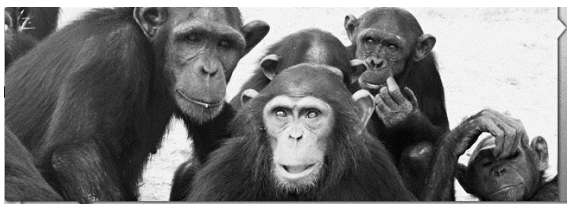


# If only they could talk



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## **RATTLING THE CAGE: Towards Legal Rights for Animals** by Steven M Wise

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BRYAN APPELYARD

- 1 On a simple numerical basis, humans probably now treat animals worse than they have ever done before. Overwhelmingly intensive farming and agribusiness are the main culprits, rearing millions of chickens, cattle and pigs in conditions of technologically refined torture. More ambiguously, there are the cruelties inflicted by scientific research which may or may not be justified in the name of human progress. You do not have to be a fanatic to accept the truth that modern man is a uniquely vicious landlord of the living world.
- 2 In order to change this, we have to evolve a new morality strong enough to persuade us, first, that cut-price food is not an absolute requirement and, second, that human benefit cannot necessarily justify any level of laboratory cruelty. In practice, this morality already exists at the intuitive level — most people are revolted when they hear of the realities of intensive farming or animal experimentation. But, plainly, intuition alone isn't working. It isn't working in the realm of agriculture and, most alarmingly, it isn't working

at the environmental level. Species extinction and with it the irrevocable damage to our protective cocoon of biodiversity continue. Even our closest biological relatives — chimpanzees and bonobos (“pygmy chimps”) — are now facing destruction. The solution proposed by Steven M Wise, who teaches animal-rights law at Harvard, is the extension of human-rights law to the animal realm. This book argues that, as a start, we should accord legal personhood to chimps and bonobos, safeguarding bodily integrity and liberty.

- 3 The argument is twofold: legal and scientific. Both sides of the case are based on the Darwinian insight that all life is ultimately one. We are all joined by evolution and its messenger, DNA. For Wise this insight **10** the strict division between humans and animals and the ancient conviction that man is the master of a creation that was designed for his benefit.

- 4 On the legal side, Wise conducts a fairly brutal assault on the common law that enshrines the human-animal division. Common law, he says, “values the past for merely having been”. It preserves old misconceptions such as the pre-Darwinian, anthropocentric view of nature. Yet it has already been subject to violent change. Prior to the Nuremberg trials in 1945, nothing protected the citizen from barbaric assaults by states on what we now consider to be universal human rights. Now we accept that there are limits to the state's ability to redefine

the law for its own purposes. And the ending of slavery established that it was simply not possible legally to define some human beings as things rather than persons. For Wise, that same conceptual progress must now lead us beyond the human realm.

5        12 is that chimps and bonobos are so close to us intellectually that it is absurd to deny them personhood. Wise is a lawyer so it is perhaps understandable that he reads here as if he is on somewhat shakier ground. He is relying on the expertise of others and that expertise is widely disputed. Steven Pinker, for example, in his book *The Language Instinct* poured scorn on the claims being made for the use of language by chimpanzees. And, Wise notes, there is fierce and irrational resistance among many scientists to the idea that the numerous complex experiments with chimps have proved their ability to employ language.

6        At one level, Wise is right to be suspicious of this prejudice. There is so much evidence of language-like capabilities in chimps and so little consensus on what language is – an aspect of consciousness or consciousness itself – that it is foolish to dismiss the idea of chimp language. Furthermore, Pinker is all too plainly defending a dubious theory that he derived from Chomsky – that humans have a specific “language organ” in the brain.

7        But, at another level, Wise’s evidence can be read both ways. He writes, for example, of the similarities of ape and human brains. But, almost in passing, he mentions that the human brain is three times larger, commenting that this “almost certainly makes no difference when

such vast numbers (of neurons) are involved”. There is no scientific basis for this remark – indeed, it is almost certainly wrong. Wise occasionally quotes from Terrence Deacon, perhaps the finest of living scientific writers, but he does not refer to Deacon’s primary view that language caused a one-off evolutionary expansion in the human brain. Such a view would plainly tend to support the idea that humans are, indeed, fundamentally different.

8        Furthermore, although Wise undoubtedly makes a good case, on the basis of science, for human beings to show special concern for chimpanzees and many other animals of high intelligence, he does not finally prove that we should extend to them the right of personhood. Certainly chimps have a culture, even a politics, and probably have linguistic skills. But what is clear from all the evidence is how far short of the human all these attributes are. There isn’t a chimp Shakespeare, there isn’t even a chimp Alastair Campbell, and there never will be.

