



**JOURNAL OF ANIMAL LAW & INTERDISCIPLINARY ANIMAL WELFARE STUDIES
(JAL&IAWS)**

**REVISTA GENERAL DE DERECHO ANIMAL Y ESTUDIOS INTERDISCIPLINARES DE
BIENESTAR ANIMAL**

Introduction

From the beginning, law has addressed the relationship between humans and animals. Western culture's foundations on Roman Law, along with the reinforcement of Judeo-Christian tradition, established the consideration of animals as "goods" and "things" that were, by their very nature, a form of property. As such, a relationship of dominion between man and animal was to become the norm, a citizen was only held accountable for his abuse or mistreatment of animals if these were not his own property.

A major shift was to take place in Great Britain under the reformist attitudes of the nineteenth century, in great part due to the influence of the 'fathers of liberalism' (Jeremy Bentham, Adam Smith, John Stuart Mill, etc.). They categorized animal welfare as one of the few State functions supplementary to public security, public defense and public order that could therefore not be institutionalized or legitimized by the "*laissez faire, laissez passer*" principles, since animal abuse could not be considered a freedom or a liberty.

It was not until the last three decades of the twentieth century when, as a result of the advancements in all areas of knowledge (and particularly in science), a definitive, paradigmatic change took place, both regarding the legal status of animals and the function or roles that materialize through public powers in democratic societies (emergence and constitutionalization of animal welfare as public policy). In fact, there is a considerable number of Civil Codes (among them from some Spanish regions, given the decentralization of its civil law, although reforms in the Spanish Civil Code are pending) that have amended the status of animals as things and property (called *res* in Roman Law). This has often been effected through the enactment of what we may term "negative" maxims: "*Tiere*

sind keine Sachen,” “*les animaux ne sont pas des choses,*” “*gli animali non sono cose,*” “*los animales no se consideran cosas,*” “*Animais não são coisas*”... including article 511-1 of the Catalan Civil Code (“*Els animals, que no es consideren coses...*”). In other instances, more positive expressions have been used: although not fully reaching the status of persons, they qualify as “sensible/sentient beings” or “beings endowed with sensibility.” The latter formulation is part of the draft act to reform the Spanish Civil Code, a step that results from the stipulations of article 13 of the Treaty on the Functioning of the European Union, which regards animals as “sentient beings.”

Indeed, nowadays there are many statutes and regulations that can be traced back to this new paradigm. This accounts for the appearance of Animal Law and Welfare Legislation as a module or subject of its own in many of the most prestigious universities, including some in Spain, and for its mandatory presence in the curricula of veterinary sciences for students looking to practice their profession in all the member States of the European Union (Directive 2013/55/EU).

But legal paradigms do not appear out of the blue. What has really revolutionized the legal system in the twenty-first century is the obligation of any State endeavoring to become a reputable member of the global community of nations to establish and implement a “new” public policy, that of animal welfare (in much the same way that social security policies and environmental policies were respectively adopted in the 1920s and the 1970s). Yet despite the assimilation of this new policy as the *leit motiv* of most of the rules that regulate the relationships between humans and animals, such rules can be difficult to interpret and construe (not to mention correctly implement) if the parameters, developments and foundations of the said policies remain unknown.

Bearing this in mind, this Journal is launched with the aim of promoting and advancing critical approaches on this emerging field in the domain of Law. Fundamental to such field are undoubtedly the advancements in applied animal welfare science, itself based both on health and life sciences (veterinary sciences, biology, genetics, neuroscience, ethology and other behavioral sciences – including aspects relating to analytical and emotional intelligence –, evolutionary psychology, etc.) and on social sciences, ethics and the humanities in general. All of these fields provide essential fundamentals, perspectives and insights to the new public policies on animal welfare. Their contribution is substantial, as from them stems the ultimate reason and logic behind the rules that implement such policies

In line with this thoroughly comprehensive perspective, the Journal welcomes articles, notes and book reviews under the scope of what suitably qualifies as

interdisciplinary animal studies (IAS), although its exclusive focus lies on the field of welfare (IAWS). Submissions must furthermore address the correct interpretation and implementation of animal welfare policy and the enactment of the resulting law (*law or policy relevant interdisciplinary animal welfare studies*).

Aims & Scope

1.- The Journal covers animal law topics and, to the extent that they might be relevant to correctly understand, construe or implement animal law or animal welfare policies, topics on interdisciplinary animal welfare studies (applied animal welfare science, social sciences and the humanities).

