

Legal punishment of animals

<https://youtu.be/mkg3kVE02AU?t=68>

"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* ... [discusses trials] 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/>

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.

2011 Missouri Revised Statutes, Title XVII

Citizenship

- i. What sorts of legal rights are citizens given that animals are not (in the contemporary U.S.)?
- ii. Are there legal rights that citizens have that Donaldson & Kymlicka do not say that domesticated animals should have?

Donaldson & Kymlicka's argument (?)

just / unjust:

1. All domesticated animals have been brought into human societies and made dependent on humans.
2. All domesticated animals are capable of being citizens.
 - a. They are capable of internalizing rules and acting on the basis of those rules.
 - b. They are capable of recognizing some other citizens as important and having some relationships with some other citizens.
 - c. They are capable of contributing to society.
3. If something is capable of being a citizen of a society, and has been brought into that society and made dependent on the people in that society, then it is morally unjust for it to not be allowed to be a citizen of that society.
4. Thus, for all domesticated animals, it is morally unjust for them to not be allowed to be citizens of the societies in which they live.