9        Wise also undermines his position by bringing in the issue of proportionality. Chimps are obviously different from earthworms and, for him, that is exactly why they should be accorded special status. But proportionality again draws attention to how different humans are and to the fact that, by any imaginable standards, they are indeed the summit of creation. Chimps are not currently wondering whether they should accord us ape rights.

10        *This paragraph has been left out. (see item 17)*

*The Sunday Times, 2002*

## Tekst 4 If only they could talk

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- 1p 8 What is the main point made in paragraph 1?
- A Animal welfare is considered important only insofar as it effects productivity and profit.
  - B Modern farming techniques have led to a steady increase in the numbers of unhealthy animals.
  - C Over the years the number of laboratory tests on animals has increased tremendously.
  - D The economic principles of agribusiness contribute to a decline in human health.
  - E There is no denying that the exploitation of animals for human benefit has increased.
- 3p 9 Geef van elk van de volgende beweringen aan of deze wel of niet overeenkomt met de inhoud van alinea 2.
- 1 Food should not necessarily be expected to come cheap.
  - 2 Modern farming techniques have led to a steady increase in the amount of pain inflicted on animals.
  - 3 Disgust at cruelty to animals keeps people from consuming cheap food.
  - 4 Research projects involving animals degrade man's dignity.
  - 5 The decrease in the number and variety of species has an adverse effect on the environment.
  - 6 The author of the book proposes that animals should be granted certain legal rights.
- Noteer het nummer van elke bewering gevolgd door "wel" of "niet".
- 1p 10 Which of the following fits the gap in paragraph 3?
- A clearly illustrates
  - B only obscures
  - C paves the way to
  - D renders irrational
- 1p 11 Which of the following is/are in agreement with what is stated in paragraph 4?
- 1 Wise considers the idea of man at the top of the natural hierarchy controversial.
  - 2 Wise extends the view on human rights as evolved in the course of history to animals.
- A Only 1.
  - B Only 2.
  - C Both 1 and 2.
  - D Neither 1 nor 2.

- 1p 12 Which of the following fits the gap at the beginning of paragraph 5?  
A A safe assumption  
B A serious complication  
C The anthropocentric angle  
D The scientific argument
- 1p 13 Op welke mening heeft “this prejudice” (alinea 6) betrekking?
- 1p 14 Why does the writer mention Terrence Deacon (paragraph 7)?  
A To illustrate the range of Wise’s scientific research.  
B To lend support to Wise’s line of reasoning.  
C To point to the political incorrectness of Wise’s views.  
D To show the disputability of Wise’s argumentation.
- “he does ... of personhood” (halfway paragraph 8)
- 1p 15 What is Appleyard’s underlying assumption?  
Chimpansees and other smart animals  
A are unable to profit from personhood status.  
B differ too much from human beings.  
C would not live up to human expectations.
- “Wise also undermines his position” (beginning of paragraph 9)
- 1p 16 How?  
A By not restricting his reasoning to the animals highest in intelligence.  
B By using an argument on which there is no scientific consensus.  
C By using evidence that disproves as much as it proves his position.

The original text consists of 10 paragraphs. The last paragraph has been left out.

1p 17

Which of the following is the last paragraph of this text?

- A *Rattling the Cage* explains how the failure to recognize the basic legal rights of chimpanzees and bonobos in light of modern scientific findings creates a glaring contradiction in our law. In this witty, moving, persuasive, and impeccably researched argument, Wise demonstrates that the cognitive, emotional, and social capacities of these apes entitle them to freedom from imprisonment and abuse.
- B *Rattling the Cage* is a must-read for anyone who has an interest in justice, human and nonhuman animal psychology, jurisprudence, or simply cares about animals. This book intellectualizes what many know in their heart: that the way the law treats nonhuman animals is illogical, anachronistic (not to mention shameful), and ripe for change. Moreover, it does so in an articulate, humorous, and extremely readable way.
- C Wise is an American lawyer, however, and this is an American lawyer's book, full of the energetic swagger of an eloquent defence attorney. As such, it is an immensely valuable statement of a case that can now reasonably be made. That case does not, for these and many other reasons, stand. But the message, that we owe a much larger duty of care to animals than we are currently prepared to accept, is beyond all argument, legal or scientific. It is a matter of compassion.

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**Bronvermelding**

*Een opsomming van de in dit examen gebruikte bronnen, zoals teksten en afbeeldingen, is te vinden in het bij dit examen behorende correctievoorschrift, dat na afloop van het examen wordt gepubliceerd.*