

Substantive section-specific articles are featured regularly in *Lawyers Journal*.

SECTION REVIEW

MASSACHUSETTS
LAWYERS JOURNAL
JULY 2015

MASSACHUSETTS BAR ASSOCIATION

YOUNG LAWYERS DIVISION

Are chimpanzees human enough to be granted some human rights?

BY KAREN RABINOVICI

Most people would agree that no, monkeys are not people. However, Steven M. Wise, president and counsel of the Nonhuman Rights Project, believes that chimpanzees are enough like people that some of the fundamental rights to which people are entitled should be guaranteed to them as well — namely, the right to be free.

These aren't just any chimpanzees. These are two chimpanzees, Hercules and Leo, both 8 years old and both used for research at Stony Brook University in New York. In a court proceeding ordered by Justice Barbara Jaffe for Stony Brook to defend its detention of the chimpanzees, Wise pointed out that chimpanzees, and other great apes, don't live based only on instinct, but are capable of planning and acting in ways that help determine their future. Wise also argued that the chimps are self-aware, understand the passage of time, and possess math skills and can understand language. As such, "These animals are indeed autono-



KAREN RABINOVICI practices health care and business law with Pierce and Mandell PC in Beacon Hill. She is an avid animal lover and a passionate animal rights advocate.

mous, self-determining beings ... they are the kinds of beings who can remember the past and plan ahead for the future, which is one of the reasons imprisoning a chimp is at least as bad and maybe worse than imprisoning a person."

For these reasons, the Nonhuman Rights Project is fighting on the side of the chimpanzees, seeking to free Hercules and Leo from Stony Brook through a writ of *habeas corpus*, a mechanism through which unlawful imprisonment may be challenged. While *habeas corpus* is a long established procedure used to challenge unlawful imprisonment of human beings, it has never been applied to any other living creature.

The state argued that chimpanzees are not entitled to the same rights as human beings because they cannot fulfill other duties required of them by human laws, such as bearing moral responsibility in our society, saying, "They are just not equipped the same way as human beings to be members of society." The state also employed the slippery slope argument, warning against opening a floodgate.

The Nonhuman Rights Project's ultimate goal is to free the captive chimpanzees (along with others) and move them to a sanctuary where they can live as naturally as possible amongst other chimpanzees.

It has long been accepted that chimpanzees possess many characteristics originally believed to be exclusive to human beings. So the question is, do chimpanzees have enough human characteristics to be granted some human rights? Chimpanzees form highly complex social relationships, and different groups display different cultural behavior. Chimpanzees have been observed mourning, laughing, and solving puzzles



for entertainment. Natalie Prosin, executive director of the Nonhuman Rights Project, has clarified the group's position by stating that the project does not believe that animals are people, but that chimpanzees are "autonomous beings, who are self-aware and self-directed," and that the project is not asking for broad human rights to be granted to the chimpanzees, but is simply seeking their freedom. Is freedom exclusive to human beings, or will Hercules and Leo prove otherwise? ■





PRODUCTION SERVICES



AWARD-WINNING MARKETING VIDEOS

- Training Seminars
- Event Coverage
- Online/Broadcast Content
- Trade Show Displays

NewTV Production Services

Contact: melindag@newtv.org
617.965.7200

23 Needham St. | Newton MA 02461
productionervices.newtv.org
[@newtvprodserve](https://twitter.com/newtvprodserve)