

Animal Protection Law (November 24, 1933)

Abstract

National Socialist conceptions of humanity's relationship with nature informed numerous policies relating to environmental protection. Those policies included the introduction of new laws outlining the treatment of animals within the Reich. The Animal Protection Law [Tierschutzgesetz], introduced in November of 1933, was the first nation-wide law explicitly protecting animals to be enacted within Germany. The law identified and prohibited a range of mistreatments, including overworking labor animals, exhibiting, filming or otherwise publicly displaying animals in conditions that would lead to negative health effects, and even grooming restrictions, such as a prohibition against the docking (clipping) of a dog's ears or tails after the animal reached two weeks of age. The law also specifically set strict limitations on animal experimentation, outlawing any practice or experiment that would endanger the life or well-being of an animal. Although the law itself contained no explicit antisemitic statements or prohibitions, the restrictions on animal experimentation did speak to the antisemitic belief that "Jewish" experimental science represented an affront to the "natural" laws governing the relationship between humans, animals, and nature. In this way, the Animal Protection Law, outlined here, also formed an important part of the larger propaganda effort to create and cultivate cultural links between National Socialism and (German) nature.

Source

Animal Protection Law. November 24, 1933.

The Reich Government has passed the following law, which is hereby promulgated:

Section I

Cruelty to Animals

§ 1

- (1) It is forbidden to torture an animal unnecessarily or to maltreat it with brute force.
(2) Animal torture is defined as causing an animal prolonged or repeated substantial pain or suffering; torture is unnecessary if it does not serve any reasonable, justified purpose. Maltreatment is defined as causing an animal considerable pain; maltreatment that arises from a callous disposition is defined as brute force.

Section II

Regulations for the Protection of Animals

§ 2

It is prohibited

1. to neglect an animal in its keeping, care or accommodation or in its transport in such a way that it suffers considerable pain or considerable harm as a result;
2. to use an animal unnecessarily for work which obviously exceeds its strength, or which causes it considerable pain, or which it is unable to perform due to its condition;
3. to use an animal for training, filming, showing, or similar events to the extent that they involve substantial pain or substantial damage to the animal's health;
4. to dispose of or acquire a frail, diseased, aborted or aged domestic animal for which continued life

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- would be torturous, for any purpose other than for immediate painless killing;
5. to abandon a pet for the purpose of disposing of it;
 6. to train or test dogs on live cats, foxes, or on other animals;
 7. to clip the ears or tail of a dog over two weeks old. Shortening is permitted if done under anesthesia;
 8. to clip (dock) the tail of a horse. Shortening is permissible if done under anesthesia by a veterinarian to correct a deformity or disease of the tail frond;
 9. to perform a painful procedure on an animal in an improper manner or without anesthesia. Castration shall be considered a painful procedure in the case of horses, cattle and pigs over three months of age, and sexually mature rams and goats. Anesthesia shall not be required if the pain associated with the procedure is minor or if, in the case of the same or similar procedures performed on humans, anesthesia does not appear to be feasible in the individual case based on veterinary judgment;
 10. to kill a farmed fur-bearing animal otherwise than under anesthesia or otherwise painlessly;
 11. to force-feed poultry;
 12. to tear out or sever the thighs of live frogs.

§3

The importation of docked horses is prohibited. The Reich Minister of the Interior may permit exceptions in particularly justified cases.

§ 4

The use of equids in mining is permitted only with the approval of the competent local authority.

Section III

Experiments on Live Animals

§5

It is prohibited to carry out interventions or treatments involving considerable pain or injury on live animals for experimental purposes, unless the provisions of §§ 6 to 8 stipulate otherwise.

§ 6

(1) The Reich Minister of the Interior may, on the recommendation of the competent Reich or Land authorities, grant permission to carry out scientific experiments on live animals to certain scientifically managed institutions or laboratories, provided that the head scientist has the necessary professional training and reliability, that suitable facilities are available for carrying out the experiments on animals, and that good maintenance and accommodation of the laboratory animals is guaranteed.

(2) The Reich Minister of the Interior may delegate the granting of permission to other supreme Reich authorities.

(3) The permit may be withdrawn at any time without compensation.

§ 7

The following regulations shall be observed in the performance of animal experiments (§5):

1. the experiments may be carried out only under the full responsibility of the head scientist or the deputy specially authorized by him.
2. the experiments may only be carried out by persons scientifically trained for this purpose or under their supervision and only by avoiding any pain which is unnecessary for the purpose.
3. Experiments for research purposes may only be undertaken if they are expected to produce a specific result that has not yet been confirmed by science or if they serve to clarify hitherto unsolved questions.
4. Experiments shall be conducted only under anesthesia unless, in the judgment of the head scientist, the purpose of the experiment absolutely precludes it or the pain associated with the procedure is less than the impairment of the well-being of the experimental animal associated with anesthesia.

