ADVANCED READING ASSIGNMENT: II, III (a) and (b)(1)

"ANIMAL RIGHTS JURISPRUDENCE"
Lewis and Clark Law School
SUMMER, 2013
STEVEN M. WISE, ADJUNCT PROFESSOR

SYLLABUS AND READING LIST

I. SHOULD HARVARD LAW SCHOOL REJECT A PORCINE APPLICANT?
   David Mamet, Henrietta (Houghton Mifflin 1999)

II. INTRODUCTION TO THE FOUR LEVELS OF RIGHTS JURISPRUDENCE

III. LEVEL ONE - THE CAPACITY TO POSSESS LEGAL RIGHTS
   a). Obstacles to Legal Personhood for Nonhuman Animals
   b). Nonhuman Animals Are Not Entitled to Legal Personhood – Are These Views Wrong?
c). Legal personhood for human slaves: A model for nonhuman animals?

Steven M. Wise, *Though the Heavens May Fall – The Landmark Trial that Lead to the End of Human Slavery* (2005)

d). Liberty and Equality

Steven M. Wise, Chapter 6, "Liberty and Equality," in *Rattling the Cage, supra*

e). The Common Law

1). Common law as a source of rightlessness for nonhuman animals

Steven M. Wise, Chapters 1-4, in *Rattling the Cage, supra*

2). How the Common Law Changes

Steven M. Wise, Chapter 7, "The Common Law," in *Rattling the Cage, supra*

f). A Demur and a Defense


g). David Favre’s Proposals For Nonhuman Animal as Property with Rights

1). Equitable self-ownership and another demur

b). Richard L. Cupp, Jr., supra at 34.

2). Living Property


IV. LEVEL TWO – WHAT LEGAL RIGHTS FOR NONHUMAN ANIMALS?

a). What is a Legal Right?

Steven M. Wise, Chapter 5, Rattling the Cage – Toward Legal Rights for Animals (Perseus Books 2000)

b). What are the Sources of Legal Rights?


2). Declaration of Independence

3). Alaska Const. Art. I, sec. 1


c). All Humans Have Not Been Entitled To Basic Legal Rights – Are These Views Wrong?

1). Dred Scott v. Sanford, 60 U.S. (19 How.) 393, 396-413 (1856) (black slaves)


3). Motion to Admit Miss Lavinia Goodell to the Bar of this Court, 39 Wis. 232 (1875)(women).
d). Steven M. Wise, Chapters 8-11, in *Rattling the Cage*, supra

e). David Favre, *supra* at 1060-1070


h). *Habeas corpus* and *de homine replegiando*

1). Steven M. Wise, "The entitlement of chimpanzees to the common law writs of *habeas corpus* and *de homine replegiando,*" 37 *Golden Gate University Law Review* 219 (2007)

2). *In Favor of Suica*, *Habeas Corpus* – 833085-3/2005 (9th Criminal Jurisdiction, Bahia, Brazil, September 26, 2005)

i). The Thirteenth Amendment to the United States Constitution

*Tillikim v. SeaWorld Parks and Entertainment, Inc.,* 11CV -2476 (JM WMC)(Feb. 8, 2012 S.D. Cal.) (Complaint and Decision on Motion to Dismiss)

V. LEVELS THREE AND FOUR – PRIVATE RIGHTS OF ACTION AND STANDING FOR NONHUMAN ANIMALS AND OTHER PERSONS


e).  *Animal Lovers Volunteer Assoc. v. Weinberger*, 765 F. 2d 937 (9th Cir. 1985) 431

f).  *Palila v. Hawaii Department of Land and Natural Resources*, 852 F 2d 1106, 1107 (9th Cir. 1988) 435


h).  *Cetacean Community v. Bush*, 386 F. 3d 1169 (9th Cir. 2004) 443


VII. IS NONHUMAN ANIMAL PERSONHOOD A STEP IN THE WRONG DIRECTION?


There will be an open-book take-home examination. 30% of the final grade will be based on classroom participation.