



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

MAX-PLANCK-INSTITUT  
für ausländisches und internationales  
PRIVATRECHT HAMBURG



# Animal Rights Law

## SS 2026

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[www.mpipriv.de/aiwanger](http://www.mpipriv.de/aiwanger)

## Introductory Cases

- Case 1: X beats his dog Y because Y is barking all the time and X had a stressful day.
- Case 2: X kills his dog Y by cutting Y's throat because he likes the taste of Y's meat and wants to eat it.
- Case 2a: X kills his dog Y by cutting Y's throat under complete anaesthesia because he likes the taste of Y's meat and wants to eat it.
- Case 2b: X kills his pig Y by cutting Y's throat under complete anaesthesia because he likes the taste of Y's meat and wants to eat it.
- Case 3: X poisons his dog Y because he wanted to test the side effects of a new medication that was highly promising as a cure for cancer and could have saved millions of people if it had worked.

## Why is this course in English?

- Obligatory foreign language course (§ 13 II 1 Nr. 2 HmbJAG)
- Animal Rights Law is a highly international field of law.
- The course is based on experience at the University of Cambridge.

While the entire course is held in English, logistical issues can be discussed in German, but not during the course.

We are not native speakers.

We try our best, but make mistakes.

Please feel free to ask if you don't understand something or don't know a technical term or how to say something!

# Course content and methodological approach

## *Course objectives:*

1. Understand the current legal debate on animal rights
2. Trace animal rights back to fundamental legal conceptions
3. Practice legal skills and knowledge with relevance for the state exam.

- *Course format:* structures, dialogue, recaps, readings
- *Course material:* slides, readings (available at [www.mpipriv.de/arl](http://www.mpipriv.de/arl))

*Please don't hesitate to contact me in case of any questions or concerns.  
You can either talk to me after the class or email me at [aiwanger@mpipriv.de](mailto:aiwanger@mpipriv.de).*

# Course outline

Unit 1:	Empirical, Philosophical, and Historical Foundations <i>with special guest Prof. Shira Shmuely in session 2</i>	Sessions 1-2
Unit 2:	Current Animal Welfare Laws	Sessions 3-4
Unit 3:	Animals as Tradable Products	Session 5
Unit 4:	Theories of Subjective Rights for Animals	Session 6
Unit 5:	Personhood for Animals	Sessions 7-9
Unit 6:	Practical Animal Rights and Rights of Nature	Session 10
Unit 7:	Drafting Animal Rights	Session 11
Unit 8:	Enforcing Animal Rights and Animal Agency	Session 12
Unit 9:	Animal Rights as a Social Justice Movement <i>with special guest(s) from law firm Günther in session 13</i>	Session 13
Unit 10:	Critique of Animal Rights	Session 14

# General literature and further resources

- **Books:**

- Raffael N. Fasel/Sean Butler, *Animal Rights Law* (2023)
- Cass Sunstein/Martha Nussbaum, *Animal Rights: Current Debates and New Directions* (2004)

- **Articles:**

- Saskia Stucki/Visa Kurki, *Animal Rights*, in: M. Sellers, S. Kirste (eds.), *Encyclopedia of the Philosophy of Law and Social Philosophy* (2023)
- Felix Aiwanger, *Zwischen Ente und Kaninchen – Reflexionen des Tiers im Recht*, *Rechtswissenschaft* 2025, 100

- **Online Resources:**

- Hamburg Forum on Comparative Animal Law: [www.mpipriv.de/comparative-animal-law](http://www.mpipriv.de/comparative-animal-law)
- Cambridge Centre for Animal Rights Law: [www.animalrightslaw.org](http://www.animalrightslaw.org)
- Global Animal Law GAL Association: [www.globalanimallaw.org](http://www.globalanimallaw.org)
- Journal for Animal Law, Ethics and One Health (LEOH): [www.leoh.ch](http://www.leoh.ch)
- Brooks Institute for Animal Rights Law & Policy: [www.thebrooksintitute.org](http://www.thebrooksintitute.org)
- Animal Law Legal & Historical Center: [www.animallaw.info](http://www.animallaw.info)
- Global Journal of Animal Law: [www.journal.fi/gjal](http://www.journal.fi/gjal)
- Tier im Recht (TIR) Association: [www.tierimrecht.org](http://www.tierimrecht.org)
- Case law database of the State Animal Protection Commissioner of Hesse: [www.tierschutz.hessen.de/tierschutz/urteile](http://www.tierschutz.hessen.de/tierschutz/urteile)

# Your exam

- You need to take an exam to pass this course.
- The exam will consist in presentations you will give during the course.
- The presentations will start in 2 weeks (15 June).
- We will usually have 2 presentations per session.
- Each presentation should last for about 10-15 minutes and will be followed by a plenary discussion of another  $\approx$  15 minutes.
- You will present on a significant scholarly article or court decision by
  - summarising,
  - contextualising, and
  - critically evaluatingits main thesis, findings and reasons.
- The topics (articles and court decisions) will be assigned... NOW!

