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Animal Mobilegalities: The Regulation of Animal Movement in the American City

Introduction. Humans purposefully bring certain animals into the city where they care for them: dogs and cats in the home, chickens and goats in the yard, and elephants and tigers in the zoo. Some animals escape their designated spaces and survive in the city to breed, such as monk parakeets in New York. Humans living in cities also intentionally create habitats for certain animals: hummingbirds, ospreys, trout, and bass. Still other animals — bedbugs, pigeons, Norway rats, gulls, squirrels, and Canadian geese, to name a few — come to the city uninvited and thrive in the urban habitat. The large mass of nonhuman animals in cities constitutes what is referred to in animal studies literature as a “shadow population” or a “subaltern animal town” ([Wolch, West, and Gaines](#) 736).

Whereas a large and growing literature is dedicated to studying the regulation and the policing of human populations in the city, not much has been written about the regulation and policing of animals in this space. Animal studies in contemporary urban theory are also quite rare ([Lorimer; Wolch, West, and Gaines](#) 735). This article contributes to the growing fascination with animals in the city by discussing the following questions: How are urban animals classified by animal laws? Which urban animals are protected, and which are unprotected, by law? And, finally, how do humans and animals work with and around the various legal classifications? While many of the animal classifications discussed in this article are not limited to cities — and, in fact, some are even defined by their occurrence outside cities — I have chosen to focus on legal classification in urban spaces because the condensed human-animal relationship in the contemporary city results in more frequent clashes between various human-animal trajectories than it does in less human-populated areas.

Legal norms are often premised on assumptions about human agency. Accordingly, the modern project of policing animals in the city does not target animals directly. Rather, it is performed through the regulation of humans. In this sense, the story of policing animals in modern time is inevitably a story about policing humans. I use the term “zooveillance,” in my article “[Foucault Goes to the Zoo](#),” which may be useful in this context. There, I argue that traditional definitions of surveillance should expand beyond human animals to encompass nonhuman animals and inanimate things. Zooveillance — or the regulation of “bio” and “zoe” — conveys certain aspects of governing humans that are less visible otherwise. This article considers the conflicting interests that arise through the policing of humans who attempt to bring chickens back into cities, practice religious beliefs through animal sacrifice, or keep non-traditional pets such as the pot-bellied pig.

Furthermore, this article demonstrates that animals, too, practice some form of agency — referred to by [Bruno Latour](#) as “actancy,” the diversity of which is fully deployed without having to sort in advance the ‘true’ agencies from the ‘false’ ones” (55) — and that, at the very least, animals affect laws by their physical mobilities, or what [Mike Michael](#) refers to, in his piece “Roadkill,” as “animobilities” (279; See also [Philo and Wilbert; Wolch and Emel](#) 1998). Accordingly, wild or feral animals move about in trajectories that often bring them into zones of human settlement, where they encounter humans who move along their own trajectories. The initial focus of “animobility” scholarship has been on the physical geographies of animals. This article extends the meaning of animobility to explore the ways in which animals are affected — and, in fact, constituted — by law, as well as the ways in which they affect and constitute law. Specifically, I ask how animobility in contemporary American cities translates into the animals’ legal mobility, and how laws can adapt to animobility and the ensuing mobilegality by setting “traps” that then immobilize the animals. This article demonstrates, finally, that law is not a static narrative that produces monophonic meaning, but a living process that feeds on, and depends upon, dynamic human-nonhuman assemblages. The different modes of classification discussed here — body, taxonomy, and law — provide a yardstick by which to think of the rigidity and flexibility of mobilegality itself, constituting a matrix for the mobilization of legality.

Structurally, I begin by introducing Michael’s term “animobilities,” its uses in animal studies scholarship, and my extension of this term to include animal law. Second, I present and discuss the central technology by which law governs animobility: classification. I contemplate the project of legal classification in general and the dominant legal paradigm of animal classification — the protection of animals — in particular. Third, I explore specific animal classifications: wildlife, pests, companion animals, and livestock. In each category, I discuss instances of reordering and reclassification so as to demonstrate the inherent messiness and fluidity of animal regulations. Fourth and finally, I explore the interrelations between law and animobility by studying particular classifications as these are enacted and enforced in Buffalo, New York. Throughout, I study the interrelations between “animobility” — the animal’s physical agency through movement — and the animal’s legal mobility: its mobilegality.

The article draws on a survey of animal ordinances, codes, regulations, and case law, mostly from the City of Buffalo and from New York State. These explorations of legal texts are supplemented with semi-structured, in-depth interviews conducted with six officials who enforce animal regulations in Buffalo, including officers from Erie County’s Society for the Prevention of Cruelty Against Animals (SPCA)¹ — the largest local organization in New York and the second oldest in the country — and a New York State authorized wildlife nuisance removal expert. The interviews were conducted in October 2011 based on an initial reference from Buffalo Zoo’s director to the Executive Director of the local SPCA, Barbara Carr. From that point on, interviewees were selected based on a snowball, or chain referral, sampling ([Biernacki and Waldorf](#)), a widely used method in qualitative sociology that relies on referrals by initial people who know others that are of research interest. Finally, the article also relies on newspaper articles and Internet sources.

Animobilities and Mobilegalities. In his article “Roadkill,” Science and Technology Studies scholar Mike Michael traces some of the ways in which roadkill is culturally constructed as a means of reflecting upon the relationalities among humans, nonhuman animals, and technology. Here

is how he explains his choice to focus on roadkill rather than on what he considers to be the major western animal classifications:

There are innumerable other configurations of humans, animals, and technologies that one could draw upon — companion animals, animals in the laboratory, domesticated animals on the farm, protected animals in the wild — all, in one way or another, are “technologized” and “culturalized.” These are increasingly subject to social scientific analysis. Roadkill, by comparison, is a rather neglected and, on the face of it, minor category of animal. Yet, in some ways this is what makes roadkill interesting. (Michael 281)

The issue of roadkill, Michael continues, raises the essential question about what an animal is and what it signifies in contemporary western culture. “Clearly,” he says, “the social, economic, and cultural role of animals in the West is enormous. As object, as subject, as beast, as friend, as exemplar of species, and as idiosyncratic individual, the animal pervades Western culture” (Michael 281). Furthermore, Michael highlights the importance of addressing the geography and mobility of animals. There are, he observes, standardized human views about what sort of animal belongs in what sort of space. Chris Philo and Chris Wilbert state similarly that:

[Z]ones of human settlement (“the city”) are envisaged as the province of pets or “companion animals” (such as cats and dogs), zones of agricultural activity (“the countryside”) are envisaged as the province of livestock animals (such as sheep and cows), and zones of unoccupied lands beyond the margins of settlement and agriculture (“the wilderness”) are envisaged as the province of wild animals (such as wolves and lions). (11)

Humans classify animals in ways that inscribe them into bounded spaces and places — what Jennifer Wolch and Jody Emel call, in the Preface to their edited collection *Animal Geographies*, “borderlands” (xvi). Such classifications are also translated into legal norms that both naturalize and justify animals, granting them an authoritative voice that reinforces their effectiveness in the world. The animals, for their part, make their way across these borderlands in a number of ways. Michael is interested in those animal movements — or animobilities — in which the animals move along trajectories that in turn encounter the human trajectories and out of which emerges, among other things, their cultural classification as roadkill. Animobility, in other words, is the animal’s particular physical actancy within complex socio-geographies.

