

## ***Animals as subjects or objects of law?***

Although the Animal Rights Law Conference mostly focuses on animal rights *sensu stricto*, one has to admit that animals – although they have rights and their sentience has been acknowledged in a number of legal acts – are at the same time still objects of various contractual obligations. This leads us to a potential paradox of sentient beings who can be used, sold or leased. While we can obviously not imagine this happening to other sentient beings like humans, with reference to animals, it is absolutely acceptable according to the law. The problem has been swept under the rug by placing provisions referring to the respective applicability of provisions covering things to animals next to dereification clauses.

In the presentation, I will point out the most interesting provisions of civil codes and animal protection laws in various EU Member States that refer to the respective applicability of provisions governing regular things to animals. This will be followed by pertinent case law, where provisions governing things have been modified and then applied to animals. Afterwards, I will turn to the ownership right and answer the question as to whether – in light of what has already been presented – animals can actually be “owned” in the legal meaning of this term. Finally, solutions for the future will be presented, looking at ways to remove the paradox of animals being objects and subjects of laws at the same time.



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Małgorzata Lubelska-Sazanów is a researcher based at the University of Silesia. She did her PhD in form of a co-tutelle agreement at the University of Silesia and the University of Osnabruck. In the meantime, she finished an LLM degree at University of California, Davis. A stipendist of numerous scholarships, including from the Max Planck Institute, DAAD, and the Foundation for Polish Science. The last of these institutions awarded Malgorzata a 2020 a scholarship for the 100 best researchers in Poland. The author of numerous publications (including “*Animals as specific objects of obligations*”, V&R Unipress, 2020); the coordinator of an EU Commission project based at the university. Privately, she loves animals and working with students, which she also does on a daily basis.



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