

ANIMAL LAW

University of Cincinnati College of Law
Course Syllabus
Fall 2007

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Course Description: This course addresses philosophical and legal materials relevant to understanding the legal status of animals. The focus will be on the status of animals as property, the doctrine of standing, and the nature of legal rights as applied to nonhuman animals. The course incorporates developing tort law concepts, criminal law, and constitutional law, and considers the evolution of the law's understanding and treatment of animals by examining federal and state statutes, caselaw, and policies.

Text: Sonia S. Waisman, et al., *Animal Law, Cases and Materials* (3rd ed., Carolina Academic Press, 2006)
>> Online, duplicated, and library-reserve materials to supplement text.

Course Grade will be based on a Final Paper (details to be announced).

Note: Regular class attendance and preparedness are important. The final grade will be based in part on class participation.

Syllabus subject to change with notice.

Class 1, Aug. 23, 2007

Introduction

What is an Animal?

- Animal Law, Chapter 1, pp. 3–11, 15–16
 - *Knox v. Mass. Society for the Prevention of Cruelty to Animals*, 12 Mass. App. Ct. 407 (1981)
 - *Lock v. Falkenstine*, 380 P.2d 278 (Okla. Crim. App. 1963)
 - *Animal Legal Defense Fund v. Espy*, 23 F.3d 496 (D.C. Cir. 1994)
 - Anti-Cruelty Statutes, Animal Law, pp. 17–18

Domestic Animals versus Wildlife

- Animal Law, Chapter 1, pp. 21, 31–34
 - *Holcomb v. Van Zylen*, 174 Mich. 274 (1913)
 - *City of Rolling Meadows v. Kyle*, 145 Ill. App. 3d 168 (1986)

Class 2, Aug. 30, 2007

What Constitutes a Legal Right?

Do humans have a duty toward non-human animals?

- Steven M. Wise, *What are Legal Rights? Rattling the Cage*, Chapter 5 (Cambridge: Perseus Books, 2000) [On Library Reserve]
- *Griswold v. Connecticut*, 381 U.S. 479 (1965)
- Carl Cohen, *The Case for the Use of Animals in Biomedical Research*, 315 N. Engl. J. Med. 865–870 (1986)
- Michael Pollan, *An Animal's Place*, N.Y. Times Mag., Nov. 10, 2002

Class 3, Sept. 6, 2007

Animals as Property

- Animal Law, Chapter 2, pp. 39–50 (Dred Scott, women's legal status--a historical comparison to the debate over animal rights)
- Gary L. Francione, *Animals as Property*, 2 Animal Law i (1996)
- Robert Garner, *Political Ideology and the Legal Status of Animals*, 8 Animal L. 77 (2002)

Class 4, Sept. 13, 2007

Animals as Property (continued)

- Animal Law, Chapter 2, pp. 50–69 (What is a person?)
- American Kennel Club, *Preserve Your Rights as a Dog Owner*
- Pet Custody Disputes: *DeSanctis v. Pritchard*, Petition for Allowance of Appeal (PA Supreme Court 2002)

Suggested reading: David Favre, *Equitable Self-Ownership for Animals*, 50 Duke L.J. 473 (2000).

Class 5, Sept. 20, 2007

Tort Law: Emotional Distress Claims and the Issue of Damages

- Animal Law, Chapter 3, pp. 71–77, 83–85, 101–103, 108–112
 - *Rabideau v. City of Racine*, 627 N.W.2d 795 (Wis. 2001). Cf. *Camp v. Anderson*, 721 N.W.2d 146 (Wis. Ct. App. 2006).
 - *Corso v. Crawford Dog and Cat Hospital, Inc.*, 415 N.Y.S.2d 182 (1979)
 - *Brousseau v. Rosenthal*, 443 N.Y.S.2d 285 (N.Y. Civ. Ct. 1980)
 - *Burgess v. Taylor*, 44 S.W.3d 806 (Ky. Ct. App. 2001)
 - *Oberschlake v. Veterinary Assoc. Animal Hospital*, 151 Ohio App. 3d 741 (2003)
- *Gluckman v. American Airlines, Inc.*, 844 F. Supp. 151 (S.D.N.Y. 1994)

Class 6, Sept. 27, 2007

Animals as Food

Factory Farming

- Animal Law, Chapter 5, pp. 307–340, 368–373
 - *McDonald's Corp. v. Steel*, English High Court of Justice, Queen's Bench Division, 1997
 - *Farm Sanctuary v. Dept. of Food and Agriculture*, 63 Cal. App. 4th 495 (1998) (standing and humane slaughter law)
- Farm Sanctuary written material and in-class video, *Life Behind Bars*

Suggested reading: David J. Wolfson & Mariann Sullivan, *Foxes in the Hen House: Animals, Agribusiness, and the Law*, Animal Rights, Chapter 9 (Oxford Univ. Press, 2004) [On Library Reserve].