2.- The Journal addresses Spanish law (State, of Autonomous Regions and local) as well as international law (private or public, global, regional or bilateral), European law and comparative international law. Its scope reaches all areas of law: private civil law, commercial law, criminal law, administrative law, consumer protection law, food safety law, biodiversity law, and trade law (foreign and domestic). It also addresses all the sciences related to animal welfare that have led to the consolidation and enactment of animal welfare policies or have prompted public debate on the possibility of their implementation. These may be at a *stricto sensu* public level or they may be self-imposed by corporations/associations through normative (but not strictly legal) values that are part of their corporate responsibility or part of a strategy through which to build an adequate relationship with consumers, and which are managed by different sectors of the economy (ISO/EN/UNE standards, commercial labeling of products, contractual praxis, etc.).

3.- The Journal reaches out to the academic community as well as to professionals associated with the field of law or with other social or economic sectors who need to remain updated on the novelties surrounding the origin and implementation of animal welfare policy.

Interested parties include attorneys; judges and prosecutors; notaries and registrars of real state or other private or public documents; veterinarians and biologists; agronomic or forestry engineers; State, Regional or Local public administrations and their civil servants; NGOs, associations and foundations; businesses or counsels of corporations from different industrial sectors, such as animal husbandry or the breeding and farming of domestic or exotic animals, or industries relating to agri-food, the transport and trade of animals or animal products, pharmaceuticals, cosmetics, medicine, biotechnology, digital IT, bioinformatics and Big data, or chemistry, among others.

The Journal also reaches out to experts and trainers on research animals; managers of zoos, aquariums or other types of zoological centers, sanctuaries or shelters, and to farm animals welfare consultants or trainers associated with the conditioning or aid of the Common Agricultural and Common Fisheries Policies. (CAP and CFP).

It also addresses service-sector activities that feature animals (sports, recreation, performing arts); and experts from different areas within the framework of Animal Assisted Interventions (AAI), such as clinical professionals (of fields such as medicine, occupational therapy, physiotherapy, psychology, etc.) and experts in animal-assisted therapies (AAT). The Journal also addresses the interests of educators (elementary and primary education, social education, special education, psychology or occupational therapy) with a background in Animal Assisted Education (AAE). Included in these categories are also volunteers certified to participate in different Animal Assisted Activities (AAA) or certified to become part of AAT or AAE teams.

Journal Structure

JAL&IAWS accepts three types of contributions:

1.- Research articles. In accordance with the aims and scope described above, the Journal seeks to reflect the multidisciplinary of the fields involved in animal welfare. For this reason, articles are duly classified in one of four areas of knowledge. Contributors must indicate to which area their manuscript belongs in their submission (see Instructions for authors): Law, Applied Animal Welfare Science, Social Sciences and Humanities.

The Journal aims to give voice to all these areas of knowledge in each issue, although on occasion (and depending on the quality of the submissions) not all areas may be addressed. Thus the final structure of each of the issues will depend on the nature of the manuscripts accepted for publication.

2.- Notes. Comments on new treaties, European Union or other types of laws, regulations and judicial decisions, as well as on codes of conduct and contract law practice. The Journal also invites submissions of notes on documents relating to animal welfare of an interdisciplinary nature that have legal relevance, such as plans, programs, strategies, proposals, etc.

3.- Book Reviews. Reviews of books or any other type of recently published study. Reviews of books published in the last ten years that have, for some reason, regained notoriety in some particular forum as of recently will also be considered.

The Journal welcomes contributions relating the previously described four areas of knowledge.

Special Issues: JAL&IAWS also accepts proposals of special issues from guest editors who wish to submit a series of articles (along with notes and book reviews, if need be) written by authors chosen and selected by them. These issues will also be subjected to peer review, and they must coherently revolve around a topic determined by the guest editor and previously approved by the Journal. Please contact the Journal for more information on how to submit a proposal of a special issue.

Open Access/Open Science Policy

Given the Open or Public Access policies recently established by the EU, the United States, Australia, Canada and other countries, and strongly supported by highly relevant scientific forums (see article 37 of the Science Act in Spain), authors wishing to publish under any of the licenses (or dedication to the public domain) on Open Access, including Creative Commons licenses, may do so if such is the requirement of the research project that has financed the work behind the contribution. Such research project must cover the necessary expenses for publication. Individual authors may also choose to publish through Open Access, in which case they themselves would be responsible for the costs of publication (see <https://ec.europa.eu/digital-single-market/open-access-scientific-information>). In such case, the author is free to publish his work in another webpage, under the condition that he/she includes, for the general readership, an explicit reference to the volume and issue of the Journal, including the citation or reference (such as the unique and persistent identifier, e.g. DOI) assigned by the Journal to that specific text. The webpage must also include a link to the Journal homepage in lustel.

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