

The poet, Wendell Berry once wrote, “We clasp the hands of those that go before us, and the hands of those who come after us.” Within the American legal system, creative lawyers have always taken a central role in the development and implementation of laws to protect the disenfranchised and unprotected members of society. The social upheaval of the 1960s in the U.S. spawned numerous “protection” movements: civil rights, peace, feminism, and environmentalism, along with organized efforts to protect children, disabled persons and farm workers. Yet, largely unnoticed were the ten billion animals raised and slaughtered for food; the 200 million hunted, 20 million used and killed in research and testing, on top of 18 million used for dissection, 4 - 5 million animals killed for fur and 5 million dogs and cats who die each year in animal shelters.

In the 1970s, the principles applied to other social movements began to be extended to the plight of animals and a new field of the law emerged: animal law. Joyce Tischler is one of the handful of American attorneys who brought the earliest animal law cases, both at the federal level and in many of the 50 U.S. states. They addressed a broad range of issues: the plight of farmed animals, hunting and trapping, destruction of wildlife habitat, protection of animals used in research and entertainment, as well as the myriad problems faced by companion animals. In the process, they gained expertise in protecting animals, as well as a greater understanding of how the U.S. legal system works to balance the interests of competing parties.

In this lecture, Joyce will explore what has been learned in the continuing U.S. effort to protect animals through the law, how that shapes the current focus and how the American experience applies to the development of animal law in Australia.

What is animal law?

Jones v. Butz – the first true animal rights/protection lawsuit

Meeting Larry and forming SF group

NY conference- met David, Steve, others

Roger Galvin and the Silver Spring Monkeys

Early cases and meetings of handful of attorneys

Provimi Veal

The overarching challenge: once you know what the problems are, how do we create positive change in our society? How do we take a legal system built on acceptance of exploitation of animals as the norm and get it to consider the interests and needs of sentient beings?

E.g. Founding Brothers analogy to chapter on the 1790s debate in Congress about abolition of slavery and economic reliance on slave labor in the Southern states.

Similar problems in US and Australia:

People assume that animals are generally well cared for; those who know better scream for improvements and are often met with the response: you should spend more time caring about people.

The problem with no laws: farmed animals

Response: initiatives, legislation; creative litigation: Mendes and Corcpork

How animal law was impacted by previous social movements in the U.S.

How did we choose a focus then?

How do we select our focus today? Acting as an Research & Development tool for the movement.

The growth of animal law in law schools, scholarly writing