Class 7, Oct. 4, 2007

Constitutional Law: Standing

- Animal Law, Chapter 4, pp. 187–196, 216–226, 246–260
 - *Sierra Club v. Morton*, 405 U.S. 727 (1972)
 - *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)
 - *Animal Legal Defense Fund v. Glickman*, 154 F.3d 426 (D.C. Cir. 1998)

- *International Primate Protection League v. Institute for Behavioral Research*, 799 F.2d 934 (4th Cir. 1986)

- *ASPCA v. Ringling Bros. and Barnum & Bailey Circus*, 317 F.3d 334 (D.C. Cir. 2003)

Class 8, Oct. 11, 2007

The Animal Welfare Act, 7 U.S.C. 2131 et seq.

- Animal Law, Chapter 5, pp. 374–385, 394–399
 - *Taub v. State*, 296 Md. 439, 463 A.2d 819 (1983)
 - *Animal Legal Defense Fund v. Glickman*, 204 F.3d 229 (D.C. Cir. 2001)

Animals in Entertainment

Animal Law, pp. 433–444

- *People for the Ethical Treatment of Animals v. Bobby Berosini, Ltd.*, 111 Nev. 615 (1995)

- In-class PETA video on elephants in circuses

Class 9, Oct. 25, 2007

Animals as Plaintiffs

- Steven M. Wise, *Chimpanzee and Bonobo Minds*, Rattling the Cage, Chapter 10 (Cambridge: Perseus Books, 2000) [On Library Reserve]
- Angela Campbell, *Could a Chimpanzee or Bonobo Take the Stand?* 8 Animal L. 243 (2002)
- David R. Schmahmann & Lori J. Polacheck, *The Case Against Rights for Animals*, 22 B.C. Envtl. Aff. L. Rev. 747 (1995)

Class 10, Nov. 1, 2007

Animals and Science

- PBS, Frontline video, *Organ Farm* (xenotransplantation)
- Animal Experimentation, in-class video

Class 11, Nov. 8, 2007

First Amendment and Hunter Harassment Laws

- Animal Law, Chapter 4, pp. 284–296
 - *Dorman v. Satti*, 678 F. Supp. 375 (D. Conn. 1988)
 - *State v. Miner*, 556 N.W.2d 578 (Minn. Ct. App. 1996)
- *Binkowski v. State of New Jersey*, Complaint and Plaintiffs' Brief (1996)

Suggested reading: Jacqueline Tresl, *Shoot First, Talk Later, Blowing Holes in Freedom of Speech*, 8 Animal L. 177 (2002).

Freedom of Speech and Agricultural Disparagement Statutes

- Howard F. Lyman, *Free Speech, Animal Law, and Food Activism*, 5 Animal L. i (1999)
See *Texas Beef Group v. Winfrey*, 201 F.3d 680 (5th Cir. 2000).

Class 12, Nov. 15, 2007

Criminal Law and Anti-Cruelty Laws

- Animal Law, Chapter 6, pp. 469–481, 497–500, 507–513
 - Affirmative Cruelty**
 - *Celinski v. State*, 911 S.W.2d 177 (Tex. Crim. App. 1995)
 - Neglect**
 - *People v. Youngblood*, 91 Cal. App. 4th 66 (2001)
 - Dogfighting**
 - *Ash v. State*, 290 Ark. 278 (1986)
 - *Hargrove v. State*, 253 Ga. 450 (1984)
- Overview of Ohio’s anti-cruelty law, Ohio Revised Code §§ 959.13, 959.131

Suggested reading: David Favre & Vivien Tsang, *The Development of Anti-Cruelty Laws During the 1800s*, 1 Det. C.L. Rev. 1 (1993).

Class 13, Nov. 29, 2007

Criminal Law (continued)

- Animal Law, Chapter 6, pp. 519–523
 - State-Sanctioned Hunting**
 - *Mohler v. Labor Day Committee, Inc.*, 663 A.2d 162 (Pa. 1995)
 - In-class Fund for Animals video, *Gunblast*
 - Randall L. Eaton, Ph.D., *Why Hunting is Good Medicine for Youth, Society and the Environment*, Conservation Force (2001)
 - Connection between violence to animals and humans**
Animal Law, pp. 527–534
 - *Schambon v. Commonwealth*, 821 S.W.2d 804 (Ky. 1991)

Class 14, Dec. 6, 2007

Criminal Law (continued) and Misc. Issues (materials to be provided)

- When animals kill, who is responsible? A review of the *Knoller* dog mauling case, San Francisco, CA.