Part 1:
Legal and Philosophical Frameworks of Animal Law

From Property to Personhood:
Can Non-Human Animals Make the Transition?

Kendra Frew


The all-bountiful creator gave to man ‘dominion over all the earth; and over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.’ Blackstone (Book II)

1 Introduction
Bryant begins her detailed and thought provoking article with the assertion that ‘[t]he idea of "legal personhood" for animals is theoretically interesting but far removed
from the legal or practical reality of animals in the United States.' 1 This claim may equally apply to the position of animals in Australia. Unfortunately it is not possible, due to word restrictions, to cover all of the implications of "legal personhood" for non-human animals raised by Bryant. This paper, however, will attempt to address the main issues, placing particular emphasis on their transition from property to personhood. This paper will begin with a brief description of the current legal status of non-human animals, touching on the issue of standing and the notion of the 'property paradigm.' This paper will then turn to the concept of legal personhood by providing various definitions and outline whether such a notion is available and/or obtainable to non-human animals. An identification of the criticisms of personhood for non-human animals will be included in this discussion. Finally, this paper will identify what is required, both from a legal and societal perspective, for non-human animals to transition from their current status of property to the undoubtedly more equitable status of legal personhood.

2 Legal Status of Non-Human Animals

2.1 The Origins of 'Property'

Hannah contends that '[w]hen man became omnivorous and added meat to his diet, it is fair to say that something like a property concept developed.' 2 In Australia today, it is a well established notion that animals are classified as 'property' under the law. 3 An animal’s characterisation as property is fundamental to the legal definition and status of a non-human animal and to the protection of their interests. 4 The origin of this law, that being the law of the Ancient Romans has had a major impact on

3 Deborah Cao, Katrina Sharman and Steven White, Animal Law in Australia and New Zealand (LawBook Co, 2010) 63 - see page 67-76 re the distinction between wild and domestic animals. See also Brooke Bearup, ‘Pets: Property and the Paradigm of Protection’ (2007) 3 Journal of Animal Law 173; Alex Bruce, Animal Law in Australia: An Integrated Approach (LexisNexis Butterworths, 2012); Competition and Consumer Act 2010 (Cth) s 4 defines animals, including fish, as ‘goods.’ Saltoon v Lake [1978] 1 NSWLR 52 (domestic animals were held to be ‘property’); Elder Smith Goldsborough Mort Ltd v McBride [1976] 2 NSWLR 631 (animals were held to ‘fall within the definition of goods’); Rural Export & Trading (WA) Pty Ltd v Hahnheuser [2007] FCA 1535 (where the term ‘goods’ under the Trade Practices Act 1974 (Cth) was held to include animals).
4 Cao, above n 4, 63.
Western law. This is reflected in the fact that the legal status of non-human animals, both in the western civil and common law jurisdictions, has remained largely unchanged for the past two thousand years.

The continuing legacy of the Ancient Romans lies in how they classified law into a trichotomy of persons, things and actions. As Cao recounts, under Roman law, a person had rights, but a thing was the object of the rights of a person. All the beings that the Romans thought lacked free will, such as women, children, slaves, the insane and animals were classified as things. Hence an animal is a thing capable of being owned by a person as their property, which can be bought, sold, transferred, stolen and even killed by their owner. As Balcombe suggests, when animals are categorised as things, they cease to exist as autonomous individuals with feelings and lives worth living. The terminology used when describing non-human animals, such as “whaling quotas,” “fish stocks” or “livestock” sanction the notion that they are not individual sentient beings with interests of their own, but merely the property of humans to do with what they like.

