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Evaluating the Ethical and Legal Frameworks of Animal Rights: A Comprehensive Appraisal

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ABSTRACT

Throughout human history, animals have been companions, sources of food and labor, and subject to human control. However, in recent times, there has been a growing debate about whether non-human animals should be accorded legal rights. The implications of this potential shift in our relationship with animals could be far-reaching and require a thoughtful analysis of the interests of all living beings. This paper addresses the issue of animal rights and their importance. It begins with an overview of the historical relationship between humans and animals, highlighting the various roles animals have played in human society. The paper then examines the concept of animal rights, exploring the ethical and legal arguments in favor of granting legal rights to non-human animals.

The paper further analyses the views of both supporters and opponents of the animal rights concept. Supporters argue that animals have intrinsic value and are entitled to protection from harm and exploitation. Opponents argue that animals lack the cognitive ability to understand and exercise rights, and that granting them legal rights could have unintended negative consequences. Finally, the paper concludes by emphasizing the need for a balanced approach to animal rights that considers the interests of both humans and animals. It calls for increased awareness and education on animal welfare issues and for the development of legal frameworks that protect the rights of animals while also recognizing the legitimate interests of humans.

Overall, this paper offers a thoughtful analysis of the issue of animal rights, exploring its historical context, ethical and legal arguments, and the views of supporters and opponents. It underscores the importance of finding a balanced approach that acknowledges the interests of all living beings..

Keywords: *Animal, Animal Rights, Animal Rights Movement.*

I. INTRODUCTION

Throughout history, humans have had a complex and varied relationship with animals. Animals

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have played many different roles in human society, including as companions, sources of food and clothing, as well as symbols of power, wealth, and prestige. In early human societies, animals were often revered and worshiped as gods or spiritual beings. For example, in ancient Egypt, cats were considered sacred and were mummified after death. Similarly, in Hinduism, cows are considered sacred and are not to be harmed.

As human societies developed, animals began to be used for practical purposes such as hunting, farming, and transportation. Horses, camels, and elephants were used as transportation and for carrying goods. Domesticated animals such as cows, sheep, and pigs were used for food and their by-products such as wool, milk, and leather. Animals have also played an important role in human culture and art. Many mythologies and religions feature animals as central figures or symbols. In addition, animals have been depicted in paintings, sculptures, literature, and music throughout history.

Unfortunately, the relationship between humans and animals has not always been positive. Animals have been subjected to abuse, neglect, and exploitation for human gain. For example, in the 19th and early 20th century, many animals were used in circuses, where they were often mistreated and forced to perform dangerous and unnatural acts. Overall, the historical relationship between humans and animals has been complex and varied, with animals playing many different roles in human society. While animals have been revered and respected in some cultures, they have also been subjected to cruelty and exploitation in others. Understanding the historical context of our relationship with animals is an important step in developing a more ethical and sustainable relationship with them.

II. MEANING OF ANIMAL RIGHTS

‘Animal rights’ is a contemporary controversial topic around the world. The debate revolves around whether non-human animals are entitled to any rights or not. However, what is meant by animal rights needs to be discussed first. An animal right is the philosophy which states that some or all animals are entitled not only to the possession of their own existence but also to their most basic interest such as the need to avoid suffering. Since animals are sentient beings having feelings as human beings, they should have similar interests as human beings.³ It means recognizing that animals are not ours to use—for food, clothing, entertainment, or experimentation.

The doctrine of animal rights may include following rights:

³ Taylor, Angus. *Animals and ethics*. Broadview Press, 2009.

