



Section 3

Instructions to follow

- You should spend 20 minutes on Questions 28-40 which are based on Reading Passage 3

Animal Personhood

A. Aristotle, a 4th-century-BC Greek philosopher, created the Great Chain of Being, in which animals, lacking reason, ranked below humans. The Frenchman, Rene Descartes, in the 17th century AD, considered animals as more complex creatures; however, without souls, they were mere automatons. One hundred years later, the German, Immanuel Kant, proposed animals are treated less cruelly, which might seem an improvement, but Kant believed this principally because he thought acts of cruelty affect their human perpetrators detrimentally. The mid-19th century saw the Englishman, Jeremy Bentham, questioning not their rationality or spirituality, but whether animals could suffer irrespective of the damage done to their victimisers; he concluded they could; and, in 1824, the first large organisation for animal welfare, the Royal Society for the Prevention of Cruelty to Animals, was founded in England. In 1977, the Australian, Peter Singer, wrote the highly influential book *Animal liberation*, in which he debated the ethics of meat-eating and factory farming, and raised awareness about inhumane captivity and experimentation. Singer's title deliberately evoked other liberation movements, like those for women, which had developed in the post-war period.

B. More recently, an interest in the cognitive abilities of animals has resurfaced. It has been known since the 1960s that chimpanzees have sophisticated tool use and social interactions, but research from the last two decades has revealed they are also capable



of empathy and grief, and they possess self-awareness and self-determination. Other primates, dolphins, whales, elephants, and African grey parrots are highly intelligent too. It would seem that with each new proof of animals' abilities, questions are being posed as to whether creatures so similar to humans should endure the physical pain or psychological trauma associated with habitat loss, captivity, or experimentation. While there may be more laws protecting animals than 30 years ago, in the eyes of the law, no matter how smart or sentient an animal may be, it still has a lesser status than a human being.

C. Steven Wise, an American legal academic, has been campaigning to change this. He believes animals, like those listed above, are autonomous - they can control their actions, or rather, their actions are not caused purely by reflex or from innateness. He wants these animals categorized legally as nonhuman persons because he believes existing animal-protection laws are weak and poorly enforced. He famously quipped that an aquarium may be fined for cruel treatment of its dolphins but, currently, the dolphins can't sue the aquarium.

D. While teaching at Vermont Law School in the 1990s, Wise presented his students with a dilemma: should an anencephalic baby be treated as a legal person? (Anencephaly is a condition where a person is born with a partial brain and can breathe and digest, due to reflex, but otherwise is barely alert, and not autonomous.) Overwhelmingly, Wise's students would say 'Yes'. He posed another question: could the same baby be killed and eaten by humans? Overwhelmingly, his students said 'No'. His third question, always harder to answer, was: why is an anencephalic baby legally a person yet not so a fully functioning bonobo chimp?

E. Wise draws another analogy: between captive animals and slaves. Under slavery in England, a human was a chattel, and if a slave were stolen or injured, the thief or violator



could be convicted of a crime, and compensation paid to the slave's owner though not to the slave. It was only in 1772 that the chief justice of the King's Bench, Lord Mansfield, ruled that a slave could apply for habeas corpus, Latin for: "You must have the body", as few men and women had done since ancient times. Habeas corpus does not establish innocence or guilt; rather, it means a detainee can be represented in court by a proxy. Once slaves had been granted habeas corpus, they existed as more than chattels within the legal system although it was another 61 years before slavery was abolished in England. Aside from slaves, Wise has studied numerous cases in which a writ of habeas corpus had been filed on behalf of those unable to appear in court, like children, patients, prisoners, or the severely intellectually impaired. In addition, Wise notes there are entities that are not living people that have legally become non-human persons, including ships, corporations, partnerships, states, a Sikh holy book, some Hindu idols and the 'Wanganui River in New Zealand.

