

TOWARDS ANIMAL RIGHTS: FROM PROTECTION TO LIBERATION

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Abstract

This paper explores the philosophical and legal evolution of animal rights, examining how notions of moral status and sentience have shifted from antiquity to the present. It traces the transition from animals as property to recognition of their intrinsic value, highlighting contributions from thinkers such as Tom Regan and Gary L. Francione. The study situates contemporary debates within historical, ethical, and legal contexts, addressing challenges posed by emerging technologies, environmental concerns, and the limits of current welfare-based frameworks. The analysis emphasizes the ongoing tension between utilitarian welfare approaches and rights-based abolitionist perspectives in shaping the moral and legal standing of non-human beings.

Keywords: animal ethics, moral status, sentience, legal personhood, speciesism, animal rights, welfare theory, abolitionism

1. Foundations of Animal Moral Status

Helping our fellow human beings is a moral postulate of our society. According to Section 166 of Act C of 2012 (Criminal Code) of Hungary – concerning the failure to provide assistance – it is a fundamental requirement for every person with legal capacity to help others if their physical integrity or life is at risk.¹ In the report by the Metróért Association, a man visibly became ill on one of the M4 trains in October 2021. No one offered him help or requested assistance on his behalf.² Can we similarly extend this to the moral status of animals?

Some entities possess a moral status (an intrinsic, inherent value), which is typically associated with certain properties.³ Steven Wise has often asked his students a question in which he requested them to tell him, '*why should a human being have fundamental rights*'. He has never encountered anyone who did not refer to human characteristics.⁴ In philosophy, the most frequently cited characteristics are: the transcendent soul, rationality, sentience, being a subject of life, social relationships, morality, and creativity. The properties possessed are considered common and specific to the human species, notwithstanding that there may be differences among individual humans. The main current of Western thought is anthropocentric, in which non-human beings are not granted moral status, and animals have no rights. Meanwhile, human society is closely bound together by empathy and solidarity, which are essential for a dignified life. Over time, human rights and duties were established. Within this framework, the European

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¹ Btk. 166. paragraph (1)

² HVG: *Rosszul lett, majd meghalt egy utas a 4-es metróon, senki sem segített rajta*. Budapest, 2021 https://hvg.hu/itthon/20211012_4_es_metro_halaleset (download date: 2025-11-05)

³ JAWORSKA, Agnieszka – TANNENBAUM, Julie: *The Grounds of Moral Status*. Stanford, Encyclopedia of Philosophy, 2021 <https://plato.stanford.edu/entries/grounds-moral-status> (download date: 2025-11-12)

⁴ The New York Times: *Should a Chimp Be Able to Sue Its Owner*. New York, 2014 <https://www.nytimes.com/2014/04/27/magazine/the-rights-of-man-and-beast.html> (download date: 2025-11-10)

Convention on Human Rights was adopted in 1950. The Convention, signed by the Council of Europe, declares that *'everyone's right to life shall be protected by law'*. It also states that *'the enjoyment of the rights defined by law shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, membership of a national minority, property, birth, or other status'*.⁵ These rights and moral status are not granted to animals; instead, we speak of intermediary beings and things beyond persons.⁶ We may have indirect or otherwise mediated obligations toward entities that do not possess intrinsic value.⁷ By the end of the twentieth century, the legitimacy of animal rights could also be discussed within the field of philosophy, to which legal experts had also joined, advocating for the cause. The roots of animal protection can be traced back as far as antiquity—or even prehistory—with philosophical traditions examining the status of animals from the Pythagoreans, through the early utilitarians, to contemporary abolitionism, long before the sciences became independent disciplines.

2. Early Philosophical and Religious Views on Animals

In prehistoric times, totemism was characteristic of indigenous peoples. The embodiment of a transcendent being was represented by a revered animal species (these beings were often identified almost with themselves by indigenous peoples), and its consumption was taboo, that is, prohibited based on customary law.⁸ Ancient Eastern religions and philosophies, such as Jainism, Hinduism, Buddhism, and Taoism⁹, uphold the principle of ahimsa (non-harm) or the reincarnation of the soul. According to ahimsa, one must renounce all forms of violence.¹⁰ Later, in Western culture, the arguments of ancient thinkers have mostly survived through the works of others. In ancient Greece, there were also groups whose followers voluntarily abstained from consuming meat, such as the Orphics and the Pythagoreans. The myth of the Golden Age was influential at the time. During this period, sufficient vegetation was available as food for everyone, and there was no necessity to consume meat; moreover, humans and animals spoke the same language. Simultaneously, the belief in rebirth was present in antiquity, according to which the possession of a soul was a characteristic shared by both humans and animals. Among the Orphics, reincarnation even included plants, which can be seen as a relative precursor to later environmental philosophy. After the era of Kronos, with the fall of the Golden Age and the rise of Zeus, harsher ages followed, ushering in the era of greed and violence. According to Hesiod's writings, in these later periods, humans began to consume the flesh of other animals. The third-century philosopher Porphyry stated that *'with the slaughter of*

⁵ Az Európai Emberi Jogi Bíróság: Emberi Jogok Európai Egyezménye. Strasbourg, 2021, 52. https://www.echr.coe.int/documents/d/echr/convention_hun (download date: 2025-11-15)

⁶ TÓTH I. János: *Az állatok erkölcsi státuszáról*. Budapest, Barankovics István Alapítvány, 2021 <https://barankovics.hu/az-allatok-erkolcsi-statuszarol> (download date: 2025-11-14)

⁷ JAWORSKA – TANNENBAUM: op. cit.