Some animals, like pigeons, live almost exclusively within “human habitats.” These animals “pollute” our streets. When animal and human trajectories collide in the built environment, to the extent that animals cannot be tamed or controlled, there is an underlying existential human experience of social disorder. The capacity of flight makes the pigeon a particularly effective transgressor. While we have legislated spaces for these birds out of existence, we cannot put up fences or easily set traps to limit their “animobilities.” They can freely move across state and national borders, having no regard for territory and the definitions that humans give it (18-19).

[Jerolmack](#) implies that by its defiance of human borders, the pigeon’s physical mobility presents a serious challenge to law’s territorial nature, thus demonstrating how legal matters have limited bearing on questions of animality. However, Jerolmack’s idea of laws as operating within static territorialities — and that of animals as subverting this kind of law — is too simple on both accounts. I propose, somewhat differently, that although many official laws indeed attempt to confine the animals’ physical movements through their rigid classification, animals, humans, and legal administrators may subvert such modalities, complying, defying, and creating new “laws in action” that push toward more nuanced human-animal relationality. Rather than thinking of law as separate from matter, then, we might benefit from understanding that law, too, is bounded — defined, even — by the very materialities that it seeks to rule. Such interplays between animal-human bodies, taxonomic configurations, and legal norms translate into dynamic interplay between states of stasis and states of flux. At the same time, I would not want to give an impression that the modern landscape is more forgiving to animals than it actually is. Whereas flux is pervasive, there is also a fair amount of rigidity and consistency, especially when classification is concerned. In what follows, I trace some of the legal classifications of animals and explore the imbricated animal-human mobilities and immobilities that both trigger these classifications and ensue from them.

Classification in Animal Laws. Laws order messy materialities, inscribing them onto neatly organized classification schemes. For law to regulate animals, animals must first be defined and sorted. The fundamental project in the regulation of animals in the city is thus their sorting into various legal classifications. According to the website for the [International Commission on Zoological Nomenclature](#), animal-related legal norms largely rely on the Linnaean classification of kingdom animalia by phylum, class, order, genus, and species. In addition, laws classify animals according to their relationship with humans. Consequently, the vast majority of the animal kingdom falls into some or all of the following legal orders: wild, domestic, agricultural, pests, and laboratory animals. Each legal category represents a particular configuration of human-animal relationship that manifests in specific temporalities and materialities. The animal’s legal categories — effectively, law’s “animal kingdom” — are not always consistent, nor are they mutually exclusive. For example, a bee may be desirable and thus legally protected as a pollinator and honey-maker but undesirable and thus unprotected when aggressive and stinging, and geese may be protected when defined as wild animals, but can simultaneously be defined as agricultural property to be raised and slaughtered, as game to be hunted, or as a nuisance to be culled.

Animal classifications also change with time and place. The American peregrine falcon was protected in 1970 through its listing as an endangered species but was delisted from protection in 1999 after the population’s successful recovery. City by city and state by state, laws differ in terms of keeping animals such as honeybees, potbellied pigs, and exotic animals in the city. These examples highlight the importance of classification for law’s effectiveness in the world. At the same time, they also illuminate the various challenges to law’s categorical imperative, especially when it involves the regulation of nature in the city. In this context, law’s biggest challenge is that nature, by its very definition, cannot be ordered.

Protecting Humans and Animals. Alongside their extensive use of Linnaean classification, laws classify animals according to the level of legal protection they offer from human-inflicted harm. Every animal is classified as either “protected” or “unprotected,” which then defines the legal actions humans may, or may not, take with regard to the animal and its habitat. For protected animals, “No person shall, at any time of the year, pursue, take, wound or kill [them] in any manner, number or quantity, except as permitted by... law” (N.Y. Env’tl. Conserv. Law §11-0107). Nor can any person “buy, sell, offer or expose for sale, transport, or have in his possession any [animal] protected by law” (N.Y. Env’tl. Conserv. Law §11-0107). By contrast, upon their classification as “unprotected,” animals are subjected to an array of legal norms that prescribe human behavior in using, taking, or harming them, such as the regulations on pest removal. According to animal geography scholars Jennifer R. Wolch and Jody Emel, invisible lines “historically divided the animal world into those worth protecting because they were seen as either part of nature

(wildlife) or the human community (pets), and those not worth protecting because they were neither (farm animals) and constituted sources of profit and value” (14).

In an interview, [Barbara Carr](#), Executive Director for the Society for the Prevention of Cruelty Against Animals (SPCA) Serving Erie County, uses the term “protection” in two ways. First, she says, laws protect humans from animals.² Second, laws protect animals from humans.³ The animal’s legal classification as “dangerous” under the first form of protection grants humans the authority to sentence this animal to death. Frequently, the definition of “dangerous” extends to the perceived public health risk that animals pose to humans. Rabies and Lyme disease provide an example for ways in which public health concerns trump every other classification of the animal ([Steere](#)), thereby “trapping” its animobility.

My focus here, however, is on the protection of nonhuman from human animals. As evident from the definition clause of New York’s Environmental Conservation Law, the protection narrative is quite central to animal laws:

5. a. “Unprotected wild birds” means the English sparrow and starling, and also includes pigeons and psittacine birds existing in a wild state, not domesticated.⁴
- b. “Protected birds” means all wild birds except those named in paragraph a of this subdivision.....
7. “Protected insect” means any insect with respect to the taking of which restrictions are imposed by the Fish and Wildlife Law or regulations of the department pursuant thereto.⁵

This language demonstrates the centrality of classifying animals as “protected” and “unprotected” by law. The implications of such human protections are stated through the rest of this law, which clearly prescribes a regime whereby animals are better off having protections than not having them. As I show here, the removal of human protection often places the animal “outside” of law, making it subject to human extermination.