2.2 The Property Paradigm

Over the last two hundred years the common law’s absolute right of ownership of non-human animals has been constrained by protection and welfare legislation, although the fundamental legal status of animals remains unchanged. Francione argues, however, that animal law reforms (such as welfare legislation) serve the

5 Ibid.
6 Ibid.
7 Ibid 64.
8 Ibid (my emphasis).
10 Cao, above n 4, 65.
11 Mike Radford, Animal Welfare in Britain: Regulation and Responsibility (Oxford University Press, 2001) 100-102 quoted in Cao, above n 4, 77-78.
13 Ibid.
15 Radford, above n 12, 100 quoted in Cao, above n 4, 76-77.
interests of industrial agriculture and ensnare animals further in the ‘property paradigm.’¹⁶ The consequence of this position, according to Francione, is that:

The property status of animals renders completely meaningless any balancing that is supposedly required under the humane treatment principle or animal welfare laws, because what we really balance are the interests of property owners against the interests of their animal property… Such a balance will rarely, if ever, tip in the animal’s favour…”¹⁷

Francione contends that there is no morally sound reason to continue to treat non-human animals as property and that we should abolish, not merely regulate, animal exploitation.¹⁸ Bogdanoski provides a similar argument in the context of companion animals. He holds that the “‘pets-as-property” paradigm operates to obfuscate the intrinsic worth and inherent value of companion animals as individual beings and sentient subjects, leaving them as disposable human objects or household commodities.”¹⁹ He argues that, even though an overwhelming number of Australasians assign ‘family’ status to their pet, human interests will always prevail over those of the companion animal under the current property paradigm.²⁰

However not everyone agrees with these sentiments and instead argue that the property status of an animal provides protection for animals, based on the premise that ‘people tend to protect what they own.”²¹ Epstein argues that the assumption

²⁰ Bogdanoski, above n 20, 84. See also Sonia Waisman, ‘Non-Economic Damages: Where does it get us and how do we get there?’ (2005) 1 Journal of Animal Law 7 for a discussion on whether a change in the property status of companion animals would lead to the development of a new tort for monetary damages for the loss of such an animal.
²¹ Steven White, ‘Exploring Different Philosophical Approaches to Animal Protection in Law’ in Peter Sankoff, Steven White, and Celeste Black (eds) Animal Law in Australasia (The Federation Press, 2nd ed, 2013) 53. Arguments re the primacy of humans have also been prominent, but due to word limitations will not be discussed further here, but see Bryant’s comments on Professor Richard Cupp’s arguments on the primacy of humans, above n 1, 255-256; 287.
that animals suffer at the hands of human ownership is unfounded and that there is ‘no necessary conflict between [companion animal] owners and their animals.’

Taking a different route, but arriving at the same position as Epstein, Garner argues that, whilst he believes that the abolition of animals’ property status is a necessary step towards the fulfilment of an animal rights agenda, it is incorrect to suggest that significant improvements for animals cannot be achieved from within the existing property paradigm. Garner instead points to political factors, namely the liberalism of the West, as being responsible for severely compromising the welfare of animals, not their legal status as property. Similarly Sunstein argues for maintaining an animal’s property status. He states that where it is found that existing laws are insufficient, additional laws can be enacted that adjust an owner’s property rights to counteract these insufficiencies. Sunstein also argues that in some cases existing laws would be sufficient if legal standing was available to animals; an issue to which this paper will now turn.

2.3 Legal Standing for Non-Human Animals

Closely related to the legal status of non-human animals is the issue of standing. As the property of humans, and in the absence of any contrary legislative direction, non-human animals do not hold legal standing in their own right. The reason to seek standing must be to achieve favourable interpretations of laws, which could constrain what humans can lawfully do to the non-human animals they consider to be their property. In order to have standing, the plaintiff must have a personal stake in the outcome of the controversy and not merely trying to protect the interests of

22 Richard Epstein, ‘Animals as Objects, or Subjects, of Rights’ in Cass Sunstein and Martha Nussbaum (eds) Animal Rights: Current Debates and New Directions (Oxford University Press, 2004) 148-149 (it is important to note that Epstein focuses his argument primarily on companion animals) quoted in White, above n 22, 53.