⁸ LŐRINC László: *Életmódtörténet I.* Budapest, Akadémiai Kiadó, 2016, 1–3. https://mersz.hu/hivatkozas/életmod_chap01_level2_sec29 (download date: 2025-11-18)

⁹ Universitas Gadjah Mada: *Exploring Perspective of Death According to Taoism*. Bulaksumur, 2018. <https://ugm.ac.id/en/news/16451-exploring-perspective-of-death-according-to-taoism> (download date: 2025-11-19)

¹⁰ ADAM, Martin T.: *Nonviolence and Emptiness: Buddha, Gandhi, and the "Essence of Religion"*, in: The Journal of the Faculty of Religious Studies. Victoria 2006/34, 225–238. <https://www.uvic.ca/humanities/pacificasia/assets/docs/pdf-department/PDFs%20Faculty/Adam%20-%20PDFs/Adam-atc06-Nonviolence.pdf> (download date: 2025-11-19)

animals, war and injustice were also introduced'.¹¹ The Pythagoreans partially abstained from consuming meat due to the myth of the Golden Age¹² and the doctrine of the soul's reincarnation.¹³ Beyond religious motivations, Pythagoras and his followers (the *mathematikoi*) were also guided by ethical considerations and health concerns. Unlike earlier practices, they offered herbs, fragrances, and metals as sacrifices.¹⁴ In their reflections, humans are not divine images; together with animals, they possess intellect (*nous*) and passion (*thymos*), which plants do not share, though they possess a basic principle of life (*phren*).¹⁵ Fundamentally, humans are one among the many species of animals. Animals are capable of inner speech, whereas humans can also engage in external speech. Although plant life lacks intellect and passion, Pythagoras "cared" for them because they are alive and create environments from which further life can sprout. He taught his students to use only those plants that were absolutely necessary. The moderate diet he advocated helped Pythagoras maintain an ideal physical and mental state, enabling him to meditate for extended periods.¹⁶

Pythagoras' influence was felt most strongly in Plato. According to his teacher, Socrates, many animals possess human virtues (for example, lions are courageous), but humans were granted "the most excellent soul," capable of perception and the worship of gods. Plato combined Pythagoras' conception of the soul with Socrates' idea of the divine element present in the human being. He believed in a hierarchy established by the gods within the world. In his thinking, animals share the "mortal soul" with humans, which enables them to experience pain and pleasure. However, reason must govern the desires, which he termed "animal".¹⁷ We have indirect duties toward animals, which are realized within an ideal state.¹⁸ In his work *The Republic*, Plato, through Socrates, develops the view that a city where meat is consumed may require more doctors. Animal husbandry can also foster a propensity for violence among humans, potentially leading to war. His contemporary, Aristotle, criticized theories that rely heavily on religious belief. A key distinction in his reflections is the absence of the divine element. The human being is unique and capable of rational thought, beyond mere desire. Aristotle endowed humans with a more complex "experience" through which they become capable of practicing science and art. Later followers, the Stoics, argued—by way of *reductio ad absurdum*—that a vegetarian lifestyle would lead to abstaining from all foods. Plotinus, the founder of Neoplatonism, attributed similar qualities to plants and animals, an approach that closely aligns with the Stoics' position. However, during that era, Pythagoras, Plutarch, and Plotinus recognized that sentience differentiates animals from plants. Plato's student, Plutarch, was the first philosopher to devote several works to the question of justice toward animals. He described how the Stoics punished their dogs and horses to correct their behavior: yet if animals lacked the capacities necessary for rational thought, such as reflection, they would be unable to

¹¹ SIAS, Joshua J.: *Ancient Animal Ethics: The Earliest Arguments for the Ethical Consideration of Nonhuman Animals*, in: *The Downtown Review*. Cleveland 2015/2, 2. <https://engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1021&context=tdr> (download date: 2025-11-09)

¹² Stephen Newmyer's claim that Hesiod's *Theogony* – *Works and Days* is the oldest Greek attempt to philosophically distinguish between humans and animals.

¹³ The term "Pythagorean diet" was used all the way until the 19th century.

¹⁴ SIAS: op. cit.

¹⁵ Laertius, Diogenes: *Lives of the Eminent Philosophers*. Oxford, University Press, 2018 https://www.faculty.umb.edu/gary_zabel/Courses/Phil%20281b/Philosophy%20of%20Magic/Pythagoras,%20Empedocles,%20Plato/LIFE%20OF%20PYTHAGORAS.htm (download date: 2025-11-05)

¹⁶ SIAS: op. cit., 6.

¹⁷ SIAS: op. cit., 7–8.

¹⁸ USHER, M. D.: *Plant-based Dietetics in Plato's City for Pigs*. Princeton, University Press, 2021 <https://press.princeton.edu/ideas/plant-based-dietetics-in-platos-city-for-pigs> (download date: 2025-11-21).

comprehend what was demanded of them. Moreover, animals possess virtues granted by nature that humans either lack or need to develop. Porphyry anticipated the later concept of subjective consciousness: *'Since we are unable to penetrate the rational thought they employ, we are not entitled to label them irrational'*.¹⁹ In ancient Athens, Herodotus' writings show that certain animals were revered as sacred (for religious reasons), and killing them was punishable by death—for example, ibis, hawk, snake, dog, cat, and crocodile. In Greco-Roman antiquity, animals were considered intermediaries between humans and the gods. Animals played a central role in sacrificial rituals and divination. In ancient times, it was believed that the behavior of many animals reflected a human mirror, while the sacrifice to a particular deity was often determined according to a specific custom. This specific custom reflected a particular attribute of the deity in question. The sacrifice of draft oxen was prohibited (for practical reasons) because they aided in agriculture and human labor. Meanwhile, in ancient Rome—where the different systems of Hellenic philosophy were largely disregarded—animals were treated as things, *res*, in the relevant legal provisions. Animals were incorporated into law as objects.²⁰

Aristotle's arguments about reason and dominion were adopted by the Stoics, whose ideas later reappeared in the works of influential early Christian and medieval theologians. In medieval philosophy, there is no significant philosophical work advocating for the moral consideration of animals. Instead, Aristotelian and Stoic thought was often supplemented with biblical material and its interpretations. Saint Augustine of Hippo and Saint Thomas Aquinas emphasized that, in the absence of reason, animals are inferior to humans—a view that later persisted in a different context in the definition of the “food chain”. In the philosophy of the Church Fathers and scholastics, God is the ultimate goal of the universe, which human reason is capable of attaining. Since the use of animals is considered “natural” behavior, their lower status requires no further moral justification. This foreshadows Darwinism: if one species regularly consumes another, the former occupies a higher position in the food chain. Saint Augustine of Hippo, combining the Stoic concepts of reason and dominion with biblical interpretation, recreated the notion of the heavenly element that Aristotle had omitted in his conception of the soul.²¹ While Roman law regarded animals as things and consequently denied them the capacity for reason, the medieval perspective inconsistently allowed animals—or even entire species, typically pests—to be brought to court. Medieval lawmakers did not consider it important to further develop the guidance advocated by Greek thinkers, which aimed at the protection of animals, and they tolerated the initiation of animal trials.²² It was common for pigs roaming freely in the narrow, winding streets of medieval villages to be punished if, for example, they caused injuries to children. The “guilty” animals were regularly brought before judges, who pronounced a sentence, and they were then publicly tortured and executed in the center of the town. The procedure was often carried out with the animal suspended upside down, because *'an animal that killed a human had reversed the ordained hierarchy'*.²³

¹⁹ SIAS: op. cit., 18.

