

THE END OF AN ERA

EL FIN DE UNA ERA

Marita Giménez-Candela

Professor

Founder and Chief Editor

Senior Research Affiliate Max-Planck-Institut. Heidelberg

ORCID:0000-0002-0755-5928

SCOPUS ID:5721892364

Reception: May 2024

Acceptance: May 2024

ABSTRACT

There are intellectuals who, through their contributions to studies, their pioneering work and their own personality, have identified the efforts of a whole generation of scholars. This is the case of Steven Wise (1950-2024). Steven Wise saw the possibility of turning animal studies on its head, both theoretically and practically, and he did it successfully. In this volume, we help to keep his legacy alive by remembering his work and projects for the recognition of non-human animal rights.

KEYWORDS

Steven Wise; non-human rights; habeas corpus; great apes; elephants; *damnatio memoriae*

RESUMEN

Hay intelectuales, que, por su contribución a unos estudios, su trabajo pionero y su propia personalidad, identifican los esfuerzos de toda una generación de estudiosos. Este es el caso de Steven Wise (1950-2024). En la mente de Steven Wise, estuvo la posibilidad de dar una vuelta de tuerca a los estudios sobre los animales, tanto en el plano teórico como práctico y lo llevó a cabo cumplidamente. En este volumen contribuimos a que su legado siga vivo, recordando su trabajo y sus proyectos en favor del reconocimiento de los derechos no-humanos, en favor de los animales.

PALABRAS CLAVE

Steven Wise; derechos no-humanos; habeas corpus; grandes simios; elefantes; *damnatio memoriae*.

THE END OF AN ERA

EL FIN DE UNA ERA

Marita Giménez-Candela

The death of Steve Wise (19 December 1950–17 February 2024), one of the pioneers of this new branch of law, has had a profound impact on the field of animal law. To honor his memory, DALPS has created a section that goes beyond the scope of an obituary in an academic journal. This section is dedicated to the work of Steven Wise, in particular his efforts to recognize the rights of certain animals, and to highlight the importance of his writings and publications. The authors of the works dedicated to Steven Wise have had the privilege of knowing him closely and of being co-founders with him of what we now call “Animal Law” (David Favre and Joyce Tischler), as well as direct collaborators in the creation and implementation of his important initiative in the field of the procedural defence of these animals: The Non-Human Rights Project¹ (Gail Price-Wise, Elizabeth Stein and Lauren Choplin).

In addition to the testimonies of these direct witnesses of Wise’s work, we also include a reflection (by Carlos Contreras) on the influence of the translation into Spanish of Steven Wise’s innovative book “Rattling de Cage”, which appeared as the 5th volume of the “Animals and Law” Collection, published by Editorial Tirant lo Blanch², with the title: “Sacudiendo la jaula”, which contributed to disseminating his ideas among Spanish-speaking readers³.

With this tribute to Steven Wise, DALPS wishes to highlight the work of someone to whom animal law owes its beginnings, someone whose death marks “the close of an era”, as David Favre said in a personal message after the death of the man who was not only a co-founder but also a great friend.

Those of us who, like me, come from legal disciplines whose age is measured in centuries, are accustomed to paying tribute to our “*antecessores*”⁴, namely those who have contributed to the growth and dynamism of a discipline through their publications, their intellectual activity, their work in training new talent. We do not consider this recognition, which may take the form of a careful and grateful citation of their works, initiatives and results, to be disrespectful. On the contrary. What is not understood

¹ <https://www.nonhumanrights.org/>

² <https://editorial.tirant.com/es/colecciones/animales-y-derecho>

³ SALZANI, C. Rev. WISE, S.M. Rattling the Cage: Towards Animal Rights (Valencia 2018), in dA. Animal Law. Forum of Animal Law Studies, 9/4 (2018) 168-171 <https://doi.org/10.5565/rev/da.360>

⁴ The term *antecessor* is the technical name used to designate a professor of law in the schools (faculties) of classical antiquity. Vid. C.1,17, 1, 3; 2,9,22.