New York’s Environmental Conservation Law also presents other central animal classifications: “wild” and “companion” species and “hybrids” and “feral” animals. Here, again, from the statute itself:

6. a. “Wildlife” means wild game and all other animal life existing in a wild state, except fish, shellfish and crustacean....
- e. “Wild animal” shall not include “companion animal” as defined in section three hundred fifty of the Agriculture and Markets Law. Wild animal includes, and is limited to, any or all of the following orders and families: (1) Nonhuman primates and prosimians, (2) Felidae and all hybrids thereof, with the exception of the species *Felis catus* (domesticated and feral cats, which shall mean domesticated cats that were formerly owned and that have been abandoned and that are no longer socialized, as well as offspring of such cats) and hybrids of *Felis catus* that are registered by the American Cat Fanciers Association or the International Cat Association provided that such cats be without any wild felid parentage for a minimum of five generations, (3) Canidae (with the exception of domesticated dogs and captive bred fennec foxes (*vulpes zerda*)), (4) Ursidae, (5) All reptiles that are venomous by nature, pursuant to department regulation.

These statutory classifications draw heavily on scientific distinctions, such as those between felines and canines (or “*Felis catus*” and “canidae”). Whereas in the past, such distinctions relied largely on the animal’s phenotype, they are increasingly based on the animal’s genomic identity. For example, the current definition of “cat” depends upon the animal’s pedigree for a minimum of five generations. This current reliance of law on genetic definitions indicates a move away from [Michel Foucault](#)’s observation that, “The plant and the animal are seen not so much in their organic unity as by the visible patterning of their organs. They are paws and hoofs, flowers and fruit, before being respiratory systems or internal liquids” (149). Genomic identification relies precisely on the animal’s genetic code, which cannot be identified by the untrained eye but may only be established by expert authorities. In any case, this statute demonstrates law’s obsession for ordering things, alongside its anxiety about its limited capacity to define what is innately shifting and unstable: nature. The following section explores the project of animal classification, arguing that it is the central technology for governing animals in the city. I focus, specifically, on wild animals, pests, pets, and livestock. In each case I ask: what are the relevant legal classifications and how do they affect animobility?

Animal Classifications: Wild Animals, Pests, Pets, and Livestock. In “[Legal Tails](#)” and “[A Study of Animals and Law in the American City](#),” I discussed in detail the project of animal classification in the city. This section provides a condensed version of that project and adds to it by highlighting the mobility of animal classifications. As I mention earlier, New York State defines wildlife as “all animal life existing in a wild state” (N.Y. Env’tl. Conserv., §11-0103). The federal definition is no less circular in its definition of wildlife as any “wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member” (16 U.S.C.A. §668ee).⁶ A federal code on endangered species prescribes that endangered “fish or wildlife” may be “any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof” (16 U.S.C.A. §1532). The animal’s legal classification as “wild” carries with it a set of physical implications. A wild animal may receive additional protection, especially if it is also classified as endangered or threatened. Wild animals commonly receive less protection than pets under criminal anti-cruelty acts ([Frasch et al.](#) 10-11).

Additionally, many states and cities set limitations on the private ownership of wild or exotic animals ([Frasch et al.](#) 10-11).⁷ For example, New York State’s Environmental Law prescribes that “The State of New York owns all fish, game, wildlife, shellfish, crustacea and protected insects in the state, except those legally acquired and held in private ownership. Any person who kills, takes or possesses such fish, game, wildlife, shellfish, crustacea or protected insects thereby consents that title thereto shall remain in the state for the purpose of regulating and disposition” (N.Y. Env’tl. Conserv. Law §11-0105). Furthermore, in New York wild animals are state property even when they reside on one’s private property. As such, they are subject to various requirements. For example, New York General Municipal Laws state that: “with the exception of pet dealers,

every person owning, possessing, or harboring a wild animal or a dangerous dog within this state shall report the presence thereof to the clerk of the city, town, or village in which such wild animal or dangerous dog is owned, possessed, or harbored” (N.Y. Gen. Mun. Law §209-cc).

Although legal norms define certain animals as wild, there is no bright-line rule for determining their wildness. In fact, American courts have inconsistently applied different criteria when considering the classification of animals as wild. For example, in *State v. Mierz* (1995), the Washington State Supreme Court ruled that the statutory term “feral domestic mammals” refers to cats and dogs that have escaped their owners, as opposed to wild animals such as coyotes. Although to a casual observer a tame coyote and a feral dog may seem undistinguishable, the coyote’s wild origins and the dog’s domestic origins provide legal grounds for their legal distinction. Ruling on this case, the Court held that the feral dog may be kept as a pet, but that the possession of the tame coyote is prohibited (*City of Rolling Meadows v. Kyle*, 1986). Courts in New York approached the same definition differently. In a case from the 1800s, a New York court determined that the geese in question were tame and not wild because they were gentle, would eat from one’s hand, and had lost the disposition to fly away (*Trover Amory v. Flynn*, 1813). In a more recent case that concerned a squirrel kept in captivity without a license, an Ohio court found that the squirrel had already exceeded the natural life expectancy of squirrels in the wild and was therefore no longer wild (*Division of Wildlife v. Clifton*, 1997).

Although the legal classification of animals as “wild” is ostensibly rigid, static, and predefined, it nonetheless allows the negotiation of different mobilelegalities that then translate into softer human-animal materialities. Yet whereas some of the mobilelegalities mentioned above occur because of the different classification of animals across jurisdictions, legal systems, and time, in other cases the disparity is a result of the different human uses to which a particular animal is put (e.g. domestic versus agricultural) that affect which laws are applied in the first place. Animal and human physicalities, temporalities, and social relations thus create the foundation for their subsequent classification into particular legal categories.

In addition to the animals’ mobilelegalities between a variety of classifications, animals can also be categorized simultaneously under multiple classifications. Despite their appearance, then, such animal classifications are not necessarily exhaustive or exclusive. Thus, for example, in certain circumstances wild animals can simultaneously be defined as pests. Federal law defines the term “pest” as:

(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) *which the Administrator [of the Environmental Protection Agency] declares to be a pest.* (7 U.S.C.A. §136; emphasis added)

In other words, a pest is an organism declared by a legally authorized officer as such. Although state laws generally follow the wording of the federal model (N.Y. Env’tl. Conserv. Law §33-0101), certain governmental agencies have utilized a narrower definition of the term. According to New York’s Agriculture and Markets Law, for example, a pest is “any invertebrate animal, pathogen, parasitic plant or similar or allied organism *which can cause disease or damage* in any crops, trees, shrubs, grasses or other plants of substantial value” (N.Y. Agric. & Mkts. Law § 149; emphasis added). Other statutes provide different definitions of pests. For example, a Florida statute designates pests as “an arthropod, wood-destroying organism, rodent, or other obnoxious or undesirable living plant or animal organism” (Fla. Stat. An. §482.021; emphasis added), whereas an ordinance from Arkansas grants cities and towns the authority to “prevent injury or annoyance within the limits of the municipal corporation from anything *dangerous, offensive, or unhealthy* and cause *any nuisance* to be abated” (Ark. Code Ann. §14-54-103; emphasis added).

