

Yossi Wolfson

Different Manners of Law for Zayadneh and Zoglowek

The article utilizes empirical methods to analyze how the Israeli penal enforcement system contends with offences against animals. Typically, criminal enforcement is more severe towards marginalized social groups and in particular cases, whereas it is more lenient in cases of offences committed in places of institutionalized exploitation of animals. Animals are not treated according to their sentience and vulnerability but according to social-cultural categorization and function for humans. Enforcement is stronger where cats and dogs are affected, while other animals are neglected. The discourse in criminal rulings tends to be anthropocentric.

The described above is a deviation from the law as it manifests in legislation (including criminal legislation), administrative law and civil cases initiated by animal protection organizations. Here animals are in the center. Their perspective, as sensitive creatures with needs and desires, is emphasized. The focus is on places of institutionalized exploitation. A broad spectrum of species and facilities is covered.

The article argues that the penal enforcement system serves reactionist agendas that aspire to conserve outdated power systems of animal exploitation and to impede trends towards better protection of animals. The penal procedure becomes a ritual of condemning the “other”, restoring social constructs that underpin animal exploitation and re-affirming institutionalized injuries to animals – whether legal or illegal.

The findings suggest that the penal enforcement system deviates from the law owing to the identity of the social agents that initiate the penal enforcement actions: The Ministry of Agriculture, a captured regulator, as well as the Police and the State Attorneys Office who express similar agendas.