- No experiments on animals
- No breeding and killing animals for food or clothes or medicine
- No use of animals for hard labour
- No selective breeding for any reason other than the benefit of the animal
- No hunting
- No zoos or use of animals in entertainment⁴

However, there is a difference between animal rights and animal welfare. Animal rights mean that animals are not ours to use for food, clothing, entertainment, or experimentation. Animal welfare allows these uses as long as “humane” guidelines are followed. Thus, the concept of animal rights does not allow the use of animals for any purpose at all whereas in the animal welfare concept, animals can be used as long as no unnecessary suffering is caused to them. *Anne Peters* observes that in national laws, animal welfare is more protected than animal rights.⁵ However, animal rights would protect animals better but they are hardly acknowledged.⁶

The fundamental principle of the modern animal rights movement is that many nonhuman animals have basic interests that deserve recognition, consideration, and protection.⁷ The philosophers like *Peter Singer*⁸, *Tom Regan*⁹ and *Jeremy Bentham*¹⁰ catalyzed the modern animal rights movement. The physicians, writers, scientists, academics, lawyers, theologians, psychologists, nurses, veterinarians, and other professionals also supported them to foster animal rights. To educate and spread awareness among the public, many professional organizations were established.¹¹ Moreover, International Animal Rights Day celebration was initiated by the animal rights association named uncaged in 1998 to highlight all forms of violence against animals. It intentionally chose December 10th for International Animal Rights Day since this day is celebrated as Human Rights Day. Its desire was to extend these same inalienable rights to all living creatures, even if they are a different species than humans.¹²

⁴ "Ethics - Animal ethics: Animal rights - BBC." http://www.bbc.co.uk/ethics/animals/rights/rights_1.shtml. Accessed 2 Apr. 2021.

⁵ *Anne Peters, Studies in Global Animal Law*, Springer Nature, Germany, 2020 p. 109.

⁶ *Ibid.*

⁷ "Animal rights - The modern animal rights movement | Britannica." <https://www.britannica.com/topic/animal-rights/The-modern-animal-rights-movement>. Accessed 2 Apr. 2021.

⁸ Singer, whose book *Animal Liberation* (1975) is considered one of the movement's foundational documents.

⁹ Regan argues that at least some animals have basic moral rights because they possess the same advanced cognitive abilities that justify the attribution of basic moral rights to humans.

¹⁰ Bentham, who wrote of animals, "The question is not, Can they *reason*?, nor, Can they *talk*? But, Can they *suffer*?"

¹¹ "Animal rights - The modern animal rights movement | Britannica." <https://www.britannica.com/topic/animal-rights/The-modern-animal-rights-movement>. Accessed 2 Apr. 2021.

¹² "INTERNATIONAL ANIMAL RIGHTS DAY - December 10 - National" 10 Dec. 2019,

III. IMPORTANCE OF ANIMAL RIGHTS

Animals are sentient beings. They also suffer from psychological, emotional, and physical pain just like human beings do. For example, Animals in zoos usually show stereotypic behaviors, which reveal psychological distress they are going through and surprisingly, that is imperceptible in wild populations.¹³ Thus, all animals have the ability to suffer in the same way as human beings. They are conscious of pleasure, pain, fear, frustration, loneliness, and motherly love.¹⁴ We are morally impelled not to ignore their considerations if we do something that interferes with their needs. The more that is learned about the myriad ways our behavior, lifestyles and attitudes negatively impact animals, the greater our moral obligation towards them becomes.

Moreover, another concern that needs to be taken into account is the sheer scale of animal exploitation that mandates animal rights. It is estimated that more than 200 million animals are killed for human consumption every day worldwide, with wealthy nations such as Australia, the United States and Europe leading the way with the highest consumption of meat per capita.¹⁵ The U.S. is also responsible for the rise of industrial animal agriculture, in which animals are forced to endure lifetimes of heartbreaking abuse.¹⁶

IV. SUPPORTING VIEW OF ANIMAL RIGHTS

Supporters of animal rights believe that animals have an inherent worth—a value completely separate from their usefulness to humans. The argument put forth by supporters of animal rights is that non-human animals are capable of suffering, and therefore should be protected from harm and exploitation. The argument is based on the scientific evidence that animals have nervous systems and pain receptors, and therefore are capable of experiencing pain and suffering. Advocates of animal rights argue that it is morally wrong to inflict pain and suffering on animals for human purposes, such as in the case of factory farming or animal testing. They are of the opinion that every creature with a will to live has a right to live free from pain and suffering.¹⁷

Animal rights is a kind of social movement which opposes the idea that animals are there only to fulfill the wishes and needs of human beings. Rather, animals are beings that have their own

<https://nationaldaycalendar.com/international-animal-rights-day-december-10/>. Accessed 2 Apr. 2021.