As is evident from the language of these laws, the definition of pest animal is highly relational and dynamic. One animal body can be classified differently by different laws and in different spaces and times. Specifically, a pest is currently defined by many laws based on the human relationship to a certain animal as a nuisance and as annoying or obnoxious. It is thus “a term that is nicely ambiguous in being simultaneously technical and moral” ([Fine and Christoforides](#) 375). For example, whereas pigeons were once treasured for their cultural value, they are increasingly regulated as “rats with wings.”⁸ Once a protected wild species in New York State, currently “The local legislative body of any city, town or village may issue a permit to any person to take pigeons at any time and in any humane manner in such municipality, so long as the legislative has found that pigeons within such municipality are a menace to public health or a public nuisance” (N.Y. Env’tl. Conserv. Law §11-0513). Again, the mobilelegality of pigeons is defined through the interrelations among body, classification, space, and time.

Of all pest subcategories, the most “outlawed” are those that humans have purposefully or inadvertently introduced to a new environment outside of their natural range, also defined as “non-native,” “alien,” or “invasive” species. According to Executive Order 13112 that established the National Invasive Species Council, a pest is deemed “invasive” when it “does or is likely to cause economic or environmental harm or harm to human health.” Additionally, under the Lacey Act, if the species is particularly harmful or injurious to “human beings; the interests of agriculture, horticulture, forestry, or wildlife; or wildlife resources,” it is banned from importation and violations are punishable by up to six months in prison and a \$5,000 fine.⁹

If we were to imagine a spectrum of human-animal relations, pests and invasive species would fall on one end and pets or companion species on the other. Although pets are not confined to the city, their swelling numbers in American urban settings make them quintessentially urban animals. Their ownership and control by humans in the policed space of the city, as well as their significant emotional role in the American family, may serve to explain why the pet is a highly regulated animal classification.¹⁰ For the most part, in the modern era pets are controlled and policed through their human caregivers or “spokespersons.”¹¹

Yet similar to the other animal classifications discussed here, an animal’s classification as a pet or a companion animal is also far from static. Historically, common law distinguished pets from farm or working animals based on their added “intrinsic value.” As a result, courts often refused to expand the term pet to include cats, assuming that they had no intrinsic value (Frasch et al. 8).¹² More recently, however, the Code of Federal Regulations (CFR) defines a pet as an animal that has traditionally been a pet, with the exception of wild animals. In the wording of the regulations: “any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats, guinea pigs, rabbits, and hamsters. The term ‘pet’ excludes exotic animals and wild animals” (9 C.F.R. §1.1.). A pet animal is thus defined according to the particular

human-animal relations in the relevant case, rather than based on the type of animal or the place and time of such relations. New York State regulations are clearer but still quite broad in their definition of a pet as “any domestic animal that has been adapted or tamed to live in intimate association with people but is not limited to dogs, cats, rodents, fish, birds, snakes, turtles, lizards, frogs and rabbits” (N.Y. Gen. Bus. Law §750-a).

Birds, reptiles, amphibians, and other animals may also be defined as companion animals. For example, a New York court recently held that a goldfish was a companion animal under an anti-cruelty statute. In that case, the boy who owned the goldfish regularly attended to it and even named it after himself (*People v. Garcia*, 2006).¹³ The legal classification of the animal was constituted based on the human-animal relationship established in the particular case rather than by the specific physical or classificatory identity of the animal. Courts have also considered other circumstances such as the duration of the animal’s captivity, its training, and its behavior to find that a monkey was a domesticated pet, as in the case of *City of Rolling Meadows v. Kyle*, but that a pet monkey was a wild animal under a rabies control statute, because monkeys are not a “common domestic species,” in the case of *Keeble v. Cisneros*.

Alongside wild, pest, and pet animals, humans also grant animals certain levels of protection based on their classification as farm animals or livestock. Title 7 of the United States Code Annotated defines “livestock” as:

cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary (at the Secretary’s sole discretion) that —
 (A) are part of a foundation herd (including producing dairy cattle) or offspring; or
 (B) are purchased as part of a normal operation and not to obtain additional benefits under this subchapter. (7 U.S.C.A. §1471)

In *Giles v. State* (1980), a New York State court held that livestock are domesticated animals in that they are considered naturally harmless and docile through many years of close contact with people. Other courts distinguish agricultural domestication from domestic pets whose principle role is companionship. This distinction was particularly helpful in light of the key role of livestock in providing human food and thus in ensuring public safety and food security.¹⁴

The legal distinction between farm and pet animals and the physical consequences that ensue — namely, the inclusion of pets in the city, and in human homes in particular, and the exclusion of farm animals from the city — did not always exist as such. Pre-industrial city dwellers used to put up with noise, odors, pestilence, and disease associated with livestock animals, which were frequently also members of the household (Butler 199). With the technological advances and changes in urban design over the last 150 years, horses have largely been replaced by trains and automobiles, and slaughtering and preserving meat occurs, for the large part, outside the city, before the dead meat is brought into urban markets (Butler 199). Urban planners have actively propelled this exodus of animals from the city: land use regulations and zoning policies segregate agriculture from residential, commercial, and industrial activities (Butler 200). At the same time, animal control ordinances have established rules regarding the care and keeping of livestock. Generally prohibitive of many livestock activities, such ordinances have effectively banned all animal farming in towns (Butler 200). In the last decade or so, however, the local foods movement has gained traction in many American cities and urban agriculture is again on the rise. Cities are also increasingly heterogeneous and culturally diverse, giving rise to a plurality of socio-legal cultures. As a result, livestock is finding its way back into the city. Legal classifications are mobilized to reflect, enable, and regulate these changes.

The mobility of farm animals — namely their physical movement into urban space through legal action — comes hand in hand with additional legal limitations to the materialities of these animals, and especially to their identities and numbers. Even the animal’s sex is highly regulated in many laws. For example, although in many jurisdictions chickens are allowed back into cities, few cities have allowed roosters back in without significant restrictions. Specifically, Cleveland allows roosters although its law specifies that it is unlawful “to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises” (Cleveland, Ohio, Code §347.02[g]). Similarly, Stamford, Connecticut, allows roosters but specifies that, “No person shall keep any rooster in such location that the crowing thereof shall be annoying to any person occupying premises in the vicinity. Upon complaint of any such person so annoyed, the Director of Health shall have authority to order the owner of such rooster to remove the same so that such annoyance shall cease” (Butler 25). As a result, some anticipate that “mute roosters may soon become popular in cities.” Again, human-animal relationalities (here, rooster noise that offends human senses) are translated and inscribed into legal norms (i.e., roosters are prohibited from crowing in the city) that in turn translate into animal materialities (roosters possibly becoming mute). From a slightly different angle, animals exercise their own mobility when their eggs produce roosters, causing regulatory reactions by humans.

