

Professor Angela Fernandez interview with Metro Morning host Ismaila Alfa (Transcript)

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Alfa: “From exposing factory farms to protecting creatures in captivity, activists have played a major role in fighting for animal rights. But now, there is a growing interest from law students to get into the field of animal law. **Angela Fernandez** is a law professor at the University of Toronto and she teaches an animal law class. She's organizing the 4th annual Canadian Animal Law Conference this weekend. Good morning, Angela.”

Fernandez: “Hello Ismaila, how are you?”

Alfa: “I'm doing really well, really happy to have you on the program! I wonder what got you interested in animal law in the first place?”

Fernandez: “Yes, thanks for talking to me! I got interested in animal law because, as a legal historian, I started working on a case about a fox that was being hunted, and people started asking me as I was digging deeper and deeper into the facts and circumstances around this case, whether this fox is going to die? Whether the person who was originally chasing him or the person who intervened - whether they were going to kill him? And so I started to think about that and wonder: Why is this fox being considered to be property? And why are we using this [case] to teach law students about property? And in fact, why are any animals considered to be property? Why do we treat them like that? So that's really what got me started on my journey.”

Alfa: “How did you discover that animal law was an actual field that lawyers could get into?”

Fernandez: “We have had a course at the University of Toronto for quite a long time. It was taught by a lawyer named **Lesli Bisgould** who practises here in Toronto. I knew about the field and I started to connect with people who were already in the field, like Lesli, and that really helped a lot.”

Alfa: “OK, now I have to admit that I had never known anything about animal law until I was listening to story about chimpanzees and somebody was trying to make the case about a chimpanzee being a sentient being, who should have person-hood, and that fascinated me. I think that many who look at animal rights though still think of the activism side of it, the protesting side of it. How can animal rights be fought in court?”

Fernandez: “That's a great question. And it's interesting you mention that case of the chimpanzee (that's the Nonhuman Rights Project) and that's actually the first topic I also got into it because it sounded to me like one of the most promising things that was happening in the field, and I still think there's some very interesting things going on. That group has gone on now to do case about elephants and some other things. But yes, I think you're right that often people are thinking of the activists side and this is something that looks a little different in the U.S. and in Canada. But also, there's a real need there because those folks are often getting themselves into trouble in terms of needing defense. So for the law student, that's one of the areas we talk about a lot, because it's actually one of the practices things that they can get involved with and really make a big difference in terms of helping someone who's overstepped the line, and for instance, finds themselves being charged with something.”

Alfa: Now in the intro I mentioned the growing interest from law students, how much of a growing interest is there? How much of an increase have you seen?”

Fernandez: "Yeah, so this is really pretty incredible. So you know when Lesli was first teaching the course, and when she and I co-taught it a few years ago, it was quite small. It was in the evenings, we were really struggling to get more than a handful students and some years [we] had to cancel. But, we have really seen a big growth here. So last year when I taught in the fall I had almost 50 students. This year, we've got up again to 50 students and we've got it [running] during the daytime.... I really want to mainstream it to the point where people aren't asking "What is animal law?" We go to contracts or we go to the trusts course, or something like that, and to some extent you're asking what it is, but people come in with basic knowledge. I think what you're saying is totally right, that people don't with animal law, including the law student who so we do have to spend a bit of time [thinking] about what it is."

Alfa: "What's behind this rise in interest in animal law? It is just greater awareness that it exists or is this a different way of thinking from younger generations?"

Fernandez: "It's interesting. I think it's a little bit of offering it, putting it in the curriculum in an essential way, then you're basically signaling to people, 'This is essential and important' and you are saying 'Come and check this out!' And so I think that does quite a bit. But I think, the majority of it is really about younger people who are starting to make the connections between animals, the environment, human health. They're looking for alternatives in terms of their own eating and things like that and I've noticed that as I've been doing this for almost eight years. I've really seen quite a difference in that respect."

Alfa: "So this interest is growing. How much more important will animal law become in all of our lives as the climate continues to change our population growth?"

Fernandez: "I think it's going to be huge. Animal agriculture is one of the largest contributors to greenhouse gases. And so I think that people don't necessarily [want] to change things relating to their eating patterns and their consumption patterns, but, we know that that's going to have to give. And so part of what I think the role that the field can play is really sort of to explain to people, yes, it really needs change, the climate for our own human interest, but also for these animals as well, that are kept in these really terrible conditions that most of the time were just trying not to think about because people feel like I have to eat like this, or do this, but when you look into it and realize, I don't really have to then, [because of] these other alternatives. It sort of lets you open your eyes, I think, in a way that maybe we haven't done in previous generations."

Alfa: "So the Canadian animal law conference that you helped organize is happening this weekend. What topics are to be covered?"

Fernandez: "Yeah, so we're going to do all sorts of amazing things. So it starts on Friday with something called the North American Animal Law conference and those are going to be scholars track presentations. One of the presenters, one of the topics, is going to be on the Rights of Nature, which will be really interesting because that's an area where we're trying to figure out whether animal rights could be kind of included in when you protect the environment and the animals that are in there. I'm going to be talking about my idea that I have to classify animals, non-human animals, as not quite property not quite persons, called 'quasi-property or quasi-personhood', so that'll be interesting. Then on Saturday and Sunday we've got the panels, we've got probably three or four current sessions. There will be also some things from family law where people are talking about dogs, the dog ownership and who gets the dog upon separation and divorce. Also, domestic violence issues relating to women going into shelters

and being reluctant to do so because they don't want to leave the companion animal. 'Ag gag' legislation which is, you know, this really problematic legislation we now have in Ontario which prevents whistle-blowers and activists from capturing images of industrial animal abuse. Lots of topics like that."

Alfa: "You have so much to cover and no wonder are you so excited about this! Thanks so much for being here this morning!"

Fernandez: "Thanks so much for having me for and for taking an interest in this. I really appreciate it."

Alfa: "You take care OK. Angela Fernandez is an organizer of the Canadian Animal Law Conference taking place at the U of T this Friday through Sunday."