²⁰ D. HORVÁTH Vanessza: *Az állatvédelem történeti előképei*, Scriptura. Pécs, 2021/1, 10. https://onszak.pte.hu/userfiles/cikk/159/scriptura21i_d_horvath.pdf (download date: 2025-11-05)

²¹ SIAS: op. cit., 9–10.

²² D. HORVÁTH: op. cit., 12.

²³ THE NEW YORK TIMES: op. cit.

3. Rationality, Dualism, and the Rise of Animal Welfare

The dualist philosophy of Descartes' theories and the mechanistic view of nature replaced the Aristotelian worldview. The animal is merely an extended substance-bearing thing, a mechanical structure that, like a clock, has no intrinsic value and is purely instrumental.²⁴ In contrast, humans are capable of complex and novel behavior. This behavior is not simply the result of responses to stimuli. Humans think rationally about the world as they perceive it and are capable of speech that is spontaneous and expresses thought. Seventeenth-century France was the birthplace of modern physiology. Followers of physiology adopted René Descartes' mechanistic materialism. In early modern law, animals were regarded as mere property, and cruelty toward them was punished only if the act posed a public danger. In Cartesian teaching, the concept of personhood identifies the category of morally significant beings. For Immanuel Kant, personhood is the quality that makes a being valuable and therefore morally important. Humans can step back from their desires and decide which course of action to follow (autonomy, will). Kant also attributed to animals the capacities for perception and feeling, but denied them the ability to understand. In his view, we have indirect duties toward animals: anyone cruel to them (because of their sentience) may also be insensitive in dealings with humans. According to the Cartesians, the only thing that possesses any intrinsic value is good will.²⁵

Quoting the utilitarian Jeremy Bentham: *'What else is there on which one should draw the inevitable line? The question is not, Can they reason? or Can they speak? but rather, Can they suffer.'*²⁶ In the 18th century, even more significantly, the emphasis shifted back to the sentience of animals. As a result of the English movement, the world's first animal protection law was enacted in 1822.²⁷ Bentham and his contemporary, John Stuart Mill, supported regulations aimed at preventing the "cruel" treatment of animals. In the United States, the first law for the protection of animals was enacted in 1828. In England, the 1849 Act criminalized—among other things—the beating of animals and keeping them in poor conditions. However, prosecution for causing unnecessary suffering could only be initiated with ministerial permission.²⁸ In that era, the naturalist Charles Darwin's theory of biological evolution paradoxically demonstrated that humans evolved from other animal species (the differences among these beings are gradual, not qualitative). Animal protection and other "welfare" laws, currently existing in the United Kingdom, the United States, and most Western countries, can be traced directly back to the 19th-century British utilitarian philosophers. As early as 1892, Henry Salt stated that animals should live free from human interference.²⁹

4. Contemporary Philosophical Debates and Animal Rights Movements

John Rawls argued against utilitarian theories of justice. In his contractarian theory, he interprets justice as fairness. He envisions that people should choose the rules governing society from behind a "veil of ignorance". This is a hypothetical scenario in which individuals have no

²⁴ TÓTH: op. cit.

²⁵ WILSON, Scott D. : *Animals and Ethics*. Dayton, Internet Encyclopedia of Philosophy <https://iep.utm.edu/animals-and-ethics> (download date: 2025-11-05)

²⁶ BENTHAM, Jeremy : *An Introduction to the Principles of Morals and Legislation*. Mineola, Dover Publications, 2017, 144.

²⁷ TÓTH: op. cit.

²⁸ D. HORVÁTH: op. cit., 15.

²⁹ TÓTH: op. cit.

detailed knowledge about themselves. They are aware only of general facts about human society and select rules that primarily protect rational, autonomous individuals.³⁰ In the 1970s, psychologist Richard D. Ryder coined the term “speciesism,” which he saw as based on reasons similar to those underlying racism. He deliberately used the term provocatively to challenge the moral foundations of practices in which animals are used in research and agriculture. He suggested that the moral implication of Darwinism is that all sentient beings, including humans, should have similar moral status. He explained that Darwin and other scientists agree that, biologically, there is no fundamental difference between humans and animals. *‘So why do we make a moral distinction? If all human and animal organisms exist on the same physical continuum, they should also be morally continuous.’* The terminology of speciesism was later popularized by the utilitarian philosopher Peter Singer.³¹ He interpreted the meaning of the term on similar grounds, comparing it to racism or sexism.³² Singer is a professor of bioethics at Princeton University and the philosophical initiator of the social movement of philanthropy known as effective altruism. He does not consider himself an animal lover; he sees the lack of moral status for sentient species as a fundamental ethical flaw. His landmark 1975 work, *Animal Liberation*, aims to recognize as morally right those actions that bring the greatest good to the greatest number of individuals, including sentient (capable of suffering) species.³³ Singer’s view does not recognize the moral inviolability of persons on the basis that killing an entity with moral status is wrong. Utilitarianism cannot directly grasp the wrongness of murder. He acknowledges that ‘an animal may struggle against a life-threatening threat’, but concludes that this does not mean the animal possesses the mental continuity required for a sense of self. Singer and Bentham argue that animals do not know what they lose when they are killed.³⁴ Singer does not use legal terminology because, according to his theory, it is unnecessary to place the status of animals we respect outside the realm of morality. However, it can be assumed that he wanted to avoid debates related to law.³⁵ He is credited with the ban on keeping hens in small cages in egg production facilities from 2012 onwards – a law enacted as a result of his description of the fate of the hens.³⁶ His position is that the protection afforded to animals should also be extended to ecosystems, rivers, and other natural phenomena. The moral expectation to protect nature is gradually gaining strength. He sees a possibility that the interests of animals will one day be recognized. *‘I think the world will eventually get there, but I cannot say when. I do not expect to see it in my lifetime.’*³⁷ According to William MacAskill’s effective altruism, our present actions can significantly influence the lives of people in the future. Future generations are currently “voiceless,” unable to argue on their own behalf, and therefore we must act for them in the present. He acknowledges and emphasizes that this optimism may be

³⁰ WILSON: op. cit.

