Animal Rights is a growing concern for social and moral philosophers. The increase in animal-rights advocacy with an intense concentration on ensuring rights to animals has created a new sphere of application for the concept of ‘Rights’. Most advocates have consistently maintained that animals, as sentient beings have the ability to feel, i.e. that animals can experience pain and in some overt cases, happiness. As such, they reason that human beings have a moral, and in many cases legal obligation to protect the rights of these animals. It is in my belief that animals have rights and should be protected under the law. But, can animals really have rights, in the proper sense of the term?

In most developed countries (like Canada, North America and Britain) and some developing countries (like Barbados), there are laws protecting the ‘rights’ of some animals like dogs. The concept of Rights is well-known from the writings of John Locke’s famous Two Treatises which postulate that human beings have natural rights insofar as it is purely derived from God. He noted that these natural rights i.e. the right to life, liberty and property, etc. are absolute and universal. From Locke’s line of reasoning, these rights are equal for everyone, and as such no individual has more freedom or liberty than another. But this equality of natural rights proposed by Locke was stipulated for the human species. How can it become applicable to non-human animals that are known to be devoid of rationality? However, can these natural dispositions which human beings are endowed with be attributed to non-rational beings like animals? If rights are only ‘natural’ to human beings, why have animal-rights advocates unyieldingly defended that those species also have rights? If their claims are valid – hypothetical thinking that is, how consistent are these rights? My brief hypothesis will avow that higher primates like dogs, cats, and cows, etc., do have rights, while lower animals like rodents do not. In essence, I will attempt to evaluate this notion of “Rights” in context to the current debates on animal rights. It seeks to understand why only certain animals (dogs, cats, some wildlife, etc) can actually have those rights, while others (rats, mongooses, chicken, etc.) are left to fend for themselves.

Peter Singer, known as the godfather of animal rights, strongly argues that animals do have rights. From his much celebrated thesis entitled Animals Liberation, he maintains that all animals, including human beings, are equal. Singer makes no distinction between animals: whether homo-sapiens or canines, all animals are of the same kind. From a short essay from his book titled “All Animals are Equal”, he insists that all animals, i.e. all sentient beings that have the ability to suffer; hence their equality is embedded with this unique similarity. With a strong utilitarian conviction, Singer holds that morality is derived when the highest level of happiness is obtained by the greater number of people within a society; and the world in general. When applying the utility principle, a moral agent must at all times ensure that the level of pain is decreased to fulfill this level of ultimate (absolute) happiness. For the utilitarian, one should always ensure the greatest happiness when deliberating between courses of action(s). The utilitarian believes that morality is determined by the consequence(s) of an act and not the act itself. Such that, the act of killing is not necessarily wrong if the consequence(s) produce a greater level of happiness for the majority. Hence, the act of killing a dog would be morally permissible, if the greatest amount of people would experience happiness than pain. But Singer provides an additional outlook to the theory of utilitarianism.

Singer spent his entire life campaigning for the rights of animals because he believed that animals are
members of the moral community. He contends that though animals do not have the ability to rationalize or verbalize their feelings, they do have the ability to feel and express pain and happiness. Given the principle of utility, Singer insists that as members of the moral community, the pain that animals experience increases the overall level of pain in the entire community. Thus for Singer, the pain of animals is not so different from the pain of a human being. Singer perceives all animals as a unique set of beings; there are no distinctions between them because they each have strengths and weaknesses. Some can run extremely faster than others, while others can reason and create things. Some can see objects hundreds of meters away while some can change their skin color. But what they have in common is their ability to feel/experience pain. He believes that insofar as the welfare of animals can be affected by our actions, we, as rational beings, have a moral responsibility to consider and protect their rights. He insists that this rational ability is superior to other beings (animals); we have the responsibility to ensure the overall happiness of the moral community, which includes these non-human beings.

