WHY DO ANIMALS MATTER?

DR. SOHINI MAHAPATRA ASSISTANT PROFESSOR OF LAW NATIONAL LAW UNIVERSITY ODISHA

KANTIAN THEORY

Persons

Things

Immanuel Kant

- The moral status of animals was dependent on the notion of 'will' and although both humans and animals have desires, it is only the former who has the will to control and stand back from the desires, and thereafter decide which course of action to take.
- Animals No will Not Autonomous No Moral Status
- The intrinsic value or dignity that a being possesses finds its root in rationality or autonomy and since animals lack the same they do not have an intrinsic dignity or value.
- However, humans have indirect duty towards animals where the aim is actually to cultivate kindly and humane qualities in oneself.
- Does not believe in moral status of animals but considers that they nevertheless deserve humane treatment.

CARTESIAN THEORY

Rene Descartes

- Descartes associates animals with machines and believes that they have mere mechanical value.
- All animal behavior can be explained in purely mechanical terms without reference to inner consciousness or awareness.
- Merely because humans and animals are close to each other on the scale of evolution does not necessarily render the latter as conscious beings.
- All human experiences are conscious experience owing to presence of higher order of thoughts, as opposed to animals who do not have the same and therefore it cannot be substantiated that they are conscious beings.







SENTIENCE

CONSCIOUSLY FEELING PLEASURE AND PAIN

<u>UTILITARIANISM</u>

HUMANS

ANIMALS

SENTIENT

BEINGS

Jeremy Bentham - "The question is not, Can they reason? Nor can they talk? But, can they suffer?"

- 'Greatest happiness of the greatest number' this essentially sums up the entire philosophy on which utilitarianism rides.
- Sentience of a living being is relevant consideration, and keeping pain and pleasure as the defining factors there should not be any dichotomy between humans and non-human animals.
- In order to achieve maximum happiness of maximum number, every bit of happiness and suffering must be taken into consideration, including that of non-human animals.
- Not rationality, but ability to suffer If a being suffers, there can be no moral justification for refusing to take that suffering into consideration.
- An individual's right, whether humans or animals, cannot override the overall promotion of utility the use on non-human animals would be acceptable if the happiness their exploitation causes is greater than the harm that is caused to them; in situations where happiness can be maximized by causing harm or suffering to a few sentient beings, irrespective of the nature of the being, doing so would be justified.

<u>'EQUAL CONSIDERATION OF</u> <u>INTERESTS'</u>

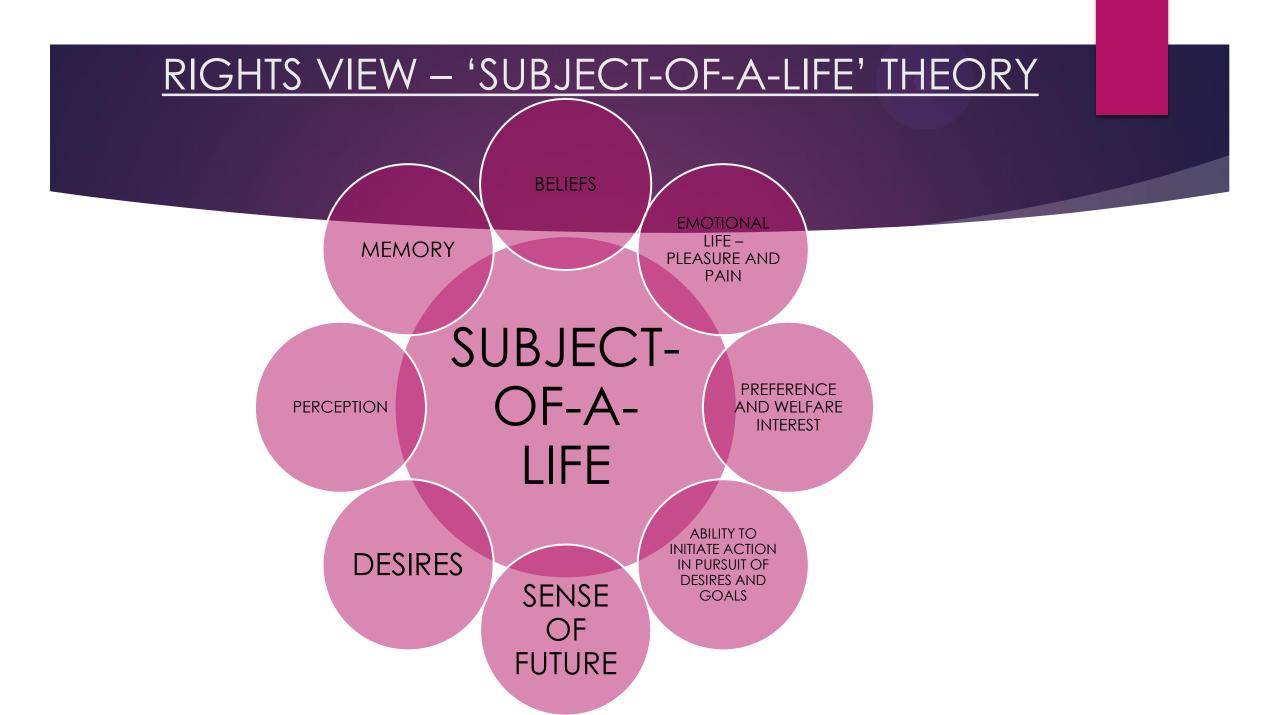
Peter Singer

- Builds on Bentham's utilitarian philosophy to propose the logic of 'equal consideration of interests'.
- Every living being has an interest in happiness and in not suffering, hence to consider the interest of only humans and showing complete disregard to that of non-human animals is discriminatory.
- Nervous system and physiological responses in animals and humans are alike.
- Ability to feel pain is more primitive and is independent of language.
- Theory of 'Marginal Cases'
- Speciesism It cannot simply be stated that the pain felt by one species deserves more importance than that felt by the other.
- > To be non-speciesist would mean to give **equal consideration if not equal status**.

<u>RIGHTS VIEW – 'SUBJECT-OF-A-LIFE' THEORY</u>

Tom Regan

- Animals do not have an indirect moral status or unequal status as compared to human beings but rather deserve the same moral status as humans.
- 'Subject-of-a-life' means more than merely being alive and more than merely being conscious – basis of inherent value.
- Concept of 'moral agents' and 'moral patients' The subject-of-a-life criterion is equally relevant for moral agents and moral patients, attributing inherent value to both.
- Regan demands complete abolition, dissolution and elimination of practices that utilize animals in any way whatsoever.





WHAT RIGHTS SHOULD ANIMALS POSSESS?

- Right to protection
- Right to life
- Right to food
- Right to shelter
- Right to express their natural behaviour
- Right to exist without interference
- Right against captivity
- Right against isolation
- Right against cruel treatment
- Right to good health

- Right to dignity
- Right against exploitation
- Right to live without fear and distress
- Right against pre-mature death
- r Right to natural habitat
- Right not be experimented upon
- Right to medical care

WHAT RIGHTS SHOULD ANIMALS POSSESS?

- Freedom from exploitation
- Same rights as humans
- Right to life
- Right to space that they inhabit
- Right to food and shelter
- Right to dignity
- Right to health and medicine

- Right to decide for themselves
- Right to Consent
- Right to noninterference
- Right to companionship of own species
- Right to good nutrition
- Right to be cared and compassion
- Right to psychological

well-being

- Right to use natural resources
- Right to parenthood
- Right to movement
- Right to legal aid
- Right to protect oneself