³¹ GARNER, Robert – OKULEYE, Yewande: Appendix: Richard Ryder’s Speciesism Leaflet. Oxford, Scholarship Online, 2020, 5. <https://doi.org/10.1093/oso/9780197508497.005.0001> (download date: 2025-11-05).

³² SINGER, Peter: *Animal Liberation*. New York, Harper Perennial Modern Classics, 2009, 30.

³³ For Singer, reason could not serve as the *differentia specifica* due to the peripheral borderline cases found among humans.

³⁴ FRANCIONE, Gary L.: Animal Welfare and the Moral Value of Nonhuman Animals. *Law, Culture and the Humanities* 6/1, 2009, 5–6. <https://doi.org/10.1177/1743872109348989> (download date: 2025-11-05).

³⁵ BÁNYAI Orsolya: Az élőlények jogalanyiségének környezeti etikai háttere, *Debreceni Jogi Műhely*. Debrecen, IV/4, 2017, 4. <https://dea.lib.unideb.hu/server/api/core/bitstreams/4981efb2-b45c-4454-81c9-4e56c576c339/content> (download date: 2025-11-05).

³⁶ FAZEKAS Fanni: *Az állatvédelmi jog hazai története a brit modell tükrében*, in: Miskolci Jogtudó. Miskolc 2022/1., 2022, 51. <https://jogtudo.uni-miskolc.hu/files/17418/Jogtudo2022iss1art5.pdf> (download date: 2025-11-05).

³⁷ YALE: *Beyond Factory Farms: A New Look at the Rights of Animals*. New Haven, Environment 360, 2023 <https://e360.yale.edu/features/peter-singer-interview> (download date: 2025-11-15)

catastrophic for animals. The infinite growth of humanity also entails the multiplication of existing problems. For this reason, he draws attention to the need to address our abusive relationship with animals as soon as possible.³⁸ Singer's position and the broader debate on the moral status of animals are situated within the wider jurisprudential conflict between two classical theories of rights: the will theory and the interest theory. The will theory (developed in the tradition of H.L.A. Hart) conceives rights as grounded in the capacity for autonomous action and normative control; on this account, the essence of a right lies in the right-holder's ability to exercise authority over its enforcement and to determine whether a duty is waived or enforced. By contrast, the interest theory (associated in particular with Joseph Raz) holds that the function of rights is not to protect autonomy as such, but to safeguard certain well-founded interests, regardless of whether the right-holder is capable of actively asserting or controlling them. The long-standing tension between these two theories has shaped modern legal philosophy since the late nineteenth century, and one of its most contested contemporary frontiers concerns the legal and moral status of non-human animals. The will-theory approach has traditionally struggled to accommodate animal rights, as animals lack the kind of normative control that is typically assumed of right-holders. The interest theory, by contrast, in principle allows for the attribution of rights to animals, insofar as they possess interests in avoiding suffering or continuing to live that are sufficiently weighty to generate protective duties. This distinction highlights that Singer's utilitarian argument does not amount to a classical "rights-extension" theory in a strict doctrinal sense. Rather, it converges with an interest-based understanding of rights, while simultaneously challenging the anthropocentric assumptions embedded in will-theory approaches to legal and moral status.³⁹

The two main approaches in animal ethics are the welfare and rights movements that emerged from utilitarianism. Tom Regan and Gary L. Francione place the principle behind an action at the forefront—almost regardless of its consequences (deontological ethics)—and argue for animal rights. Deontologists maintain that there are certain actions that should never be performed, even if refraining from them might lead to worse outcomes. For Regan, subjects-of-a-life are beings who possess certain characteristics, including desires; they perceive and remember; are capable of experiencing pleasure and pain; are guided by preferences and welfare interests; are logically independent of the utility of others; and are not merely objects of anyone else's interests.⁴⁰ In his theory, death is a greater harm for humans than for animals.⁴¹ In *The Case for Animal Rights*, he raises a complex lifeboat scenario involving four healthy adult humans and a dog. All of them would die unless one of them sacrifices their own life or someone is eliminated from the boat. Even in this desperate situation, Regan does not believe it would be right to throw the dog into the water, yet he shows a willingness to sacrifice the dog. The basis of his intuition is that acting otherwise would require overriding the rights of the many. In other words, in cases where we must choose between harming innocent individuals, the dog's death would constitute a lesser harm, because humans lose more life opportunities with the cessation of their existence.⁴² His contemporary, the likewise American Bernard Rollin, stated that no animal-rights philosopher proposes that animals should have the same

³⁸ FORBES: *Optimistic "Longtermism" Is Terrible For Animals*. New Jersey, 2022 <https://www.forbes.com/sites/briankateman/2022/09/06/optimistic-longtermism-is-terrible-for-animals> (download date: 2025-11-19)

³⁹ Stanford Encyclopedia of Philosophy: *Legal Rights*. Stanford, 2023 <https://plato.stanford.edu/entries/legal-rights> (download date: 2026-07-01)

⁴⁰ Regan, Tom : *The Case for Animal Rights*. Berkeley, University of California Press, 1983, 1–8.

⁴¹ FRANCIONE: op. cit., 6.