For Singer, the doctrine of Speciesism (a specie is superior to another) is false and has unfortunately developed an inequality amongst species because it advocates that the human being reigns over all other species. According to the speciesist, the human being’s supposed superiority is derived from their rational ability. Singer strongly refuted this belief and held that “The extension of the basic principle of equality from one group to another does not imply that we must treat both groups in exactly the same way, or grant exactly the same rights to both groups,”(pp.217). Accordingly, Singer believed that the principle of equality should be applicable to all animals: both human and non-human beings. Moreover, he quoted one of the god fathers of Utilitarianism- Jeremy Bentham’s famous thesis that:

The day may come when the rest of the animal creation may acquire those rights which never could have been withheld from them but by the hand of tyranny. The French already discovered that the blackness of skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the os sacrum, are reasons equally insufficient for the abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faulty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose they were otherwise, what would it avail? The question is not, Can they reason? nor Can they talk? but , Can they suffer? (pp.221).

Singer notes that the ability to suffer is the binding element for human beings and animals. Strictly speaking, Singer like most utilitarian believes that the concept of suffering is a sufficient reason for moral consideration. Therefore, he reasons that their (animals) natural ability to experience pain is a sufficient and necessary reason to have rights (legal and moral). Accordingly, Singer adds that “A stone does not have interests because it cannot suffer. Nothing that we can do to it could possibly make any difference to its welfare. A mouse, on the other hand, does have an interest in not being tormented, because it will suffer if it is,” (pp. 222).

Singer presumes that most of us are speciesists, because we are mainly concerned with our specie, i.e. the human being. Animals, for most of us are only thought about when deciding on our mealtime-chicken, beef or pork, etc. He maintains that the speciesist violates the principle of equality because he/she only regard animals as a means to an end. The high level of animal consumption, for Singer,
illustrates the reigning speciesism within our societies. He adds that though these animals are reared under inhabitable and severe conditions, while most of us are only concerned when they are packed on shelves in supermarkets. Singer claims that animals have intrinsic value in themselves. Additionally, he reasons that animal experiments are also morally permissible within our societies. He suggests that these animals are killed and usually experience immense pain during these procedures long before their tragic and horrifying deaths. Hence, he argues that given our speciesistic natures, we are unwilling to place another human being for these types of experiments, for instance a baby. Subsequently, he concluded that the principle of equality should be applied to all species, he writes: “It is only when we think of humans as no more than a small sub-group of all the beings that inhabit our planet that we may realize that in elevating our own species we are at the same time lowering the relative status of all other species,” (pp.228).

Lori Green agrees with the idea that animals do and should have rights. In his paper titled Animals, he begins with a brief synopsis of the current treatment of non-human animals. He writes “In order to satisfy the human taste for flesh, over five billion animals are slaughtered every year in the United States alone. [...] An estimated 200 million animals are used routinely in laboratory experiments around the world annually. An estimated 250 million wild animals are shot and killed each year by hunters in the United States. Over 650 different species of animals now threatened may be extinct by the turn of the century,” (pp.343).

For Green, the maltreatment of these animals raises fundamental moral issues which should concern our moral communities. He claims that in some cases the problem arises from our belief(s) that has enabled us to distinguish ourselves from non-human animals. Green argues according to some people, animals cannot be part of the moral community because they have no ability to make moral judgments, and as such cannot be held as moral agents. Thus, it is within our power to make judgments (moral or legal) concerning their welfare: whether positively or negatively.

Green further declares the developing notion of ‘Rights’ i.e. human rights have predominantly influenced the Animal Rights Advocacy. However, the argument of Animal Rights has provoked refutations from opposing groups. He refers to Tom Regan’s article entitled “The Case for Animal Rights” which argues that “Only beings with inherent value have rights. Inherent value is value that individuals have independent of their goodness or usefulness to others and rights are the things that protect this value. Only subjects-of-a-life have inherent value. Only self conscious beings, capable of having beliefs and desires, only deliberate actors who can conceive of the future and entertain goods, are subject-of-a-life,”(pp.346).

Moreover, Green supports with Regan’s thesis and maintains that moral rights affect all species including non-human animals. He argues that animal rights are not similar to the human rights; like the right to vote, or the right to have a fair trial, but they both (animals and human beings) have the rights which are equally relevant to them. For instance the right to be treated with respect or freedom from torture and most importantly the right to life. Hence, Green reasons that “According to Regan, all beings who have inherent value have it equally. Inherent value cannot be gained by acting virtuously or lost by acting evilly,” (pp.346).

