# Animal Rights Legal Protection and the Ethics of Equal Consideration

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In May 2003, it was found through the results of a Gallup poll that merely 3% of Americans are of the view that not copious legal protection is needed for animals. On the other hand, 71% supported having some legal animal protection, and 25% suggested that animals must be given equal rights as people.

Being a lifelong lover of animals, I am intensely considerate of opinions that animals should be treated humanely. However, the ethical concern of how animals should be treated is a much wider and different matter as compared to the problem of protecting the animals and what type of legal obligations should be. As an example, it is usually unethical to lie to your family and friends, but this action does not only imply legal protections or rights. In the same way, it is unethical and immoral if a cat is nailed into a wall. However, that also doesn't imply any legal obligation or protection to abstain from such atrocious actions. I doubt that 71 % are in favor of granting some legal obligation and protection for animals; their support is dependent on simply confusion among concerns of animals' well-being and appropriate grounds for obligations and rights.

## Animal Rights' Protection

Two philosophers presented the two key arguments about the rights of animals: Tom Regan and Peter Singer. With a small number of exemptions, the philosophic opinions one can find on the internet or in journals of philosophy follow partially or wholly the arguments given by either Regan or Singer. So, here, we will concentrate on the main ideas presented by them in their opinions (Gruen).

Singer is an infamous and controversial Australian philosopher, currently working as a lecturer at Princeton University. He is considered an intellectual stimulus for many environmentalists and animal-rights associations and is also the writer of various articles and books on the rights of animals, including his Animal Liberation book in 1975. He also did work on various other matters related to ethics, like abortion, euthanasia, and famine. Also, his employment at Princeton generated terrific protest for the reason of his opinions protecting the killing of newborns having various kinds of severe disabilities.

Regan is an author as well, and he wrote textbooks on social thoughts and morals that are used widely, along with many articles on the rights of animals and similar issues. The Case for Animal

Rights, given in 1983 by Regan, clearly and comprehensively shows his arguments.

Both Singer and Regan contend for a similar decisive conclusion: a fundamental change in methods in which people are treating animals, initially with the help of broad legal protections, prolonged to at least several animals. However, they adopted different ways to conclude this argument. Regan's method is dependent on the types of values owned by both humans and animals, while Singer's approach concentrates on concerns related to equality and utilitarianism's philosophy.

An ethical theory, utilitarianism, explains the term good as something that increases the overall pleasure and happiness in this world and decreases the overall pain and unhappiness. The definition of bad is, then, that thing which is incapable of increasing satisfaction or which increases pain and depression overall.

Utilitarians are incapable of proposing individual rights defense and are reticent. Rights — principles that safeguard specific types of activities — are apparently involved in minimizing the overall sorrow and pain and maximizing the pleasure all around. As an example, the banning of some dangerous types of drugs like methamphetamine or ecstasy is considered best according to utilitarianism since it reduces the number of sufferings and pain that is caused as a result of using these medications. However, banning these would put a question on the person's right to property and liberty. Therefore, utilitarianism throws away the conception of rights so that the full focus should be on maximizing pleasure and happiness.

So, Singer, being utilitarian, is not intent on giving theory based on rights, but he is apprehensive about giving proper dealing and handling for animals. He states his role as an "animal liberation" as contrasting to "animal rights." However, we can talk about Singer's role in encouraging the rights of animals in a shorthand sense as he doesn't only put frontward ethical and moral recommendations, he is also supporting rules and principles that mark out the appropriate legal protection and obligations of humans and animals. Because of this, I will state Singer's position as a position of pro-animal rights.

# Marginal-Humans Opinion And Argument

Similar to any other animal rights defender, Singer hinges on the alleged argument of marginal humans, which starts with the given observations: There are typical paradigmatic individuals; they possess the capacities and features that we ponder a human being should have; typical emotional responses, reasoning capability and so on. Then, those are also present which exist beyond this paradigm, these are marginal humans, who are deprived of few or all such capabilities. These include severely mentally disabled, young children and infants, senile and permanently comatose.

The arguments turned out to be like this: If adult individuals are normal, then by virtue they have rights of being sensible human beings, then, in accordance to the argument of marginal-humans theory, severely retarded individuals and infants can't possess any rights as they are unable to act

rationally. Therefore, either rationality should not be the only base for rights, or such marginal humans are not in existence.

