

**Legal punishment of animals**

<http://www.youtube.com/watch?v=mkg3kVE02AU>

"In 1522, in the district of Autun, France, a village was incensed to find that rats had eaten its barley crops. The townspeople took the matter to the ecclesiastical court, which duly investigated the 'crime' and then delivered a summons to the rats ordering them to stand trial. A court official went to an area of the countryside where the rats were believed to live, and served notice in a loud and solemn declaration....

"The court appointed a young lawyer named Bartolomé Chassenée to defend the rats. When the defendants failed to appear in court in response to the summons, Chassenée intervened to save his clients from a default judgment. He argued that there had not been proper service of process... Following his demand, the priests of each and every parish within the diocese of Autun announced a new summons.... Having been granted another delay, Chassenée pressed his case for the still-absent rats. He argued that a summons implied the full protection of the law on the way to the courthouse; however, his clients, though anxious to appear, feared they would be attacked by hostile cats and could not be expected to risk death in order to obey the summons."

Berman, "Rats, pigs, and statues on trial: The creation of cultural narratives in the prosecution of animals and inanimate objects" (New York University Law Review)

"On September 5, 1379, two herds of pigs at a French monastery grew agitated and killed a man named Perrinot Muet. As was custom at the time, the pigs—the actual murderers and those that had simply looked on—were tried for their horrible crime, and sentenced to death. You see, with their 'cries and aggressive actions, the onlookers 'showed that they approved of the assault,' and mustn't be allowed to escape justice....

"E. P. Evans, in his sprawling history, *The Criminal Prosecution and Capital Punishment of Animals ...* catalogs incident after incident in which pigs [were put on trial because they] chewed off ears and noses and even killed children, one swine going so far as to eat a child 'although it was Friday,' a serious violation of church decree that 'was urged by the prosecuting attorney and accepted by the court as a serious aggravation of the porker's offense.' Another more mild-mannered (though no less impious) pig was hanged in France in 1394 'for having sacrilegiously eaten a consecrated wafer...'

"There were executions of bulls, horses, eels, dogs, sheep, and, perhaps most curiously, dolphins—which [Evans] gives no information on other than they were tried and executed in Marseilles in 1596."

<http://www.wired.com/2014/09/fantastically-wrong-europes-insane-history-putting-animals-trial-executing/>

**Two questions:**

- Is it ever permissible for the law to punish non-human animals? If so, when?
- If animals are to be punished, is it obligatory to give them a trial? If so, what other due process rights do they have?

### **Missouri dog law**

SECTION 273.100: Every city or town marshal of every incorporated city or town in this state, within their jurisdiction, shall take up and impound in a suitable place, the location of which place shall be given by a notice posted in some conspicuous place in his office, all dogs found running at large in their respective cities or towns without collars around their necks, marked as herein provided, and they shall keep such dogs for a period of one week, and at the expiration of such period shall put such dogs to death by humane methods.

### **Can animals deserve punishment?**

Pig intelligence: <http://www.youtube.com/watch?v=iz1sf-LDPFc>

Dog empathy: <http://www.youtube.com/watch?v=VYZQbZ1jK58>

Pig empathy / altruism: <http://www.youtube.com/watch?v=g7WjrvG1GMk>

1. If being A violates another being's rights by doing  $x$ , and A has the wrong sort of motivation for doing  $x$ , then A deserves punishment; and otherwise not.
2. If a being is capable of being motivated by moral considerations relevant to  $x$  but is not, then it has the wrong sort of motivation.
3. Some animals are capable of being motivated by moral considerations and sometimes are not.
4. Thus, animals sometimes deserve punishment.

### **Some alternate principles**

- a. If being A violates another being's rights by doing  $x$ , and A believes that what they are doing is morally wrong, then A deserves punishment; otherwise not.
- b. If being A violates another being's rights by doing  $x$ , and A has the concept of moral rights, then A deserves punishment; otherwise not.