

*BEYOND THE CAGE: A JOURNEY THROUGH TRANSLATION,
CONNECTION, AND THE IMPACT OF STEVE WISE'S
RATTLING THE CAGE*

MÁS ALLÁ DE LA JAULA: UN VIAJE A TRAVÉS DE
LA TRADUCCIÓN, LA CONEXIÓN Y EL IMPACTO DE
'RATTLING THE CAGE' DE STEVE WISE

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ABSTRACT

This paper examines the transformative impact of Steven M. Wise's 'Rattling the Cage.' It explores how this work has reshaped the legal discourse on nonhuman animal rights, challenging their traditional legal categorization as property and advocating for their recognition as legal persons.

KEYWORDS

Animal rights; legal status; moral personhood; non-human animals; animal law.

RESUMEN

Este documento examina el impacto transformador del libro 'Rattling the Cage' de Steven M. Wise. Explora cómo este trabajo ha reformulado el discurso legal sobre los derechos de los animales no humanos, desafiando su tradicional clasificación jurídica como propiedad y abogando por su reconocimiento como personas legales.

PALABRAS CLAVE

Derechos de los animales; Personas legales; Propiedad; Traducción; Impacto legal.

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1. INTRODUCTION

As we embark on a profound journey through the legal, ethical, and societal landscapes of nonhuman animal rights, it is essential to revisit the seminal work of Steven M. Wise, “Rattling the Cage.” This book not only challenges the traditional legal categorization of animals as property but also passionately argues for recognizing certain nonhuman animals as legal persons. This paper delves into the transformative impact of Wise’s arguments, exploring how they have reshaped the discourse in animal law and influenced legal battles across various jurisdictions. We will explore the initial reception of Wise’s ideas, the challenges of translating these concepts into Spanish for a broader audience, and the ongoing influence of this work on the legal and moral treatment of animals.

2. OVERVIEW OF *RATTLING THE CAGE*

In *Rattling the Cage: Toward Legal Rights for Animals*, Steve M. Wise delves into the legal, ethical, and scientific arguments for granting legal rights to certain nonhuman animals, focusing on chimpanzees and bonobos. The book thoroughly analyzes universal history, legal theory, and scientific evidence, advocating for a significant shift in our legal and moral treatment of animals. It’s a challenging piece of scholarship for any intellectual or reader.

Wise articulates the issue succinctly in the following passage from the first chapter, “The Problem with Being a Thing”:

For four thousand years, a thick and impenetrable legal wall has separated all human from all nonhuman animals. On one side, even the most trivial interests of a single species—ours—are jealously guarded. We have assigned ourselves, alone among the million animal species, the status of “legal persons.” On the other side of that wall lies the legal refuse of an entire kingdom, not just chimpanzees and bonobos but also gorillas, orangutans, and monkeys, dogs, elephants, and dolphins. They are “legal things.” Their most basic and fundamental interests—their pains, their lives, their freedoms—are intentionally ignored, often maliciously trampled, and routinely abused.¹

The book begins by examining the history of animals’ legal status as property, tracing the roots to ancient civilizations. Wise highlights how the laws of the ancient Near East, such as those found in the Code of Hammurabi, addressed issues like the goring ox, reflecting a view of animals as mere property, existing solely for the benefit of humans.² According to Wise, this view was further entrenched by Greek and Roman philosophers. Despite their differing opinions on various aspects of nonhuman animals, they generally agreed that animals were inferior to humans and lacked the capacity for reasoning and moral consideration.³

Then, the book goes on to examine the Middle Ages and the Renaissance, when the *scala naturae* dominated Western thought. The *scala naturae*, also known as the “Great Chain of Being,” positions humans at the pinnacle of a hierarchy based on complexity, intelligence, and worth. This framework argues that there is a fundamental difference between humans and other animals.⁴ The scientific revolution, particularly the work of Copernicus, Galileo, and ultimately Darwin, challenged this static view of the universe and opened the door to considering nonhuman animals as beings with intrinsic value.⁵ However, Wise argues that the legal system has been too slow to adapt to these scientific and philosophical advancements. He also highlights the legal mechanisms that have historically been used to justify the exploitation and abuse of animals and calls for a reevaluation of their legal status.⁶

