

## ***The rule of law for all sentient animals***

This paper argues for a theory of the rule of law which is inclusive of sentient non-human animals. It critiques the rule of law theories of Fuller, Waldron and Allan, by showing that their theories presuppose that the legal subject is a person who can be guided by legal norms. This unduly excludes non-human animals and also certain humans who do not have rational capacities. If we instead view the basic idea of the rule of law as restraining arbitrary power, then rule of law theories need to give an account of who can be a potential victim of such power. Non-human animals and humans, whether or not endowed with rational capacities, can all be victims of arbitrary power. So we need a new rule of law theory which is inclusive of all sentient animals, humans and non-human alike. The paper sets out such an inclusive theory.



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