I have explored how traditional classifications play out within particular legal norms and in between various legal systems. The intersections of animobilities and mobilities become even more complex as they travel in between different jurisdictions at different temporalities, spatialities, and cultural contexts. Indeed, different states and municipalities use different classifications to refer to the same animal species, and this species can be defined differently under different laws (Frasch et al. 7). For example, a pig or a horse may be a companion animal under anti-cruelty provisions or livestock under provisions regulating agribusiness. The animal’s legal classification already folds within it a range of spatial and temporal assumptions.

Furthermore, legislatures often reclassify animals. In Missouri, for example, ostriches were reclassified from exotic animals to livestock (Frasch et al. 7). Similarly, certain humans have taken to keeping Vietnamese potbellied pigs as pets in their home, a contested behavior in municipalities with zoning or public health codes against keeping livestock in the confines of the city.¹⁵ The issue was resolved with different outcomes in different municipal jurisdictions. In certain cities, livestock is defined by its purpose for farming, therefore allowing the keeping of pigs as pets because pets have no farming purpose when living in a house. Where certain municipalities outlaw pigpens rather than pigs, pigs are allowed within the house because it is clearly not a pen. Finally, where pigs and pigsties were explicitly forbidden as nuisances in health codes, no exception for pet pigs was permitted: in these municipalities a pig is a pig — and always a forbidden nuisance. These examples demonstrate the power of legal norms to enable or disable the animal’s mobility in between particular classifications, thus prescribing its material fate in the city.

The legal classifications that I have laid out here would be of little consequence in the material world if not for the authority that enforces them in the everyday space of the city. The last section of this article explores the role of public law enforcers, nongovernmental organizations, and private sector animal control businesses in Buffalo, New York, in enforcing mobile legalities.

Mobile legalities in Buffalo, New York. New York State's Environmental Conservation Law defines how the domestic and wild classifications of dogs and coyotes are to be enforced. The statute stipulates an exhaustive list of public officials who are permitted to kill these animals:

4. At any time (a) any environmental conservation officer, dog warden, forest ranger or member of the state police, anywhere in the state, (b) any member of any town police within the limits of the town of which such member is an officer, (c) any member of the Westchester County Parkway police on any park, parkway or reservation owned or controlled by the county of Westchester or (d) any member of a police force or department of any county, city, town or village in which such member has jurisdiction and is regularly employed may kill any dog pursuing or killing deer and any coyote killing a domestic animal (N.Y. Env'tl. Conserv. Law §11-0529).

Article 26, Section 371 of the New York State Agriculture and Markets Law authorizes peace officers to summon or arrest any person that perpetuates an act of cruelty upon an animal protected under the law (N.Y. Agric. & Mkts. Law §371). In Massachusetts and New York, agents of humane societies and associations are appointed as special officers and authorized to enforce statutes criminalizing animal cruelty (N.Y. Agric. & Mkts. Law §371).¹⁶

Erie County's SPCA is the largest organization in New York State and the second oldest not for profit organization in the country. Three of its officers are authorized to act as peace officers for the enforcement of animal cruelty laws.¹⁷ "We don't practice speciesism," SPCA Director Barbara Carr tells me during a tour of the organization's premises, pointing to cages with starlings, cats, dogs, rats, snakes, goats, roosters, even a turtle.¹⁸ But animal laws often do, Carr laments. For example, she says, whereas dogs are subject to detailed regulation, New York State has no cat control enforcement and of all pets, only dogs are required a license. Hence, a citizen is allowed to hold up to four dogs but an unlimited number of cats. Carr mentions in this context a woman who hoarded forty-four cats in her home. She was given a warning, but not arrested. "If she had kept her cats clean and safe we wouldn't be able to do anything," Carr complains.¹⁹

According to Carr, 150 wildlife species reside or move through the City of Buffalo at any given time. New York State's Department of Environment and Conservation enforces wildlife and conservation issues, and the SPCA's wildlife administrator enforces all issues of care and cruelty pertaining to such wild animals. Carr explains, however, that conservation and animal cruelty laws do not always coexist. Perhaps the most apparent clash between them, she notes, regards the conservation clause that states: "No person shall willfully liberate within the state any wildlife except under permit from the department (N.Y. Env'tl. Conserv. Law §11-0507)." The SPCA's Wildlife Administrator Joel Thomas tells me that nuisance laws further dictate that upon capturing a wild animal, one must choose between two alternatives: either to euthanize the animal or to release it on the edge of one's private property. "They want the animal gone," Thomas explains about the motivation behind these laws ([interview](#)).

Such prohibitions from keeping wild animals as pets (N.Y. Env'tl. Conserv. Law §11-0512)²⁰ and, according to Thomas, from releasing them back to the wild stand in stark contrast to animal cruelty statutes, which altogether prohibit "every act, omission, or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted" of animals, broadly defined as "every living creature except a human being." The situation is further complicated by a Good Samaritan clause, which provides that one may hold an injured wild animal for twenty-four hours for the purpose of transporting it to a state licensed rehabilitator. As I explain shortly, the rehabilitator, too, may release the animal to the wild only under limited conditions (N.Y. Env'tl. Conserv. Law §11-0919). To understand these conditions, one must become familiar with pest control practices in New York State.

Pests may be characterized by the weak human protections prescribed to them by law; they are the epitome of "outlaws" in the sense espoused by Giorgio Agamben in *Homo Sacer*: their bodies are banned and they may be killed by anyone, or at least by authorized officials. A few quotes from Buffalo's pest removal companies demonstrate this approach. Good Riddance is a local company that removes pests in Buffalo and its surrounding area. The company's website assures potential clients that its staff will leave behind "*a safe, clean environment free of odor and harmful bacteria*" and promises that "whatever type of pest is bothering you, anywhere in Western New York, Good Riddance can deal with it, removing your problem immediately." An environment with animal pests is presented as hazardous, dirty, and harmful, compactly packaged as a "problem" to be removed. Pest removal thus restores the clean, sanitary, and safe space of the city.