# Your exam

- Don't worry if you don't understand everything in the text you are assigned.
- Your current level of studies and the individual difficulty of each topic will be taken into account for the grading.
- Some of you will be present earlier and others later. Some of you have a bit more to read and others less. But any case has its pros and cons.
- You can use ppt slides and/or a handout. If you send me the respective files, I can embed your slides in my ppt or print out sufficient copies of your handout.
- You will find all articles and court decisions at [www.mpipriv.de/arl](http://www.mpipriv.de/arl) (password: \*\*\*). You are invited (but not expected) to also read the material beyond your own presentation.
- You may switch topics with someone else, but please email me ([aiwanger@mpipriv.de](mailto:aiwanger@mpipriv.de)) if you do so.

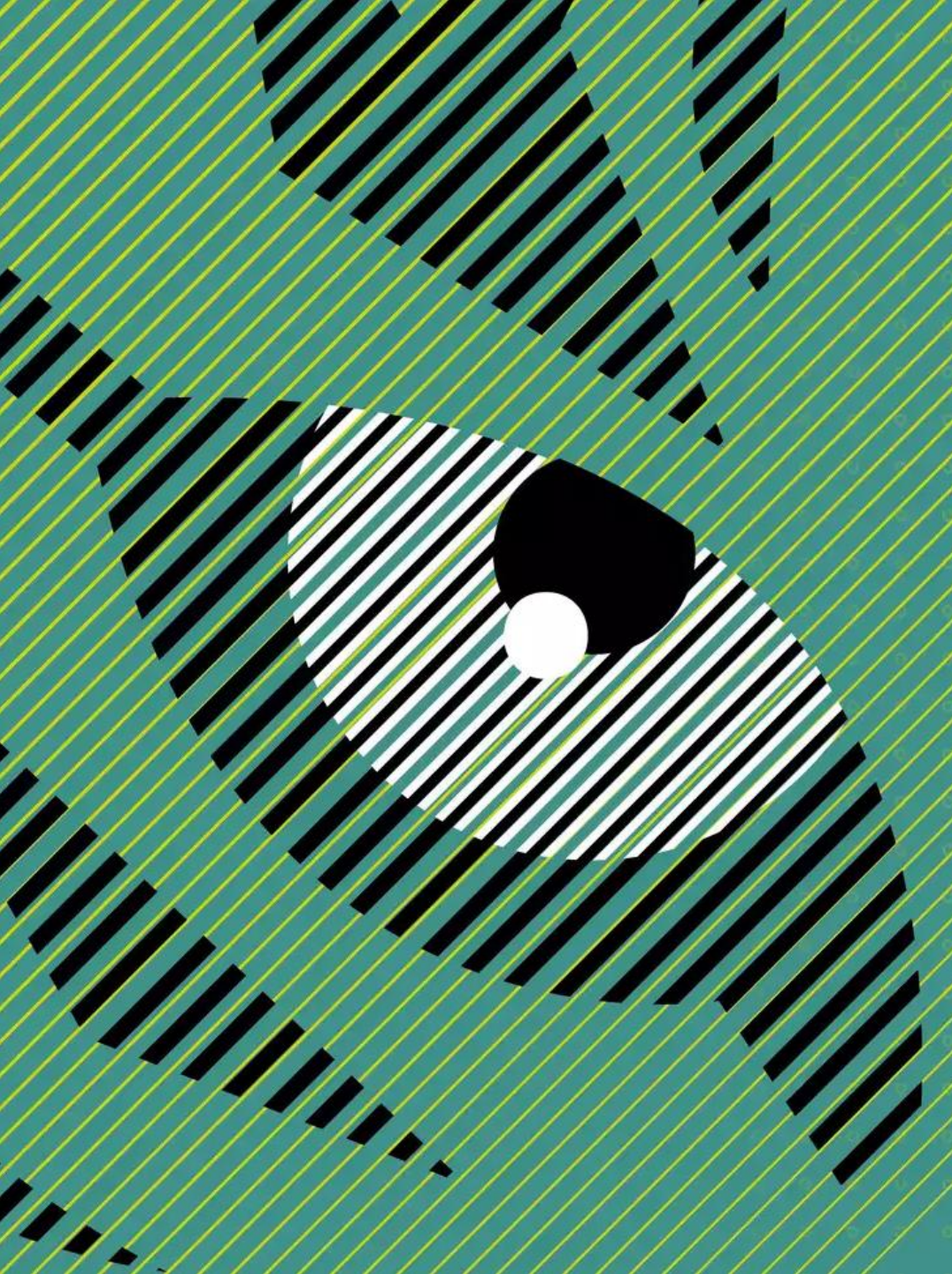
# A disclaimer and a warning

## *Disclaimer:*

Animal Rights Law is an evolving, very dynamic field of law.  
For many questions, no settled answers can be provided.  
Indeed, more questions may be raised than answered.  
But this is what makes it appealing and worth of study.

## *Warning:*

Animal Rights Law deals with the – often cruel – treatment of animals and animal suffering.  
Devoting oneself to the topic intensely may at times be disturbing and distressing and this varies from person to person.  
While pictures are used in a moderate way throughout the course, please feel free to address any discomfort at any time.

