

# The Meaning of the Great Ape Project

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It is now more than two decades since the Great Ape Project was launched. How does such a cultural and political initiative fit in the ongoing construction of a politics of animal liberation, and in the larger contemporary moral and social landscape? An albeit tentative answer to this question will be possible only in the context of an illustration of what the Great Ape project is—of its starting point, its articulation, and the objections it elicited.

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## THE PREMISES

Should the deeper sense of the idea of equality, on which human rights is based, demand that we provide for the interests and needs of humans but allow discrimination against the interests and needs of nonhuman beings? Wouldn't it be strange if the same idea contains the claim for equality and the permission for discrimination too? (Anstötz, 1993, p. 169)

We live in egalitarian times. Although at present there are controversies about specific moral attitudes—such as those concerning abortion or euthanasia—equality is different (Singer, 1979, p. 14). The change in attitudes to equality has been radical, and the burden of proof has shifted to hierarchical assumptions.

Until about thirty years ago, it was taken for granted that equality was an entirely intra-human affair. As a result of the questioning of many traditional ethical tenets that the refinement of the egalitarian arguments involved, however, the idea of a possible extension of equality beyond the boundaries of *Homo sapiens* could make its appearance. It is hence worth offering a short presentation of how assumptions long taken for granted have been disputed by the new conceptions, thus clearing the way for the first extensionist attempt undertaken through the collective volume *The Great Ape Project* (Cavaliere & Singer, 1993).

The most general aspect of conventional ethics which has come under attack is the idea that the moral

community may be arranged on the basis of extensive, super-scientific explanations of things (M. Warnock, 1990, p. 105)—that, in other words, individuals can be treated according to their alleged place within grand general worldviews built to explain the universe. While in pre-modern philosophy metaphysics predominated over ethics, and ethics was based on values which were determined by particular conceptions of Being, starting at least from Henry Sidgwick (1981, B. I, Chapter 3, B. IV, Conclusion) a consensus slowly emerged that in ethics both enquiry and argumentation must meet the autonomous standards of ethics itself (Nagel, 1978). The change was significant—after all, it had been the arbitrariness of metaphysical approaches which had made it possible to treat non-Western peoples as inferiors on the basis of idiosyncratic European conceptions of a hierarchy of essences. Moreover, such a shift could not leave untouched the somehow related perspective which does not clearly discriminate, within ethics, between basic constraints on behavior and precepts about values to be pursued (G.J. Warnock, 1971, Chapter 2 and 5; Strawson, 1961), a perspective that can result in a misplaced respect for idiosyncratic cultural norms which have an adverse bearing on the fundamental treatment of some beings. Since both these outlooks negatively affected the status of animals, the fact that they have been challenged cleared the way for a reappraisal of their treatment.

Another ingrained assumption that has been undermined is the so-called agent-patient parity principle,<sup>1</sup> according to which the class of moral patients—the be-

ings whose *treatment* may be subject to moral evaluation—coincides with the class of moral agents—the beings whose *behavior* may be subject to moral evaluation.<sup>2</sup> Traditionally, mainstream moral philosophers, especially from the continental perspective, tended to assume that direct moral protection is only due to those beings (rational, autonomous, etc.) who can reflect morally on how to act, and that those beings who can be harmed but cannot act morally are excluded from the moral community. More recently, this view was replaced by an attenuated version of the principle, according to which moral agents, though not monopolizing the status of moral patient, are granted superior moral protection with respect to all other beings, who are relegated to a second-class moral category.<sup>3</sup> However, reflection on the plight of those non-paradigmatic humans who are irrevocably deprived of the characteristics required for moral agency—the brain-damaged, the severely intellectually disabled, the senile—could not but lead to questioning both the agent-patient parity principle and its attenuated version. And this is what occurred. For first, it was argued that such principles are flawed by the confusion between the *how*, or the *possibility* of morality, and the *what*, or the *object* of morality—that moral agents make morality possible does not make them the only (or most) morally considerable beings (Sapontzis, 1987, pp. 145-147). Then, it was stressed that while respect for moral autonomy, where such autonomy exists, can be seen as a merely formal condition, the bestowal of a special dignity is a substantive move that stands in need of justification (Sumner, 1986, p. 12). Even more to the point, it was argued that if the reasoning behind such principles implies that the characteristic to be valued is a capacity to recognize that there are other interests than ours, the conclusion that our interests should automatically override the demands of all other beings is nothing short of paradoxical (S.R.L. Clark, 1984, pp. 107-108). Of course, all these reconsiderations could not but pave the way for the possibility of an extension of full moral protection to nonhuman beings as well.

Finally, there is the question of the forms of biologism that have often infected mainstream western philosophy. Confronted with the kind of biological discrimination against some human groups that has marked our history, reaching its apex in the organized genocides of the first half of the twentieth century, contemporary ethics has defended that idea that no individual can be mor-

ally discriminated against on the ground of her/his membership in a particular biological group. Stressing the moral irrelevance of purely physical characteristics such as skin color and reproductive role, as contrasted to the moral significance of psychological properties such as the capacity for being harmed or benefited, for having interests, desires, or a welfare, contemporary egalitarianism openly condemned both racism and sexism (Wasserstrom, 1979, p. 20; Richards, 1971, p. 83; Cavalieri, 2006). But since discrimination based on species membership also is clearly a form of biologism, which appeals to a difference in genetic make-up, according to a consistent application of this line of thought even “speciesism” turns out to be *prima facie* discredited (Singer, 1990, Chapter 1). And this makes it unacceptable to treat animals as second class beings on the traditional ground that “they are not human.”

### THE PROPOSAL

I sat alone at the crest of a grassy ridge watching a spectacular yet common sunset over the silvery waters of Lake Tanganyika in wonderful solitude and silence. I suddenly noticed two adult male chimpanzees climbing toward me on opposite slopes. They saw one another only as they topped the crest, just yards from my seat beneath the tree, whereupon both suddenly stood upright and swiftly advanced as bipeds through waist-high grass to stand close together, face to face, each extending his right hand to clasp and vigorously shake the other’s while softly panting, heads bobbing. Moments later they sat down nearby and we three watched the sunset enfold the park. (Teleki, 1993, p. 247)

Defined as a “deconstructionist and militant book” (Blanckaert, 1994, p. 261), *The Great Ape Project: Equality beyond Humanity* launched in 1993 an international effort to obtain basic human rights for chimpanzees, gorillas and orangutans.<sup>4</sup> According to some (Corbey, 1995, p. 1) the enterprise brought full circle a process that opened in 1698 with Edward Tyson’s claim that the chimpanzee was a being intermediate between humans and apes. Passing through various middle steps including Charles Darwin’s positing of human descent from apish ancestors and Wolfgang Köhler’s first (callous) experiments on ape intelligence, this process reached its peak with Jane

Goodall's discovery of tool manufacture and use in free-living chimpanzees in the 1960s.

*The Great Ape Project* includes essays by philosophers and scientists from different countries, and is opened by a "Declaration on Great Apes" signed by all the contributors. The Declaration demands the inclusion of the nonhuman great apes in the "community of equals," defined as the moral and legal community whose members are endowed with the rights to life, to liberty, and to protection from severe pain. The proposal is supported by various arguments, most of which revolve around the intertwined aspects of relatedness and similarity. Many contributions present a critical epistemology of current classificatory criteria, and some elaborate on the notion of nonhuman personhood. The final essays offer a picture of the appalling present condition of the other great apes. We shall consider these points in turn.