So, here we can see that there is a precarious situation for the protector of rights. He has two options: either to reject possessing of rights by marginal humans and hence ought to be given some legal defense against abuse and harm, or he should alter the foundation for privileges to take account of marginal humans — also, on a similar hand, certain animals of higher-order must be included as well.

A singer portrays this issue in the subsequent words: “If the faith that it is immoral and erroneous to murder human beings which are mentally impaired only because of food isn’t rejected by us, in this situation the faith that it is correct to slaughter animals, possessing the same mental level for the similar objective should be rejected” (Peter Singer, “Animals and the Value of Life,” Matters of Life and Death, New York: McGraw-Hill, 1993, p. 306).

We human beings often consider intellectuality and acumen as eligibility for rights and believe that newborns and those who are impaired somehow should be dealt with like pigs and monkeys. To be precise, we believe that the right holders aren’t human beings only and these should include a few animals as well.

Some people are of the view that there is a problem with the rights theory in light of which marginal humans should be treated in the same manner as we treat other creatures. It would be wise to amend the rights theory instead of accepting such results.

To summarize, the objective behind debating the status of marginal individuals is to exhibit that all theories for rights have failed to prove that every human being, counting marginal and others, possesses rights. Thus, this gap and space have given rise to new theories by Singer and Regan. The theories presented by Singer and Regan also include rights for some animals as well.

# Equal Consideration – Singer’s Phenomenon

Considering every human being equal is the core objective of Singer’s theory. According to him, every human being demands rights and respect irrespective of being marginal. Utilitarianism is the best phenomenon that defines the rule of equality (Klein).

Singer is the view that one’s ability to bear is adequate for that animal or human who is to be considered for equality. Does the singer support his claim with a famous quote by Jeremy Bentham, which reads, “The question isn’t about whether they can reason or talk? It is about can they bear?”

So, what this means is whether the creature can endure or not. If it can endure up to its capacity, its capacity should be calculated as enhancing satisfaction and reducing suffering. Furthermore, any creature sensitive towards pain and enjoyment should be given due preference while deciding what course of action should be adopted.

According to Singer, the ability of pleasure and pain are interlinked with one another because it is this ability that serves as the base of interests. Therefore, the feeling of not getting pain is not an interest coupled with other interests like possessing shelter or being fed. These interests are the foundation of other interests that one has. The objective of getting fed emerges from the pain that one experiences due to hunger. Likewise, the objective of getting shelter is due to the pain that one comes across as visible to the outside. In short, if there is no pleasure and endurance, there will be no interest.

If one doesn't kick the rock, it has no interest in it because it has no ability to feel the kick or any other interest. But contrary to this, a human being or any other creature can feel the pain. Thus, it has a concern that it shouldn't be kicked, besides several other interests (Klein).

Some people are of the view that human suffering is different from animal suffering because human suffering is objective and precise. Contrary to this, he has termed it biased towards human beings. He has called this bias speciesism. Singer defines speciesism as "discrimination or bias towards members of the one's specific species and being not in favor of associates of former class" (Peter Singer, Animal Liberation, New York: HarperCollins Publishers, 2002, p. 6). Thinking about "racism" and "sexism" instead of race or sex is wrong because it is not in favor of equality. According to Singer and Regan, speciesism is erroneous, too, and it can't be implemented practically.

While taking into account the equality principle and the value of pain and pleasure, Singer argues that animals and human beings should get their happiness weighted by equality while calculating the moral values, i.e., wrong and right. If the welfare of animals are included in the calculation, Singer opines, it will become easier to formulate rules and procedures that will define the rights and legal boundaries of humans and animals.

# Conclusion

Rights are essential for the nonviolent existence of all creatures within the social ambit. It is hard to justify animal rights because our legal system isn't rights, and it is hard to justify animal rights. Neither are animals conceptual nor are they treated within our social ambit. Some legal protection could be defensive for most of the marginal humans as being part of the social context just as a potential trader. Therefore, the arguments in favor of animal rights are weakened, and it is considered an area of less attention.

## Work Cited

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