¹³ "The Animal Rights Movement: History And Facts About ... - Faunalytics." 9 Apr. 2020, <https://faunalytics.org/the-animal-rights-movement-history-and-facts-about-animal-rights/>. Accessed 2 Apr. 2021.

¹⁴ "Animal rights are Important'." 1 Dec. 2017, <https://www.lilongwespca.org/lspca-media/130-animal-rights-are-important>. Accessed 1 Apr. 2021.

¹⁵ "How Many Animals Are Killed for Food Every Day? - Sentient Media." 16 Sep. 2018, <https://sentientmedia.org/how-many-animals-are-killed-for-food-every-day/>. Accessed 2 Apr. 2021.

¹⁶ *Supra* 7.

¹⁷ "Why Animal Rights? | PETA." <https://www.peta.org/about-peta/why-peta/why-animal-rights/> Acc. 1 Apr. 2021

interests and should be treated with respect and compassion. Advocates of animal rights argue that it is morally wrong to use animals for food, clothing, entertainment, or scientific research, and that alternative methods should be developed that do not involve the exploitation of animals. It is to be noted that certain forms of animal rights are embraced by worldwide cultural traditions like Buddhism, Jainism, Hinduism, Taoism, Shintoism and Animism.¹⁸

V. OPPOSING VIEW OF ANIMAL RIGHTS

While the idea of animal rights has gained significant traction in recent years, there are still those who hold opposing views. These individuals argue that non-human animals lack the capacity for complex cognitive abilities and, as such, cannot fully understand the concept of rights. The critics of animal rights assert that nonhuman animals can not possess rights as they are not capable of entering into a social contract. This view is summed up by the philosopher Roger Scruton, who writes that only humans have duties, and therefore only humans have rights.¹⁹ Secondly, according to the utilitarian approach, animals may be utilised by human beings unless they are subjected to unnecessary suffering. Animal rights opponents reject the notion of animal rights and its practical implications. On a philosophical level, animal rights would devalue human beings if animals are equated with them. The fact that human beings have certain instinctive characteristics such as the ability to express reason, to recognize moral principles and to intellectualize cannot be ignored.²⁰

Another argument put forth by opponents of animal rights is that granting animals rights would come at a cost to human interests, such as in the case of animal testing for medical research. They argue that animal testing is necessary for the advancement of medicine and that without it, human health and wellbeing would be compromised. Proponents of this view also contend that animal agriculture is necessary to feed a growing global population, and that without it, food security would be threatened. Further it is contended by the opponents of animal rights is that humans have a natural superiority over animals and, as such, have the right to use them for food, clothing, and other purposes. This argument is based on the belief that humans are the dominant species on earth, and that other species exist to serve human needs. Proponents of this view argue that the use of animals for human purposes is a natural and necessary part of human existence.

VI. STATUS OF ANIMAL RIGHTS IN DIFFERENT COUNTRIES

¹⁸ Supra 2.

¹⁹ Scruton, Roger. *Animal rights and wrongs*. A&C Black, 2006.

²⁰ "Introduction to Animal Rights (2nd Ed) | Animal Legal & Historical"
<https://www.animallaw.info/article/introduction-animal-rights-2nd-ed>. Accessed 1 Apr. 2021.