### **Relatedness**

The question of relatedness is tackled by many scientists in the volume. Most authors emphasize the shaky nature of the boundary between us and the nonhuman great apes, stressing that we share 98.4% of our DNA with chimpanzees, and only slightly less with gorillas and orangutans. As Robin Dunbar underscores, the other great apes "differ only slightly more in their degree of genetic relatedness to you and me than do other populations of humans living elsewhere in the world" (1993, pp. 111-112). Jared Diamond goes so far as to maintain that humans do not constitute a distinct family, not even a distinct genus, but belong in the same genus as common and pygmy chimps, and that, since our genus name takes priority as it was proposed first, there exist now three species of the genus *homo*: the common chimpanzee, *Homo troglodytes*, the pygmy chimpanzee (or bonobo), *Homo paniscus*, and the human chimpanzee, *Homo sapiens* (1993, p. 97). Relatedness is also prominent in Richard Dawkins's essay, in the form of an attack on the "discontinuous mind," which, dividing animals up into discontinuous species, forgets that on the evolutionary view of life, differently from what happened in the metaphysical approach of Aristotelian descent, there are no distinct essences, but there must always be intermediates, and that it is "sheer luck" if they are no longer here to fill the gaps that the discontinuous mind erects (Dawkins, 1993, p. 85). Clearly, these and other contributions, like the one in which James Rachels straightforwardly addresses Dar-

win's theory, in themselves do not bear *direct* ethical implications (Rachels, 1993, pp. 152-157). However, they play an important philosophical role, insofar as they help to erase the traditional idea of a sharp separation between us and the other great apes by removing its traditional background; to quote Diamond again, their implications "concern how we think about the place of apes and humans in the universe" (1993, p. 99). In other words, while not directly specifying how we should think about humans and apes, the new scientific findings play the role of a "pars destruens" that, by clearing the way of many unfounded claims, gives plausibility to the core claim of the book—the one about similarity.

### **Similarity**

This is how Jane Goodall gives us a glimpse of the general likeness between chimpanzees and us: "The postures and gestures with which chimpanzees communicate—such as kissing, embracing, holding hands, patting one another on the back, swaggering, punching, hair pulling, tickling—are not only uncannily like many of our own, but are used in similar contexts and clearly have similar meanings." (1993, p. 13) A typical reaction to a meeting with such "eerie souls in animal furs"—something that has been defined as a *profound interspecies event*—is graphically described by Adriaan Kortlandt: "A cold shiver went down my spine ... It was the greatest experience of my professional life" (1993, p. 141).

Over the years, many capacities have been claimed to mark the morally relevant divide between humans and all other animals. Though a list should include among others such items as the knowledge of God, the ability to laugh or to count, or the presence of a sense of shame (Sorabji, 1993, pp. 90-91), it can be claimed that reason, self-awareness, and the linguistic capacity are the most frequently and universally cited.

Reason is a notoriously vague concept, but, whatever the adopted criteria, these will include problem solving or instrumental rationality, the capacity for inferential reasoning, and making choices that are appropriately motivated by one's beliefs. We shall mention only three examples of such abilities among the many discussed in the book. Toshisada Nishida points to the complex ways in which chimpanzees solve problems in their everyday life by forming coalitions over access to power or food, or by carefully organizing the collective crossing of large, dangerous rivers (1993, p. 25); inferential reasoning is clearly

demonstrated by the ability to devise assorted plant tools and to use stone implements for specific purposes, stressed by Geza Teleki (1993, p. 298); and, according to Lyn White Miles (1993), orangutans are considered “escape artists” since, if kept prisoners, they find appropriate solutions to the problem of getting out of their enclosures by cleverly manipulating bolts and wire walls, and by using screwdrivers to dismantle their cages (p. 45).

White Miles also engages with psychologists in the debate on the question of self-awareness—a question that has received particular attention within the right-to-life debate in applied ethics, as the ability to be aware of one’s existence is seen by many as the prerequisite for desiring to go on living, and, accordingly, as the ground which makes taking life seriously wrong. Her conclusion—that the nonhuman great apes are indeed self-aware (1993, p. 51)—is supported by other authors including Francine Patterson and Robert Mitchell (Patterson & Gordon, 1993, pp. 70-74; Mitchell, 1993, pp. 241-243). In the context of a critical discussion of the epistemological value of requisites such as intentional deception or displaced reference, the authors all stress—among other things—the ability shown by chimpanzees, gorillas, and orangutans to pass that test of self-recognition in mirrors which is considered as a sign of pre-existing self-consciousness; the direct form of self-awareness that great apes exhibit in formulating and carrying out plans, such as taking hay for warmth to a place experienced as cold; and the embarrassment they show when caught in unusual situations, which offers evidence of reflective self-awareness since it requires reflection on one’s own behavior and how it conforms to social or personal standards. In the face of this, it is difficult not to agree with Barbara Noske, according to whom “primatology” in the broad sense is becoming for animals something similar to what anthropology is for human beings—a theoretical bridge allowing those who are different to get closer (1993, pp. 265-266).

Another field that is playing a fundamental role in bridging the animal-human gap is interspecific communication. At least from Descartes on, linguistic ability has been considered the human prerogative *par excellence*. Darwin believed instead that human language was the natural extension of a system of signals similar to those used by other animals (Descartes 1998, part V; Darwin, n. d., pp. 461-465). But how could one test this idea?

Verbal language is a form of symbolic communication requiring utterance of sounds, and, as the vocal box of non-habitual bipeds is usually unable to produce consonants, the problem was one of overcoming this limitation.<sup>5</sup>As the contributions by Francine Patterson, Lyn White Miles and Roger Fouts show, this was done by recourse to American Sign Language, a method that paved the way for additional communication systems like the use of computerized keyboards. Since the beginning of their education, the chimpanzee Washoe, the gorilla Koko, and the orangutan Chantek, among others, developed a vocabulary of hundreds of signs with independent symbol status, and learned to combine them in a way that satisfies the basic criteria for being recognized as grammatical; that is, according to semantic relations (the message is determined by the specific relation among its elements) and on the basis of formal, productive rules (categorical distinctions among elements are expressed in a reliable rule-based manner applied to new situations as well). They also naturally learnt to employ language to start dialogues, to express preferences, and to manipulate others. If asked about where gorillas go when they die, Koko replies COMFORTABLE HOLE BYE—and she signs CRY when reminded of her favorite kitten who has died (Patterson & Gordon, 1993, p. 67); after adopting infant Loulis, Washoe actively teaches him signs, e.g. by signing COME and then approaching him and retrieving him, or by actually molding his hand into the sign FOOD in appropriate contexts (Fouts & Fouts, 1993, p. 32); and Chantek makes requests for ICE CREAM, signing CAR RIDE and pulling White Miles toward the car for a trip to the ice-cream shop, or lies by using the sign DIRTY, which he would use when he needed to go to the toilet, only to get to the bathroom to play with the dryer (White Miles, 1993, p. 48). If to all this one adds the fact that, untroubled by the attacks of neo-Cartesian scholars, some researchers have detected in the other great apes such signs of potential linguistic ability as imitative pretence and communication of non-natural meaning (Mitchell, 1993, p. 238-241), as well as the same asymmetry as humans have in the brain area associated with language (Gannon, Holloway, Broadfield, & Braun, 1998; Knight, 1998), it seems clear that Darwin’s view has been generally confirmed as against theories of human linguistic exceptionalism.

