within regional and international legal frameworks is examined by Peters where she envisages that a global law approach built on overlapping consensus 'might cater for the interests of animals to live in peace, and of humans to live in harmony with nature' (p 58). Furthermore, contributions of Offor and Pirjatanniemi pose broader theoretical questions concerning the conceptualisation of animal interests, and parallels between animal rights and human rights. These contributions strengthen the proposition of animal law as more than a collection of animal-protection regulations, and as a distinct legal discipline with academic rigour. It is also highlighted that examining the transboundary character of animal law and the prospects of interspecies constitutionalising furnish thought-provoking substance for further research on the future trajectories of animal law.

Part II engages in a 'Quest for Animal Status' and has six chapters that address the fundamental legal question about the status of animals within legal systems. Elżanowski presents arguments on core concepts such as sentience and agency and examines their linkages with animal status. Jowitt's discussion of jurisprudential approaches and challenges to the legal personhood of animals and its underpinnings within adjacent theoretical frameworks is complemented by Kurki's analysis of different types and approaches of legal personhood. In Pietrzykowski and Lubelska-Sazanów's contribution where the conceptual dualism between persons and things and the possibilities of legal de-reification of animals are evaluated, the latter is viewed as 'the key heritage of the 20th century development of animal law worldwide' (p 164) with de-reification clauses from comparative jurisdictions furnished as illustrations. Later chapters in Part II adopt comparative perspectives to discuss emerging doctrinal approaches, such as the protection of animal dignity in Swiss animal legislation (Bolliger), and to situate animal rights in relation to overlapping frameworks such as the rights of nature (Błaszczyk). The contributors present an array of theoretical perspectives concerning the legal status of animals in response to the overarching questions of whether animals should be recognised as legal persons and whether they can possess legally enforceable rights. These arguments on the shifts in normative and legal reasoning would also benefit from further discussions on their practical consequences by future researchers.

A progression from the theoretical foundations into the 'Domains and Practices of Animal Law' is presented in the six chapters of Part III of the Handbook. Wahlberg offers insights on administrative control mechanisms and preventive animal protection with the primary focus on Finland, and Gerritsen's analysis of the nuances of the use of animals in scientific research

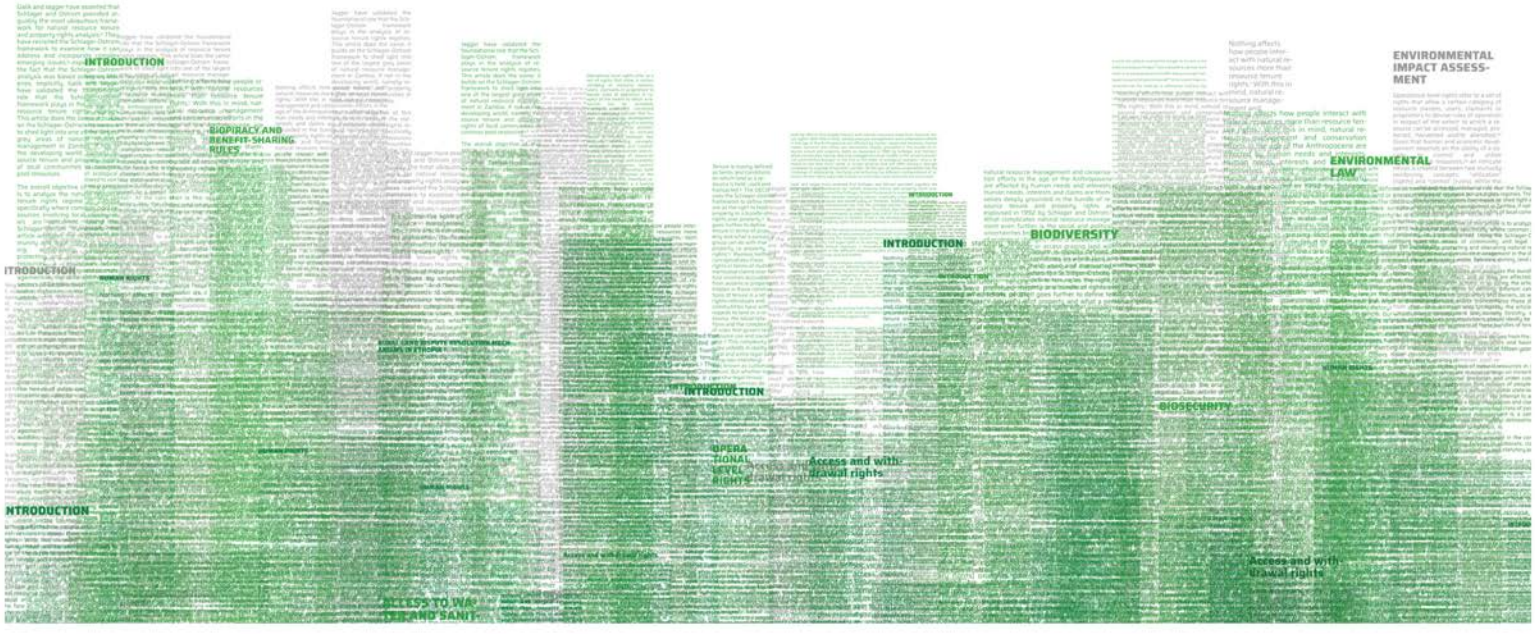
uses the relevant legal framework in Switzerland as its doctrinal basis. Similarly, Chapman's account of animal agriculture provides a comprehensive overview of the relevant law and practices in the United States and deepens a reader's understanding of the conflicts between human and nonhuman interests. Koskela's detailed account of offences against animals in Finland, and Gräber and Schnur's contribution on the institution of the animal protection ombudsperson in Austria, provide insights on legislative and institutional attempts made by jurisdictions to navigate the practical intricacies of a meaningful legal protection for animals. The examination of selected landmark cases in animal law by Kempers and Shankar provides a comparative perspective of the nature of animal-related jurisprudence across various geographical regions and presents observations on a shift from focusing exclusively on cruelty to animals towards the welfarist paradigm and even beyond; to 'recognising some kind of 'legal rights' for animals' (p 327). Part III therefore offers a platform to assess whether the theoretical ideas developed in Parts I and II actually translate into legal practice in specific areas where animal law operates and the effectiveness of their incorporation in enforcement mechanisms and judicial decisions.

