

GREAT APES: THE CONFLICT OF GENE-POOLS, CONSERVATION AND PERSONHOOD

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ABSTRACT

In this paper, I explain the basis of the Great Ape Project, and give details of its logical and philosophical justification, answering some of the criticisms that have been made of it. I draw attention to some anomalies, using Orang Utan rehabilitation as an example.

Key words: Great Ape Project, rehabilitation

THE GREAT APE PROJECT

The recognition that we as a species are not phylogenetically separated from other animals, but are nested within the primate group known as the Great Apes, is no longer controversial. Goodman (1963) proposed on this basis to include the great apes (orang utan, gorilla and chimpanzee) in the family Hominidae, a view revived by Groves (1986) and increasingly widely adopted since then. Increasingly, too, the vernacular term 'Great Apes' has come to be used as a pure synonym for Hominidae, so that humans are also 'Great Apes'. The only remaining systematic controversy seems to be whether chimpanzees and gorillas together form the sister-group of humans, or chimpanzees and humans together constitute the sister-group of gorillas.

A recent book, *The Great Ape Project* (Cavaliere and Singer, eds, 1993), has put forward the idea that there is no essential intellectual difference between humans and other great apes, and that this in turn implies that there is no essential moral difference. All great apes, under this argument, deserve equality of treatment, which involves the Right to Life, the Protection of Individual Liberty, and the Prohibition of Torture ("Declaration on Great Apes" in Cavaliere and Singer, eds, 1993:4-7).

The arguments put forward in the book for cognitive equality include the following: non-human great apes score very highly on conventional mental tests, including multistep logical calculation; they recognise themselves in mirrors; they have proved capable of language-like communication; they exhibit quasi-cultural transmission of behaviour under natural conditions; they show the ability to engage in pretend play. In most of these characteristics they are not the equal of the *average* human being, but fall well within the total range of human variation: for example, autistic people cannot pretend, nor see the world from another individual's point of view (Dunbar, 1993), and profoundly mentally retarded human beings have little or no language or intelligence, and no self-awareness (Anstötz, 1993).

The philosophical argument is put by Häyry and Häyry (1993:173), in the form of four propositions and two conclusions, as follows:

- P1 - Beings who are equal in the moral sense ought to be treated equally.
- P2 - Beings are equal in the moral sense if their mental capacities and emotional lives are roughly at the same level.
- P3 - The mental capacities and emotional lives of human beings and other great apes are roughly at the same level.
- C1 - Therefore, human beings and other great apes ought to be treated equally.
- P4 - Human beings ought not to be killed, imprisoned or tortured unless certain specific conditions prevail.
- C2 - Therefore, other great apes ought not to be killed, imprisoned or tortured unless the same specific conditions prevail.

(They explain that no conditions would appear to justify torture; self-defence - or euthanasia? - might justify killing, and protection of society might justify imprisonment).

In order for their rights to be covered by law, non-human great apes would have to be considered 'persons'. Francione (1993) notes that, legally, persons are not necessarily human: not all humans are (or were) regarded as full persons, even in United States law (slaves and women formerly, children even today), while conversely corporations *are* persons, with rights to sue, to hold property, and so on. Persons not regarded as mentally competent are legally assigned guardians, who take action on their behalf, and are not considered criminally liable.

Personhood derives, according to Mitchell (1993), from three characteristics: being rational, being intentional, and being perceived as such; but the standard treatise on personhood is much more stringent. A person (Olen, 1983:233) -

- 1) is an intelligent, rational creature;
- 2) is a creature capable of a peculiar sort of consciousness: self-consciousness;
- 3) not only has beliefs, desires and so forth, but has beliefs *about* its beliefs, desires and so forth;
- 4) is a creature to which we ascribe moral responsibility and is subject to moral praise and moral blame;
- 5) is a creature that we treat as a member of our own moral community, with certain rights, both moral and legal;
- 6) is a creature capable of reciprocity; capable of treating us as members of the same moral community;
- 7) is capable of verbal communication.

This list may seem unduly strict; while for the Utilitarian school sentience is crucial, reciprocity is regarded as paramount by Olen, a widely-held concept of rights as originally propounded by Kant. Yet, note that all of these qualities except No 5 (which is, after all, the one which depends on how we, as humans, behave, rather than on the capabilities of certain non-humans) would actually exclude profoundly mentally handicapped people from personhood, and most - all except No 5 and, arguably, No 6 - would exclude human newborns. On the other hand, it could be argued that all these qualities *except* No 5 (and, in most cases, No 4) do encompass non-human great apes. Whether No 7 would encompass non-human great apes depends on whether we interpret it to mean the capacity to learn such communication, or the capacity to actually do so; recall that some unfortunate humans, not mentally handicapped, have been deprived of the opportunity to learn language, yet we would not, I hope, think of denying them human rights. Olen's list may therefore be too restrictive; we should surely affirm the personhood of all members of *Homo sapiens* from birth, but in the

meantime such a restrictive list does serve to highlight the necessity to extend the personhood concept to non-human great apes.