Rights pertaining to animals are not universal with regard to jurisdiction and their scope. Different countries have different stands from the legal recognition of non-human animal sentience to the absolute lack of any anti-cruelty laws with no regard for animal welfare. Notably, as of November 2019, 32 countries formally recognize non-human animal sentience, they are: Austria, Australia, Belgium, Bulgaria, Chile, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, New Zealand, the Netherlands, Poland, Portugal, Romania, Spain, Slovakia, Slovenia, Sweden, Switzerland, and the United Kingdom. The status of animal rights in different countries and the measures taken to protect the welfare of animals have been discussed below in brief:

- **India**

India has a rich history of animal protection, with animal welfare being a fundamental duty under its constitution. The Prevention of Cruelty to Animals Act, 1960, is the primary legislation governing animal welfare in India, and it prohibits the mistreatment of animals. In recent years, there has been increasing public awareness and advocacy for animal rights in India, with the country passing laws to ban certain forms of animal cruelty, such as the use of animals in circuses.

- **United States**

In the United States, animal welfare is regulated by federal laws such as the Animal Welfare Act, which sets standards for the care and treatment of animals used in research, exhibition, and transportation. Many states also have their own animal protection laws, which vary in scope and level of protection. In recent years, there has been increasing public awareness and advocacy for animal rights, with a number of states passing laws to ban certain forms of animal cruelty, such as animal testing for cosmetics.

- **United Kingdom**

The United Kingdom is considered one of the most progressive countries in terms of animal rights. The Animal Welfare Act 2006 is the primary piece of legislation governing animal welfare in the UK, and it sets out the duty of care that owners have to their animals. The UK has also banned certain practices such as the use of wild animals in circuses, and it has prohibited the testing of cosmetics on animals.

- **China**

China does not have comprehensive animal welfare legislation, and the treatment of animals varies greatly depending on the region and industry. However, in recent years, there has been increasing public awareness and advocacy for animal rights, particularly in relation to the dog meat trade and the use of animals in entertainment.

Furthermore, just a short time ago, few national jurisdictions have started recognising animal rights. The courts in Argentina and Colombia allowed habeas corpus to apes²¹ and bear²² respectively. ²³ However, it is opined by *Anne Peters* that only national laws for animal rights is not sufficient but there is a need for international recognition of animal rights.²⁴ Moreover, the Supreme Court of India in a landmark judgement of *Animal Welfare Board of India v. A. Nagaraja*²⁵ ruled that Article 21 of the Indian Constitution which relates to fundamental right of life and liberty also encompasses the ‘life’ of animals. The excerpts of the judgement reads as following:

*“Article 21 of the Constitution, while safeguarding the rights of humans, protects life and the word “life” has been given an expanded definition and any disturbance from the basic environment which includes all forms of life, including animal life, which are necessary for human life, fall within the meaning of Article 21 of the Constitution. So far as animals are concerned, in our view, “life” means something more than mere survival or existence or instrumental value for human-beings, but to lead a life with some intrinsic worth, honour and dignity.”*²⁶

VII. CONCLUSION

However, there is still a long way to go to acknowledge legal rights to non-human animals universally. It is the moral responsibility of human beings to save animals from unnecessary suffering caused to them for their own needs as animals can not speak for themselves. Fortunately, positive change is on the move in Western countries and around the world regarding animal rights. People should be made aware that kindness and respect are owed to all sentient beings. Besides, animals have a value beyond and above all other non living things.

²¹ Argentina: Tercer Juzgado de Garantías Mendoza, case no. P-72.254/15, 3 November 2016 - Chimpanzee Cecilia.

²² Colombian Supreme Court of Justice, AHC4806-2017, Radicación n.o 17001-22-13-000-2017-00468-02, 26 July 2017 - bear Chucho. However, the Constitutional Court overruled this decision with a public hearing on 8 August 2019.

²³ *Supra* 5.

²⁴ *Ibid.*

²⁵ (2014) 7 SCC 547.

²⁶ Para 62, *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547.