### **Personhood**

The nonhuman great apes are our closest living kin; from this, it might naturally be inferred that their subjectivity is similar to ours in many respects. In fact, it has been ascertained that such similarity exists, and that it encompasses the capacities we tend to see as relevant in ourselves. Where does all this lead as far as ethics is concerned? Aristotle already knew that individuals are to be treated in the same way unless there is a relevant difference between them that justifies a difference in treatment. This is the reason why, as James Rachels points out (Rachels, 1990, p. 196), Aristotle claimed that slaves were different; and this is the reason why, of course, those who want to keep the nonhuman great apes in a different moral category are keen on stressing alleged relevant differences between them and us. But if the case advanced in *The Great Ape Project* is sound, such differences do not exist. And, as in the past, once the ideological encrustations preventing the formal principle of equality from actually taking effect are scraped off, the outcome is an expansion of the community of equals to include the new subjects. This is just the conclusion which is drawn in the book by philosophers Heta and Matti Häyry:

Given that chimpanzees, gorillas and orangutans have mental capacities and emotional lives which roughly equal our own, we should not hesitate to grant equal rights to life, liberty, and the absence of torture to all the great apes regardless of race, gender or species. (Häyry & Häyry, 1993, p. 182)

One widely embraced way to expand equality, at least in Western societies, lies in granting the status of person. The notion of “person” is a creature of ethical theories going back at least to the Stoics that has gradually acquired philosophical weight through its connection with the possession of reason and self-consciousness. The former faculty is a *topos* of our cultural tradition, while the latter is, as we have seen, often associated with the problem of the right to life. Though “person” and “human being” are popularly used as if they had the same meaning, as Gary Francione stresses they tend to be no longer seen as equivalent in philosophy, since bioethics “is currently preoccupied with the question of ... personhood as that term applies to fetuses and to the incompetent elderly,” thus opening conceptual space between personhood and humanity (Francione, 1993, pp. 252-253). Given that this trend is faithful to the his-

tory of the term, as exemplified by its use in connection with God, or by Locke’s species-neutral definition according to which a person is “a thinking intelligent being that has reason and reflection and can consider itself as itself, the same thinking thing, in different times and places” (Locke, 1964, 2.27.9),<sup>6</sup> it was natural for many contributors to *The Great Ape Project* to turn to the notion of person to articulate the moral equality of the other great apes.

In ethics, “person” has often been contrasted with “thing,” and the fact that the determinative conditions of application of the latter concept have generally to do with unawareness raises the question whether one may not interpret the notion of person in terms of the mere capacity for consciousness. Though this view is less eccentric than one might think,<sup>7</sup> we can here leave it aside, as the participants in the volume stick to the traditional construal in terms of the possession of reason and self-consciousness. And while we have already dealt in general with the presence of these faculties, it is worth adding a glimpse of some facets of self-consciousness that emerge from the sensible use of sign language just described.

Basic self-awareness is clearly a prerequisite for the use of personal pronouns, and, like human children, signing great apes begin using them just when they begin passing the mirror self-recognition test. Among Koko’s responses to the question “Who are you?” Patterson lists “GORILLA ME,” and the more emotional “ME GORILLA NIPPLES TICKLE” (Patterson & Gordon, 1993, p. 73), while Roger Fouts recorded a number of instances of “private conversations” in which Washoe “thinks aloud,” signing to herself in appropriate ways (Fouts & Fouts, 1993, pp. 34-35). Perspective self-awareness is implied by the ability to talk about oneself in situations removed in space and time, as when Koko answers a question about what happened on her birthday, then adding the elucidation OLD GORILLA (Patterson & Gordon, 1993, p. 74). Finally, reflective self-awareness, with the attribution of mental states to other beings, has been detected, for example in the practice of intentional deception, which requires the capacity to see events from the viewpoint of the interlocutor. Chantek, for instance, whose aptitude to lie we have already come across, once stole an eraser, pretended to swallow it, and signed FOOD-EAT as if to say he had swallowed it, while he held it in his cheek (the eraser was later found in his bed-

room, where he commonly hid objects) (White Miles, 1993, p. 48).

These and other such elements are impressive, and they stirred a hot debate, in which objections were raised and subtle distinctions were drawn with the implicit corollary of the speciousness of the demand for the extension of basic human rights to the other great apes. We shall deal with this further on; at present, we shall conclude by offering a glimpse of what it can mean to be denied such rights.

### **Facts**

The final section of the volume is devoted to the actual treatment of the other great apes. Presently, the other great apes are items of property. Accordingly, the way in which they are forced to live and die is appalling. The very beings whose behavior is a constant source of astonishment for those who observe them in their free habitat undergo the total destruction of their bodies and of their minds.

They sit in roadside zoos often with irremovable chains around their necks on the bare floors of their cages, occasionally extending both arms outside the bars to beg some food; or, driven insane from confinement, they can be seen through opaque plastic screens endlessly rocking in a corner, or incessantly pacing back and forth (Swart, 1993, pp. 291-295). If they live in zoological parks, whose conditions are hardly better, they can be abruptly and forever separated from their chosen mates to be sent in crates to distant zoos, where they are forced to “optimize captive reproduction” by meeting extraneous and often terrified and ill-disposed individuals (Cantor, 1993, pp. 287-288).

In medical laboratories, they can spend their entire lives alone in cages measuring 1.6 x 1.6 x 2.1 meters, only to be infected with diseases like hepatitis or viruses like HIV, and to be subjected to bleedings, biopsies and laparotomies until the moment of their death (Cantor, 1993, pp. 280-284). And it sometimes happens, as Bernard Rollin observes, that among those who are used in invasive research there are linguistically educated individuals who, having been previously treated as “honorary humans” in the researchers’ homes, “cannot understand what they have done to merit what they, in their sublime innocence, must surely see as a punishment” (Rollin, 1993, pp. 217-218).

In entertainment, their resistance to performing unnatural, humiliating tasks such as smoking or riding bicycles is broken through physical abuse and deprivation (Goodall, 1993, p. 15). They are dressed up and ridiculed as clowns or “silly idiots” in TV advertisements apparently without raising a public outcry, as Adriaan Kortlandt stresses (Kortlandt, 1993, pp. 140-141), and are publicly displayed to be teased just as once happened to mentally ill or physically disabled human beings.

If these unfortunate individuals come directly from their African or Asiatic forests, their mothers have usually been murdered before their eyes, their families and social ties have been shattered, and they have arrived at their overseas destination after a journey that has killed most of their fellow-travelers.<sup>8</sup> If, on the other hand, they were born in captivity, they do not, and will not, know of *any other reality*.

What can all this involve, not only in terms of physical suffering, but for their inner life? An answer to this question comes from the story of Bimbo, a baby orangutan rescued from his crate after having been shipped upside-down from Singapore to Bangkok. Despite his curious and vivacious character, and despite the assiduous care which improved his physical condition, Bimbo had lost his will to live. He stopped eating and allowed himself to die (Cantor, 1993, p. 287).

### **SOME OBJECTIONS**

No matter how much evidence accumulates, no matter how deeply a high regard for chimpanzee, gorilla and orang-utan intelligence becomes entrenched in successful science, it will be possible for speciesists to insist on an enormous gap between ape and human. It is still possible to insist on a flat earth, or on special creation of each species. In a couple of decades all these claims will be on the same footing. (Miller, 1993, p. 235)

As we have mentioned, the launch of the Great Ape Project prompted a fervent debate. And, in addition to the positive reactions, the proposal also elicited a battery of criticisms from assorted quarters. In this context, it is worth considering, and undertaking to answer, at least the most exemplary among the philosophical ones.<sup>9</sup> This will give us the opportunity to widen the background of the proposal, as well as to put it more precisely in perspective.

