

## The Influence of Utilitarianism on Animal Welfare Legislation in Asia

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Some concepts of animal ethics have initiated since the ancient age. In the 2nd Century, regardless of his uncertain feeling about animal sufferings, Galen suggested the alternative use of pigs or goats for primates in a dissection that occasionally had “unpleasant expression”.<sup>1</sup> The concerns about ethical aspects of animal research continued growing, particularly in the 18<sup>th</sup> Century, when philosophers expressly recognized the animal ability to have feelings and emotions, and therefore, be worth moral consideration.<sup>2</sup> When it comes to the perspective of ethics, there are many debates on whether we should and have the right to research living animals? Answers depend on the view on which animals are considered as ethical subjects or ethical objects. In detail, ethical objects are the kind of beings and things that humans do not hold the direct responsibility for their damages; or in other words, animals are just pieces of laboratory equipment. Meanwhile, if animals are seen as ethical subjects, they put quite great moral demand on humans as the way people must treat small children or the disabled.<sup>3</sup> From different viewpoints, a number of theories for human attitudes toward animals have been developed. These theories include *contractarianism*, *utilitarianism*, *animal rights*, and *virtue ethics*, respectively from low to high moral demands, among which the theories of *utilitarianism* and partially *animal rights* have become the fundamental ground of legislation on animal welfare today.<sup>4</sup> Many countries from Japan, South Korea to Vietnam, Thailand, Philippines have developed their animal welfare legislation under such significant influence of *utilitarianism*. The article seeks to present the history of *utilitarianism*, along with other theories, and their influence on Asian animal welfare.

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<sup>1</sup> R Hubrecht, *The Welfare of Animals Used in Research : Practice and Ethics* (Ames, Iowa : John Wiley & Sons Inc., 2014), 9.

<sup>2</sup> Hubrecht, 10.

<sup>3</sup> Helena Röcklinsberg, Mickey Gjerris, and I. Anna S. Olsson, *Animal Ethics in Animal Research* (Cambridge: Cambridge University Press, 2017), 20, <https://doi.org/10.1017/9781108354882>.

<sup>4</sup> Röcklinsberg, Gjerris, and Olsson, 25.

## **The Formation and Development of the Principle of Rule of Law in International Law in Asia**

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Asia is a dynamic region in international relations. In order to formulate and shape international legal norms on the rule of law, Asia needs to enhance the role of the international legal system in international relations. If a country does not comply with the law, it will be difficult to apply general regulations, and will inevitably lead to instability and conflict. Then, the rule of law principle will be appropriate to apply in international relations. Therefore, it is essential to have the rule of law in international relations. The United Nations has repeatedly emphasized that the rule of law at the national and international levels is essential to maintaining international peace and security, promoting socio-economic development, and respecting human rights.

The paper analyzes three premises including: first, the process of forming the rule of law in the world and in Asia; second, the development of the rule of law in Asia's progressive international legal system; third, assess the current situation of respect for the rule of law in Asia. From that, the author believes that the rule of law principle will prevail in international relations in Asia. Asian countries need to respect and abide by the rule of law in international relations. The paper contributes to the study of the fundamental values of the rule of law principles in the international legal system in Asia. The author hopes that the international community can take a step closer to the effective functioning of the rule of law.

## **The Theory of Free Speech in India with Respect to Artistic Freedom – A Comparative Analysis**

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The free speech jurisprudence of any country revolves around immunity made available to 'protected acts' as opposed to non-protected acts from state action. This begins with the premise that the conduct of speech or 'speech actions' are at a higher pedestal than other fundamental rights. In other words, the degree of regulation that free speech is subject to should be much less than regulations for other fundamental rights. The general moral standards that govern other conducts that maybe subject to legal sanctions will not govern free speech as a special degree of protection is guaranteed to such speech actions.<sup>5</sup> Another element is in defining standards that bring speech actions under the umbrella of protected acts. Most constitutional democracies have faced this bitter argument of free speech. Should pornography be protected? should hate speech be protected? should obscene publication be banned? Should defamation be restricted? It is in answer to these questions that speech theory or theories are formulated. What is free speech? What are the actions that we are trying to protect? What is the value that a democracy accrues to a particular speech action? What are the moral, social, cultural and political questions that are to be answered in the context of protected acts? The Article focusses on trying to evolve a free speech theory in the Indian context by evaluating the judicial trend towards Article 19 (1)(a) in the light of Article 19 (2). The Constituent Assembly Debates are also analysed to understand the need for reasonable restrictions under 19(2) and how it differs largely from the First Amendment Rights in the USA. The Author intends to narrow down the enquiry of free speech theory to artistic freedom and draw a conclusion of the free speech jurisprudence in India regarding Artistic Freedom. Political Liberalism being the underlying foundation of the Indian Constitution, it remains to be seen if the free speech theory in India is 'liberal' with respect to protection of artistic freedom.

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<sup>5</sup> Douglas N. Husak , What is so special about Free- Speech ?, Law and Philosophy , Apr., 1985, Vol. 4, No. 1 (Apr., 1985), pp. 1-15 at page 1.