Mike Hutchins from Buffalo, New York, is a certified wildlife remover. Despite their definition as wild, Hutchins explains, these animals are relatively unprotected by law because of their parallel classification as "nuisance." Hutchins tells me that he traps various wild animals, including skunks, moles, pigeons, Canada geese, moles, mice, and bats, and that he performs all wildlife trappings "in a humane manner" ([interview](#)). Along these lines, Hutchins proudly says that he uses trapping as his sole mode of operation. Working in the business for over twenty years, he is also proud that he deals only with animals that "cause a problem." In his words, "Seeing a squirrel or a skunk in someone's backyard is not reason enough for me to take action." "Although many city people would rather not see any animals at all in their backyards," he explains. "It's not the animals' fault that they were stuck being born in a place with houses." According to Hutchins, an animal becomes a problem "if they're in your house or causing damage to your property." Consequently, the most important distinction in his work is that between "nuisance" and "normal" animals. Whereas animals are welcome in the home when classified as pets, they become persona non grata when classified as wild, and when the animals are defined as nuisance animals they may legally be "removed" as such.

The definition of a nuisance animal is anything but simple, however. Alongside the classification of species, this definition includes the particular location of the animal. For example, a state park in Williamsville hired Hutchins to remove six beavers that were damming near the old steel plant and causing floods that "endangered the roads." "If they had dammed two-hundred feet away they'd be fine," Hutchins explains. In this instance,

however, the beavers had to be euthanized. The particular intersection between the beavers' animobility and their ensuing legal classification in this case has thus resulted in their extermination.

Another important topic in this context is that of "release upon capture." To qualify as a New York State nuisance removal expert, Hutchins was required to complete a license test. Upon the annual renewal of this license, Hutchins receives an updated list of animals that are prohibited from "release upon capture." "Any species that is likely to contract rabies is subject to this prohibition," Hutchins explains. "Raccoons, beavers, squirrels, chipmunks, skunks, coyotes — they can't be relocated, they have to be euthanized." When I asked how he felt about this prohibition, Hutchins said: "It isn't the most pleasant thing in the world — but it's the law." Hutchins predicts that New York State will follow in the footsteps of many states that have already outlawed all animal releases. "Soon," he says, "you're not going to be able to release anything." By prohibiting the bleeding of animal classifications into one another — and, in this context, by establishing that an animal may not be returned to the wild once it is touched by humans or enters a human home — conservation laws attempt to transfix wild animals within their classificatory order.

Often, however, the legal norm itself provides a way out of the prohibition from releasing certain nuisance animals back into the wild. For example, New York homeowners are currently allowed to release nuisance animals on the edge of their property. Hutchins routinely uses this exception when he obtains consent from homeowners to release animals he captures into their private property. "But only if it's a suitable environment for them," he clarifies, adding that the weather could also determine the fate of the captured animal. "If it's February, for example, it's better for the squirrels that I don't release them into the woods," he says, which again highlights the dynamic aspects of law in action. "So I use a lethal trap." Law, then, sets up "traps" for animobility by dictating the actions of human enforcers, who must then release the animal in a specified way (to a rehabilitator, or at the edge of the property), or altogether "remove" it.

There are additional ways to overcome the legal prohibitions regarding animal releases beyond those defined on the books. Although his expertise is in trapping and, at times, killing animals, Hutchins develops intimate relations with some of the animals he traps. In the following story, Hutchins provides an example of such a relationship and the negotiations of mobilities that ensued:

Once I was called to take care of a dead skunk. It turned out that the skunk was not really dead, so I loaded him onto my truck. Somehow he managed to get out of his container and found a comfortable spot to sleep in. I would give him food and he would come out at night and sleep in my truck in the day. He got friendly with me and I would talk to him and all. He would come right close to me and look me in the eye. They don't know that they should be afraid of humans. Three weeks later, he "accidentally" got let loose. I figured that he was strong enough that he would survive.

Rather than being an exception to the law, I would offer that this is the common state of law, which is in fact enforced by humans who experience their own relationship and exert their particular actancy with respect to nonhuman animals.

Officially, while professional wildlife removers are restricted from keeping wild animals for over twenty-four hours, they are allowed — required, even — to kill them. Similarly, while urban dwellers are permitted to hunt unprotected wildlife in the city, they are prohibited from keeping them as pets (N.Y. Env'tl. Conserv. Law §11-0103).²¹

Put differently, someone could send her dog to hunt wild bunnies, but she could not keep these bunnies as house pets. Through policing the behavior of pet owners and wildlife inspectors, legal norms activate and reinforce the boundaries between pets and wild animals, effectively trapping both their animobilities and mobilities. Not only do legal norms affect animobilities directly, then, they also do so indirectly, through the regulation and policing of humans who come into contact with these animals.

Buffalo's peace officers enforce another boundary: that between pet animals and livestock. In certain instances, the cultural diversity of Buffalo's residents conflicts with municipal codes on livestock keeping and slaughtering. For example, in 2010 the City passed a chicken ordinance that stipulated chickens as the only farm animal allowed into the City (Buffalo, N.Y., Code §341-11.2 [2010]). "Chickens are allowed, but roosters aren't," explains SPCA Director Carr. "Sometimes the eggs hatch, and you get males," she continues. "You basically need one male, but what do you do with the rest? So we end up holding them here [in the shelter]. Last year we had fifteen roosters." Evidently, farm animals are regulated according to their use for humans (e.g., producing eggs) and their interference with civilized urban life (e.g., crowing at inconvenient hours).

The regulation of farm animals in Buffalo also illuminates certain cultural and racial divides between the City's human residents. Carr tells me, for example, that "the biggest proportion of farm animals that end up in the shelter are from the city rather than from the surrounding rural areas" (interview). This, she explains, is a direct result of Buffalo's large refugee population that holds a different cultural understanding of animals than that prescribed by official laws: "They buy a goat in the market and they think they can slaughter it in their home. But then someone tells them it's illegal here, and the next thing we know there's a stray goat roaming the streets." While the SPCA's policy is not to arrest or press charges in those instances where cultural difference is at issue, certain cases nonetheless face "zero tolerance," in Carr's words. Carr explains, for example, that "eating one's dog would not be something I would be willing to tolerate." Whereas the laws on the books are not always observed, the ethical agendas of law enforcement officials play a crucial role in determining the animals' fate in the city.