⁴² REGAN, Tom: *The Case for Animal Rights*, in: Loyola of Los Angeles Law Review. Los Angeles, Volume 20, 1244.

protections as humans. For example, we would not demand that a child be given the right to vote, nor would we claim a man's right to abortion. Several thinkers point out that rights are applicable to all beings that interact with humans. This does not mean that the rights humans would grant to animals must be identical to human rights. However, if humans have rights, then every being that interacts with them is entitled to protection as well. Animals do not have—and do not need to have—rights that no one ever violates. According to Rollin, the influence of Descartes was felt as late as the 1980s. From Singer onward, there is clearly no reason to assume that animal pain behavior has any meaning different from that of humans.⁴³ Regan's lifeboat thought experiment closely resembles the landmark English case *Regina v. Dudley and Stephens*, one of the most influential necessity cases in Anglo-American legal history decided in 1884. In that case, four shipwrecked sailors drifted in a lifeboat without food or water for weeks. After their supplies ran out, two of the survivors decided to kill the seventeen-year-old cabin boy, Richard Parker, in order to save the rest. One of their central arguments was that Parker had the smallest chance of survival and therefore the lowest expected "life opportunity", implying that his death would result in the least overall loss. However, this reasoning remained speculative, since it is impossible to know how Parker's life would have developed had he survived, making any comparison of future value inherently uncertain. The Queen's Bench rejected the defence of necessity in 1884, holding that it cannot justify the intentional killing of an innocent person. The judgment also explicitly rejected the view that innocent human lives can be ranked according to age, physical strength, social value, or expected survival. In doing so, the court rejected consequentialist reasoning that would permit the calculation of whose life is "less worth preserving" under extreme conditions. At the same time, the case reveals a significant moral tension: although the law denies the legitimacy of comparing lives, the defendants' own justification relied precisely on such a comparison, assuming that killing the weakest would reduce overall loss. This tension connects to a broader philosophical debate. One influential view holds that moral evaluation should depend on consequences, meaning that in tragic situations one ought to choose the option that produces the least overall harm. From this perspective, differences in future life prospects could, in principle, be morally relevant. However, the opposing view argues that permitting comparisons between innocent lives undermines the principle of equal moral worth. On this account, consequences should not determine permissibility, since the value of an individual life cannot be reduced to counterfactual projections that are inherently unknowable. This is one reason why many theorists maintain that, in cases like *Dudley and Stephens*, the structure of wrongdoing takes precedence over outcome-based calculation. The court itself reflected this deontological concern when it emphasized that in cases of shipwreck, moral duties may require self-sacrifice rather than the sacrifice of another. Lord Coleridge noted that roles such as captain or crew may impose obligations to give up one's own life for others, reinforcing the idea that necessity does not dissolve moral responsibility.⁴⁴

Today, we generally no longer deny that animals are capable of feeling pain (with reference to the tubular nervous system and cerebral cortex of vertebrates), as Descartes did, and the transcendent soul is no longer a factual argument either. According to Tamás Hankovszky, *if 'the respect due to a creature cannot be separated from God and grounded solely in the creature itself, in its own immanence, then something must be absolutized (such as*

⁴³ ROLLIN, Bernard: *Putting the Horse before Descartes: My Life's Work on Behalf of Animals*, in: Temple University Press. Philadelphia, 2011, 3.

⁴⁴ University of Minnesota: *Regina v. Dudley & Stephens*. Minneapolis, 2026 <https://lawlibrarycollections.umn.edu/classic-cases-criminal-regina-v-dudley-stephens> (download date: 2026-07-01)

life)', the evaluation of which is not entirely uniform even within an anthropocentric society.⁴⁵ Contemporary critics of moral status and animal rights tend to rely primarily on arguments concerning pain behavior (Peter Harrison)⁴⁶, obligations (Roger Scruton, who argues that animals are incapable of entering into a social contract)⁴⁷ and the claim that morality is inherently human (Richard Posner)⁴⁸. Peter Carruthers appeals to the nature of human existence, which in itself constitutes a morally relevant property. There are very few people who are truly peripheral, that is, who lack the qualities that others possess.⁴⁹ However, this brings us back once again to speciesism, where protection is granted to individuals on the basis of species. Hankovszky speaks of anthropological uncertainty, in the context of which Darwin's biological argument dissolved Descartes' notion of a spiritual being possessing bodily substance, and the "thinking animal" returned. Humans declared and proclaimed that they have rights (in humanism and the Enlightenment "the ground finally disappeared from beneath our feet"). In his view, since animals are sentient beings, we are primarily talking about the right to life and to humane treatment. Most animal protection laws apply to vertebrates, whose suffering is the most evident and who, in outward characteristics, most closely resemble humans. He warns that it becomes questionable where we will be able to '*see an essential difference between humans and plants. We increasingly do not know what the essence is; sooner or later, the rights of plants will also come up*'.⁵⁰ If animals have inherent value, where can the boundary between humans and nature be drawn? Fundamentally, two approaches are distinguished: the individualistic and the holistic. The individualistic (biocentric) approach is human-centered in outlook; according to its ethical paradigms, individuals themselves constitute value. In contrast, the holistic (ecocentric) theory of value places the biosphere itself at the center. The nineteenth-century "deep ecologist" Arne Næss emphasizes that demands beyond the maintenance of basic needs—the use of living beings—restrict their self-realization. Departing from biocentric ethics, Christopher Stone likewise raises the question of whether trees should have rights. The American professor of law sought to have legal personhood recognized not only for animals but for all living beings (as well as for rocks, rivers, and lakes). In his theory, entities can be represented in a manner similar to legal persons. According to Aldo Leopold, an action is good and right if it helps preserve the integrity, stability, and beauty of biotic communities; for this reason, he was accused of eco-fascism. A possible annotation to this is Baird Callicott's warning that '*in cases of conflict, duties owed to more internal social circles always outweigh those owed to more external ones*'. Turgonyi Zoltán points out that although Callicott avoids accusations similar to those leveled at Aldo Leopold, his position nonetheless provides grounds for fascism, chauvinism, and ethnocentrism.⁵¹

In the eclectic, indecisive, and legally unsettled stage of various philosophical approaches, the status of animals remains a cardinal issue. This is despite the fact that, beyond

⁴⁵ HANKOVSZKY Tamás: *Vannak-e az állatoknak jogai*, in: Café Babel. Budapest, 3, 1995, 125–130. <http://hankovszky.tamas.btk.ppke.hu/pb/allatjog.pdf> (download date: 2025-11-05)

⁴⁶ Office of the Vice President for Research: Theories on Animals and Ethics. Farmington, 2025 <https://ovpr.uchc.edu/services/rics/animal/iacuc/ethics/theories> (download date: 2025-11-21)

⁴⁷ STARKEY, Sara: LETTER: *The Need to Fight for Animal Rights*. London, Independent, 1996 <https://www.independent.co.uk/voices/letter-the-need-to-fight-for-animal-rights-5413712.html> (download date: 2025-11-11)

⁴⁸ POSNER, Richard A. : *In Defense of Humanity: Why Animals Cannot Possess Human Rights*, in: Regent University Law Review. Virginia, 26/2, 457–485. https://www.regent.edu/acad/schlaw/student_life/studentorgs/lawreview/docs/issues/v26n2/12_Lee_vol_26_2.pdf (download date: 2025-11-24)

⁴⁹ WILSON: op. cit.

