

Presentation of Wildlife Rights and Animals as Living Property

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ABSTRACT

Wildlife Rights.

Wildlife such as chimpanzees and whales are not the property of humans, but live independent from humans. Yet, they do not have much of a presence within the legal system of the countries around the world, with the exception of endangered species issues. The primary focus here is to enhance their status and visibility within the legal system by making their interests in life and habitat more important when humans make decisions that have negative effects on wildlife and their homes. This would encompass both the decision to use, consume and kill individuals, as well as, the humaneness of the methods used by humans. It is proposed that wildlife, both as individuals and as groups should be acknowledged and protected within the legal system by either human with citizen suit capacities or by being parties directly.

Living Property.

This presentation develops the proposition that non-human domestic animals can possess and exercise legal rights. This proposal is supported by the fact that our legal system already accommodates a number of animal interests within the criminal anti-cruelty laws and civil trust laws. To make a more coherent package of all animal-related public policy issues, it is useful to acknowledge the existence of a fourth category of property, living property. Once separated out from other property, a new

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area of jurisprudence will evolve, providing legal rights for at least some animals. This presentation establishes why animals should receive consideration within the legal system, which animals should be focused upon, what some of the legal rights might be, and how the traditional rules of property law will be modified to accommodate the presence of this new category of property.