24 Ibid.


26 Ibid.

27 Cao, above n 4, 78.

28 Ibid. For a detailed discussion on standing and how animals are treated at law, see Lauren Magnotti, ‘Pawing Open the Courthouse Door: Why Animals’ Interests Should Matter’ (2006) 80 St. John’s Law Review 455.

third parties, which is why the issue of standing is one of the biggest obstacles that animal activists face in filing civil suits on behalf of non-human animals.  

In Animal Liberation Ltd v Department of Environment and Conservation the New South Wales Supreme Court refused an application for an injunction due to the lack of standing on the part of Animal Liberation Ltd on the basis that it lacked the necessary “special interest” under the general principles of standing. As standing is a prerequisite for the enforcement of rights, St Pierre contends that the most significant step to obtaining rights for non-human animals can be made by expanding the standing doctrine so that they, via their human representatives, may litigate in their own interests. White asks a common question: ‘If ships, corporations and children are able to have actions brought on their behalf to secure their rights, then why not animals?’ The answer to this question lies in the combination of their lack of standing, their property status and the concept of “legal personhood.”

3 What is meant by ‘Legal Personhood’?

In her article, Bryant provides two definitions of legal personhood. The first is a broad definition which encompasses the ‘legal recognition of the extent to which animals should be considered “persons” entitled to inclusion in the moral community

---

31 [2007] NSWSC 221.
32 Cao, above n 4, 80. Cf Animal Liberation Ltd v National Parks and Wildlife Service [2003] NSWSC 457 (standing was granted, along with the subsequent injunction sought, due to objective evidence of cruelty). See also Citizens to End Animal Suffering and Exploitation Inc v New England Aquarium 836 F. Supp. 45 (D. Mass. 1993) where the District Court of Massachusetts held that a dolphin did not have standing under the Marine Mammal Protection Act to protest transfer of the dolphin from the aquarium to the Department of the Navy; Sarah v Primarily Primates Inc No. 04-06-00868-CV, 2008 WL 138080 (Tex. App. Jan. 16, 2008) no standing was granted for either the primates or the human plaintiffs that were seeking relief on the primate’s behalf; Tilikum et al v SeaWorld Parks & Entertainment Inc & SeaWorld, LLC, No. 11 Civ. 2476 (S.D. Cal. 2011) first federal court suit seeking constitutional rights for members of an animal species (orcas). Case was dismissed.
36 Bryant, above n 1, 253-254.
such that humans cannot commit acts on animals that humans cannot commit on equally situated humans. Bryant provides criticisms of this approach, based on pragmatic and philosophical reasons, as it requires the ‘endless, fruitless proofs that animals bear such substantial similarity to humans.’ Bryant believes that such an approach will fail because humans are too heavily invested in defining themselves as different from, or in opposition to, animals and are equally invested in using and consuming animals for such an approach to work.

Cassuto, a Pace University Law Professor, claims that, to date, no quintessentially “human” characteristic has emerged to definitively set humans apart from other animals which, he states, is not surprising since the human genome differs only minimally from that of a roundworm. That said, Cassuto also claims that ‘personhood’ will always be defined through contrast with an excluded other, ie on a speciesist basis, and that any inclusion is dependant on whether their essence sufficiently resembles our own. Hence, Cassuto, like Bryant, contends that the umbrella or broad definition of legal personhood has its inherent limitations.

As an alternative, Bryant provides a second, more narrow definition of legal personhood; one which awards legal standing for the “aggrieved person” so that they may sue to enforce laws enacted to protect them from harm. Bryant contends that the ‘pursuit of legal personhood in the form of legal standing need not result in the same fruitless attempted proofs of animals’ similarity to humans.’ Wise, on the other hand, contends that legal personhood is where a being is deemed to be ‘autonomous’ and thus granted fundamental rights and privileges (and duties) the same or similar to a person. The level of autonomy varies for different animals