⁵⁰ HANKOVSZKY: op. cit., 130.

⁵¹ BÁNYAI: op. cit., 6.

the capacity for pain, animals possess numerous empirically measurable traits indicative of consciousness. A study conducted at Harvard University revealed that Griffin, a parrot, outperformed six- to eight-year-old children on average across all cognitive-visual memory tasks. Of the 14 types of tests administered, Griffin performed as well as or slightly better than 21 Harvard undergraduate students in 12 of them.⁵² Although animals have no duties, they can still face the consequences of their actions, as in cases of aggression (or falsehood) where they may be sentenced to euthanasia.⁵³ The practice of designating animals as court participants is a documented possibility. In Switzerland, in 1906, legal proceedings were initiated against a dog trained by a father-son criminal duo for robbery and murder. In the recorded trial, the two men were found guilty and sentenced to life imprisonment. The dog—on which imprisonment could not be carried out—was sentenced to death.⁵⁴ It can be observed that animals are capable of evaluating their actions, for example, by not abandoning companions in distress—depending on their upbringing and environment (much like humans).⁵⁵ Unlike his critics, Wise emphasizes that, partly due to advances in neurological and genetic research, it has been demonstrated that animals such as chimpanzees, orcas, and elephants possess self-awareness and autonomy. Furthermore, they exhibit memory of past and future events, have distinct forms of communication, engage in complex social interactions, and use tools. They are capable of mourning and empathy, and transmit knowledge across generations to their peers.⁵⁶ According to cognitive zoologist Mathias Osvath, chimpanzees and other large mammals clearly possess episodic self-awareness. Biologist and cognitive ethologist Donald Griffin also argued that an animal's perception is conscious of its own body. Moreover, as long as animals remain property, they can never be members of the moral community⁵⁷—one of the earliest and most prominent advocates of this view being Francione.

While Robert Nozick stated that “utilitarianism for animals, Kantianism for humans,” Mark Rowlands proposed expanding the veil of ignorance to include traits such as rationality. Parallel to the debate on moral status, universities in North America frequently teach animal law. Both Wise and Francione support extending fundamental rights to animals and advocate for the recognition of animals' personal rights. Francione was the first to publish extensively on the topic in his 1995 work *Animals, Property, and the Law*. In his statements, the legal and philosophical professor rejects the instrumental use of animals. He views all previous attempts as welfare movements that make the instrumental use of animals more humane, while also seeing an economic conflict: respecting animals' interests comes with economic costs. As a result, welfare standards rarely go beyond the level of protection necessary for economically efficient exploitation. He further criticizes that animal welfare efforts have never achieved meaningful results. Although welfare regulations have existed for 200 years, this approach has not led to the abolition of a single institutionalized exploitation. Some laws may appear to reflect animals' interests, yet in practice, the legal system allows for virtually any—even repulsive—use. He emphasizes that U.S. animal protection laws are symbolic statutes that are

⁵² SILIEZAR, Juan : *When a Bird Brain Tops Harvard Students on a Test*. Cambridge, The Harvard Gazette, 2020 <https://news.harvard.edu/gazette/story/2020/07/african-grey-parrot-outperforms-children-and-college-students> (download date: 2025-11-14)

⁵³ HVG: *Megszöktették az altatás előtt az emberölő kutyát*. Budapest, 2016 https://hvg.hu/itthon/20160506_nadasladany_harapos_kutya_staffordshire_terrier_bulldog_pitbull (download date: 2025-11-14)

⁵⁴ The New York Times: op. cit.

⁵⁵ BBC: *Six Elephants Die Trying to Save Each Other at Thai Waterfall*. London, 2019 <https://www.bbc.com/news/world-asia-49944885> (download date: 2025-11-14)

⁵⁶ The New York Times: op. cit.

⁵⁷ FRANCIONE, Gary L. : *Animals, Property, and the Law*. Philadelphia, Temple University Press, 1995, 26.

difficult to enforce, and on this basis, he critiques Singer. According to Francione, it is absurd to claim that sentient beings have an interest in avoiding suffering but not in remaining alive. Sentience is a trait that has developed in certain beings to sustain their existence. He also criticizes Regan, who, in his view, does not focus on animals' property status and therefore actively supports animal welfare. Francione compares the situation of animals to the history of slavery in the United States. In his interpretation, animals have only one right: not to be owned, not to fall under property law. In Francione's abolitionist philosophy, all other regulations are a consequence of this paradigm shift, as we have seen with slaves.⁵⁸