### *Violating Hume's Law*

Elisabeth de Fontenay writes in her critique of the Project:

[W]e would not base values on facts, or the normative on the descriptive ... Naturalism ... justly remains the nightmare of our democratic humanism. More precisely, it is the scientific way of judging that it is incumbent upon us to challenge first and foremost when we evoke the connections that should exist between science and ethics. (de Fontenay, 2000, p. 139)<sup>10</sup>

With this, she makes a serious accusation, as she suggests that the argument behind the Great Ape Project disregards the is/ought question, that is, what has been defined as “the central problem in moral philosophy” (Hudson, 1969). The prescription “no value from mere facts” can be traced to a well-known passage by Hume which is worth quoting:

In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surprized to find, that instead of the usual copulations of propositions, is, and is not, I meet with no proposition that is not connected with an ought, or an ought not. This change is imperceptible; but is, however, of the last consequence. For as this ought, or ought not, expresses some new relation or affirmation, 'tis necessary that it should be observed and explained. (Hume, 1817, p. 172)

With these lines, which generated endless discussions, Hume placed a powerful obstacle in the way not only of any attempt to deduce values from scientific facts, but also of the aforementioned pre-modern views which derive ethics from specific conceptions of Being. Luckily, it is not necessary to go back over such discussions to answer de Fontenay's charge. For Hume's guillotine, according to which no normative conclusions can be derived from descriptive premises, cuts only when basic moral principles or judgments are involved. In short, as Michael Tooley has pointed out (Tooley, 1983, pp. 16-17; 1998, p. 6), a principle is basic if its acceptability is not dependent upon any non-moral facts; it is de-

rived if it is acceptable only because it is entailed by one or more basic moral principles together with propositions expressing some non-moral facts. An example of the former is “it is wrong to inflict pain upon organisms”; and an example of the latter is “It is wrong to pull cats' tails,” wherein the preceding basic moral principle is conjoined with a claim that expresses a non-moral fact about the world, namely, that having their tails pulled is for cats a source of pain.

The argument for the restriction of equality to human beings that the Great Ape Project challenges is clearly grounded in a derived principle. It couples the moral premise that some characteristics grant superior moral status with the factual premise that only human beings possess them; and this latter idea, in turn, rests on the assumption that there is between ourselves and the other animals a gulf preventing any overlap between the human and the nonhuman realm. Thus, it is neither “naturalistic” nor “scientific” to question this argument by pointing to different and more reliable facts. Moreover, the case for the extension of equality is not argued for independently—it is an *ad hominem* argument directed at mainstream Western ethics. Accordingly, the framework is given. It is Western ethics which has undertaken the task of bridging the gap between the descriptive and the normative by selecting some factual characteristics as morally relevant, and by confining full moral status to human beings on the ground of their alleged *overall and unique* possession of such characteristics. What the extensionist argument adds to this is merely the remark that, in fact, there are human beings who lack these characteristics, and nonhuman beings who possess them. Thus, not only is the appeal to science far from pretending to directly entail an ought, but the burden of proof for the moral claim about the relevance of the involved characteristics remains on the defenders of the status quo, and not on the defenders of the Great Ape Project. As a consequence, de Fontenay's charge is fully misplaced.

### *The Wrong Model of Subjectivity*

De Fontenay also advances a different sort of criticism which, in its best formulation, can be found in Cary Wolfe. For if de Fontenay confines herself to generically suggesting that the Project's use of the rights vocabulary remains paradoxically entangled in the metaphysics of “the proper of man [*sic*]” (2000, p. 151), Wolfe (2003, pp. 191-193) offers a more articulated objection. He be-

gins by stating that he is happy, practically speaking, to support the extensionist proposal of the Great Ape Project, but only to hasten to add that, at a deeper level, “the model of rights being invoked here for extension to those who are (symptomatically) ‘most like us’” (p. 192) only ends up reinforcing the very model of subjectivity it apparently challenges, whereas the theoretical issues attending the question of the animal are merely part of the larger issue of nonhuman “modes of being.”

Wolfe’s objection should be seen against the background of an approach, posthumanism, which takes as one of its starting points the questioning of “metaphysical humanism”—a view that divides the world of the living along the axis of “the human” and *everything else* (Wolfe, 2009).<sup>11</sup> According to Wolfe, central to this view is a model of subjectivity endowed with all the privileges of the white heterosexual male, and coterminous with the species barrier; and, within the “logic of domination” that informs it, the *institution* of speciesism is so central as to countenance the various forms of violence against human beings that the new social movements rightly oppose. What animal liberation philosophy and, within it, the Great Ape Project, do not understand, Wolfe argues, is that the category of the “subject” they refer to, while formally empty, remains in fact materially full of inequalities in the social sphere, thus making their approaches inadequate for globally reflecting on “the ethics of the question of the human as well as the nonhuman animal” (2003, p. 192). What he favors instead is a rethinking of issues such as the relation between language, ethics, and species, or between the postmodern and the ethical, with the aim of producing a truly posthumanist theory of the subject that might develop the seeds present in the still overly anthropocentric work of authors like Emmanuel Levinas, Jean-François Lyotard, and Zygmunt Bauman.

It is not easy to do justice in a few words to criticisms coming from different theoretical approaches. Some comments, however, are in order. The first thing to notice is that the model of rights which, in the case of the Great Ape Project, Wolfe sees as reinforcing the very model of subjectivity it apparently challenges is just the model to which the new social movements he approvingly acknowledges—civil *rights*, women’s *rights*, gay and lesbian *rights*, and so on—have turned in their struggles. Second, Wolfe considers the “institution of speciesism” to be the main target of his rethinking; but if institutions

can be undermined theoretically, they can only be abolished *practically*, while their supporting ideologies may well outlive their abolition. Finally, it is not at all clear what exactly is meant by the claim that the category of the subject to which animal rights philosophers refer, while formally empty, remains full of inequalities in the social sphere. For on the one hand, the notions that are generally employed in animal ethics, such as *sentient being* or *intentional being*, just by debarring any reference to those nonhuman “modes of being” that do indeed smack of metaphysics, are positively formal (and formally justified) but are certainly not empty; and on the other, as far as the Great Ape Project is concerned, it is true that the kind of subjectivity referred to is borrowed from the anthropocentric tradition, but this occurs deliberately, rather than inadvertently and is exactly what one should expect when what is developed is an *ad hominem* argument.

Matthew Calarco has observed that Wolfe’s work can be read as an attempt “to work parasitically and critically” on animal rights discourse as a means of further radicalizing it (2003). If the so-called “radicalization” consists only in the deepening of the conceptual challenge to the status quo, one might agree; but if it is a matter instead of a direct challenge to the actual moral and legal inferiority of nonhuman beings, one can harbour some doubts.