Part IV, with six chapters on the 'Transdisciplinary Perspectives on Animal Law', strongly establishes the proposition that animal law cannot be understood solely through traditional legal analysis. While acknowledging the lack of international consensus on the term 'animal welfare', Hänninen and Valros provide insights into a natural-science-based understanding of the well-being of animals encompassing their biological functioning, experiences, and natural behaviours. Hammer and Swartz-Hammer engage in a discussion of the cultural and religious perspectives on animals, including references to practices such as animal sacrifice and ritual slaughter. The complexities of the animal law landscape are further depicted in Susi's discussion of Indigenous approaches to animals, particularly grounded in ideas of interconnectedness, and their potential conflicts with dominant culture heavily influenced by the Western scientific paradigm. Leitzel and Shaikh's contribution on economics and animals offers realistic insights on how the former prefers humans and excludes animal interests from its cost-benefit analyses and considerations of efficiency. The later chapters of Part IV delve into innovative approaches such as the use of ESG (Environmental, Social and Governance) disclosure regulations to improve animal welfare (McLaughlin), and the emerging concept of new welfarism described by Koponen as 'a modern and reformist form of welfarism' (p 449). These contributions substantiate one of the Handbook's principal strengths, its breadth. They bring together a wide variety of disciplinary and contextual perspectives demonstrating the diverse intellectual and social foundations from which contemporary animal law has developed.

Part V of the Handbook discusses 'Animal Law in Progress: Advocacy, Strategic, Litigation, and the Ways to the Future', with six contributions contextually evaluating advocacy and policy-based approaches to animal protection within regional and international legal frameworks. The emphasis on strategic litigation by Bahus is particularly important given its potential to transform theoretical ideas about animal protection into

actual legal and political change. Bowles further enlightens the reader on improving animal law by means of strategic litigation in the UK and opines that among various ways of bringing strategic litigation, 'the strategic benefits of a judicial review claim are by far the most obvious' (p 474). Animal advocacy in the European Union is examined by Björkbom with particular emphasis on the concept of 'venue shopping' using the case of 'End the Cage Age' (p 494-498). Kivinen's rhetorical reading of leading proposals to strengthen the protection of nonhuman animals under public international law is based on the *'ethos, pathos, logos, and kairos'* – character, emotion, reason, and timeliness (p 523-30) of international animal law and a call for a critical rethinking of its primary audience, purpose, and temporal orientation. The emphasis placed on policy advocacy as a tool for advancing animal protection by Sullivan and the conception of inter-species justice presented by Sugarman convey a strong optimism about the future development of animal-law scholarship and advocacy with the view to 'transform the conditions that make injustice possible' (p 547).

Across the various chapters of the *Research Handbook on Animal Law and Animal Rights*, several overarching arguments emerge as an interwoven thread; the emergence of animal law as a distinct legal scholarship, its fundamentally transdisciplinary character, changing conceptions on the legal status of animals and dilemmas accompanying those changes, innovations in administrative and institutional frameworks for animal protection, and possible pathways for the future development of animal rights advocacy. The Handbook therefore facilitates a comprehensive analysis of strengths, weaknesses, opportunities, and threats of the discourse for a diverse audience seeking a synthesised account of animal law's emergence and trajectory. The country-specific case studies present an opportunity for readers to consider whether the developments observed across jurisdictions demonstrate substantive legal transformation or more incremental forms of reform. It is also noteworthy that the division of contributions under five themes does not artificially compartmentalise them but facilitates the reader's understanding of the philosophical claim that animals deserve legal consideration and successfully connect it with the practical mechanisms through which that consideration is recognised and enforced at domestic, regional and international levels. A central question that runs across the wider scholarly debates in the discipline and those presented in the Handbook is whether the existing legal systems can adequately protect animals while continuing to conceptualise them primarily through human-centred legal categories. The work has also benefitted from the diversity of its contributors' expertise and perspectives and furnishes an inclusive and multi-disciplinary intellectual space for the expanding field of animal law, which also serves the broader aim of its Editors to 'inspire continued progress towards better law and fairer, more compassionate societies' (p xiii). Including contributions that specifically address the interactions of animal law and animal rights with ongoing advances in science and technology could be considered for expanding the scope of the Handbook in its future editions.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Access and with-drawal rights