The bonobo Kanzi (Savage-Rumbaugh and Lewin, 1994) would certainly qualify in all seven categories: this remarkable person, trained by Sue Savage-Rumbaugh at the Yerkes Primate Center in Atlanta, Georgia, USA, is (1) a highly intelligent, rational creature; (2) is clearly self-conscious as shown by his self-reference and self-introspection in communication, as well as by the standard mirror-recognition criterion; (3) has beliefs about his own and others' mental states, which he articulates; (4) acts as if he had a sense of morality, with evident shame when he fails to live up to his responsibilities; (5) is treated, without noticeable anomaly, as a member of the moral community; (6) treats his human, bonobo and chimpanzee colleagues as members of his own moral community; and (7) understands complex spoken and computerised statements, questions and commands, and responds to them in his symbolic computerised language. Whether Kanzi is an exceptional non-human, or whether indeed his species is exceptional among non-human great apes, is discussed in several places (see, for example, Savage-Rumbaugh *et al*, 1992): in summary, it would seem that bonobos may learn more quickly, and so reach comparable landmarks at an earlier age, than chimpanzees, but here again the remarkable capabilities of a chimpanzee called Ai (Matsuzawa, 1990) caution us not to overgeneralise.

We are to a considerable extent handicapped because, overwhelmingly, our knowledge of non-human primate cognition derives from chimpanzees and macaques. It is known that a chimpanzee can easily learn to recognise its image in a mirror, can use and comprehend symbolic communication, can 'pretend', can attribute knowledge and intentionality to others and to itself, shows empathy with elaborate reassurance behaviours, will assist others differentially, and can practise deliberate deception; and that a macaque cannot do these things (Povinelli and Godfrey, 1993), although less elaborate reconciliation behaviours have been documented for macaques (De Waal, 1989). Additionally, chimpanzees have not proved able to draw a representation of anything (anything that is recognised as such by human interpreters, at least!), but have proved capable of reconstructing a cut-up photograph of a face (Premack, 1975). Most of these cognitive abilities have not been formally tested in other species. Mirror recognition has been confirmed in orang utans and, after some doubts, in gorillas, and shown to be absent in a few gibbons and in numerous Old and New World Monkeys (Povinelli, 1987). Symbolic (language-like) behaviour and pretend-play have been shown in orang utans and gorillas. But it seems plausible that these abilities, or rather the potentiality to develop them, come more or less as a package; it may be significant that they seem to emerge within a restricted period of time (18 months to 4 years) in human children, though not all together (early signs of language first, social attribution last).

Are adult and juvenile non-human great apes, then, cognitively equivalent to human children between 2 and 4 years of age? Yes and no. Unlike an adult chimpanzee, a human infant is not an autonomous entity; but unlike a human infant, a chimpanzee will develop no further (or, better, *little* further: the Kanzi experience warns us not to underestimate non-human great apes), and this relative lack of potential could be used to insist that humans are still special, and still uniquely deserving of consideration.

This is not the case, however, with profoundly intellectually disabled people. It is interesting that only in 1971 did the United Nations General Assembly adopt a "Declaration on the Rights of Mentally Retarded Persons" (Resolution No 2856 [xxvi]); up until then, even the mildly intellectually handicapped were not unambiguously protected under international law. It is clear that non-human great apes are cognitively far ahead of many mentally retarded people. It is claimed that Koko the gorilla at 43 to 65 months scored between 71 and 92 IQ points

(Patterson and Gordon, 1993); while the chronological-to-mental age ratio used for human children is clearly not applicable to the more rapidly growing gorilla, even an IQ in the 70s puts Koko somewhere in the mildly retarded category. The tests, which are standard intelligence tests such as Kuhlmann-Anderson and Cattell, are described somewhat more fully in Patterson and Linden (1981).

Equality and Conservation

Reaction to *The Great Ape Project* has been mixed, but only one review (Stevenson, 1994) really stands out as firmly hostile. Noting that all the contributors to the book "originate from Caucasian first world countries" (p 52) (actually, one contributor is Japanese), she suggests that the philosophy is a product of the European tradition, and hardly touches base with peoples or conditions in habitat countries. The problems besetting non-human great apes are those of conservation; every day gorillas are killed for food, orang utans are captured for pets, forests are destroyed for timber, or for agriculture to feed growing human populations. What price the Right to Freedom?