He also provides Regan’s example to illustrate his point. Regan asserts that there is a boat with four human beings and one dog. They all weight the same and consequently one of them must be thrown overbroad or else the boat will sink, and they all will drown. The big question is asked: who should be
thrown overboard? In this situation, Regan suggests that the dog should be thrown overboard. His reasoning is that more harm will occur if a human being is thrown overboard than if the dog is. By Regan’s argument, Green concluded that “Death for the dog, in short, though a harm, is not comparable to the harm that death would be for any of the humans. To throw anyone of the humans overboard, to face certain death, would be to make that individual worse off (i.e. would cause that individual a greater harm) than the harm that would be done to the dog if the animal was thrown overboard,” (pp.347). However, animals and human beings can obtain the rights by the mere essence of having the ability to affect the moral community.

Immanuel Kant in an essay entitled *Duties to Animals and Spirits* from his well-known book *Lectures on Ethics*, objects to the belief that animals can have rights. As a deontologist, he believes that only human beings have right because of their inherent rational ability to make moral deliberations. Kant postulates that the faculty of reason allows human beings to act morally when they fulfill their moral obligations/duty. Kant believes that animals cannot be held morally liable, as they cannot attain the role of duty bearers. Kant maintains that the deontological principle is the most absolute of all ethical doctrines, such that it holds that the moral law is derived from the act of the agent and not the consequences or motives (feelings or desires) of the act. Hence, the act of killing the innocent, in all circumstances, as the very act of killing is immoral. Kant adds that practical thinking is a necessary component of rational thought; which in essence animals do not have.

Animals are not rational beings, and accordingly are incompetent in comprehending the moral law. Kant held that animals should be treated with kindness insofar as human beings can express kindness to each other. He argued that “Since they are not part of the kingdom of moral legislators, we do not owe them anything. But we should be kind to them since they will help develop good character in us and help us treat our fellow human beings with greater consideration. That is, our duties towards animals are simply indirect duties to other human beings,” (831). Kant believes that because animals are not self-conscious moral beings, they cannot be held responsible for their actions. For instance, we cannot reasonably hold a lion morally accountable for killing a hunter. In this instance, according to Kant, the lion cannot morally rationalize (or even rationalize for that matter) about its action.

In Kant’s arguments, human beings have moral obligations towards animals because by displaying concerns and sensitivity towards these non-human beings, they would be better able to enhance their human nature to become more caring and sensitive to other human beings. From his categorical imperatives, he infers that when a moral agent acts, the course of action should be done insofar that it can be willed to become a universal moral law. The most important of these imperatives is to “act so as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as a means only,” (pp.832).

For Kant, though these animals are means to our ends, and not means in themselves, we have the moral duty to ensure that they are treated with respect and dignity. Initially, Kant stipulates that the treatment of animals develops certain awareness in human beings in which indirectly they will be better able to express remorse and compassion to other human beings. However, he does not entertain the possibility that animals should have rights, but moral consideration from human beings.

In *Animal Liberation and Environmental Ethics: Bad Marriage, Quick Divorce* Mark Sagoff poses the question that “What practical course of action should we take once we have climbed the spiral of moral evolution high enough to recognize our obligation to value the rights, interests, or welfare of
animals equally with our own,” (pp.495). Sagoff, responds that human beings have a moral responsibility to protect the well-being of animals and other living organisms within the ecological community. He believes that animals do have rights but some of these rights are different from those pertaining to human beings. Sagoff infers that animals like human beings have the right to shelter, food and security. It is his belief that some of these rights should be the responsibility of human beings as they have the necessary faculties to provide for these animals—and living organisms.

Given Darwin’s arguments for the survival of the fittest, Sagoff argues that many species, though produce in excess, will become extinct within years because of the harsh realities of surviving in today’s world, such as starvation, predation and disease. Sagoff claims that when animal rights advocates rally for the rights of animals; they are usually interested in domesticated ones and not those in the wild ones where their life are usually brutal and short. He reasons that “I proposed earlier that Aldo Leopold views the community of nature as a moral community—one in which we, as members, have obligations to all other animals, presumably to minimize their pain,” (pp.497).

He claims that the principles of natural selection do not take into consideration moral deliberations; hence it is the responsibility of human beings to engage in these philosophical concerns for the welfare of animals and the environment. The needless infliction of pain on animals is morally unacceptable, according to Sagoff.