No more than one severe surgical or painful bloodless experiment shall be performed on the same

unanesthetized animal.

Animals suffering considerable pain after the completion of major experiments, especially those involving surgical procedures, shall be killed immediately without pain if, in the judgment of the head scientist, this is compatible with the purpose of the experiment.

5. Experiments on horses, dogs, cats or monkeys may be carried out only if the intended purpose cannot be achieved by experiments on other animals.

6. No more animals may be used than are necessary to resolve the research question.

7. Animal experiments for teaching purposes are only permitted if other teaching aids, e.g. pictures, models, preparations, films, are not sufficient.

8. Records shall be kept on the type of animals used, the purpose, the performance, and the result of the experiments.

§ 8

The provisions of §§ 5 to 7 shall not apply to experiments on animals for the administration of justice or to vaccinations and blood samples taken from live animals for the purpose of detecting diseases in humans or animals or for obtaining or testing (determination of the value) serums or vaccines according to procedures that have already been tested or recognized by the state. However, these animals shall also be killed painlessly as soon as possible if they suffer significant pain and the killing is compatible with the purpose of the experiment.

Section IV

Penal Provisions

§ 9

(1) Whoever unnecessarily tortures or crudely maltreats an animal shall be punished by imprisonment for no more than two years and by a fine or by one of these penalties.

(2) Whoever, except in the cases referred to in subsection 1, performs an experiment on live animals (§ 5) without the required permission shall be punished by imprisonment for no more than six months and by a fine or by one of these penalties.

(3) A fine of up to one hundred and fifty Reichsmarks or imprisonment, insofar as the act is not already covered by the provisions for punishment under Sections 1, 2, shall be imposed on anyone who willfully or negligently

1. contravenes one of the prohibitions of §§ 2 to 4;

2. contravenes a provision of § 7;

3. contravenes a regulation issued by the Reich Minister of the Interior or by a Land government in accordance with § 14 for the protection of animals;

4. fails to prevent children or other persons under his supervision and belonging to his household from contravening the provisions of this law

§ 10

(1) In addition to the punishment set for an intentional violation under Section 9, confiscation or killing of the animal may be decided if it belongs to the convicted person. Instead of confiscation, it may be ordered that the animal be accommodated and cared for elsewhere at the expense of the convicted person for a period of three months.

(2) If no specific person can be prosecuted or sentenced, confiscation or killing of the animal may be ordered independently if the requirements for this are otherwise met.

§ 11

(1) If a person has repeatedly been convicted by a final court decision of an intentional infringement on the basis of § 9, the competent state authority may prohibit him from keeping certain animals or from

using them professionally or from trading in them for a period of time or permanently.

(2) After one year has elapsed since the prohibition order became final, the competent state authority may revoke the order,

(3) Animals culpably neglected in their keeping, care or accommodation may be taken away from their owner by the competent state authority and accommodated elsewhere until there is a guarantee that the animals will be kept in a proper manner. The costs of this accommodation shall be imposed on the guilty party.

§ 12

If in criminal proceedings it is doubtful whether the offence falls under a prohibition of § 2 No. 1 or 2, the official veterinarian and, as far as agricultural enterprises are concerned, the *Reichsnährstand* [Reich Nutrition Authority] shall be heard on the matter at the earliest possible stage of the proceedings.

Section V

Final Provisions

§ 13

For the purposes of this law, stunning shall be understood to mean all procedures which render generally painless or locally eliminate the sensation of pain.

§ 14

The Reich Minister of the Interior may issue legal and administrative regulations to implement and supplement this law. Insofar as he does not make use of this authorization, the state governments may issue the necessary implementing regulations.

§ 15

This law shall enter into force on February 1, 1934, with the exception of § 2 Nos. 8 and 11 and § 3, for which the Reich Minister of the Interior, in consultation with the Reich Minister of Food and Agriculture, shall fix the date of entry into force.

Sections 145b and 360 No. 13 of the Criminal Code shall cease to have effect on February 1, 1934.

The provisions of the Bird Protection Act of May 30, 1908 (Reichsgesetzbl. p. 314) shall remain unaffected.

Berlin, November 24, 1933.

Source: *Reichsgesetzblatt* 1933, Nr. 132, Berlin, November 25, 1933, pp. 987–89. Available online at: <https://alex.onb.ac.at/cgi-content/alex?aid=dra&datum=1933&page=1112&size=45>

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