

nature neuroscience

Primate rights?

An Austrian group has asked the court to appoint a guardian for a chimpanzee—and thus to declare him to be a person.

On April 1, the *Guardian* published an article that might have been mistaken for an April Fool's Day prank. They reported that a chimpanzee was petitioning an Austrian court for human rights. Unfortunately, this proceeding is real, and the new approach could have important implications for animal research.

The chimpanzee, named Hiasl, arrived in Austria in 1982, smuggled into the country for use in biomedical research at a pharmaceutical company. Customs officers discovered him, and he was raised by a human family until he was 10 years old. Since then he has been living in an animal sanctuary, which recently declared bankruptcy. Now, at 26, Hiasl faces an uncertain future.

To pay its bills, the sanctuary must sell Hiasl, most likely to a zoo or to a pharmaceutical company. An Austrian businessman has donated 5,000 euros to Hiasl and Martin Balluch, president of the Austrian animal welfare group Association Against Animal Factories (VGT), to prevent this from happening.

The donation comes with the curious provision that the man and the chimpanzee must both agree on how the money should be spent, which suggests that the donor may have had an ulterior motive. This maneuver provided Balluch with the opportunity to request a legal guardian for Hiasl. By Austrian law, only someone recognized as a person can have a legal guardian, so Balluch is essentially asking the court to grant human rights to the chimpanzee.

Several high-profile experts have signed on to support the case, including Jane Goodall and Volker Summer, a chimpanzee expert and professor at University College London. He argued in the initial briefs presented to the court, "It's untenable to talk of dividing humans and humanoid apes because there are no clear-cut criteria—neither biological, nor mental, nor social."

Although chimpanzees have physiological homology with humans, and exhibit intelligence and emotion, this does not make them human. The most crucial difference between the species is that chimpanzees have no spoken language. Chimpanzees in captivity can be taught rudimentary language skills using other means, such as sign language, but they do not have the capacity for the kind of rich communication used by humans. Although chimpanzees have been seen learning to use tools from fellow animals, they are limited in their ability to teach each other about things that are not present, or to discuss the distant past or future.

Another argument for granting Hiasl human status is that chimpanzee DNA is 99% similar to that of humans. The DNA argument is slippery, however, as it is hard to know where to draw the line. For instance, mice share as much as 94% of their DNA with humans. Similarly, wild chimpanzees are reported to show cultural

transmission of skills such as hunting and tool use. However, crows also use tools, and perhaps even deception, to increase their success in food gathering. It seems difficult to argue that mice and birds are also entitled to human rights.

The case in Austria is not without precedent. In 1999, New Zealand granted all species of great apes rights as 'nonhuman hominids.' These rights include protection from maltreatment, slavery, torture, death and extinction. A similar bill has been approved by the parliament in the Balearic Islands (an archipelago that is part of Spain). This legislation is aimed at improving the lives of great apes, which is an admirable goal, but does it really achieve this aim? Chimpanzees are endangered in the wild, and conferring rights on the few animals in New Zealand and Spain does nothing to protect them from habitat loss and disease. Other primates deserve our protection and care, but focusing on the goal of attaining rights for them diverts resources from the efforts of conservationists.

Granting human rights to a chimpanzee could have far-reaching consequences. The most absurd is that once Hiasl has legal standing, he (or more properly, the people who claim to act on his behalf) could bring a lawsuit against the pharmaceutical company that was involved in his kidnapping nearly 20 years ago. Of course, the more likely scenario is that chimpanzees could sue for an end to primate research. The United Kingdom has already banned research with chimpanzees, and the European Union is considering a similar measure. This is a debate in which reasonable people can disagree, and it merits serious and thoughtful discussion. In contrast, a political gesture made in the name of a chimpanzee does not advance anyone's cause.

Of course chimpanzees should not be expected to stand up for themselves, but VGT is doing them a disservice by focusing resources and attention on a publicity stunt. Only humans have human rights, and with those rights comes the responsibility to care for chimpanzees (and other animals) that have been removed from the wild by other humans.

The court case is currently stalled after a decision from district court Judge Barbara Bart. She has ruled that Hiasl is neither mentally handicapped nor in imminent danger, the criteria under Austrian law for appointment of a legal guardian. However, this is not the end of the story, as the losing side plans to appeal the ruling.

We agree that Hiasl should be spared further trauma, but granting him human rights will not help him or the population of chimpanzees as a whole. The donated money should be used to settle him in a new animal sanctuary, where he can live out his days in peace and quiet.

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