Essentially, he adds that “When we read stories about man’s cruelty to domestic animals, we respond, as we should, with moral outrage and revulsion. When we read accounts of natural history, which reveal as much suffering and slaughter, we do not respond with outrage or indignation. Why not? The reason is plain. It is not suffering per se that concerns us. What outrages us is human responsibility for that suffering,” (pp.497).

Thus, Sagoff declares that it is about time that human beings realized that they are the only ones who can attribute rights to animals. He adds that we, as human beings must prevent and eliminate animal sufferings. Hence, he completes his argument by noting: “That we are obliged to protect the welfare of all animals just because they are sentient beings. [...] That moral obligations to animals are justified by their distress and by our ability to relieve that distress,” (pp.497).

Carl Cohen supports the claim that animals do not have rights. His eloquent paper entitled The Case Against Animal Rights declared that “A right properly understood, is a claim, or potential claim, that one party may exercise against another. The target against whom such a claim may be registered can be a single person, a group, a community, or (perhaps) all humankind,” (pp.850).

Cohen argues that given the complicated arguments of rights, the idea of ‘right’ must first be fully analyzed. He infers that a right has mainly three main components; in many instances, some rights have constitutional values, others have moral but not legal value while some are embedded within both (moral and legal). Cohen believes that given the complicated status of rights, the term has consistently been used arbitrarily. However, he insists that “They are in every case claims, or potential claims, within a community of moral agents. Rights arise, and can be intelligibly defended, only among beings who actually do, or can, make claims against one another. Whatever else rights may be, therefore, they are necessarily human; their possessors are persons, human beings,” (pp.851).

Following from this argument, Cohen adamantly insists that only human beings are capable of having
rights. He reasons that animals and other entities cannot make moral judgments or deliberations, and hence cannot have ‘rights’; neither the possession nor the claim. Cohen rationalizes that “Humans confront choices that are purely moral; humans—but certainly not dogs or mice—lay down moral laws, for others and for themselves. Human beings are self-legislative, morally auto-nomous. Animals (that is, nonhuman animals, the ordinary sense of that word) lack this capacity for free moral judgment. They are not beings of a kind capable of exercising or responding to moral claims. Animals therefore have no rights, and they can have none,” (pp.851).

For Cohen, the ability to express rational thought is a necessary attribute for a moral agent. This being the case, the moral agent must be able to understand the rules and obligations of these rights. He /she must be able to have rational decisions if and when moral dilemmas occur. Cohen adds that the moral agent must be able to distinguish what is his/her interest from what is just. In the case of animals (nonhuman animals), this is impossible, according to Cohen.

Accordingly, he stipulates that given that animals have no rights and cannot claim any rights, we do not violate any right when we use them in experiments or in sports like hunting. Cohen is adamant in his claim that animals cannot have rights like human beings mainly because of their inability to internalize moral concepts. He notes that “Genuinely moral acts have an internal as well as an external dimension. Thus, in law, an act can be criminal only when the guilty deed, the actus reus, is done with a guilty mind, mens rea. No animal can ever commit a crime; bringing animals to criminal trial is a mark of primitive ignorance,” (pp.852).

Such is the case, given Cohen’s argument that a dog cannot be held responsible for killing a toddler. The dog cannot make the moral judgment that killing an innocent child is wrong. More likely, in cases of this sort, the animal is usually put to ‘sleep’.

Cohen further refutes the argument from Singer and others that the essence of the capacity to experience pain should be held as a reason for moral consideration. Cohen believes that the utilitarian approach to animal rights has no merit because the supposed sufferings of these experimental animals are not inflicted unnecessarily. He claims that those who claim that animals suffer during these experiments are incoherent in thought for two reasons, only one will be presented in this paper. In this instance, he noted that there is an error in the assumption that all animals are equal. He rejects the view that between a human being and an animal their moral considerations are equal, such that their ability to experience pain and pleasure places them within the same moral brackets. Cohen dismiss Singer’s claim to specieism.

For Cohen, animals and human beings are never on the same moral standings. He writes, “Between species of animate life, however-between (for example) humans on the one hand and cats or rats on the other—the morally relevant differences are enormous, and almost universally appreciated. […] Human beings do have rights; theirs is moral status very different from that of cats or rats,” (pp.853).