Of course. It is perfectly justified to criticise the use of chimpanzees in invasive and potentially disabling biomedical experiments, and the substandard housing of non-human great apes in zoos and laboratories, and Stevenson joins the contributors to the book in decrying them; but asks can one go on to demand: their 'right to immediate release'? Release them where? To the disappearing wild?

To criticise *The Great Ape Project* for not dealing with conservation issues is, one correspondent has suggested, "a bit like condemning Amnesty International on the grounds that only a few hundreds, at most thousands, of people are tortured every year while far more die from malaria and schistosomiasis" (Jim Moore, pers comm, 10.1.94). Yet a casual reading of the book might actually lead to the conclusion that literal application of the principles, specifically the Protection of Individual Liberty, would lead to the extinction of all the non-human species. True, the book does not overtly deal with this problem. Yet I believe that in effect it is approached by the Declaration and by Francione's contribution on legal aspects. Persons held to be mentally incompetent are awarded guardians, who "safeguard their interests and rights"; as in the case of human wards, a condition of less than total liberty would be the usual result. It is up to such guardians to ensure that the conditions of their wards so approach the liberty ideal that their rights are not compromised; if they do not do so, then, just as in the case of guardians who abuse the rights of human charges, their legal guardianship can be taken away.

What of the criticism that the underlying philosophy is that of a purely western tradition, and is inapplicable to people in habitat countries? Such a criticism misses the point that western philosophical traditions underpin all of international law; if it were not globally acceptable, there would be no such thing as human rights. Of course, over huge areas of the world, there *is* no such thing as human rights; a situation which is as unacceptable to Africans and Asians as it is to those who are the European philosophical tradition's direct heirs. Clearly, the existence of rights is independent of whether they are adequately policed. We may have little influence over the human rights situation in places outside our jurisdiction, though we may try; similarly, we will be able to promote the rights of non-human great apes with confidence only within our own jurisdiction, though we will try to extend our influence beyond these boundaries.

The tradition of rehabilitation of captive orang utans back into the wild was begun by Barbara Harrison in 1961. There are several reasons why this was thought appropriate (Rijksen, 1978):

- feelings of pity for badly kept captives;
- discouragement of the trade in live orang utans;
- propaganda for conservation;
- tourism;
- research.

There is an undeniable feeling, too, that orang utans 'belong in the wild': an idea that owes much to simple sentimentality, but which finds its echo in the "Right to Liberty" of *The Great Ape Project*. There have been plenty of problems with rehabilitation: inserting new orang utans into populations that may be already at carrying capacity; the possibility of transmission of disease; the unknown origins of rehabilitants, so the potentiality for hybridisation; and the fact that rehabilitants do not readily become socially integrated into the wild population (Hayes, 1992). Commonly, rehabilitants stay close to the feeding stations; Borner and Stonehouse (1979) describe having to take some of them deep into the forest and releasing them there, far away from the rehabilitation station. Simply, the rehabilitants just do not want to go!

I conclude that here is a case where a strict interpretation of the Declaration on Great Apes would tend to work against the interests of the species concerned. The "Right to individual liberty" must be interpreted with careful attention to what is in the best interests of them, by those appointed to be their guardians; and these guardians themselves should have legal status.

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POSTSCRIPT: THE GENETIC PURITY OF ORANG UTANS

Chimpanzees are bred in zoos without knowledge of, or interest in, 'genetic purity' with respect to subspecies or populations. In the case of gorillas, the problem does not arise: different gorilla taxa in captivity are recognised as such and are not interbred. The case of orang utans is different; when the realisation dawned, in the early 1970s, that Bornean and Sumatran orang utans are consistently different, zoos hastened to determine the genetic purity of their orang utans, breed only like with like, and sterilise the hybrids ('cocktail oranges') that had been inadvertently bred up to then.

The problem of the hybrids has recently been reviewed by Raloff (1995). "Zoo animals", she notes, "are intended to represent their wild brethren" (p 184); the orang utan hybrids correspond to nothing that ever existed in the wild. What do the oranges care, though? - and could it be maintained that by banning hybridisation and sterilising hybrids we are creating a kind of apartheid?

I would suggest that pure-breeding orang utans is, in fact, justified in a way which it would never be to pure-breed human races. The subspecies of *Pongo pygmaeus* are much more distinct than those of *Homo sapiens*; indeed, as reviewed by Raloff (1995), there are those who would classify them as distinct species. Again, the social organisation of orang utans is quite different from that of humans, or indeed chimpanzees; it is such as to require, from their human guardians, constant intervention in order to maintain the desired and desirable solitary existence of adults, and to prevent unacceptable behaviour ('rape?') on the part of the male towards the female. We are not separating lifelong social partners. Indeed, if the two subspecies are as far apart as we are led to believe, hybrids may be at a disadvantage or even, to some extent, anatomically disharmonious. It is still acceptable to manipulate the breeding of this great ape.

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