

Enough about human rights?

Reviewing *The Trial* (2014) by Laura Gustafsson and Terike Haapoja

ANNIKA LONKILA

*Department of Geographical and
Historical Studies
University of Eastern Finland*

The performance *The Trial* (2014) is part of a larger project, History of Others, by author Laura Gustafsson and artist Terike Haapoja. The History of Others is defined as an “art and research project”, aiming to bring to light alternative cultural histories of those whose stories are yet to be told. Their perhaps most well-known performance is the *The Museum of the History of Cattle* (2013), in which the shared history between humans and cattle is told from the cattle’s perspective. The fantastic is combined with facts, creating a representation of what the life -worlds and histories of cattle might look like.

In *The Trial*, a performance debuted in November 2014 at the Baltic Circle theatre festival in Finland, the artists concentrate on the question of extending the concept of legal personhood to non-human animals. Under Finnish law, all humans are legal persons from birth to death, but so are organizations and corporations. Simply put, to have legal

personality is to have legal rights within a legal system. *The Trial* asks: what would happen if animals were legal persons and had rights, such as the right to life and liberty? How would trials be performed? What would the repercussions be for our society? The performance makes use of a current law suit in Finland; its trial started in the district court of Keski-Pohjanmaa a few days after the performance was debuted. In the law suit fifteen hunters from the town of Perho were charged with aggravated hunting offence after three dead wolves were found in the hunters’ possession. It is the first time a charge of aggravated hunting offence, introduced into Finnish criminal law in 2011, reaches the court.

The Trial is an interactive performance, in which three actors (Mirjami Heikkinen, Arttu Kurttila ja Max Bremer) occupy the roles of the defense lawyer, the prosecutor, and a legal clerk, while the audience acts out the parts of the



defendants, the judges, and the public. At first, *The Trial* imitates the actual trial, quoting material for the opening statements from both sides from the actual preparatory session. We hear the defense's arguments: the hunters admit to the hunt itself and the burning of the animal bodies, but deny that the animals were wolves. The defense is built on the claim that the animals were dog-wolves, hybrids, the killing of which is not illegal. The prosecution instead claims that the animals were endangered wild wolves, both sides backing up their argument with DNA analysis. The clerk reads to the audience the law regarding the aggravated hunting offence, and we start the journey through the evolution of the concept of legal personhood and what it might mean to include non-human animals in the concept.

The meandering play moves in and out of the courtroom, between various locations and time periods in history and the future. For example, we get to meet Gaius, the Roman jurist, who around 160 CE in his book *Institutes* laid down the foundations of modern civil law by dividing private law into a closed system of categories between persons, things and actions. In the play Gaius, transported to today's world, is baffled by the notion of legal personhood being extended to all men, and shockingly, even women. We also visit the U.S. Supreme Court case of *Dred Scott v. Sandford* from 1857, where

the court held that no African American, whether enslaved or free, could be an American citizen. Then we hear about coverture, the legal doctrine in which a married woman was considered her husband's property, and hear stupefying statements from judges declaring that women are not legal persons. The performance cleverly juxtaposes these appalling commentaries with more recent cases, again from the U.S. Supreme Court, where a judge – after expressing his sympathy for the cause – denied the personhood of chimpanzees. Here *The Trial* succeeds in making the audience question the fundamental concepts on which our legal system – and society – is based on. It forces one to look closely at the history of the concept, and the significance of the concept in relation to societal structures. The concept has been evolving along with our political systems. So what would happen if we considered animals as legal persons too?

In recent years, there have been several cases around the world where people have fought for the legal status of non-human animals. Perhaps the most famous is the Nonhuman Rights Project, an international organization working towards legal rights for individual members of certain non-human species. The organization bases its cases on scientific evidence such as the remarkable intellectual capabilities of these specific animals, such as chimpanzees or elephants. Com-

pared to *The Trial*, this project seems quite unambitious. In *The Trial*, legal personhood is extended to all animals, not just a few of the best and the brightest of the non-human animal kingdom. Of course, the Nonhuman Rights Project is fighting in actual courts, in a world where violence towards other animals is inherent, structural and mundane. And even so, in today's world, both aims seem almost equally unattainable. *The Trial's* strength as an art performance is its ability to push the theoretical concept as far as it can go, while not having to bother with what's possible, and triggering reactions. The concept of legal personhood defines societies in a fundamental way, and as such may at any given period seem unchangeable, timeless and determined, when it is in fact deeply embedded in contemporaneous networks of politics, values and legal systems. In contemporary capitalist societies, corporations are legal persons. *The Trial* underlines that even though the concept of legal personhood has changed slowly, it has changed. And it can change again.

One of the most compelling scenes of the performance is the conversation between one of the actors and the booming voice of the Law itself. The two discuss Finnish animal welfare law and its regulations on specific instances of animal use. A deeply confusing interchange ensues, showcasing the seemingly arbitrary and absurd nature of the regulation

of animal use, and consequently, our relationship with non-human animals. Animal welfare law is portrayed as morally complex in various ways. The purpose of the law is to protect animals from human maltreatment, but in its attempt to comprehensively regulate practices where such behavior might occur, it ends up sanctioning those practices, many of which may easily be perceived as inherently contradictory with the notion of welfare. Here, the performance manages to quite subtly touch upon the debate on animal welfare vs. animal rights.

As the performance returns again to the trial at hand, *Perho hunters vs. the State*, the play tackles some of the most burning questions. The artists behind the performance, Laura Gustafsson and Terike Haapoja, come to stage and present the new animal rights law, where non-human animals have been granted legal personhood. The trial proceeds with the new statute book. But we keep getting interrupted. It seems the contemporary legal system is not well suited to the new law. Procedural questions arise: who can represent non-human animals during the trial? Who can receive restitution for violent crimes against non-human animals? Can non-human animals be murdered or only killed? But we must also consider some substantive points: what do we understand as violence with regard to non-human animals? Do wild animals have a different legal status than

livestock? Should all species have legal personhood and if not, where do we draw the line? In the end, *The Trial* does not provide answers. But I would argue that the inability to even begin to answer these questions stems from our society being so fundamentally built on the exploitation of non-human animal that comprehending a world without it is difficult. But, certainly, that only underlines the necessity of continuing to try.

To conclude, *The Trial* explores the theme of non-human personhood in a way scientific research could not: through imagination and dramatization, teasing out reactions, even if it is confusion and slight discomfort that emerges on the top. By doing so, *The Trial* succeeds in exposing something fundamental about the deeply conflicted nature of our relationship with other animals. ■