Rights of Personhood

Debate Activity

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Rationale

Students will develop habits of mind around curiosity while debating an ethical issue that looks at the relationship between people, animals and environment.

Curriculum Connections

Core Competency

Communication: Through their communication, students acquire, develop and transform ideas and information, and make connections with others to share their ideas, express their individuality, further their learning, and get things done.

Thinking: It is through their competency as thinkers that students take subject-specific concepts and content and transform them into a new understanding.

Thinking Sub-Competency

Critical and Reflective Thinking: Critical and Reflective Thinking encompasses a set of abilities that students use to examine their own thinking and that of others. This involves making judgments based on reasoning, where students consider options, analyze options using specific criteria, and draw conclusions.

Estimated time required: One 60-minute class for research and development of arguments. One 60-minute class to hold debate and debrief.

Notes: *A "person" has legal rights, like the right not to be harmed. Advanced "non-human persons" like orcas could be given the same rights under law. Moving from the legal category of "thing" to the legal category of "person" would mean that an orca could not be considered property and could not be kept in captivity, because captivity limits freedom of choice and could therefore be harmful.*

Directions:

1. Present the following statement to the class: As orcas exhibit intelligence, intergenerational learning and complex family structures, be it resolved that they should be granted rights of non-human persons as necessary to guarantee the protection of their habitats, prey and safety. Argue for and against.

2. Define any unknown vocabulary (see list below).

3. Arrange the class into groups of six. The six-student team format enables you to arrange a class of 24 students into four equal teams. Each group will represent one side--the affirmative or negative--of a debatable question or statement. In order to involve all six individuals, each member of the team will have a specific responsibility based on the Lincoln-Douglas debate format detailed above. Each team will include students who assume the following roles:

   Moderator -- calls the debate to order, poses the debatable point/question, and introduces the debaters and their roles.

   Lead Debater/Constructor -- presents the main points/arguments for their team's stand on the topic of the debate.

   Questioner/Cross-Examiner -- poses questions about the opposing team's arguments to its Question Responder.

   Question Responder -- takes over the role of the Lead Debater/Constructor as they respond to questions posed by the opposing team's Questioner/Cross-Examiner.

   Rebutter -- responds on behalf of their team to as many of the questions raised in the cross-examination as possible.

   Summarizer -- closes the debate by summarizing the main points of their team's arguments, especially their answers to attempts by the opposition to shoot holes in their arguments.

4. In the standard Lincoln-Douglas debate format, the negative position is given a lengthy rebuttal time in which to refute the affirmative rebuttal and make a final summary argument for the position. Then the affirmative position has a brief opportunity to rebut the rebuttal (offer a closing argument, if you will)——and the debate is over. In this format, adapted for the classroom, both teams offer a closing summary/argument after the rebuttals.

5. If your class is smaller than 24 students, you might adapt the format described above by having the teacher serve as moderator.

6. If your class is larger than 24 students, you might arrange students into more and/or smaller groups and combine some roles (for example, Moderator and Summarizer or Moderator and Questioner/Cross-Examiner).

Extensions

Alternative – Role play

1. Decide in advance--or ask students to help you identify--the stakeholders in the debate. Then gather index cards -- one card for each student. Write the roles of the stakeholders on the index cards, one stakeholder per card. Be sure you have at least three index cards for each stakeholder role.
2. Let students randomly draw an index card. Then have students get together with classmates holding the same stakeholder cards. Those small groups of students are responsible for putting themselves in the position of their assigned stakeholder and formulating the arguments they will present in a classroom debate on the topic.
3. If students are comfortable with the role-play debate format, you might present a handful of questions for debate. Students decide which stakeholders should be represented in a debate of each question. Then each student is assigned a question. Students assigned the same question gather together. Each decides (or draws a card to determine) which stakeholder they will represent. Students research the question from the perspective of their assigned stakeholder. The groups hold their own debates for practice. Then each small group presents its debate to the class. Students decide which stakeholders presented the strongest arguments.

Potential Stakeholders:

- Recreational boater/kayaker
- Marine scientist/researcher
- Ecotourism business owner (has a whale watching company)
- Politician
- Aquarium owner/operator
- Shipping Company
- Ferry operator
- Fishing crew

Resources for Students Arguing for the Statement:

Big Think – "Who Is a Non-human Person?" https://bigthink.com/culture-religion/non-human-person?rebelltitem=1#rebelltitem1

Non-Human Rights Project- https://www.nonhumanrights.org/

Resources for Students Arguing Against the Statement:

Sea Pens Not an Ideal Solution https://www.sandiegouniontribune.com/opinion/commentary/sdut-whales-sea-pens-keiko-2015nov19-story.html

Awesome Ocean – "This is Why Sea Pens Are Not the Saving Grace for Orcas"
http://awesomeocean.com/whales/why-sea-pens-mean-certain-death-for-orcas/

World Organisation for Animal Health – "Animal Welfare Info Sheet"
https://www.oie.int/fileadmin/Home/eng/Media_Center/docs/pdf/Fact_sheets/AW_EN.pdf

General Background for Canada

Backgrounder: Bill S-203 Ending the Captivity of Whales and Dolphin Acts
http://elizabethmaymp.ca/publications/2017/10/27/backgrounder-bill-s-203-ending-the-captivity-of-whales-and-dolphin-acts/

New Measures for Protecting Orcas in Canadahttps://www.canada.ca/en/fisheries-oceans/news/2019/05/government-of-canada-announces-enhanced-measures-for-protecting-british-columbias-southern-resident-killer-whales.html

Animal Justice
https://animaljustice.ca/about-us

Debate Activity Definitions

Autonomy is the ability to make choices about how you
live. https://www.nonhumanrights.org/frequently-asked-questions/

Legal Personhood means that someone or something is a person in the eyes of the law. Things have no rights, but once an entity is defined as a person it can obtain some rights. "Non-human person" refers to an entity that is not a human being but is guaranteed some rights for limited legal purposes.
https://bigthink.com/culture-religion/non-human-person?rebelltitem=2#rebelltitem2

Self-awareness is the capacity to recognize yourself as an individual separate form the environment and other individuals. https://www.nonhumanrights.org/frequently-asked-questions/

Sentience is the ability to perceive the environment and translate those perceptions into various feelings, such as suffering or pleasure. This has little to do with a species' cognitive ability.
https://bigthink.com/culture-religion/non-human-person?rebelltitem=2#rebelltitem2