

Legal Personhood and Animal Rights

The notion of legal personhood is a foundational concept of Western law. Given how it is associated with the holding of legal rights, it has become a popular topic in animal rights literature. However, most scholars have only applied existing accounts of legal personhood than scrutinizing the concept itself. *A Theory of Legal Personhood* takes a different path: it asks what legal personhood means. It then suggests a different account of how rights and legal personhood are connected – the *Bundle Theory of legal personhood*. The orthodox notion that legal personhood would be a *precondition* for holding rights is at home in private law but does not work well in most animal-rights contexts. Rather, legal personhood is a cluster property: it consists of numerous incidents of legal personhood, not all of which always come together. We can in fact say that animals already hold some legal rights despite not being legal persons. The talk will explore certain implications that the theory has for animal rights argumentation. For instance, the argumentation in many *habeas corpus* trials would look different if the animal rights advocates maintained that animals already hold *some* rights, but that they should *also* hold the right to fundamental freedom.



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