According to Wise, the enduring classification of nonhuman animals as “things” rather than “persons” is the reason why the legal system denies them basic rights and protections despite mounting evidence of their cognitive and emotional capacities. The recognition of personhood for animals is a crucial aspect for Steve Wise. Thus, he dedicated his work and advocacy to this topic. Wise argued that we cannot truly change

¹ WISE, S. *Rattling The Cage: Toward Legal Rights For Animals* (New York 2000) 4.

² *Id.* at 23.

³ *Id.* at 9–22.

⁴ Great Chain of Being – an overview | ScienceDirect Topics, <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/great-chain-of-being> (last visited Apr 8, 2024).

⁵ WISE, S. *supra* note 1 at 9–22.

⁶ *Id.* at 23–27.

the paradigm until we recognize that animals have personhood. Wise was convinced that some animals, such as great apes, are indeed persons.

For Steve Wise, nonhuman animals must be recognized as persons to have actual legal rights rather than symbolic declarations.

Established scientific findings about the self-awareness and autonomy of nonhuman animals support the legal arguments for their personhood. Steve thought it was incredibly wrong to deprive self-aware, autonomous, nonhuman animals of their liberty. For this reason, his first habeas corpus actions would likely favor a great ape or another animal that science had already widely demonstrated to possess self-awareness and autonomy, such as elephants. Returning to *Rattling the Cage*, this is why he dedicates three chapters to this matter:

- In Chapter 8,⁷ “Consciousness, Taxonomy, and Minds,” Wise explores the scientific evidence of consciousness in animals, particularly chimpanzees and bonobos. He uses this evidence to challenge the taxonomical and legal distinctions that deny these animals personhood. He presents a compelling case for reevaluating our legal and moral obligations towards them based on their cognitive and emotional capabilities, highlighting the importance of legal capacity and personhood in the ability to sue.
- In Chapter 9,⁸ called “Seasons of the Mind,” Wise discusses the effects of socialization on primates. He references the work of primatologist Frans de Waal, who observed the complex social interactions of chimpanzees at the Arnhem Zoo in the Netherlands. De Waal’s observations of the power struggles and Machiavellian politics among the chimpanzees led him to conclude that their intelligence developed precisely because of their intricate social lives. Wise also explores the concept of forgiveness among primates, suggesting that it is not a uniquely human trait but a behavior that has evolved over millions of years.
- Chapter 10, “Chimpanzee and Bonobo Minds,”⁹ delves into the cognitive abilities of chimpanzees and bonobos. Wise highlights the importance of proper socialization for developing complex mental skills. He discusses how captive chimpanzees and bonobos may never reach their full cognitive potential when deprived of adequate socialization. Conversely, when they are culturally integrated into a rich social and linguistic human environment, it seems to awaken latent human-like cognition or bring them culturally closer to us, allowing for better understanding.

⁷ *Id.* at 119.

⁸ *Id.* at 163.

⁹ *Id.* at 179.

From the perspective of animal law, it is challenging to apply legal concepts universally to all species. This is because each species has different biological needs, and humans have used various species for different activities. Some animals have a higher market value, while others do not. Some are prohibited from being traded, while others are bred intensively and industrially. We share more than 95% of our DNA with some species, and others are considered practically part of our families. Depending on the species or the group to which an animal belongs, different conclusions can be reached when solving a legal problem. Therefore, although the term “speciesist” has a negative connotation, just as justice does not mean giving everyone the same but providing everyone with what they need and deserve, it makes sense for Animal Law to advance by specializing in the specific needs of each species. As a lawyer, I understood that the NhRP¹⁰ had to be strategic. The mission they had embarked on seemed like an impossible mission. I thought, who was I, or any activist, to criticize his strategy?

