

Animal rights should not be introduced to law assignment

Law



Animal rights should not be introduced to law BY kh6721 After the liberation of slaves and then women, now the lights are being shed upon the subject of animal rights for public discussion. As the world population grew, so did the demand for animals. However, not all animals get the same treatment from humans. Some animals are caressed with love and care by their owners during their entire lives, while some others are kept in tiny cubicles where they do not even have enough space to turn around, only to be slaughtered for food after a few months, and till others get tested for lethal dosage of drugs and get vivisected without any anesthesia.

The situation begs the important question. Should animals have rights? In this essay, it will be argued that they should not because first, they lack the ability to deliver their duty, and second, if they have rights, the human society could suffer greatly. After the two main points, Klein's refutation to Singer's marginal humans argument will be presented. Animals should not have rights because they lack the ability to deliver their duty. According to the social contract theory, individuals were born into the state of nature, where they had to fight each other for survival.

People formed government and made rules that limited their rights for the sake of the general stability and happiness. * They could no longer kill or rob others to get what they want because of the limitations, but it also meant that they did not have to worry of murder and theft as much as they used to. The arbitrary duties that people imposed upon themselves were beneficial for the humanity on the whole when all was said and done. People got out of the state of nature and started to cooperate with each other to conquer the nature. Even now, the social contract theory still remains salient.
<https://assignbuster.com/animal-rights-should-not-be-introduced-to-law-assignment/>

People in any society have been required to follow certain sets of rules to be protected by the law because rights and duties are two sides of the same coin. An English philosopher Roger Scruton pointed this out well in his article in City Journal. He wrote that “ Every legal privilege creates a burden on the one who does not possess it: your right may be my duty, and people who claim rights are also in the business of respecting them” Now the question lies on whether animals have the capacity to respect their legal duties defined by the human law; and the answer is no.

Humanity in general have always been of an opinion that they were superior to all other animals on earth. The Book of Genesis says in chapter 1 verse 26 that Adam is given “ dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth” The concept that all the existence in the universe have different ranks has been subsisting on a philosophical level from the ancient time.

A Greek philosopher Aristotle believed that all the creatures in the world had a hierarchy “ from the barely living to the merely sentient, the rational, and the wholly spiritual. ” He thought that if one was barely living or merely sentient which means being able to feel pain, as in the case of a tree or snake, it simply did not have the rationality. It was only human by the gift of their rationality, he deemed, that occupied the highest position on earth. * Nowadays, many zoo keepers as well as primatologists such as Jane Goodall have discovered that animals have higher mental ability than people used to think.

Kanzi, a bonobo who was raised by researchers at the Georgia State University communicate with human through lexigram. He was trained to use English for several decades, and is able to understand verbs and nouns that add up to several hundreds. Although empirical data like Kanzi suggests that some animals might have a glimmer of capacity for rationality, as of right now, there does not seem to be an unequivocal evidence that any animal at any rate have enough intellectual ability with or without help to comprehend and form abstract conceptual ideas such as constitutional rights and civic duties.

Joining a legal system as a person requires respecting the two sides of law, and without the ability to do so, animals cannot complain about their current legal status. Animals should not have rights because if they do, the human society could suffer greatly in two ways. The first of them is that any nation or state that adopts animal rights, whether their contents are nowhere near of or comparable to human rights, is bound to face a conundrum of self-contradiction, that is hurting animals in order to save others.

The second of them is that any nation that adopts animal rights would be forced to squander exorbitant amount of resources only to lunge itself into a catastrophic collapse of the nature and ecology. In their article *The Case Against Animal Rights*, David Schmammann and Lori Polacheck ponder such question as “ what is one to make of animals that kill each other and the often arbitrary nature of life and death and survival of the fittest in the What are people that adopt animal rights to make of a lion that brutally orders and eats an antelope or a zebra every now and then?

If there were to be any animal rights, it would first proscribe unjust killing of any animal, and the herbivores that are preyed upon by carnivores probably would have done nothing wrong to their predators. The lion, evolutionarily built as a nature's one of the most ferocious predators on earth, has no choice but to exploit and take lives of other sentient beings and sometime the humans by using its gift of brute force. The humans were able to adapt at more various diets than lions, and their gregarious nature coupled with high intelligence enabled them to rise through the ranks of ecology.

The idea that exploiting other animals is immoral is a very human concept, and to many species, a very selfish and unnatural view. Also, enforcing the animal rights would mean a huge yet futile dedication of resources, because of it does not have any consideration for ecology. Large portion of animals kill and eat each other in their natural states, and capturing all of them into cages would not only cost astronomical amount of resources. Also, if all the carnivores were gone, the nature would fail to take its course, and the land would be barren by excessive numbers of herbivores devouring up the plants.

The fatal consequences of such rambunctious idea could eventually lead to a disintegration of the very fabric of the earth. In his article Animal Liberation, Peter Singer, who believes in animal rights, argues with citations from a British philosopher Jeremy Bentham that it is whether one can suffer that should be the criterion for the eligibility of rights, He says that intelligence or ability to use syntactic language are arbitrary to be considered as the yardstick because every individual has different 'Q', and infants as well as

some adults lack the ability to speak any language. To this argument, Shawn Klein articulately puts forward his answer. In his article Problem of Animal Rights, he suggests two concepts: "paradigmatic humans" and "marginal humans" Paradigmatic humans are normal humans capable however, is the marginal humans, for they muddle the borderline between human and animal. They include "infants, young children, the severely mentally retarded, the permanently comatose, and probably the senile" that lack the capabilities of the paradigmatic humans.

Klein argues that although the marginal humans does not possess rationality, they potentially could with the help of medical advancement and parental caring. * To conclude, it has been argued that animals should not have rights because first, they lack the ability to deliver their duty, and second, if they have rights, the human society could suffer greatly. After the two main points, Klein's refutation to Singer's marginal humans argument has been presented. The discussion, if nothing else will be an opportunity to re-examine today's ethical values.

Works Cited <http://www.scientificamerican.com/article.cfm?id=should-humans-eat-meat-excerpt> <http://www.thefederalistpapers.org/wp-content/uploads/2012/12/John-Locke-Thoughts-Concerning-Education.pdf> http://www.city-journal.org/html/IO_3_urbanities-animal.html <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1382&context=earl> http://heartland.org/sites/all/modules/custom/heartland_migration/files/pdfs/15656.pdf <http://public.callutheran.edu>

<https://assignbuster.com/animal-rights-should-not-be-introduced-to-law-assignment/>

edu/????” chenxi/ phi1345_111 . pdf http://www. freehealingtools. com/kanzi-an-ape-of-genius