- F.** In conjunction with an organisation called the Non-human Rights Project (NhRP), Wise has been representing captive animals in US courts in an effort to have their legal status reassigned. Thereafter, the NhRP plans to apply, under habeas corpus, to represent the animals in other cases. Wise and the NhRP believe a new status will discourage animal owners or nation-states from neglect or abuse, which current laws fail to do. Richard Epstein, a professor of law at New York University, is a critic of Wise's. His concern is that if animals are treated as independent holders of rights there would be little left of human society, in particular, in the food and agricultural industries. Epstein agrees some current legislation concerning animal protection may need overhauling, but he sees no underlying problem.
- G.** Other detractors say that the push for personhood misses the point: it focuses on animals that are similar to humans without addressing the fundamental issue that all species have



an equal right to exist. Thomas Berry, of the Gaia Foundation, declares that rights do not emanate from humans but from the universe itself, and, as such, all species have the right to existence, habitat, and role (be that predator, plant, or decomposer). Dramatically changing human behaviour towards other species is necessary for their survival - and that doesn't mean declaring animals as non-human persons.

H. To date, the NhRP has not succeeded in its applications to have the legal status of chimpanzees in New York State changed, but the NhRP considers it some kind of victory that the cases have been heard. Now, the NhRP can proceed to the Court of Appeals, where many emotive cases are decided, and where much common law is formulated.

I. Despite setbacks, Wise doggedly continues to expose brutality towards animals. Thousands of years of perceptions may have to be changed in this process. He may have lost the battle, but he doesn't believe he's lost the war.

Questions 28-33

Instructions to follow

- Choose the correct letter A, B, C or D.
- Write the correct letter in boxes 28-33 on your answer sheet.

28 Why did Aristotle place animals below human beings?

- A ☐ He doubted they behaved rationally.
- B ☐ He thought them less intelligent.
- C ☐ He considered them physically weaker.
- D ☐ He believed they did not have souls.



- 29 Why did Kant think humans should not treat animals cruelly?
- A ☐ Animals were important in agriculture.
 - B ☐ Animals were used by the military.
 - C ☐ Animals experience pain in the same way humans do.
 - D ☐ Humans' exposure to cruelty was damaging to themselves.
- 30 What concept of animals did Bentham develop?
- A ☐ The existence of their suffering
 - B ☐ The magnitude of their suffering
 - C ☐ Their surprising brutality
 - D ☐ Their surprising spirituality
- 31 Where and when was the RSPCA founded?
- A ☐ In Australia in 1977
 - B ☐ In England in 1824
 - C ☐ In Germany in 1977
 - D ☐ In the US in 1824
- 32 Why might Singer have chosen the title Animal Liberation for his book?
- A ☐ He was a committed vegetarian.
 - B ☐ He was concerned about endangered species.
 - C ☐ He was comparing animals to other subjugated groups.
 - D ☐ He was defending animals against powerful lobby groups.



- 33 What has recent research shown about chimpanzees?
- A ☐ They have equal intelligence to dolphins.
 - B ☐ They have superior cognitive abilities to most animals.
 - C ☐ They are rapidly losing their natural habitat.
 - D ☐ They are far better protected now than 30 years ago.

Questions 34-40

Instructions to follow

- Complete the summary below. Choose NO MORE THAN TWO WORDS from the passage for each answer.
- Write your answer in boxes 34-40 on your answer sheet.

| A new legal status for animals | |
|--------------------------------|---|
| Arguments for: | <p>Steven Wise believes some highly intelligent animals that are 34..... should have a new legal status. While animals are not humans, the law has a status for 35..... already applied to ships, companies, and a river in New Zealand.</p> <p>If the legal status of animals were changed, Wise and the NhRP could file for 36....., where a detainee is represented by someone else. Then, they could take more effective action against animal abusers.</p> |
| Arguments against | <p>Richard Epstein believes the 37..... of animals is important, but if animals had rights, the cost to human society would be too great.</p> <p>Others, like Thomas Berry, argue that rights are bestowed by the universe</p> |



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|-------------------------|---|
| | and not by humans. Furthermore, 38 species have an equal right to exist. |
| Current situation in US | Although the NhRP has not 39in having the legal status of any animals altered, it continues its struggle. Changing two millennia's worth of 40 could prove difficult. |