

POUR UNE ÉVOLUTION DU RÉGIME JURIDIQUE DE L'ANIMAL DANS LE CODE CIVIL RECONNAISSANT SA NATURE D'ÊTRE SENSIBLE

Les animaux sont encore définis par le Code civil comme des choses, sur lesquelles l'homme peut par conséquent exercer un droit absolu.

Nous n'ignorons pas que toute tentative de faire évoluer cette classification se heurte à la force des habitudes et soulève invariablement des objections d'ordre économique. Nous l'ignorons d'autant moins que c'est le cas chaque fois qu'est réclamée la légitime considération due à un groupe exploité ou opprimé.

Certes, les animaux ne sont pas des êtres humains. Ce n'est pourtant pas la proclamation d'une dignité métaphysique, mais certains attributs - capacité à ressentir le plaisir et la douleur notamment - que les humains partagent avec au moins tous les vertébrés, qui entrainent les droits les plus fondamentaux. Et bien que dans diverses réglementations françaises et européennes les animaux soient reconnus pour leur qualité d'« êtres sensibles », encouragées en ce sens par les progrès de la connaissance scientifique, ils demeurent de manière de plus en plus contradictoire des biens meubles dans notre Code civil.

POUR QUE LES ANIMAUX BÉNÉFICIENT D'UN RÉGIME JURIDIQUE CONFORME À LEUR NATURE D'ÊTRES VIVANTS ET SENSIBLES ET QUE L'AMÉLIORATION DE LEUR CONDITION PUISSE SUIVRE SON JUSTE COURS, UNE CATÉGORIE PROPRE DOIT LEUR ÊTRE MÉNAGÉE DANS LE CODE CIVIL ENTRE LES PERSONNES ET LES BIENS


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