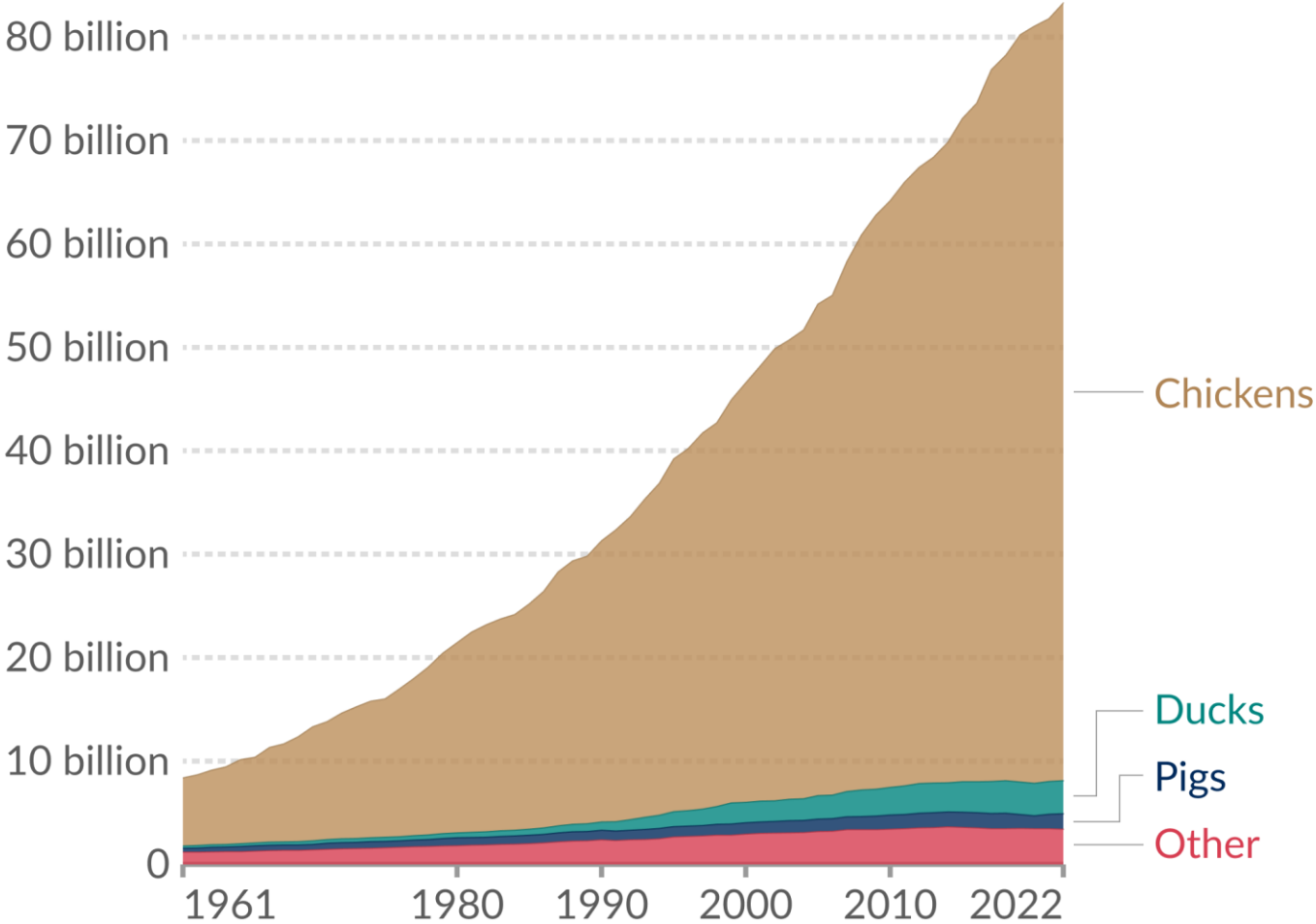


**Unit 1:  
Empirical, philosophical, and  
historical foundations of  
animal rights**

# Overview

- 1) Some empirical data on animals and animal rights
- 2) Historical milestones in the philosophy of animal rights
  - Before enlightenment (Aristotle, Aquinas, Montaigne, Descartes)
  - Utilitarianism (Bentham, Singer)
  - Deontological theories (Kantianism: Kant, Regan)
  - Contractualism
  - The „Political Turn“
- 3) Fundamental conceptions
  - Speciesism
  - Sentience, pathocentrism
  - Intrinsic value, inherent value, ultimate value
  - Animal welfare