37 Ibid 253.
38 Ibid.
39 Ibid.
41 Ibid.
42 Bryant, above n 1, 253-254.
43 Ibid 254.
depending on their level of sentience and consciousness and similarity to humans, ie chimpanzees would possess a high level of 'practical autonomy' because they are more like us. Thus, the basic liberty and equality rights of animals should be recognised dependant on the level of autonomy possessed. Ultimately though, it does not appear to matter what definition is applied, as Bryant explains:

The idea of "legal personhood" has considerable gravitational pull as a means for protecting animals because, regardless of the particular theory of legal personhood, the combination of words, at least, implies respect for animals as individuals who should receive more protection under the law than they currently receive.

However, Bryant goes on to note that as the starting point for legal reform, ie the status of non-human animals as property, is so far removed from a position of respecting animals that the term "legal personhood" is at this point 'only a vessel containing difficult legal and cultural questions.' This paper will now address the potential manifestation and subsequent criticisms of applying the concept of legal personhood to non-human animals.

4 Is Legal Personhood Obtainable for Non-Human Animals?

4.1 Manifestations of ‘Legal Personhood’

When interviewed before the ruling of the case concerning PETA and Sea World, Huss made the comment that "no one's established that animals are legal persons. It doesn't mean we couldn't ... it's just something that we as a society have not decided to do yet. If we can establish corporations as persons, why can't we establish whales as persons?" In her article, Huss makes the claim that it is possible to change the

---

46 Ibid. For a contrasting view, see Alison Hills, Do Animals Have Rights? (Icon Books, 2005) 74-79. Hills argues that animals are not autonomous and are thus not morally responsible for their actions like humans.
47 Bryant, above n 1, 252
48 Ibid.
49 Tilikum et al v SeaWorld Parks & Entertainment Inc & SeaWorld, LLC, No. 11 Civ. 2476 (S.D. Cal. 2011).
personhood status of animals, just as it has been possible to change the status of other non-human entities such as corporations, ships, universities, government agencies and cities. Wise agrees and suggests that as the common law is exceedingly flexible it therefore has the ability to recognise ‘things’ such as corporations as ‘legal persons,’ thus there is no reason why animals cannot be afforded the same treatment.

Wise recommends that animals can be recognised as ‘persons’ through a writ of habeas corpus which he explains is where a prisoner is released from unlawful detention, that is, detention lacking sufficient cause or evidence. Wise is currently working to develop other legal theories that harmonise with the mainline values of judges so that, if they are so inclined, they feel confident enough to rule in the favour and the interests of non-human animals and even declare them persons for one purpose or another. Therefore, through the flexibility of the common law, Wise contends that legal personhood for non-human animals should be able to be achieved at some point in time.

There are some who believe that there are already movements toward a multifaceted relationship between human and non-human animals, especially regarding companion animals, that is much more than just property or economics based. In some jurisdictions in the United States, for example Boulder and San Francisco, companion animals are no longer considered ‘property’ and the people who were once their ‘owners’ are now their ‘guardians.’ Favre adopts a similar guardianship model whereby a trust-like relationship is developed between the

---

51 Rebecca Huss, ‘Valuing Man’s and Woman’s Best Friend: The Moral and Legal Status of Companion Animals’ (2002) 86 Marquette Law Review 47, 78. Huss also provides cases that have specifically considered the issue of an animal being treated as a person, see Bass v State 791 So.2d 1124 (Fla. Dist. Ct. App. 2000) dog not found to be an ‘individual’; Dye v Wargo 253 F.3d 296, 300 (7th Cir. 2001) police dog not a ‘person.’

52 Wise, above n 45. See also Mary Midgley, ‘Persons and Non-Persons’ in Peter Singer (ed) In Defence of Animals (Blackwell, 1985) 52-62 who contends that the law ‘can, if it chooses, create persons…’

53 Ibid. This was the focus of his book: Rattling the Cage: Toward Legal Rights for Animals (Perseus, 2001).

54 Ibid. See also Wise’s comments on the same topic in the ‘Dyson Lecture on Nonhuman Rights to Personhood’ (2013) 30 Pace Environmental Law Review 1278.