He admits that he is a speciesist and concludes that “If all forms of animate life—or vertebrate animal life—must be treated equally, and if therefore in evaluating a research program the pains of a rodent count equally with the pains of a human, we are forced to conclude 1) that neither humans nor rodent possess rights, or 2) that rodents possess all the rights that human possess. Both alternatives are absurd. Yet one or the other must be swallowed if moral equality of all species is to be defended,” (pp.854).
For Cohen, the very idea of animal rights is ludicrous.

Finally, in relation to the supposed rights of animals, Joel Feinberg in his well thought-out essay titled *The Rights of Animals and Unborn Generation*, argues that animals do have rights. He asserts that though human beings ought to care and protect the well-being of our ‘remote descendants’, the term ‘rights’ can be attributed to them because of the principle of interest. Feinberg indicates that there is a grave issue when some argue that ascribing rights to animals is an incoherent conclusion because these beings do not have any ability to express interest or rationalize. He begins by noting that “To have a right is to claim something and against someone, the recognition of which is called for by legal rules or, in the case of moral rights, by the principles of an enlightened conscience,” (pp.43-44). This recognition of rights, as suggested by Feinberg can be accessed by animals because of the principle of interest. He argues that though there is a held belief that animals cannot rationalize, this is in no way an adequate reason to deprive animals of their rights. Feinberg argues that young children and adult with mental and health problems do not have the ability to rationalize yet their rights cannot be forfeited because of this inability.

Feinberg explains that the principle of interest can be easily used as a support for the rights of animals. He reasons that this principle is important because “Interests must be compounded somehow out of conations; hence mere things have no interests. A fortiori, they have no interests to be protected by legal or moral rules. Without interests a creature can have no ‘good’ of its own, the achievement of which can be its due. Mere things are not loci of value in their own right, but rather their value consists entirely in their being objects of other beings’ interests,” (pp.50).

What Feinberg intended was that for any person or animal to have rights, he/she (or it) must have some sort of interest. This interest, he noted can be in the form of say the right to life, the right to move from one point to another, or to reproduce, etc. As such he added that “Almost all modern writers agree that we ought to be kind to animals, but that is quite another thing from holding that animals can claim kind treatment from us as their dues,” (pp.45).

He notes that given this principle of interest, animals have interests and by the law, they can be right bearers. This can be done in numerous ways, as hinted at by Feinberg, by appointing an attorney or trustees or ghost-writers. This is not to infer that the animals can literary participate in these procedures, but individual persons can act on behalf of these beings. He notes that most statues which had been developed for animals’ protection was merely administered to prevent cruel habits in human beings and where such characteristics can further develop in harming other members of the society. He refutes H.J. McCloskey’s argument that animals do not have rights. For McCloskey, animals cannot have rights because they cannot have representative interest. But Feinberg was quick to discard such assumptions as morally and legally, animals can have representative interest. Feinberg asserts that “The animal itself is the beneficiary of his dutiful services,” (pp.50).

His argument holds that though animals cannot rationalize with ideas of moral obligations and expectations; their interest supersedes the rationalist argument.

Fundamentally, Feinberg insists that though many wealthy people have left their pets with some inheritance, it does not follow that the animal(s) in question understands what is going on or will object if it is not pleased with the results, yet its interests must and has been taken into consideration in accordance to the law. In essence, he concludes that anything to which rights can be attributed must
have interest. Hence, Feinberg acknowledges that animals can have rights.

The interesting element for the rights for animals usually begins and ends within the realm of domesticated animals, but I will maintain that though all animals are equal, human beings have the moral responsibility to ensure the welfare of the other beings. When we speak of animal rights, most people are usually tempted to respond to what feelings they have towards some animals, but the animal rights principle place a great emphasis on the rights of all animals. For instance, one supports Sagoff’s observation that most animal liberationists rarely consider the impact of nature’s indiscriminate destruction of animals in the wild. Though human beings are responsible for most of the harm due to animals, Sagoff suggestion is that nature is equally responsible. Therefore, the question whether animals should have rights is multi-faceted, in his view. All things concerned, human beings must provide moral considerations towards these unfortunate beings because they have interest as suggested by Feinberg.