# Land animals slaughtered for meat

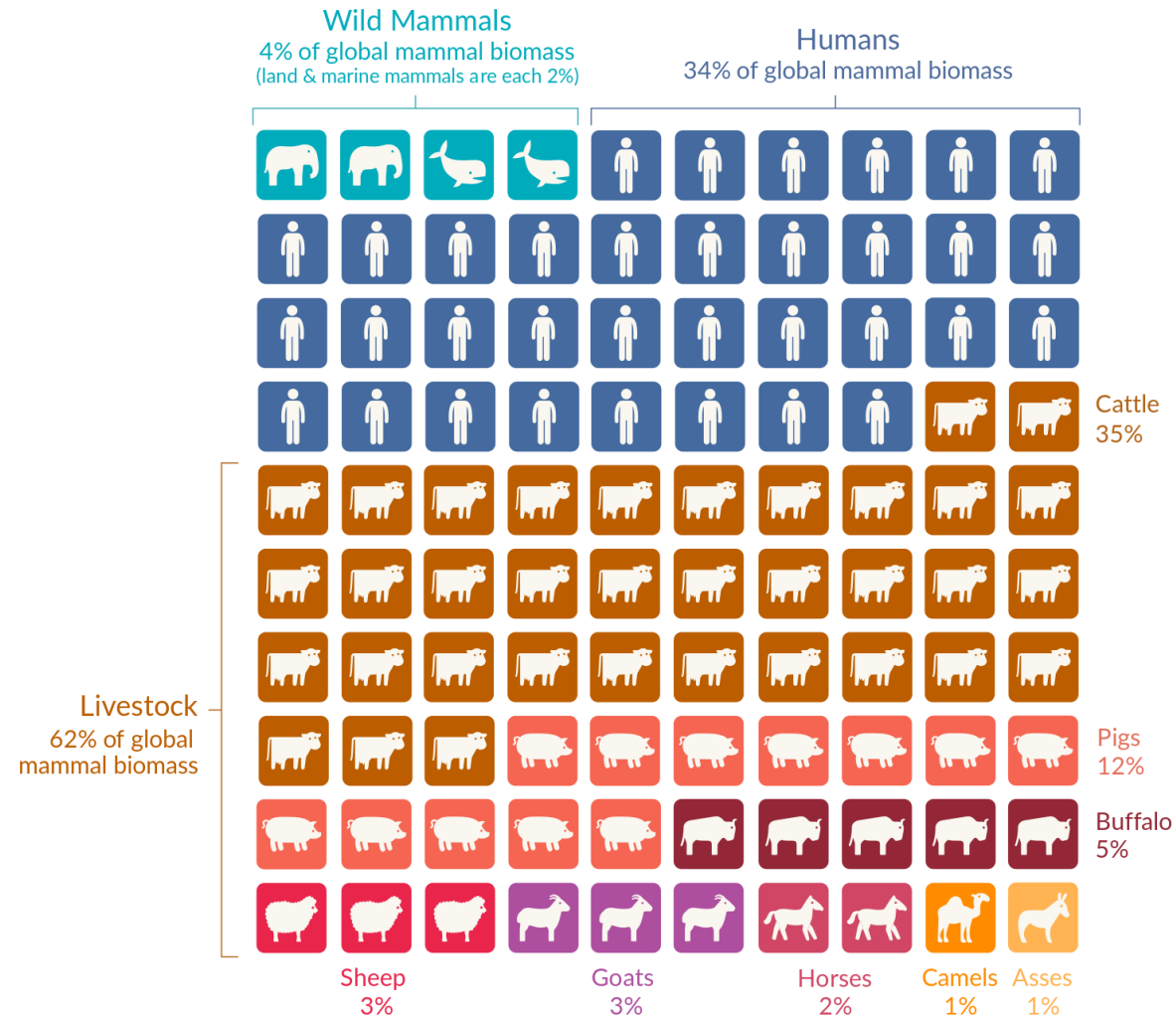


**Note:** "Other" includes geese, sheep, rabbits, turkeys, goats, cattle, and other animals less frequently slaughtered.

**Source:** Food and Agriculture Organization of the United Nations (2023)

# Distribution of mammals on Earth

Mammal biomass