55 Cao, above n 4, 85. See also Bernard Rollin, ‘Animal Ethics and Legal Status’ in Marc Hauser, Fiery Cushman and Matthew Kamen (eds) People, Property, or Pets? (Purdue University Press, 2006) 40.

human and non-human, with the human holding legal title to the animal and the animal holding equitable title in itself; creating an equitably self-owned animal. 57 Favre does not propose to abandon fully the property paradigm, but rather create a new legal personality that sits between being only property and being freed of property status. 58 The effect of this intermediary stance is that the interests of the animal are recognised by the legal system, but the framework of property law is still used for limited purposes. 59 By transferring the equitable title to the animal, creating for the animal a limited form of self-ownership, Favre contends that it would thus be possible to change the animal’s personhood status within the legal system. 60 Hence, if an animal has self-owned status, it could be treated as a ‘legal person’ with legally-recognised interests including, inter alia, the ownership of property and tort law remedies. 61

4.2 The Critics

Bryant asserts that personhood for animals cannot be pursued without first addressing their legal status and that ‘[m]ere tinkering’ with their property status is not a promising means of instigating change for non-human animals. 62 Francione agrees and uses the well known analogy of property ownership of a slave to demonstrate that ‘tinkering at the edges’ by improving how we use property, ie improving the rules so that a slave can only be whipped three times a week instead of five times a week, ultimately achieves nothing to recognise the moral, or personhood, status of the slave. 63

58 Ibid 476.
60 Favre, above n 58, 476. See also Bogdanoski, above n 20, 85 who supports Favre’s conceptualisation of ‘equitable self-ownership.’
62 Bryant, above n 1, 293.
As an abolitionist, Francione will support only those campaigns and positions that explicitly promote the abolitionist agenda, which is the basic right not to be treated as the property of others.\textsuperscript{64} Therefore, it is not surprising that he finds Favre’s concepts of guardianship and self-ownership ‘ridiculous’ because, as he states, ‘[t]he bottom line is that those humans are still owners no matter what you call them. These “guardians” can still have their healthy animals “put down” (ie killed) or can dump them at a shelter.’\textsuperscript{65} Likewise, Bryant holds similar criticisms stating that ‘it is difficult to see how Favre’s approach would incrementally improve the situation of animals.’\textsuperscript{66} Fagundes holds that such changes in nomenclature may alter the perception of animals, but is equally sceptical that these ordinances will have much effect on their treatment.\textsuperscript{67} He does concede, however, that changing the perception of non-human animals is ‘a step in the right direction, if only a marginal one.’\textsuperscript{68}

Some commentators are clearly opposed to any form of legal personhood for non-human animals. Schmahmann and Polacheck argue that by giving animals the same legal rights as humans, human rights would suffer.\textsuperscript{69} They claim that animal’s rights could not co-exist with human rights; rather they would be in competition with each other and therefore legal personhood should not be available or obtainable for non-human animals.\textsuperscript{70} The fact that there is legislation that exists which protects the rights of animals is apparently sufficient for Schmahmann and Polacheck.\textsuperscript{71} They state that through this legislation, humans have a responsibility to treat animals in a humane way which is enough to protect the rights of the animal and thus it is not necessary to give animals the same rights as humans through legal personhood.\textsuperscript{72}