The strongest clashes between certain human-animal cultural practices and law enforcement occur over the topic of religious sacrifice, for example in Shamanic and Santería practices (Carr, interview). "There was this gentleman from Cuba," [Chief Officer Armatys](#) of the SPCA explains,

This guy was killing chickens and ducks and you name it. When we rolled up with the City of Buffalo Police there were dead animals all over the place, in the backyard and the garage and the guy had a claw hammer and that is how he was killing the animals. He was hitting them over the head; there were feathers on the claw hammer. So we... seized the animals, about 15-20 of them, as an emergency situation because a lot needed medical care.... We charged him with animal cruelty. His defense was, "This is what we do in Cuba." But this is New York State and it is [against] the law. We seized the animals, they put him on probation and he was not allowed to own any more animals for a period of a year. (interview)

How can American cities prohibit the sacrifice of animals without infringing upon the right to free exercise of religion? ([Johnson](#) 1313). The controversial Supreme Court case *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah* (1992) exposed such tensions between the free exercise of religion and animal protection. There, the Court held that the religious sacrifice of animals falls under the protective umbrella of the First Amendment's Free Exercise Clause ([Holzer](#) 80). The case considered the rights of Santería believers in Florida that were sacrificing animals in violation of the City of Hialeah's Animal Cruelty Ordinance. Since animal sacrifice is an important aspect of the practice of Santería and the City Ordinance had no other reason to justify prohibiting animal sacrifice other than its distaste for the religious practice of these individuals, the Court found the law unfair and in violation of the First Amendment.²²

Following this foundational decision, when aiming to design municipal laws and ordinances that protect animals, city governments must demonstrate that "societal interests" outweigh "the religious protections afforded by the Constitution" (Johnson 1325). Cities can, in other words, override some of the barriers to animal sacrifice with localized laws for "zoning, regulation, and licensing" of animals and the prohibition of any "animal killings" regardless of religious beliefs ([Johnson](#) 1325). Along these lines, Buffalo, New York's City Code for Slaughter Houses prohibits the "rendering of dead animals" unless animals are killed for human consumption in a licensed slaughterhouse. This norm indirectly prevents the religious sacrifice of animals (Buffalo, N.Y., Code, ch 391, §12). Officer Armatys describes his enforcement of the Code in the Buffalo region:

We have had several cases where people were going to use animals and cut the throats of the animals. And what helps us a lot in areas like Buffalo, Cheektowaga, West Seneca, [is that] you are not allowed farm animals in the community. So that gives us the right to seize the animals.... [W]e have already talked to the District Attorney's Office. If we roll up on a situation where someone is abusing the animal, we have right to seize the animal. Let them prove in court that it is for their religious rights. But if we see an animal being abused we are going to act on that. (interview)

These stories illuminate what [Glen Elder, Jennifer Wolch and Jody Emel](#) have called "place-based animal practices" (73). In their words:

[P]lace is also implicated in constructing the human-animal divide. When distinct, place-based animal practices are suddenly inserted into new locales by immigrants and are [sic] thus decontextualized conflict erupts. Those newcomers who violate or transgress the many-layered cultural boundary between people and animals become branded as "savage," "primitive," or "uncivilized" and risk dehumanization, that is, being symbolically allocated to the far side of the human-animal divide... Animal practices have thus become tools of a cultural imperialism. (73)

New York is not exceptional in this regard. Municipal codes that regulate human practices toward animals are often ethnocentric in that they prescribe a particular human-animal relationship. But while laws on the books set strict parameters on this relationship, legal enforcement is slightly more flexible and discretionary (as long as the practices do not include eating dogs), thereby allowing for higher animobilities and mobilelegalities than the language of the law seems to dictate.

Conclusion. Animal studies scholars speak about "animobility" to express the independent physical trajectories of animals that do not always coincide with those of humans. My article contributes to this scholarship by highlighting an additional dimension of animal-human relations in the city: law. Although many perceive law as static and fixed — and its effects on human-animal relations as similarly stagnating — I have offered a more nuanced account of how animal laws work. The article first explored law's prominent technology — classification — and its construction as a combination of science and various levels of human protection. Next, the article provided anecdotal references from four central legal animal categories (wild, pest, pet, and farm animals) and from a variety of animals (dogs, coyotes, goldfish, potbellied pigs, roosters, and skunks) to demonstrate how laws are both triggered and bound by the shifting materialities of animal-human relationships, as much as they also bind and enable these materialities in the first place. These relationships are constantly in flux, as the various factors illuminated by this article — taxonomy, law, time-space, and materiality — constantly shift. To complicate matters, this article also conceived law as a multi-sited and plural regime that encompasses official state norms, religious traditions, and enforcement practices.

Alongside the dynamic elements of law, its mobilelegality, law's classificatory regime is at the same time quite rigid and static. Indeed, law constantly pigeonholes animals into fixed classifications. Moreover, a considerable effort goes into keeping animals confined within such classificatory domains. Operating this way, law often traps animobilities. The prohibitions from keeping wild and farm animals as pets, and those that prohibit treating pets as pests or pests as pets—all point to the desire of lawmakers to keep animals under the tight controls and within the confines of their classifications so as to keep cities safe, sanitized, and free of animal nuisances. At the same time, animals and humans also express their own mobilities, transgressing and challenging their legal classifications and forcing lawmakers and enforcers to adapt or develop new legal traps. Finally, mobilelegalities are themselves constrained—by their own taxonomic and legal heritage, by technological limitations, and by human and nonhuman biological capacities.

Notes

1. The author interviewed two of Erie's officers who are authorized by the New York State to act as peace officers for the enforcement of animal cruelty law.
2. These protections, Carr adds in her interview, are typically in Title 7 of the United States Code, which regulates agricultural animals and is enforced by governmental animal control agencies (7 U.S.C. §141-150). In Buffalo, New York, the City's Animal Control Agency is in charge of enforcing the first type of laws, those that protect humans from animals in the city. Here is how [Kelly McCartney](#), Director of Animal Control for the City of Buffalo, describes such legal protections: "We are trying to control animals roaming at large [such as] unlicensed dogs and dogs off the premises without tags. The other thing that the city handles a lot is dangerous dogs. If somebody were to be bitten by a dog and were to seek medical treatment, or the dog control officers were on the scene or were at least called to the scene, then of course we tell those people that they have an option to file a dangerous dog report. So, again, the city animal shelter or the dog control officers are in court with the dangerous dogs where a Special Term judge would then determine the disposition of that dog. . . . It's very, very seldom that a judge would deem an animal for

euthanasia. Usually they do restrictions such as fencing, altering the animal if it's not altered, muzzling on walks, not being left unattended" (interview).

3. Such protections include Title 18, Chapter 3 of the United States Code, which governs crimes against animals, birds, fish, and plants (18 U.S.C. §42).

4. Bill number S1255 proposed an amendment to exclude the [Monk Parakeet](#) from "unprotected birds" in order to protect feral breeding populations escaped from the exotic pet industry and naturalized in the North East. Recently, S1255-2011 defined monk (Quaker) parakeets protected birds.

