

Animal Welfare/Warfare Law and Animal Rights: From Dichotomy to Complementarity?

Most animal lawyers agree that current animal protection law is painfully inadequate, yet they strongly disagree on how best to reform and meaningfully improve it. The debate continues to be framed by the welfare/rights (or regulation/abolition) dualism, which casts animal welfare law and animal rights as opposing and mutually exclusive paradigms for the legal protection of animals. This dichotomy is problematic, because neither the (too unambitious and compromising) welfare approach nor the (too ambitious and uncompromising) rights approach seems sufficient on its own. In order to furnish more palatable solutions for reforming animal-protective law in a manner that is not too peripheral (and thus not meaningful enough) or too radical (and thus not realistic enough), we need to rethink the simplistic welfare/rights-dualism.

This paper seeks to move beyond the welfare/rights-impasse by reconfiguring the traditionally dichotomized relationship between animal welfare law and animal rights as one of complementarity rather than incompatibility. It does so by drawing an analogy with international humanitarian law and human rights – two historically dichotomized legal regimes which have come to be understood as complementary. Based on a comparison with the law of war and peace, this paper argues that animal *welfare* law is best understood as a kind of *warfare* law, and that this violence-permissive wartime regime needs to be complemented with a violence-repressive peacetime regime in the form of animal rights.



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