\textsuperscript{64} Gary Francione, Abolitionist Approach website: Six Principles of the Abolitionist Approach to Animal Rights http://www.abolitionistapproach.com/about/the-six-principles-of-the-abolitionist-approach-to-animal-rights/#.Ur57TtIW07o
\textsuperscript{66} Bryant, above n 1, 293.
\textsuperscript{67} Fagundes, above n, 57.
\textsuperscript{68} Ibid.
\textsuperscript{69} Schmahmann, above n 31, 752 quoted in Hannah, above n 3, 576.
\textsuperscript{70} Ibid 760.
\textsuperscript{71} Ibid 761 quoted in Hannah, above n 3, 577.
\textsuperscript{72} Ibid.
Posner argues, with reference to the practical application of legal personhood in the courts, that if courts are to be persuaded to change the law in the way advocated by Wise, they need to know the consequences of such changes.\(^{73}\) Hence, for Posner, the recognition of rights for animals raises as many questions as it answers.\(^{74}\) In addition, the approach taken by Wise that only those animals with ‘practical autonomy’ are awarded personhood status is the subject of criticism from a feminist perspective. In her article, Mackinnon states that ‘[i]f qualified entrance into the human race on male terms has done little for women…how much will being seen as humanlike, but not fully so, do for other animals?’\(^{75}\) Although MacKinnon concedes that possessing some rights is better than possessing none, in her view the articulation of formal rights may result in little substantive change to the treatment and status of animals, and ultimately be an exercise in futility.\(^{76}\)

5 What will it take to make the Transition?

It is clear from the arguments above that there will be ongoing debate as to whether legal personhood is the key to protecting the rights and/or interests of non-human animals. Although no firm answer is readily available, one prevailing theme amongst the multitude of theories is that there needs to be a significant change in the way we conceptualise animals, and especially how we protect their interests at law.\(^{77}\) If, in the final analysis, legal personhood provides the best solution for the protection of animal’s interests then making the transition will require more than just legal reform.\(^{78}\) According to Derrida, in the transformation of the relations between humans and animals, there is no such thing as the ‘miracle of legislation.’\(^{79}\) Rather,

\(^{73}\) Richard Posner, ‘Animal Rights: Legal, Philosophical, and Pragmatic Perspectives’ in Cass Sunstein and Martha Nussbaum (eds), Animal Rights: Current Debates and New Directions (Oxford University Press, 2004) 51, 54–6 quoted in White, above n 36.\(^{74}\) Ibid. See also similar criticisms made by Radford, above n 12, 104 where he notes that it should be left to Parliament to take the initiative to make changes to the law rather than at the initiative of the judges and courts.\(^{75}\) Catharine MacKinnon, ‘Of Mice and Men’ in Cass Sunstein and Martha Nussbaum (eds), Animal Rights: Current Debates and New Directions (Oxford University Press, 2004) 271 quoted in White, above n 36.\(^{76}\) Ibid.\(^{77}\) White, above n 22, 59.\(^{78}\) Bryant, above n 1, 300.\(^{79}\) Jacques Derrida, ‘Violence Against Animals’ in Jacques Derrida and Elisabeth Roudines (eds) For What Tomorrow…A Dialogue (Jeff Fort trans, 2004) 65.
real change will result from a ‘social movement’ grounded in the ever increasing social and moral concern for animals.\(^{80}\) As former President of the Australian Law Reform Commission (1999-2009), Professor David Weisbrot AM proclaimed, animal protection may just be ‘the next great social justice movement.’\(^{81}\)

St Pierre asserts that underlying the shift from ‘property’ to ‘people’ is a major change in the way society views the groups who are objectified.\(^{82}\) He argues that a fundamental part of this transition is the deconstruction of the concept of ‘other.’\(^{83}\) Before the abolition of slavery and women’s liberation, both slaves and women were considered as ‘others’ or different from the ruling or the dominant class and therefore, ‘otherness’ was justification for their property status; as it is with non-human animals today.\(^{84}\) Deconstructing these artificially socially constructed differences is required to ensure that the recognition of the interests of non-human animals can occur, as it did for both slaves and women alike.\(^{85}\) Add to this the increasing economic and environmental pressures experienced by agricultural industries today, and the days of non-human animals being treated as ‘property’ rather than ‘people’ will surely be numbered.\(^{86}\) Therefore, as Weisbrot proclaims, our recognition for ‘the need to change our behaviour, our consumer preferences, our industrial practices, and our laws,’ will inevitably lead to greater protection for non-human animals.\(^{87}\)