is measured in tonnes of carbon, and is shown for the year 2015. Each square corresponds to 1% of global mammal biomass.



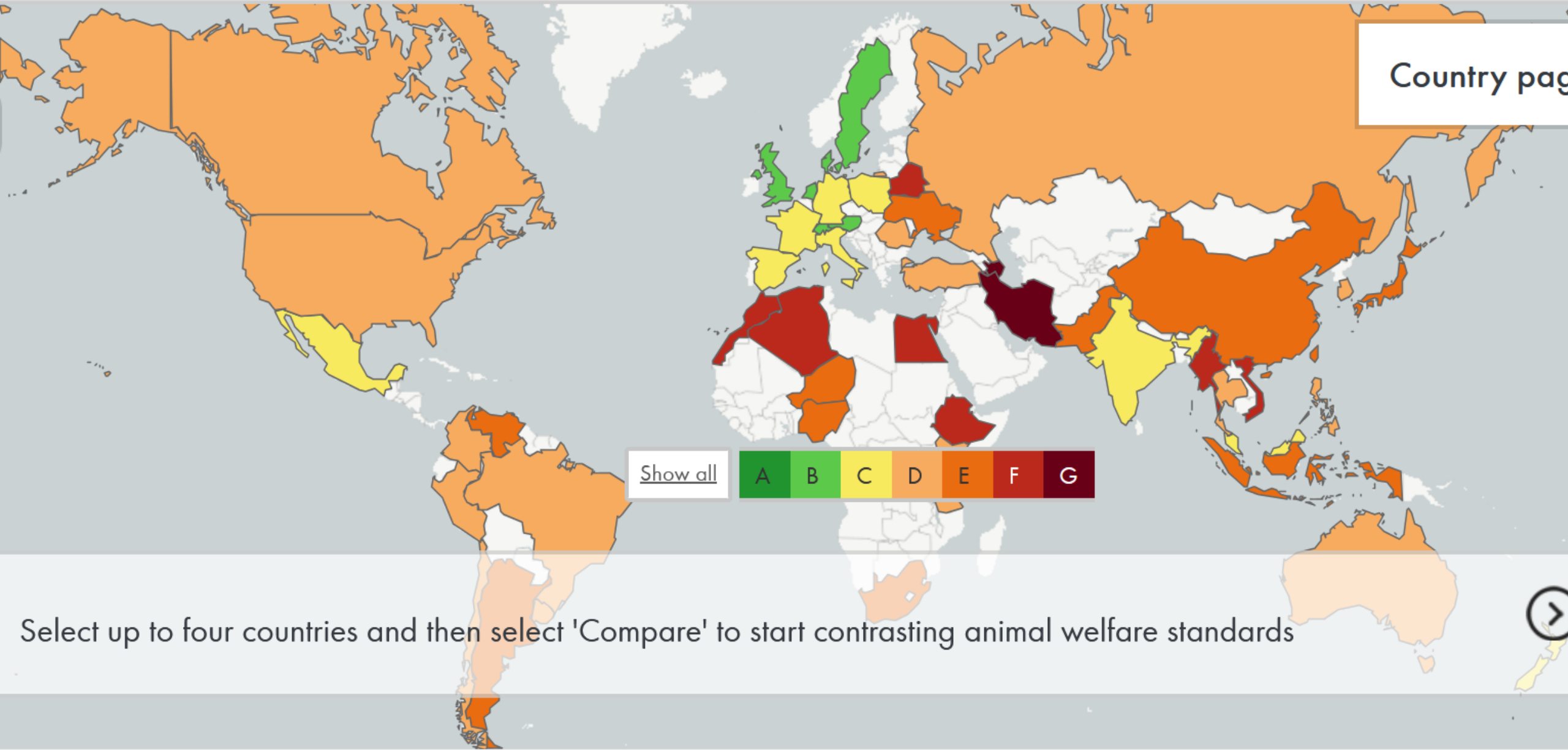
Note: An estimate for pets has been included in the total biomass figures, but is not shown on the visualization because it makes up less than 1% of the total.