5. Definitions, N.Y. Env'tl. Conserv. Law §11-0103; See also Utah's definition of wildlife as: " (a) crustaceans, including brine shrimp and crayfish; (b) mollusks; and (c) vertebrate animals living in nature, except feral animals." Utah Code Ann. §23-13-2.

6. For more on the definition of wild, and its distinction from tame in particular, see Chapter 2 of Braverman, [Zooland](#).

7. Following the Ohio incident, the Humane Society came out with a rundown of the five worst state laws restricting exotic animals: North Carolina, Missouri, Nevada, Ohio, and Oklahoma. The website also states that, "With little oversight of exotic animal ownership, states like West Virginia, Wisconsin and Alabama are not far behind in terms of regressive policies. Some states that previously had no restrictions on exotic pets have enacted prohibitions in recent years — such as Washington, Kentucky and Iowa — putting them now among the best in the nation (see "[Ohio Incident Renews Call for North Carolina to Pass Law to Ban Dangerous Exotic Pets](#)"). Originally, at least, the state ownership of wild animals was not enacted for the animals' benefit. More likely, it is a result of the public trust doctrine that was a reaction to the European situation in which the nobility was said to own all the animals on their land, thereby putting the citizenry at a lower status (thanks to the anonymous reviewer of this article for this comment).

8. See [Jerolmack](#), supra note 15, for a description of how the pigeons were a bird admired and hunted in New York in the early 1900s. In the 1940s and 1950s, pigeons were increasingly seen as a nuisance and potential health threat, leading to bans on feeding pigeons and instances of poisoning or shooting them. In the 1960s, two deaths were rhetorically linked to pigeons, resulting in their renaming as "rats with wings" and in the public's call for their extermination in the city.

9. For a summary of the Lacey Act (18 U.S.C. 42), see the Fish and Wildlife Service Injurious Wildlife Factsheet; Florida has the largest problem of invasive reptiles and amphibians in the world. The introduction of new species — claimed to be largely a result of pet stores that sell exotic animals — includes snails and snakes that pose a danger to the health and safety of plants, animals, and humans. In reaction to this growing concern, Florida's legislature enacted laws prohibiting the introduction of non-native reptiles and amphibians, and in fact banned individuals from owning large reptiles: see [Kaczor](#).

10. In contemporary United States, dogs are the quintessential pets. As major subjects of human care, dogs are also controlled by a detailed set of regulations that include matters such as proper shelter, restraints, licensing and identification, and medical treatments. See, for example, Buffalo, N.Y., Code §78-11, which provides detailed instructions about a "public pound", seizure, redemption periods and impoundment fees, adoption processes and fees, and further licensing requirements); Many states also mandate rabies vaccinations for dogs with accompanying fees and certification. See, for example, S.C. Code Ann. §47-5-60; additionally, requirements for the design of dog shelters can be very precise. According to an Oklahoma statute, for example, dog breeders must provide at least the following for an enclosure with one dog: "The mathematical square of the sum of the length of the dog in inches (measured from the tip of its nose to the base of its tail) plus 6 inches; divided the product by 144, times 2. Mathematically, the space the commercial pet breeder must provide for the first dog equals $2 \times [(length\ of\ dog\ in\ inches + 6) \times (length\ of\ dog\ in\ inches + 6) / 144]$." (Okla. Admin. Code §532:15-3-3; finally, dog "disposal" is heavily regulated, as federal norms define proper ways to transport and sell dogs: see 7 U.S.C.A. §2131. The cremation of a dog in New York is considered a transaction and regulated by the General Business Law: see N.Y. Gen. Bus. Law art. 35-C. Clearly, then, the animal's legal classification as a dog and a pet results in a broad set of material consequences, such as the size of their enclosure and limits upon their numbers in a given household.

11. On how the term "spokesperson" is advanced by Actor Network Theory scholars to highlight how humans have come to speak for nonhuman things, see [Callon](#).

12. For how the court refused to expand an animal cruelty statute beyond the precise wording of the statute: "equine animal, bovine animal, sheep, goat and pig," see *Commonwealth v. Massini*, 188 A.2d 816 (Pa. Super. Ct. 1963).

13. In this case, the Court considered the scope of New York law for aggravated cruelty and its application to a pet goldfish. The dispute turned on whether the goldfish was a "companion animal" under the statute to constitute a felony. The defendant had stomped to death the pet goldfish of a nine year-old boy, and the Court found that child's pet goldfish fell within the meaning of "companion animal" under the statute, and thus the defendant was convicted of aggravated cruelty to animals in violation of Agriculture and Markets Law §353a (1).

14. However, some regulations are less clearly connected to health. For example, one statute concerning bridge tolls states that, "Any toll gatherer . . . may stop any person with automobiles, wagons, carts, or other vehicles . . . , and all horses, cows, cattle or other animal or animals, from entering. . . until the toll herein provided for shall have been paid." N.J. Stat. Ann. §27:19-29.

15. This paragraph is drawn from [Herbster](#).

16. See also N.Y. Agric. & Mkts. Law §74, for a definition of "feral" as an undomesticated or wild animal. Feral animals may include untamed buffalo, dogs, horses, etc. that face starvation, infection, and attacks from other animals. Feral animals also face "eradication by humans" using various techniques; The ASPCA defines "stray" as an animal that has become lost or abandoned but is tame and comfortable around people. As

such, stray animals are more dependent on humans for survival and are not able to cope with life in the wild: see The American Society for the Prevention of Cruelty to Animals (ASPCA) website.

17. Similarly, Arluke collected participant observation and interview data from thirty animal police officers working for the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA) in Boston and the American Society for the Prevention of Cruelty to Animals (ASPCA) in New York over the period of a year ([Arluke](#)).

18. The term “speciesism” is defined by the Merriam-Webster Dictionary-Encyclopedia as “1: prejudice or discrimination based on species; *especially*: discrimination against animals; 2: the assumption of human superiority on which speciesism is based.

19. Carr describes in her interview how, in 2010, the SPCA took in 7,047 cats and 4,247 dogs; for a more detailed account of dog laws in American cities, see Braverman “Legal Tails: Policing American Cities through Animals.”

20. “1. No person shall knowingly possess, harbor, sell, barter, transfer, exchange or import any wild animal for use as a pet in New York state.”

21. See also N.Y. Env'tl. Conserv. Law §11-0103.

22. See [Haupt](#) (847) for a discussion of how, if the city ordinance had not been specific to the practice of Santería but aimed at protecting animals and ensuring the health and safety of the city population, the ordinance may not have been overruled as violating the First Amendment, and for background on the tension between religious freedom to sacrifice animals and animal cruelty laws. For suggestions on the goals of the Santería religion and federal acts protecting cruelty against animals do not coincide, see [Sanchez](#) 227.

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