— and not practiced — at least in the intellectual galaxy to which I belong (proudly, by the way), is forgetting, the reluctance to acknowledge the work, achievements and ideas of those who have worked before us, because such forgetting reveals ignorance, an ugly ethical imprint, a lack of *elegantia iuris*⁵ and a futile effort. Deliberately forgetting someone who has opened up a new panorama is what was technically known in the ancient world as “*damnatio memoriae*”⁶. That is to say, to erase someone’s name from a monument, from a work, from a quotation, from a tribute. In the belief that erasing the name would irrevocably lead to oblivion. A forgetting or death of the memory of the “condemned” (*damnatus*) for daring to have thought, to have worked, to have built. But memory is stubborn, especially when what it wants to erase still exists and is alive, and what is most alive is the spirit and the love of the work that has been done.

In the words of the great Spanish poet Francisco de Quevedo⁷, which, although they refer to romantic love, can also be applied to the love of a job well done:

“... they will be ashes, but ashes that yet feel, they will be dust, but dust in love”.

The work well done in Animal Law is what we want to highlight in remembering Steven Wise. Because it sets the bar where it should always be among those of us who work for animals: in putting aside personalism, which is so ridiculous and inane, and in getting things done with commitment, method, and rigor. Animal Law is Law, not emotion. The work is done for the benefit of the vulnerable. Not for one’s own benefit. And it has to be done to perfection, down to the last detail. With method and rigor. As any legal discipline should be.

The end of an era —these words of David Favre— contain, in addition to the mourning for the friend and researcher who has left us, a call to our intelligence, our spirit and our community of interest. We are not closing anything or opening a new era. We carry on honestly, without haste, but without pause, doing what we know how to do, what we like, what we are good at. We continue to work for animal law to be recognized as a legal discipline in all law schools around the world⁸. Without exclusion. So that the

⁵ Vid. *Elegantia iuris* is a cliché in Roman legal literature, which, among jurists, denotes stylistic refinement, clarity of exposition and exhaustiveness in citing authors who have dealt with the same subject. See, e.g., ROSSI, F. *Ars iuris ed elegantia: il linguaggio giuridico come dimensione artistica*, in ROSSELLI, O. (Ed.). *Le arti e la dimensione giuridica* (Il Mulino, Bologna 2020) 55-94.

⁶ There is a vast literature on *damnatio memoriae*, vid. CARROLL, P.M., *Memoria and Damnatio Memoriae*. Preserving and erasing identities in Roman funerary commemoration, in CARROLL, P.M., REMPEL, J. (eds.). *Living through the Dead: Burial and commemoration in the Classical world*. *Studies in Funerary Archaeology* 5 (Oxford 2011) 65-90.

⁷ QUEVEDO, F. de, *Obra poética*, volume I, ed. by José Manuel BlecuaTeijeiro (Madrid 1969-1971) 657.

⁸ See generally, GIMÉNEZ-CANDELA, M., CERSOSIMO, R. *La enseñanza del Derecho Animal* (Valencia 2021); GIMÉNEZ-CANDELA, M., CERSOSIMO, R. *Teaching Animal Law in Europe*, in *Animal and Natural Resource Law Review* 20 (forthcoming Aug. 2024).

animal world gets the same respect and legal recognition within the law that it deserves in a 21st century society.

REFERENCES

- CARROLL, P.M., *Memoria and Damnatio Memoriae*. Preserving and erasing identities in Roman funerary commemoration, in CARROLL, P.M., REMPEL, J., (eds.). *Living through the Dead: Burial and commemoration in the Classical world*. *Studies in Funerary Archaeology* 5 (Oxford 2011) 65-90.
- GIMÉNEZ-CANDELA, M./ CERSOSIMO, R., *La enseñanza del Derecho Animal* (Valencia 2021)
- GIMÉNEZ-CANDELA, M., CERSOSIMO, R. Teaching Animal Law in Europe, in *Animal and Natural Resources Law Review* 20 (forthcoming Aug. 2024).
- ROSSI, F. *Ars iuris ed elegantia*: il linguaggio giuridico come dimensione artistica, in ROSSELLI, O. (Ed.). *Le arti e la dimensione giuridica* (Il Mulino, Bologna 2020) 55-94.
- SALZANI, C. Rev. WISE, S.M. Rattling the Cage: Towards Animal Rights (Valencia 2018), in *dA. Animal Law. Forum of Animal Law Studies*, 9/4 (2018) 168-171 <https://doi.org/10.5565/rev/da.360>