### ***No Rights without Duties***

If, with the charge of playing into the hands of the adversary, we have touched on the theoretical concerns of critical theory, with the objection we are about to consider we return forthright to the ethical domain. The objection has been advanced by some philosophers as well, but its bluntest formulation comes from a scientist. Frans de Waal, the scholar who more than any other has opened a new scientific perspective on the minds of the other great apes, writes that

this new understanding may change our attitude toward chimpanzees and, by extension, other animals, but it remains a big leap to say that the only way to insure their decent treatment is to give them rights. ... Rights are part of a social contract that makes no sense without responsibilities. This is the reason that the animal rights movement’s outrageous parallel with the abolition of slavery—apart from being insulting—is morally



flawed: slaves can and should become full members of society; animals cannot and will not. (1999)

De Waal is so convinced of this argument that he reaffirmed it in a book devoted to the origins of morality. Here, after reproaching animals for their lack of the uniquely human phenomenon of “disinterestedness,” he excludes all nonhumans from the circle of equality, literally repeating that “rights are part of a social contract that makes no sense without responsibilities.” (2006, pp. 77-78)

How should one respond to such a claim? For one thing, though de Waal uses the more vague term “responsibilities,” the baldness with which the assertion is advanced betrays a confidence in the self-evidence of a correlativity between rights and duties. But if it is true that there exists a form of self-evident correlativity between rights and duties, this is certainly not the one to which de Waal points. According to W. D. Ross’s discussion (2002, pp. 48ff),<sup>12</sup> of the four possible forms of correlation of rights and duties, the only one that appears to be unquestionably true is the first one, that is, the one according to which a right of A against B implies a duty of B to A. All the other forms, including the one de Waal has in mind—that is, the one according to which a right of A against B implies a duty of A to B—are instead “not at all clear,” and in need of justification.

If, then, we turn to such justification—which should be ethical, and not logical—we run into problems similar to those introduced while discussing the view that moral agents (that is, beings who can have duties) should be granted higher moral protection than mere moral patients. Accordingly, here it will be enough, first, to recall the point about the inconsistency of an argument that invokes the capacity to recognize that there are other viewpoints—“the uniquely human phenomenon of ‘disinterestedness’”—to defend the claim that one’s interests should override all others’ interests. And, second, to highlight the further inconsistency of a claim in which the emphasis on disinterestedness is coupled with the appeal to an approach that, with its stress on reciprocity, is the paradigm of the doctrine based on self-interest, namely, social contract theory. True, the version of reciprocity to which de Waal refers is not the strong one *à la* Hobbes that has been aptly defined as a “mockery,” for to say that it is not unethical to harm innocent beings simply because of their inability to offer resistance would

surely add insult to injury (Barry, 1989, p. 163). However, also in the weaker version based on rational agreement de Waal seems to have in mind there is something deeply problematic: since rational contractors gain no advantage from accepting principles that offer guarantees to individuals unable to give guarantees in return, reciprocity has the effect of driving ethical impartiality off the stage anyway. To put it as bluntly as Arthur Schopenhauer does, if “moral obligation rests absolutely and entirely on assumed *reciprocity* ... it is utterly egoistic and obtains its interpretation from egoism.” (1965, p. 91) All in all, then, de Waal’s appeal to reciprocity does not seem to represent a serious challenge to the aims of Great Ape Project.

### *Species and Natural Preference*

There is, however, another kind of social bond between human beings that has been invoked to justify the ascription of chimpanzees, gorillas, and orangutans to an inferior moral category. In this case, however, the bond is not an artificial one, as with the notion of contract, but rather an allegedly natural one. Objecting to the Great Ape Project’s “attempt to slip the apes inside the species barrier”, Mary Midgley (1994) writes: “It is indeed true that taxonomists’ decisions about species barriers are often arbitrary. But all social animals—not just humans—naturally and necessarily make sharp, significant distinctions between themselves and everyone else” (p. 33). This is fully consistent with a previous, more general statement in which, after considering “the natural, emotional preference for one’s own species over others which seems to underlie much conduct attacked as ‘speciesist,’” Midgley (1983) had claimed to have “found reason to admit its existence and to treat it with considerable respect” (p. 124).

What can one say of this rejoinder? The first thing to notice is that the argument is based on an appeal to relational rather than intrinsic characteristics—that it points at agent-dependent, rather than neutral, reasons for confining superior moral status to human beings. The underlying idea is that, in dealing with a set of moral patients who could in themselves deserve equal status, one is entitled to grant preferential treatment to some because of the special relationships she has with them. We should always be suspicious of agent-dependent reasons, as they are more likely to conceal forms of biases than neutral reasons are. For example, one can find various

groups which might involve some sort of “natural, emotional preference” for insiders with respect to outsiders. Race is one of them. Are we prepared to say that this kind of “racist” preference should be treated with respect, and might justify granting special moral status to one’s fellow race-members? Obviously not—and the reason is that we hold that there is no room for personal or social inclinations in matters so fundamental as the attribution of moral status.

There is, moreover, a further problem with Midgley’s argument—a problem that has to do with the normative stress on the alleged “naturalness” of the distinctions that, on her view, all social animals make between themselves and everyone else. It is well-known that there are philosophers who espouse naturalistic theories which deny the existence of a gap between is and ought and identify goodness or rightness with “natural” properties of things. Midgley is one of them, and in her case what is involved is a form of neo-Aristotelian naturalism according to which the facts from which conclusions about values can follow are biological facts concerning our nature, that can be determined through ethological research. Now, the question is: quite apart from its rejection of Hume’s law, can this sort of naturalistic approach be accepted in the case of human beings?

No. For what about the possible naturalness, for example, of rape or of male dominance? In sociobiology, authors such as Edward O. Wilson and David Barash have claimed that these and other disturbing aspects of our social life are outcomes of our nature. Admittedly, we cannot at present prove that the tendency to rape and male dominance is for our species a natural biological inclination. But if some day we demonstrated that such is the case, should we desist from morally blaming it, and from trying to minimize its effects? What would then become of the equal rights of women? On the whole, given the risk of sanctioning discriminatory attitudes that it implies, it seems that Midgley’s appeal to what is natural for the species in order to distance the other great apes must be repudiated.

### *The Role of Fortuitousness*

The idea of a natural preference for one’s own species is sometimes also invoked to demur to a specific aspect of the Great Ape Project which has been the target of various attacks, that is, the parallel drawn between the nonhuman great apes and non-paradigmatic human be-

ings. Among such attacks, the most interesting is perhaps the one launched by Luc Ferry. The French philosopher claims that, with respect to nonhumans, “the great difference is that non-paradigmatic humans will cease to be (or might cease, or might have not become) some day simple ‘passive citizens’ [that is, moral patients]” (2000, p. 166). Right away, the very structure of the sentence points to some wavering in Ferry himself. For how can the reference to “some day” make sense in relation to a claim like “might have not become”? It seems clear that what Ferry really has in mind are the particular cases in which non-paradigmatic humans have some hope of recovery, or normalization. But what about those who have no hope of undergoing an alteration of their status? Apparently, the mere fact of the fortuitousness of their being as they are (they “might have not become”) is enough to grant them a (degree of) moral status which is not granted to nonhuman animals at the same mental level. But how can it be so? How can one take the apparently irrational step of granting moral status not on the basis of a being’s actual characteristics, but on the basis of the characteristics the being might have had?