Benedek Jávör sees two ways to avoid treating nature as property. One is regulated, specialized environmental law. The other, in his view, is the recognition of nature as a legal subject, incorporating it within the framework of existing regulations.⁵⁹ Wise speaks equally of symbolic declarations, which courts and legislators must replace by determining what rights species are entitled to and on what grounds. Until this happens, the legal system remains anchored in the past. His organization operates within a civil rights framework, seeking recognition and protection for animal rights based on self-awareness. Civil rights guarantee fundamental freedoms and provide individuals with protection against discrimination and oppression.⁶⁰ Wise and his organization have filed lawsuits in New York courts to grant legal personhood to chimpanzees. Their goal was to allow chimpanzees to seek protection through their legal representatives if their rights were violated. The argument is that chimpanzees are autonomous beings with highly advanced cognitive abilities, including recognition of various emotions, tool use, communication, and problem-solving. Self-awareness is the ability of sentient beings to recognize themselves as individuals, separate from their environment and others. The New York Supreme Court Appellate Division rejected, in 2014 and 2017, the extension of common law personhood to Tommy, the chimpanzee—on the basis of social contract reasoning. The plaintiff argued for extending common law rights to recognize freedom and bodily integrity, including for animals whose cognitive traits indicate self-determination: *'This is a morally correct and legally feasible path, as these common law rights are precisely designed to protect such interests'*. Moreover, arguments based on reciprocity and community membership, as accepted by the New York courts, do not provide a philosophically sound basis for denying animal rights. The formulation of rights and obligations in a social contract does not necessarily preclude the emancipation of animals. In one of Wise's cases, nine of the world's leading primatologists submitted sworn statements detailing the cognitive abilities of a chimpanzee like Tommy. These statements highlighted the physical and psychological harm that animals can suffer in captivity. Wise and his team plan to bring similar cases on behalf of dolphins, orcas, belugas, elephants, and African grey parrots—creatures with high-level cognitive abilities. Chimpanzees were chosen as the first clients because of the extensive research on their cognitive capacities. The legal filings note: *'Like humans, chimpanzees have a concept of their personal past and future. They suffer from pain when they cannot meet their needs or move as they wish. They suffer from the endless pain of confinement'*. Tommy was the first primate ever to sue his human captor to gain freedom. Wise structured the legal strategy to elevate the animal to the status of plaintiff, challenging the traditional hierarchy. He drew on the 1772 Somerset v. Stewart case, in which the English Chief Justice, Lord Mansfield, issued a habeas corpus order on behalf of James Somerset—a slave who, like animals, was invisible

⁵⁸ RAHA, Rosamund: *Gary Francione*. New Jersey, Abolitionist Approach, 2007, 26. http://www.abolitionistapproach.com/media/pdf/gary_francione-the_vegan.pdf (download date: 2025-11-05)

⁵⁹ BÁNYAI: op. cit., 1.

⁶⁰ Nonhuman Rights Project: *Rights Protect Against Intolerable Wrongs—No Matter Who You Are*. Pennsylvania, 2023 <https://www.nonhumanrights.org> (download date: 2025-11-05).

to the law at the time. The court required that Somerset be brought before a judge to determine the legality of his detention, ultimately ordering his release from his owner, Charles Stewart. This case was a milestone in the history of Black slavery and inspired other habeas corpus petitions on behalf of those unable to appear in court, such as prisoners, children, and adults with intellectual disabilities. Wise realized that habeas corpus cases had the loosest procedural requirements, allowing a representative to act on behalf of the plaintiff. *'Why is it that a human individual with no cognitive capacity is a legal person, while complex beings like Tommy, a dolphin, or an orca are treated as things with no rights?'* Wise aims to prove that his clients are autonomous beings capable of making free choices, exercising self-determination, and making their own decisions without acting solely on instinct or innate behavior. Wise views these capacities as meeting the minimum requirement for legal personhood. Of course, many experts consider the notion of legal personhood for animals oxymoronic, arguing that existing animal welfare laws already provide substantial protection at federal and state levels. They maintain that extending human rights to animals is unnecessary. Richard Epstein similarly argues that current laws should be better enforced and considers the idea of making animals a kind of human being “insane”. Wise and his team continually follow scientific and legal developments, refining and strengthening their arguments.⁶¹

Today, in the United States, at least one million people have joined groups specifically dedicated to animal rights. Millions more support traditional animal welfare organizations.⁶² Clarifying animal rights issues is urgent, especially in today's society, where trillions of animals inhabit the Earth, many of them suffering—most often on factory farms and in laboratories.⁶³ Meanwhile, nearly 60% of greenhouse gas emissions from food production come from livestock farming (which accounts for 20% of all human-related emissions).⁶⁴ While livestock farming has a high water demand (producing 1 kg of beef protein requires 190 square meters of cropland and 105,000 liters of freshwater, compared to 16 square meters of cropland and 9,000 liters of water for soy protein, and 0.6 square meters—often not even arable land—and 2,100 liters, possibly seawater, for seaweed).⁶⁵ With the advancement of technology, we can now also speak of attempts to produce meat from animal cells. In 2013, Dutch scientist Mark Post presented the first cultured burger in a live television broadcast. Two years later, the first four companies producing lab-grown meat were founded. By the end of 2022, the industry had grown to nearly 150 companies across six continents. Companies and university laboratories continue to conduct research in this field to create a new paradigm for industrial-scale meat production. Cultured meat uses significantly fewer resources and can reduce agricultural pollution and eutrophication. Recent studies have shown that producing lab-grown meat using renewable energy could cut greenhouse gas emissions by up to 92% and reduce land use by 90% compared to conventional cattle farming. Additionally, commercial production is expected to occur entirely without antibiotics, meaning that consuming lab-grown meat could result in fewer foodborne illnesses, as the risk of exposure to enteric pathogens is eliminated.⁶⁶ In 2023,

⁶¹ The New York Times: op. cit.

⁶² TÓTH: op. cit.

⁶³ Forbes: op. cit.

⁶⁴ MILMAN, Oliver : *Meat Accounts for Nearly 60% of All Greenhouse Gases from Food Production, Study Finds*. London, The Guardian, 2021 <https://www.theguardian.com/environment/2021/sep/13/meat-greenhouses-gases-food-production-study> (download date: 2025-11-25)

⁶⁵ TÓTH I. János: *Bioetika –Állatvédelem –Vegetarianizmus*. Szeged, EFOP-3.4.3-16-2016-00014 projekt, 2020, 4. <https://docplayer.hu/229674804-Toth-janos-bioetika-allatvedelem-vegetarianizmus.html> (download date: 2025-11-24)