The consumption and exploitation of animals by human beings is immoral. Animals do not have reasoning capabilities, but they have the right to life. They do have capability to suffer like human beings and therefore should not be used as a means to an end. Kant’s argument that human beings have an indirect duty to animals only in terms of our duty to each other is absurd. Claiming such a thesis overthrows his categorical imperative because any act of cruelty is immoral, regardless of who or what is being harmed. Human beings’ supposed superior rationality should not be used as a reason to manipulate animals for humanly needs. We, human beings have ability to survive without the need to kill other animals for our own acquired tastes or desires.

This human superiority argument can be easily refuted as some animals are far more intelligent than some human beings. For example cats are superior in sight than human beings especially at night, should cats be allowed to attack human beings because of their superiority in sight? I must maintain that we human beings are natural egoists, who are willing to kill other beings when it is in our best interest and advantage. These animals may not have the same rights as we (human beings) interpret rights to be, (like the right to vote, to free education, free speech) but they have rights which pertain to their well-being. Also there is one universal and absolute right which cannot be overridden: the right to life. It is fallacious to believe that since animals cannot think, then they can be used to satisfy our needs. I will support Feinberg’s thesis that this argument can also be interpreted that a newborn can be used as a means to our end since he/she lacks the ability to reason.

Mistreating animals is immoral as well. Using animals in zoos and for the purpose of experiments is another way by which human beings continue to exploit animals. All beings should be morally considered since they are part of our moral world. Our moral obligation allows us to do the right act in moral deliberations and animals should not be excluded from these deliberations. The sufferings which animals endure for the satisfaction of human beings’ desires cannot be morally justified. The constant pain and agony of these animals only widens the level of suffering in the world.

Singer’s persuasive argument can be easily aligned with Feinberg’s interest principle, that animals have rights because of their inherent interest. However, if Singer and Feinberg are correct in their assessment, where would the line be drawn? Is it just animals with interest or all animals? Singer, given the impartiality of utilitarianism, inability to distinguish between a human suffering and the suffering of cat opens the door to harsh moral dilemmas. What is the value of a human life? Can it be the case that if we need to experiment for a new Aids virus, we can indiscriminately use him (Singer) or a rat? This
is some of the moral issues which animal rights activists must address.

Essentially, one maintains that animals (wild and domesticated) can have rights and we (human beings) can be resourceful in ensuring that their rights are respected. As rational beings, we have the ability to diminish or enhance their lives. Rights, as noted by Feinberg must entail a cognitive moral agent who is aware of his moral decision and how it may affect the moral community. I support his analysis of legal and moral rights in his other essay entitled Social Philosophy (1973) maintains that “A man has a legal right when the official recognition of his claim (as valid) is called for by the governing rules. This definition, of course, hardly applies to moral rights, but that is not because the genus of which moral rights are a species is something other than claims. A man has a moral right when he has a claim the recognition of which is called for- not (necessarily) by legal rules-but by moral principles, or the principles of an enlightened conscience,” (pp.303). Now, can any animal regardless of how intelligent it is claimed to be, recognize the governing rules of the moral or legal community. Obviously not, but we can enable them to live comfortable lives, free from torture and displacement by respecting their interests. Though there is an intrinsic value in human life it does not place us at any level higher than any other creature or being. Our ability to influence their world (environment), enable us to provide adequate assessments of their welfare to either influence it positively or negatively. We have the ability to make those types of decisions but they do not.

In the end, as moral agents, cruelty to anything –animate or inanimate is morally offensive. Animals have rights, which human beings have created; like the right to education, or the right to freedom of speech, and thus must receive moral consideration from us because they are part of our vital ecological community. Hence, if we do not protect their welfare, we may one day find that human beings are the only ones left on the food chain, or worst yet, at the bottom. It is very likely that if there is a breakdown in the food chain, we can be adversely affected by the impact because in the ecological system every insect, every organism is dependent on another as a form our survival. Who knows we may very well end up as something (being)'s meal. Human beings are special in many ways, which makes them the leaders of the animal kingdom, but they (we) have continued to abuse their authority by causing pain and agony to other creatures that inhabit the earth. All animals have the right to life. It is a prima facie right which cannot be overridden, such that it is absolute and all other rights are to be derived from it.

References