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Korsgaard Writing Assignment

According to Korsgaard, normative self-government is the ability to make a decision based upon what you believe you should do, instead of other motives, which is what she considers the key difference between humans and other animals. In this sense, Korsgaard’s interpretation of rationality coincides closely with the concept of morality. Although this definition of rationality is not accepted by everyone, “even some thinkers who would deny that rationality is the distinctive characteristic of humanity would still agree that normative self-government is both definitive of personhood and distinctive of humanity” (26), and it is similar to the empiricist argument that humans are the only creatures capable of so-called second-order attitudes. Korsgaard argues that this implies that humans can therefore have obligations, which is important because “[t]he traditional distinction between persons and things groups the ability to have rights and the liability to having obligations together” (27), but this is where Korsgaard’s opinion differs.

Korsgaard believes that it is not the ability to take part in a social contract which should be the deciding factor as to whether a creature should have rights, but rather the ability to have their own interests. To disprove that laws are meant to protect those taking part in a social contract, Korsgaard brings up the example of a foreigner protected from being murdered or robbed on U.S. soil. The foreigner is protected by our law system even though they may not necessarily give anything in return. This is because “when we speak of universal human rights, we speak of interests that are shared by every human being and that we think ought to be protected, not merely of the interests protected under some actual social contract” (28). Thus the question naturally arises as to whether animals should be protected in a similar manner. Animals also have interests, but not in the same way that humans have interests, “[w]hat is distinctive of animal life is the way that it functions, which is by means of perception and action” (28). An animal has intelligence in the sense that it can pursue its own desires, such as finding food when hungry, or shelter when tired. The last thing to address is the manner in which animals should receive “rights” to protect their interests. It is not our place to protect animals from one another as they have no obligation to act in any certain way, what they need protection from is human law. As long as human law allows cruelty towards animals, there is nothing stopping anyone from performing inhumane acts towards animals, therefore the only thing that can protect animals is human law itself.