Though Luc Ferry does not offer an overt explanation, the (implicit) argument seems to be the following: the situation of marginal humans, whether the impairment is genetic or the result of accident or injury, is (in most cases) fortuitous; it would be unacceptable for the moral claims of these humans to be affected by such an arbitrary factor; as a consequence, we should treat them as we treat normal humans. But the problem is: in which sense is being a disabled human fortuitous, while being a nonhuman great ape is not? The argument seems to equivocate between two senses of “fortuitous”. On the one hand, there is the sense that we can call statistical, with reference to which the view has some plausibility. If, in fact, some mental capacities are normal for our species, no doubt to lack them is for a human being at least more fortuitous than it can be for a nonhuman belonging to a species where such capacities do not constitute the norm. But, if interpreted in this way, fortuitousness is ethically irrelevant, as is shown for example by the fact that we do not think that we should treat a sick baby from an affluent country differently than a sick baby from a poor nation only because it was less likely that the former, rather than the latter, might be infected. On the other hand, there is the overtly moral sense of fortuitousness, which has to do with the contingency of an in-

nocent vulnerability. In this case, however, the idea that the appeal to fortuitousness might hold only when humans are involved is implausible. The core of the argument is clearly an appeal to fairness, according to which it is wrong that the stronger takes profit from the frailty of those who are weaker through no fault of their own—we should not treat fortuitously disabled humans differently from ourselves. This seems acceptable. But why shouldn't the principle apply in the case of the other great apes as well? They too are weaker than we are through no fault of their own—why shouldn't we see it as unfair to take profit from their frailty? It is obvious that the appeal to fairness is here inconsistently applied, and this undermines any role it might play.<sup>13</sup> Thus, depending on what is meant by “fortuitous,” the argument is either irrelevant or inconclusive. As a consequence, it cannot show that non-paradigmatic human beings deserve a higher moral status than any nonhuman animals with similar cognitive capacities.

In *The Great Ape Project*, Colin McGinn (1993) describes one way in which one may begin to think morally:

[Y]ou start to notice that others are less fortunate ... Soon you are struck with a certain terrifying thought: that it is really just *luck* that you are not in their shoes ... There is no divine necessity or inner logic about any of this. It is basically a moral accident. (p. 147)

McGinn thus suggests that to be able to think morally is to be able to think modally; but, differently from Ferry's, his modal thinking does not stop at the boundaries of *Homo sapiens*: “[W]e need a species morality informed by the idea of biological luck ... *We* might have been the ones in the cages or on the vivisection tables: and it is cast-iron certainty we would not have liked it one bit” (1993, p. 150).

### ***Ominous Undercurrents?***

Despite its flaws, Ferry's attack does not directly implicate the question of species difference. And yet, the parallel between non-paradigmatic human beings and (some) nonhuman beings is so hard to accept within a philosophical tradition which has always devalued the other animals that, in some further reactions to it, one can find the surreptitious reintroduction of that appeal to species membership that had apparently been discredited.

In a sense, it is understandable that this may happen in those sectors of continental philosophy where the aversion to any contamination between philosophy and science makes it difficult to distinguish a descriptive recourse to science in relevant matters from the normative use of biological categories. Jacques Derrida, for example, after unwarrantedly inferring that the “Darwinian” proposal of the Project involves the admission to equality of some nonhumans *at the price* of the exclusion of non-paradigmatic humans, concludes that it has dangerous implications, charging it with “geneticist” attitudes (Derrida & Roudinesco, 2001, p. 214), without realizing that it is precisely the argument from dangerousness that proceeds from a form of biological discrimination—that is, from the preliminary attribution of moral relevance to species membership.

Something analogous, however, has occurred even in quite different theoretical landscapes. In a letter to the *New York Times*, Jonathan Marks and Nora Ellen Groce (1997) wrote:

The Great Ape Project has a goal that appears ennobling: extending human rights to the great apes ... However, there is an ominous undercurrent to the Great Ape Project that bears noting. In their zeal to humanize the apes, activists have begun to draw analogies between humans with disabilities and nonhuman primates ... It is a perverse sense of morality indeed that seeks to blur the boundary between apes and people by dehumanizing those for whom human rights are often the most precarious. (Marks & Groce, 2007)

Groce and Marks subsequently reaffirmed their views in an article with the graphic title “The Great Ape Project and Disability Rights: Ominous Undercurrents of Eugenics in Action” (2000). Here, objecting to what they see as the deliberate focus on “a select group” of human beings, they state their concern with the “unfortunate and scientifically inaccurate” tendency to draw analogies between nonhuman primates and humans with disabilities. Such a tendency, they argue, not only ignores anthropological findings about the sociocultural matrix that has “defined and often limited” individuals with disabilities, but also relies on assumptions about disability that can be traced back to the eugenics movement and its record of “dehumanizing individuals” (2000, p. 812, 822).

Marks and Groce's criticism is multifaceted, as it involves at least three charges. The first and simplest one refers to the alleged selective focus on marginal cases. In this case, it is easy to reverse the burden of proof. The Great Ape Project does, before all else, make a parallel between the other great apes and all human beings; it is only as a secondary step that it implicates non-paradigmatic humans—and this merely to point out, and to make the most of, the incongruity of contemporary egalitarianism, which holds to a perfectionist stance according to which there is a hierarchy in moral status based on mental level when nonhumans are involved, only to then give up any IQ test when it comes to human beings. The second charge, on the other hand, revolves around the alleged significance of the anthropological findings about the socio-cultural matrix that has “defined and often limited” individuals with disabilities. This is a strange argument to employ for disability rights advocates. For it involves an appeal to facts about the impact of the external world on the origin and persistence of intellectual disability—facts which, apparently, perform the function of granting more dignity to the disabled. But this is clearly self-defeating and offensive for the disabled themselves, as it implies that unavoidable cognitive impairments *do actually detract* from their dignity.

But the core of the objection, the argument that gives apparent plausibility to the whole attack by Marks and Groce, is, as in Derrida's case, the one that surreptitiously reintroduces the appeal to species membership. This occurs, somewhat unobtrusively, through the claim that it is dangerous to try to blur the boundary between apes and people by “dehumanizing those for whom human rights are often the most precarious”. It is the notion of “dehumanization” which allows the authors to draw a parallel with the eugenics movements that discriminated marginal humans. Such a criticism, however, makes sense only in a context in which “dehumanization”—that is, “animalization”—is seen as a form of degradation because animals are, in the first place, already degraded. This was certainly so with the eugenics movement—but mainly because its protagonists shared with Marks and Groce the traditional metaphysical view within which the “animal” is what lies at the bottom of the perfectionist hierarchy, and the notion of animality is the pole that sheds its negative light on whomever is to be derogated.<sup>14</sup> If, however, one sees the nonhuman great apes in the way the supporters of the Great Ape Project

see them, no analogy that might be drawn with them is insulting. Moreover, Marks and Groce's stance, by seeing possessing a genotype typical of *Homo sapiens* as ennobling, and not possessing it as degrading, is both question begging, as it takes for granted exactly what is in question—namely, the relative moral status of humans and nonhumans—and also arbitrary and inconsistently discriminatory, as what is taken for granted is just a form of biological discrimination.

### *Species Bias*

Before concluding this survey, there is still one objection to be met—an objection that is atypical, as it sees the Great Ape Project not as too demanding, but rather as too little demanding. The charge, coming from many corners, revolves around the idea that the focus on chimpanzees, gorillas and orang-utans is vitiated by species bias, insofar as, apparently, it makes similarity to our own species the yardstick of inclusion into the circle of equality. In advancing his case for the attribution of the status of person to dolphins, for instance, Thomas White writes:

[The Great Ape Project] makes it harder to extend this status to beings who have very different evolutionary histories ... [T]he gains made on the one hand risk being offset on the other by an unwitting encouragement of species bias in the definition of personhood. (Herzing & White, 1998, p.64)

But while White's criticism, due perhaps to the fact that his initiative follows in the way paved by the Great Ape Project, is half-hearted and moderate, the situation is different with a “repentant” participant in the Project itself, that is, Gary Francione. Francione writes:

I was a contributor to GAP ... But I now see that the entire GAP project was ill-conceived. ... Efforts like GAP ... are problematic because they suggest that a certain species of nonhumans is ‘special’ based on similarity to humans. That does not challenge the speciesist hierarchy—it reinforces it. (2006)

He then goes on to state that “focusing on the humanlike characteristics of some animals who are declared to be “special” is like having a human rights campaign focusing on giving rights to the “smarter” humans first in

the hope to extend rights to less intelligent ones later on” (2006).