6 Conclusion

Derrida argues that the type of violence humans have wreaked on animals, particularly since Descartes,
will not be tolerated for very much longer, neither de facto nor de jure. It will find itself more and more discredited. The relations between humans and animals must change. They must, both in the sense of an "ontological" necessity and of an "ethical" duty.88

It is apparent, from the discussion above, that the current relationship between humans and non-human animals is under scrutiny. Different theories are being developed to change the way in which non-human animals are treated by humans. Some advocate abolishing their property status, some advocate keeping it, some grant them legal standing, some provide equitable ownership in themselves, and some impose the same rights to that of a human through a writ of *habeas corpus* or by granting legal personhood. No matter what theory (or version of it) is eventually applied, in order for animals to transition from their current status as property, it is imperative that humans undergo a fundamental shift in the way they conceptualise animals as ‘others’ so that ultimately (hopefully!) transition will occur.

*There is nothing so powerful in the world as an idea whose time has come* (Michael Kirby)

---

88 Derrida, above n 80, 64.
Bibliography

Articles/Books/Reports


Bruce, Alex, *Animal Law in Australia: An Integrated Approach* (Lexis Nexis Butterworths, 2012)


Cao, Deborah, Katrina Sharman and Steven White, *Animal Law in Australia and New Zealand* (LawBook Co, 2010)


Francione, Gary, Animals, Property and the Law (Temple University Press, 1995)


Hills, Alison, Do Animals Have Rights? (Icon Books, 2005)


Midgley, Mary, ‘Persons and Non-Persons’ in Peter Singer (ed) In Defence of Animals (Blackwell, 1985)

Radford, Mike, Animal Welfare in Britain: Regulation and Responsibility (Oxford University Press, 2001)

Rollin, Bernard, ‘Animal Ethics and Legal Status’ in Marc Hauser, Fiery Cushman and Matthew Kamen (eds) People, Property, or Pets? (Purdue University Press, 2006)


Waisman, Sonia, ‘Non-Economic Damages: Where does it get us and how do we get there?’ (2005) 1 Journal of Animal Law 7


Weisbrot, David, ‘Comment’ (2007/2008) 91 Reform 2

White, Steven ‘Exploring Different Philosophical Approaches to Animal Protection in Law’ in Peter Sankoff, Steven White, and Celeste Black (eds) Animal Law in Australasia (The Federation Press, 2nd ed, 2013)


Wise, Steven, ‘Dyson Lecture on Nonhuman Rights to Personhood’ (2013) 30 Pace Environmental Law Review 1278

Wise, Steven, Rattling the Cage: Toward Legal Rights for Animals (Perseus, 2001)

Cases

Animal Liberation Ltd v Department of Environment and Conservation [2007] NSWSC 221


Dye v Wargo 253 F.3d 296, 300 (7th Cir. 2001)

Elder Smith Goldsborough Mort Ltd v McBride [1976] 2 NSWLR 631

Rural Export & Trading (WA) Pty Ltd v Hahnheuser [2007] FCA 1535

Saltoon v Lake [1978] 1 NSWLR 52


Tilikum et al v SeaWorld Parks & Entertainment Inc & SeaWorld, LLC, No. 11 Civ. 2476 (S.D. Cal. 2011)

Legislation

Competition and Consumer Act 2010 (Cth)
Marine Mammal Protection Act 1972 (US)

Trade Practices Act 1974 (Cth)

Other


HuffPost ‘PETA’s SeaWorld Slavery Case Dismissed by Judge’ September 2, 2012 <http://www.huffingtonpost.com/2012/02/09/peta-seaworld-slavery-_n_1265014.html>


Steven Wise, ‘The Case for Non-human Personhood’ (Webcast) <http://www.youtube.com/watch?v=jv4-01DwB-w>