⁶⁶ The Good Food Institute: *The Science of Cultivated Meat*. Washington, 2025 <https://gfi.org/science/the-science-of-cultivated-meat> (download date: 2025-11-19)

the United States Department of Agriculture granted two companies, Upside Foods and Good Meat, permission to produce and sell lab-grown chicken. With this, the United States became the second country in the world to allow the commercial approval of cultured meat, after Singapore. Good Meat has been selling lab-grown meat products in Singapore since 2020—on the streets, at vendors, in butcher shops, and in restaurants.⁶⁷ With the emergence of certain technologies, additional considerations and legal questions arise in the field of animal protection. Singer emphasizes the importance of ensuring that artificial intelligence systems do not further worsen the lives of animals. It is crucial that self-driving cars are programmed (even though their learning systems remain a question) to avoid collisions with animals. Animal welfare issues appear across numerous platforms: for example, ChatGPT refuses dog-based recipes but can easily provide descriptions for chicken dishes.⁶⁸ Hostile attacks pose risks by feeding discriminatory information into artificial intelligence. Andrew Perlman, Dean of the School of Law at Suffolk University, highlights the significance of AI: *'For the legal industry, ChatGPT represents an even more significant shift than the advent of the Internet'*.⁶⁹ These bioethical questions will raise further moral debates and legal regulations in the future regarding animal welfare and statutory rules. In these new areas, human protection is also at stake. For example, it must always be possible to determine who is responsible in an accident: the human or the computer. This issue becomes increasingly pressing as we approach full autonomy in vehicles. These scenarios prompt lawmakers to reflect; however, in the United States, for example, Congress mostly takes a wait-and-see approach. Currently, automakers are left to define the rules of the game. In Hungary, Government Decree 6/1990 (KöHÉM) categorizes vehicles into five levels—from manual vehicles, through partial driver-assistance systems, to high and ultimately full automation. In Hungary, self-driving cars are not yet available for public road use. However, there are companies already conducting self-driving vehicle tests in the country for development purposes.⁷⁰

5. Animal Law, Legal Personhood, and Future Challenges

In the 18th century, the tangible influence of philosophy and the natural sciences on law can first be observed. However, no protective law (from the first half of the 19th century onward) granted animals rights in the subjective sense; they only regulated our obligations toward them. Just as Aristotle defined the moral status of animals for nearly two millennia, Roman law remained largely unchanged without any fundamental paradigm shift. Today, the Austrian Civil Code, §285a (ABGB), explicitly states that “animals are not things”.⁷¹ In Hungary, Act V of

⁶⁷ The Guardian: *USDA Allows Lab-Grown Meat to Be Sold to US Consumer*. London, 2023 <https://www.theguardian.com/us-news/2023/jun/21/us-lab-grown-meat-sold-public> (download date: 2025-11-19)

⁶⁸ CORBYN, Zoë : *Philosopher Peter Singer: 'There's no reason to say humans have more worth or moral status than animals'*. London, The Guardian, 2023 <https://www.theguardian.com/world/2023/may/21/philosopher-peter-singer-theres-no-reason-to-say-humans-have-more-worth-or-moral-status-than-animals> (download date: 2025-11-05)

⁶⁹ Harvard: *The Implications of ChatGPT for Legal Services and Society*. Cambridge, Center on the Legal Profession, 2023 <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society> (download date: 2025-11-21)

⁷⁰ FERENCZ Adrienn: *Önvezető autók joga – A gépek döntéshozatali etikája, az önvezető járművekkel kapcsolatos büntetőjogi és polgári jogi felelősségi kérdések és dilemmák – Szakértői beszélgetés*. Pécs, Jogi Fórum, 2022 <https://www.jogiforum.hu/cikk/2022/01/25/onvezeto-autok-joga-buntetojogi-es-polgari-jogi-felelossegi-kerdesek-es-dilemmak> (download date: 2025-11-05)

⁷¹ AGBG. 285a. paragraph <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622>

2013 on the Civil Code regards animals as “living things,” pursuant to Section 5:14, subsection (3).⁷² The laws primarily apply to vertebrate animals. Could these animals, in theory, be considered more than mere “things,” as intermediate beings? In principle, yes. As D. Horváth Vanessza points out, the Animal Protection Act needs to be expanded with new concepts—for example, Section 3 does not cover irresponsible breeding.⁷³ Since 2014, Argentina has essentially granted a form of legal personhood to captive orangutans. In 2021, the United Kingdom recognized that vertebrate animals are aware of their feelings and emotions, capable of experiencing joy and sadness, and are therefore worthy of protection in their own right. In addition, it was enacted that octopuses, squids, crabs, and lobsters are capable of feeling pain.⁷⁴ Although welfare laws and regulations concerning endangered species are now abundant, the primary purpose of such legislation remains the control of various uses of animals and the prevention of abuses, including in food production, research, entertainment, and private ownership. In practice, the fundamental legal status of animals—as things, property, or objects without inherent rights—has remained unchanged.⁷⁵ Legally, legislation is theoretically beginning to move away from interpreting animals purely as things. However, it remains uncertain how the interests of animals as intermediate beings can be enforced—whether it is sufficient to develop the missing concepts in the Animal Protection Act and apply a regulated, specialized law. Or are Regan, Francione, and Wise correct in arguing for granting animals rights? Can any meaningful progress be expected as long as animals remain property? Could the prediction of effective altruists come true—that animals may face even greater suffering if these millennia-old questions remain unresolved? The development of new technologies raises further essential issues: how can we reduce animal suffering, and how will their protection be implemented in future legislation? It is clear and evident that Francione’s criticism is valid: animal welfare movements have not achieved significant breakthroughs in protection. Beyond these open questions, this conclusion is also supported by the fact that expanding the Animal Protection Act with fundamental concepts remains a stagnant topic today. It is in our shared interest to understand and protect human values, examine related animal protection issues, and ensure that the law keeps pace with evolving norms and science—without ontological contradictions.⁷⁶

(download date: 2025-11-05)

⁷² Ptk. 5:14. paragraph (3).

⁷³ D. HORVÁTH Vanessza: op. cit., 19.

⁷⁴ Yale: op. cit.

⁷⁵ The New York Times: op. cit.

⁷⁶ WÖLKEN, Tiemo: Jelentés a jogalkotás minőségének javításáról: közös erővel a jobb jogszabályokért. Strasbourg, Európai Parlament, 2022 https://www.europarl.europa.eu/doceo/document/A-9-2022-0167_HU.html (download date: 2025-11-25)