Francione’s charge can be addressed from many angles. On the one hand, there is the rejoinder he himself makes in *The Great Ape Project*—namely, that the argument for including the great apes in our moral community is a powerful one just because it requires that we include those beings who are “so substantially similar to human beings that their exclusion would be completely irrational” (1993, p. 154). On the other, there is the fact that the Great Ape Project’s approach has also elicited, not altogether wrongly, the opposite argument of the slippery slope kind, according to which the process may become endless since, it has been literally stated, “once apes are granted equal status on such questionable grounds, there is no way to keep out cockroaches.” (de Waal, 1996, p. 215)

The main point, however, is a different one. The Great Ape Project aims at social reform, and social reforms can occur dramatically, or rather incrementally – the abolition of slavery in the United States required a war, while the liberation of women is in at least some countries a process still in progress. In the latter case, reformers usually start from a given situation, and work from there; once they have made some progress, their next starting point is a little further advanced. This is just what happened with the admission of humans with mental disabilities to special education—only after the foundation of the first schools for mildly mentally disabled students did it start to seem obvious that equality demanded the inclusion of profoundly disabled individuals as well. And this is just the approach of the Great Ape Project, which is seen by its initiators both as a first step in the process of extending equality, and as the best way to express and solidify the emerging ethic for animals (Rollin, 1993, p. 211). To summarize with Steve Sapontzis (1993): “[E]ngaging in campaigns ... which take advantage of anthropocentrism and ... which, consequently, fall short of the ideals of animal liberation, is not compromising those ideals. It is implementing and pursuing those ideals in the world as it is.” (p. 277)

### REFLECTING ON GAP

A ... source of the human resistance to equality is the recognition of the setback to human interests that would result. The broader the membership of the community of equals, the fewer the

benefits that accrue to the members. This is part of the reason that there has been historical resistance to expanding the circle of moral concern. Societal elites have resisted claims of equality from the inferior classes; men have resisted such claims from women; and whites have resisted the claims put forward by blacks. The loss of unjust advantage is part of the cost of life in a morally well-ordered society, but those who stand to bear the cost typically try to evade it. (Jamieson, 1993, p. 226)

It is now time to return to our initial question about the place of the Great Ape Project in the construction of a politics of animal liberation, and in the contemporary social scenario. What are the achievements up to now of this enterprise “in the world as it is,” and what can they tell us about its political sense and potential?

In 1997, the British Home Secretary announced a policy to no longer grant licenses for research involving the other great apes, stating that “the cognitive and behavioural characteristics and qualities of these animals mean it is unethical to treat them as expendable for research” (Hall & Waters, 2000, p.4). Subsequently, several countries—among which New Zealand (since 1999), the Netherlands (since 2002), Sweden (since 2003), Austria (since 2006), Japan (since 2006), Ireland (since 2007), and Belgium (since 2008)—announced a ban or a moratorium on nonhuman great ape research. In 2007 the Parliament of the Balearic Islands, an autonomous community of Spain, announced its approval of a resolution to grant legal rights to great apes, and in 2008 the Spanish Parliament’s environmental committee approved a resolution urging the country to embrace the ideals of the Great Ape Project (Singer, 2008). In 2011, a bi-partisan political group introduced to US Congress a Great Ape Protection Act, asking for the prohibition of great ape research and the retirement of all “federally-owned” chimpanzees;<sup>15</sup> and, in the same year, a nearly complete ban on the use of great apes in research in the European Union was made official, with the new Directive taking effect on January 1, 2013.<sup>16</sup> In addition, as of 2011, a campaign was launched in Germany which, starting from an attack on existing zoos, culminated in a petition presented to the Bundestag to the effect that an amendment be introduced in the Basic Law for the Federal Republic—the German constitution—granting the other great

apes the right to life, physical integrity, and the free development of their personality.<sup>17</sup>

While all these changes were underway, on a bright Saturday morning in October 2007, Johnny, a chimpanzee in his forties described as a “bit of a thug,” succeeded in escaping from his zoo enclosure in Whipsnade, near London. As soon as he could reach the surrounding green meadows, though he was not attacking or threatening anyone, Johnny “was promptly shot dead” (Cavalieri, 2007). No investigation of the shooting followed. Johnny obviously remained, according to the law, an item of property—that is why he had been deprived of his freedom, and that is why he could be lightheartedly deprived of his life.

The murder of Johnny straightforwardly points to what is, with respect to legal reform, the seminal aspect of any attempt to extend equality to nonhuman animals—the question of the shift from property to person status. And the more direct way to pursue such a change is by dealing with the judicial system by filing legal claims on behalf of specific individuals—an avenue which has its own problems, as one of the defining features of legal procedures is the impossibility not to reach a final verdict, but which is potentially quicker than the process of revising legislation, and within which legal institutions “appear to some extent as the patients of activist agency, since they cannot refuse petitions that comply with minimum legal requirements” (Barbato Bevilaqua, 2013, p. 71, 75). Thus, in the same year in which Johnny was murdered with total impunity, Martin Balluch, leader of an Austrian animal rights association, applied for guardianship for Matthew Hiasl Pan—a chimpanzee living in a sanctuary—to obtain for him legal standing because a benefactor had made him a donation, with the long-term purpose of having Pan legally declared a person. All the steps, however, were undertaken to no avail: the Judge of a District Court rejected the guardianship application; Balluch appealed, but the appeal was dismissed; an appeal was then lodged with the Austrian Supreme Court, but was once again dismissed; finally, the case was appealed to the European Court of Justice, so far with no apparent effect (Donovan, 2008).<sup>18</sup> But the way was paved, and the baton passed on to the United States. In December 2013, Steven Wise, initiator of the Nonhuman Rights Project, filed in New York a lawsuit on behalf of Tommy, a young chimpanzee detained in a used trailer lot, demanding that the court granted him the right to bodily

liberty via a writ of *habeas corpus*, with the aim of having him recognized as a “legal person.” Though, after a long hearing, Tommy’s case was in the end denied, the judge himself expressed the hope that the initiative would continue. In fact, the appeal lodged in October 2014 was rejected,<sup>19</sup> but Wise is already pursuing an appeal to the New York Court of Appeals.<sup>20</sup>

What can one infer from this overall picture? That, though progress is being made, we are still far from the attribution of basic human rights to chimpanzees, gorillas, and orangutans. Why is the pace of change so slow? In the context of his work on the history of racism, after stressing how the “ideas of race” were slowly elaborated within vast interdisciplinary sites in the service of Western supremacy, Maurice Olender comments that “racism is not just an opinion or a prejudice. The suffix *-ism* tells us it is also a doctrine.” (Olender & Todd, 2009, p. 2) Such considerations clearly hold for speciesism as well. For in speciesism too—and, in particular, in its quintessential form of human chauvinism—what we are confronting is not individual prejudice, but a doctrine, a set of beliefs orienting moral behaviour progressively developed and refined in the service of human supremacy.<sup>21</sup> In this perspective, it is clear that any yielding to the idea of equality for nonhuman beings cannot but meet with serious obstacles.