Source: Bar-On et al. (2018). The biomass distribution on Earth. Proceedings of the National Academy of Sciences

[OurWorldinData.org](https://ourworldindata.org) — Research and data to make progress against the world's largest problems.

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Country page



Show all



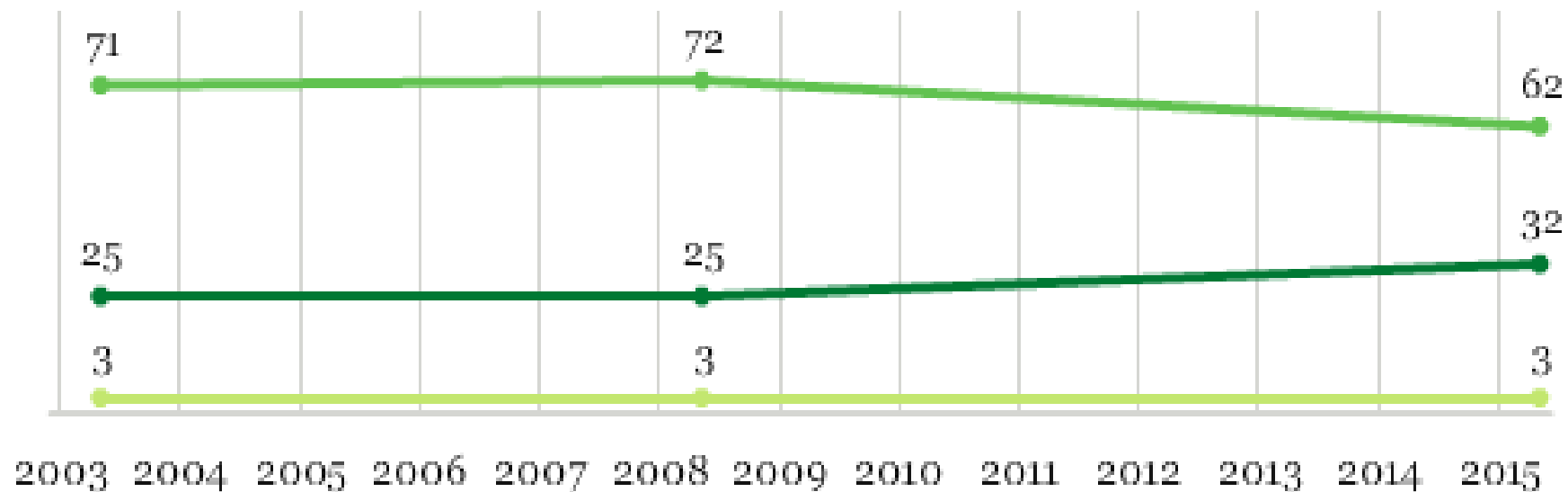
Select up to four countries and then select 'Compare' to start contrasting animal welfare standards

<https://api.worldanimalprotection.org/>

## U.S. Support for Animals Having Same Rights as People

Which of these statements comes closest to your view about the treatment of animals: Animals deserve the exact same rights as people to be free from harm and exploitation; animals deserve some protection from harm and exploitation, but it is still appropriate to use them for the benefit of humans; or animals don't need much protection from harm and exploitation since they are just animals?

- % Same rights as people
- % Some protection
- % Don't need much protection



2015 asked of a half sample



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