

## Comment: No monkeying around—animals can and will have human rights

October 10 2014, by Alasdair Cochrane

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Get with the programme, humans. Credit: Eric Kilby, CC BY-SA

Dr Alasdair Cochrane, Lecturer in Political Theory at the University of Sheffield, comments on animal rights in light of a court case to decide if a chimpanzee has the right to bodily integrity and liberty, just like a person.

A US appeals court is currently hearing the case of a chimpanzee named

Tommy and is to decide if he has the right to bodily integrity and liberty, just like a person. The case, brought by the [Nonhuman Rights Project](#), which is concerned about Tommy's living conditions, is hugely significant.

The questions debated in this New York court have implications beyond the question of whether former circus animal Tommy should be moved from the shed in which he is held captive to a chimp sanctuary with conditions more conducive to his well-being. What is really being considered is whether human rights can transcend the species divide.

At first, this question might seem extremely odd. After all, isn't the very point of human rights that they belong only to humans? Surely the clue is in the name. But names can limit our moral imaginations, often with terrible results. Before the idea of human rights was established in the aftermath of the horrors of World War II, there was the older idea of [the rights of man](#). When it was argued that these rights excluded half the human population, defenders of the status quo pointed out that the clue was in the name.

In the same way, the question of whether human rights can transcend the species divide is simply a way of asking who we include when we talk about basic rights. Nobody now regards the old limits of sex, race, nationality, religion and property ownership as justifiable reasons for excluding others from basic rights. But is species?

Traditionally, the justification for reserving a special class of basic protections exclusively for humans was based on religious grounds. The argument went like this: "We humans alone possess souls, so we alone merit the special rights that God has granted us." But in contemporary societies that are marked by religious pluralism and atheism this argument is no longer viable.

More common contemporary arguments for keeping our privileged political and legal status are based on our cognitive complexity. But this justification has been convincingly challenged too. The cognitive abilities of other animals, such as chimpanzees, are now much better understood and a range of skills thought exclusive to humans, such as tool and language use, have been [witnessed](#) in chimps and other animals.

It is also a simple fact that not all human beings – such as young infants and the seriously mentally disabled – possess the advanced capacities that are thought to establish these basic rights. It is precisely these vulnerable individuals who are considered to be most worthy of the special protections that basic rights offer, yet we don't extend them to animals.

Many argue that we need a special class of rights that are [exclusive](#) to the human species simply because we have different needs and interests to other animals. It would, for example, be absurd to extend the right to a fair trial or the right to marry to other animals. And of course they are right to argue that. But this point ignores that it would be absurd to extend such rights to many human beings too. Human babies do not need the right to marry and no one would suggest they would. Human rights are differentiated, with different groups of humans often possessing quite different basic rights. There seems no obvious reason why this practice should not also extend beyond human beings.

Critics of the Tommy case would warn that we need to draw the line somewhere. Once we cross the species divide and grant basic rights to certain animals, what is to stop us awarding them to plants, rocks and electricity pylons? Perhaps not much. And indeed, Ecuador and Bolivia have already recognised the rights of [Mother Nature](#) in their constitutions.

I share the common view among human rights theorists and practitioners

that basic rights are about protecting an individual's well-being. And to have well-being is not merely to benefit from certain goods, but also to experience the benefits of those goods. On this view, then, basic rights should not be extended to all things, but certainly should be extended all other animals who possess conscious life.

A decision on Tommy's status is due in the next few weeks but whatever the outcome, it is clear that more cases and more decisions are coming. It is only a matter of time until the [species](#) sectarianism of [human rights](#) is overturned and becomes as anachronistic as the rights of man.

Provided by University of Sheffield

Citation: Comment: No monkeying around—animals can and will have human rights (2014, October 10) retrieved 27 April 2024 from <https://phys.org/news/2014-10-comment-monkeying-aroundanimals-human-rights.html>

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