But while doctrines are powerful, they are not impregnable. It has been aptly argued that the revival of practical ethics in the 1970s was closely connected to the rise of the egalitarian movements that aimed at putting moral arguments in the service of emancipatory causes (Singer, 1986, p. 3). These movements too had to face ingrained doctrines, and yet they gained some success, as the progressive overcoming of racism, sexism, and homophobia shows. Is there reason to believe that the attempt to extend equality beyond humanity can gradually follow in their footsteps? If the intellectual movement behind the Great Ape Project continues to articulate the symbolic struggle required to impose its new schemes of evaluation as well as to support the development of a relevant political network,<sup>22</sup> there are reasons for optimism. And some elements appear to point in this direction.

As for the theoretical level, it should be noted that some of the speculative tools of doctrines, once freed from their biases, can be turned against them. This has been the case with the creed expressed in the American

Declaration of Independence that “all men [*sic*] are created equal,” which the abolitionist leader William Lloyd Garrison invoked to demand the immediate enfranchisement of the slave population (Garrison, 1831). And this is also the case with the present doctrine of human rights, for, notwithstanding the emphatic mention of our species in the wording, any sound philosophical formulation of the doctrine, based as it must be on the rejection of any form of biologism and perfectionism, cannot embody any structural reference to the possession of a particular genotype or of particular cognitive skills (Cavaliere, 2001, p. 131-137).

If, on the other hand, one turns to the political level, a significant aspect is that the primary sphere in which the Great Ape Project moves is that of formal equality. In contrast with material equality, which would require corrective or redistributive interventions by the institutions, formal equality does not demand any direct positive action, except of course for the removal of the obstacles to equal treatment. And, if material equality at any level of significance is far from having been achieved in any country of the world, it is generally recognized that formal equality is a realm in which progress has occurred. As for possible higher degrees of social integration, on the other hand, it is admitted even by authors theoretically suspicious of it such as dialectical-materialists that, once implemented, formal equality can per se generate a process of re-articulating substantive social practices.<sup>23</sup> (Žižek, 2008, p. 151)

Finally, and just as importantly, there is an aspect of this further extension of equality whose relevance is of universal interest. In the very context in which he criticizes the Great Ape Project, Cary Wolfe makes a significant observation: “It is understandable... that traditionally marginalized peoples would be skeptical about calls ... to surrender the humanist model of subjectivity, with all its privileges, at just the historical moment when they are poised to ‘graduate’ into it. But the larger point ... is that as long as this humanist and speciesist *structure* of subjectivization remains intact ... the humanist discourse of species will always be available for use by some humans against other humans as well.” (Wolfe, 2003, pp. 7-8)

What Wolfe emphasizes is the connection between the devaluation of nonhumans and the devaluation of humans *via* the traditionally derogatory category of “the animal”. What, then, if a change in attitude toward at least some nonhumans could help to obliterate such a

derogatory aspect? Wouldn’t this, by undermining the ideologically constructed notion that from time immemorial is wielded against those who are to be devalued, make for a fairer political environment—an environment more habitable not only for nonhumans, but even for humans? We know from past records that the constant process of political emancipation can be best defended by never ceasing to foster it, and that every conquest can gain solidity only by being surpassed by another conquest. Thus it may well be that, in a globalized world racked by political and economic tensions, in which the ethical advances achieved in our societies stand to be threatened by the penetration of external inequitable creeds and by the resurgence of internal discriminatory doctrines, the best way to protect egalitarian discourse lies in extending it to the other great apes.<sup>24</sup>

## NOTES

<sup>1</sup> The phrase was coined by Christina Hoff (1979, p. 2).

<sup>2</sup> For one formulation of the concept of a “moral patient” see G.J. Warnock (1971, p. 148); see also Miller (1994).

<sup>3</sup> For an example of the attenuated version, see Korsgaard (2006).

<sup>4</sup> And bonobos, of course, though in the book they were not clearly distinguished from common chimpanzees.

<sup>5</sup> See the detailed analysis offered by Savage-Rumbaugh and Lewin (1994, Chapter 6).

<sup>6</sup> For a survey of the origins and development of the concept, see Stephens (1998).

<sup>7</sup> See, for example, Nelson (1956, p. 9) and Strawson (1959, p. 104).

<sup>8</sup> Actually, Geza Teleki calculated that for the 4,000-5,000 chimpanzees held prisoner worldwide in the 1990s, 40,000 or more had been exterminated in Africa—a calculation that is still optimistic, as it dates to a period when the great apes weren’t as yet victims of the “bushmeat trade” (Teleki 1993, p. 299, Pearce & Ammann, 1995).

<sup>9</sup> As for those which are scientific in character, more or less direct replies can be found in Whiten (1994); Savage-Rumbaugh & Lewin (1994); Russon, Bard, & Taylor Parker (1996); Galdikas & Shapiro (1996); Gomez (1998); Mitchell (2002).

<sup>10</sup> “[O]n ne fonde pas le droit dans le fait, le normative dans le constatif ... Le naturalisme ... reste, à juste titre, la hantise de notre humanisme démocratique. Plus précisément, c’est la manière scientiste de juger qu’il nous incombe toujours d’abord de récuser quand nous évoquons les rapports que doivent entretenir la science et l’éthique”. See also de Fontenay (2008, pp. 87-88).

<sup>11</sup> Italics in the text. For a different critique of humanism, see Cavalieri (2012).

<sup>12</sup> Curiously enough, Ross himself ends up tentatively denying rights to nonhumans on other grounds.

<sup>13</sup> See on this Cavalieri & Kymlicka (1996, p. 15).

<sup>14</sup> See on this Cavalieri (2009, pp. 3-4); and Burgat (1997, p. 17).

<sup>15</sup> See New England Anti-Vivisection Society (n.d.).

<sup>16</sup> See Directive 2010/63/EU on the protection of animals used for scientific purposes [2010] OJ L276/33:<http://eurlex.europa.eu / LexUriS-erv/LexUriServ.do?uri=OJ:L:2010:276:0033:0079:en:PDF>

<sup>17</sup> See the detailed description offered by Colin Goldner, initiator of the campaign (Great Ape Project, 2014).

<sup>18</sup> Balluch's actual initiative was preceded by the academic construction of a hypothetical case: see Hall & Waters (2000).

<sup>19</sup> See the Nonhuman Rights Project (2014a, b).

<sup>20</sup> Very interesting but as yet difficult to evaluate is the recent dictum in which, in December 2014, a Buenos Aires court, in a quite unusual combination, referred to the Andean native peoples' Pachamama Law to ascribe the status of subject of rights to the orangutan Sandra, and, accordingly, to grant the request of an Argentine animal organization to release her from the zoo where she is imprisoned and to send her to a sanctuary. See Yuste (2014) and Wise (2015).

<sup>21</sup> A survey of how such doctrine was revised and reconstructed in the face of the first, shocking encounters with the nonhuman great apes can be found in Corbey(2005).

<sup>22</sup> On the notion of symbolic struggle see Bourdieu (1991, p. 167ff).

<sup>23</sup> For some preliminary suggestions in this direction, see Goodin, Pateman, & Pateman (1997). More recently, Sue Donaldson and Will Kymlicka have articulated the political project of a Zoopolis—of a world, that is, that can make room for the full range of human and nonhuman social groups—revolving around the notions of animal *citizenship* and *sovereignty*: see Donaldson & Kymlicka (2011).

<sup>24</sup> A version of the final section of this article was presented as the acceptance speech on the occasion of the award to the Great Ape Project of the “Ethics Prize” of the Giordano Bruno Stiftung in Frankfurt, Germany, June 3, 2011.

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