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## A New French Revolution: The Modernisation of the Civil Code

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I'm an addict of literature on the French Revolution - one of the events central to understanding the world of today. I think I've read everything that has been written on the topic, especially documents reflecting the experiences of those who lived through these times (memoirs, epistolary, accounts). I believe that History, with a capital H, is written by the protagonistes, according to the "*verba, non facta*" (words, not facts) principle, and what we as others do is reflect on what others have lived and experienced.

One of the fruits of the French Revolution – the most permanent and the one for which Napoleon will always be remembered, in his own words – is the Civil Code, also called the Napoleonic Code; a true monument to legal thought that gathered together the prevailing Roman tradition across Europe as a model of an eminently agrarian society, and transformed it into the citizens book par excellence; the new man, born of the revolutionary postulate. It is known that the model of the Civil Code was literally copied by all of Europe and Latin America, with little variation, and contributed to the perpetuation of this societal model as the supporting axle of the legal system, secured by the affirmation of man and subjective rights. It would be prolix to set out here and now how this model has been reviewed from different angles that have brought to light that this vision is no longer appropriate for a society that has named, for example, the environment, or its own societal entities, as subjects of rights; something that radically throws the affirmation of the human being as the centre of the whole legal system into question. The law has always borne in mind changing social realities in order to adapt itself to them, to regulate them, and ultimately to make life in society more simple and easy. From this point of view, it is clear that for some time now French society – its citizens, its intellectuals, its legislators – has been demanding a change in certain areas regulated by the Civil Code that have become obsolete,[1] which has been captured in the recent Law 2015-177, of 16 February 2015 on the modernisation and simplification of the law and procedures in the areas of justice and internal affairs.[2]

The question that I'm keen to highlight today is on the Civil Code change relating to the legal status of animals, which have until now been considered, as in the rest of the systems with codified laws (with the exception of the negative qualification of animals as "not things", in Austria, Switzerland, Germany and the Catalonian Civil Code)[3] as things in property. The new law has modified Art. 515-14 with a new wording more in line with the condition of animals as living beings endowed with sensibility. The text takes the following form:

["Les animaux sont des êtres vivants doués de sensibilité \(...\)"](#)

This modification is of great significance, as it positions animals as living beings no longer assimilated with immoveable things, differentiated from the things in property and from human beings, by which capacity for sentience permits them to enjoy an

autonomous legal status more in line with on-going scientific affirmation about animal as “sentient beings”,<sup>[4]</sup> as in the French expression “êtres vivants doués de sensibilité”, which results from following the line drawn by the EU in Art. 13 of the Treaty of Lisbon (TFEU) and recognised by distinguished international organisations, one of which being Humane Society International.<sup>[5]</sup>

Such a remarkable and important result for the legal history of Europe has been the fruit of large and intelligent cooperation between French society, a group of intellectuals (among which Professor Jean Pierre Marguenaud has stood out),<sup>[6]</sup> and the Fondation 30 Millions d’Amis, which has undertaken a truly notable campaign of awareness and management that can strictly speaking be qualified as a historic turn.<sup>[7]</sup> The campaign took a multifaceted approach: over 700,000 citizen signatures were collected, advocating for the legal recognition of animals as sentient beings; a group of 24 intellectuals, with recognised prestige, [developed a Manifesto](#) that set out that no metaphysical change in the condition of animals was necessary, but that they be included within the legal framework as how science continued to prove them to be: beings capable of feeling pain, suffering and, of course, happiness. Lastly, it made the French legislature aware of this through the inclusion of this modification relating to animals within a legal project to modernise the Civil Code.

The result is extremely satisfactory and, for this, I would like to cordially congratulate all those involved in this “new French Revolution” in favour of animals. It would be great if this French example, as with the Napoleonic Code, were the impetus that we need in the continental legal system in order to recognise the condition of animals as sentient beings. The impetus is there, and now it falls to us to follow in the same “revolutionary” footsteps.

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- [1] [GIMÉNEZ-CANDELA, T., A cara descubierta en favor de los animales: Francia, el 'Code civil' y la Constitución](#)
- [2] [Loi 2015-177, du 16 février 2015, relative à la modernisation et à la simplification du droit et des procédures dans les domaines de la justice et des affaires intérieures.](#)
- [3] [GIMÉNEZ-CANDELA, T., A la búsqueda de un régimen jurídico animal.](#)
- [4] [GIMÉNEZ-CANDELA, T., Seres sintientes](#)
- [5] Vid. [The Science of Animal Thinking and Emotion: Sentience as a factor in Policy and Practice](#)
- [6] Vid. [a concise biography of Prof. Marguenaud](#)
- [7] Vid. [Un tournant historique](#)