



Animal Law and Science: A Powerful Alliance

Lori Marino, PhD
President, Whale Sanctuary Project
Exec. Dir., The Kimmela Center

30TH ANNUAL ANIMAL LAW CONFERENCE
BUILDING A BRIGHTER FUTURE



Outline for Today's Talk

- Science plays a foundational role in animal law and policy
- Scholar-advocacy - scientists *can* be advocates for animals
- The new Animal Law and Science Project at GWU



Science plays a
foundational
role in animal
law



- The task of arguing for the rights and protection of other animals depends upon being able to reflect *who* they are.
- That information comes from the scientific literature.
- Animal advocates of all kinds need to be able to utilize the science in the most effective way.





Examples of science and legal efforts for animals

Scientific testimony in hearings for S203 (Ending the Captivity of Whales and Dolphins Act) – which passed in 2019

Bans dolphin and whale captive breeding and entertainment.





Bill S218 - Jane Goodall Act

- More than 20 elephants live in captivity in Canada.
- Would ban zoos and other establishments from acquiring new great apes or elephants unless they're doing so for welfare or conservation.
- Would forbid the importing or exporting of any items composed of elephant ivory and items "consisting of any elephant part," with some very limited exceptions.
- Would give the Canadian government more power to crack down on the private possession of big cats.
- Would urge provincial seizure of Kiska – the orca at Marineland
- **Will require testimony from scientists about great apes, elephants, and big cats.**



The SWIMS ACT

Sponsors: Adam B. Schiff (D-CA), Jared Huffman (D-CA), Suzan DelBene (D-WA), Dianne Feinstein (D-CA)

Endorsed by: Animal Defenders International, Animal Welfare Institute, Born Free USA, Cetacean Society International, CompassionWorks International, Earth Island Institute, Endangered Species Coalition, FOUR PAWS USA, Jean-Michael Cousteau's Ocean Futures Society, Last Chance for Animals, Michelson Center for Public Policy, Nonhuman Rights Project, Oceanic Preservation Society, People for the Ethical Treatment of Animals, Performing Animal Welfare Society, Physicians Committee for Responsible Medicine, Whale Sanctuary Project

The SWIMS Act was introduced in August 2022 by Rep. Adam Schiff in the House and Senator Dianne Feinstein in the Senate.



The Strengthening Welfare in Marine Settings (SWIMS) Act would end the future capture and breeding of these whale species for public display.

Specifically, the bill would:

- Amend the Marine Mammal Protection Act of 1972 to prohibit the taking, importation, or exportation of these whales for the purpose of public display.
- Amend the Animal Welfare Act to prohibit any breeding of these whales for future public display.
- Allow exemptions for animals being transported to a sanctuary setting or released to the wild.

Whales are proven to be among the most intelligent species

- Scientific studies have shown that certain cetaceans - namely orcas, beluga whales, pilot whales, and false killer whales - are cognitively, emotionally, and socially complex animals.
- They are able to engage in creative problem solving, intentional communication, show empathy and complex emotions for others, and form lifelong bonds.

Whales cannot thrive in captivity

- For decades, these species have been held captive for display, where they are exploited, sometimes isolated, and often die prematurely.
- Science increasingly supports that these species - due to their cognitive sophistication, sociality, wide-ranging nature, and size - suffer in captivity, where they often engage in behavior indicative of suffering and distress.
- Current federal laws allow these whales to be confined in concrete tanks that fail to meet their basic psychological, physical, and social needs.



Scientists can be
the most effective
advocates for
animals



Scholar-Advocacy

A professional model based on applying scholarship to animal advocacy

There is no inherent conflict between science and advocacy.

There is an entire domain in which scientists play an important role in legal advocacy for animals.

Scholar-advocacy is about developing and expanding that domain.

How do we empower legal scholars and practitioners with science?



Animal Law and Science Project

(part of the Animal Legal Education Initiative supported by ALDF)

A new project bringing together animal law scholars and practitioners, policy makers, and experts in the natural and social sciences.

What can science do for animal law?

What would a legal system properly informed by scientific understandings about animals and the harms of their usage look like?

Goal is to create new pathways of collaboration across disciplines that will empower animal protection in litigation, legislation, policy creation, and education.



Kathy Hessler



What will we be doing initially?

- Introductory webinars:
 - Animal Law 101 for Scientists
 - Animal Science 101 for Animal Law students/scholars/practitioners
 - Human psychology/social science 101 for Animal Law students, etc....
 - Glossaries for each
- Science expert directory
- Presence at Science and Animal Law conferences
- Courses and Curricula

Listserve

GW

LAW

To subscribe, send a blank email (no subject or body) to animalenvironmental-subscribe-request@listserve.law.gwu.edu. There will be a confirmation email with a link to click that is sent in return.

Thank you!

www.whalesanctuary.org



The Whale Sanctuary
Project

Back to Nature

www.kimmela.org



THE KIMMELA CENTER
SCHOLARSHIP-BASED ANIMAL ADVOCACY

