

Animals in French law

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ABSTRACT

Those who are bold enough to be interested in animals in law, whether French, Spanish, American or European, have the tendency to use the expression “Droit Animal”. This formulation is grammatically ill-suited to the topic, at least in French. It seems in effect to either refer to a character of law that is animal, such as the power to be cruel, lethargic, or imprecise, or to the law that certain animal societies occasionally give the impression of creating. Therefore this does not render a precise account of the subject of this new legal discipline in the process of recognizing that it is the study of legal regulations related to animals and to highlight its originality. To better explain what precisely the question consists of, and to increase the chances of being consecrated as a new autonomous university discipline, it is better to speak of droit animalier, as one talks of art animalier and as done in the Revue semestrielle de droit animalier [Biannual Journal of Animal Law] created in 2009 along Dean Jacques LEROY, a jurist by trade and the philosopher Florence BURGAT. One of the advantages of animal law is to make it known that it is not enough to reinforce the law of animal protection; it is also necessary to improve the protection of animals whose proliferation and illnesses represent, with the passage of time, a danger for humans and for other animals.

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PART I

THE PROTECTION OF ANIMALS CONSIDERED AS SENTIENT BEINGS

We will see in the first chapter the progress that has been achieved in French law regarding the protection of animals considered as sentient beings before emphasizing, in the second chapter, the limits, still quite numerous, under which animal protection encounters difficulties.

Chapter I The Progress of the Protection of Animals Considered as Sentient Beings

Section I Criminal Protection

Section II General Protection

Chapter II The Limits of the Protection of Animals Considered as Sentient Beings

Section I The Exclusion of Wild Animals

Section II The Preservation of Traditions

Sub-Section II Religious Traditions

PART II

THE LEGAL STATUS OF ANIMALS

CHAPTER I The Status of Domestic Animals

Section 1 The Criminal Status

Section II The Civil Status

CHAPTER II The Status of Wild Animals

Section I Positive Law

Section II Prospective Law