In the final chapters, Wise delves into the legal profession’s involvement in the animal rights movement and the judiciary’s stance on developing animal rights law. He advocates for persistent efforts to disrupt and transform the current legal framework, emphasizing the ethical and legal necessity of acknowledging the rights of certain nonhuman animals. In essence, he urges everyone dedicated to animal rights to continue refining legal strategies and presenting the necessary evidence to secure the recognition of nonhuman animals as legal persons in court.

Overall, *Rattling the Cage* is a powerful and persuasive book that makes a strong case for reevaluating the legal status of nonhuman animals. Wise’s arguments are grounded in solid scientific evidence, making it a valuable resource for anyone interested in animal rights and the law. The book invites readers to reconsider the legal and moral boundaries that separate humans from other sentient beings and to embrace a more inclusive and compassionate legal framework that recognizes the rights of nonhuman animals. *Rattling the Cage* is to law what *Animal Liberation* by Peter Singer was to animal ethics.

3. SACUDIENDO LA JAULA

In early 2016, at the suggestion of Dr. Giménez-Candela, the publishing house Tirant lo Blanch (Spain’s most prestigious legal publisher) proposed to Professor Steven Wise the translation of his book “Rattling the Cage” into Spanish. This was to include it

¹⁰ The Nonhuman Rights Project (NhRP) is an American nonprofit animal rights organization seeking to change the legal status of some nonhuman animals from property to persons, founded by Steven Wise. <https://www.nonhumanrights.org/> (last visited May 13, 2024)

as an additional volume in their “*Animales y Derecho*” series¹¹, where it appears as number 5. I was entrusted with the translation of the book. It was, and continues to be, a tremendous honor to introduce Steven Wise’s work to the entire Spanish-speaking community.

While drafting the translation, I asked Steve Wise several questions, but I remember one in particular: “How can I prove that I have consciousness?” That’s because one day, while talking to a doctor friend, he told me, “Dogs don’t have consciousness and don’t have self-consciousness.” And he added, “I can program a robot to pass the mirror test. So a robot can pass the mirror test, but that doesn’t mean the robot has consciousness.”

Steve Wise responded:

“Tell him to go ahead and program a robot to pass the mirror test because he can’t do it. Tell him to prove you are conscious because he can’t do it. Tell him why he still believes you are conscious even though he can’t prove it. The argument for the consciousness of a dog will be similar to this. Dogs have not passed the mirror test. However, scientists believe that as sight is not a dog’s primary sense, while smell is, a smell self-recognition test might work. There is some evidence that this is indeed true.”

To pen *Rattling the Cage*, Steve Wise enlisted the aid of philosophers, lawyers, and scientists, to whom he extended his heartfelt gratitude. Distinguished legal scholars and philosophers such as Taimie Bryant, David Favre, Peter Singer, and Daniel Coquillette provided invaluable feedback and engaged in thought-provoking discussions that refined his concepts. Scientists like Sally Boysen, Roger Fouts, Sue Savage-Rumbaugh, and Duane Rumbaugh shared their expertise on primate behavior and cognition, enriching the book’s content. Jane Goodall, celebrated for her work with chimpanzees, contributed a heartfelt foreword, while Frans de Waal offered insights into primate cognition. Steve Wise’s editor, Merloyd Lawrence, and his agent, Charles Everitt, played crucial roles in shaping and publishing the book.

When I asked Steve Wise about the motivation behind writing *Rattling the Cage* while preparing for the translation, he explained that it was for a specific purpose. There was no established field of “Animal Rights Jurisprudence” nor any book advocating for the legal rights of non-human animals, as opposed to the moral rights that philosophers routinely debated.

In her foreword to *Rattling the Cage*, Jane Goodall states, “This book can be seen as the animals’ Magna Carta, Declaration of Independence, and Universal Declaration of Human Rights all in one.”¹² Marcel Berlins of *The Guardian* notes that the book made

¹¹ Colecciones – Editorial Tirant Lo Blanch, <https://editorial.tirant.com/es/colecciones/animales-y-derecho> (last visited May 13, 2024).

¹² WISE, S. *Rattling the Cage* (New York 2000) 10

him reconsider his previously dismissive attitude towards American lawyers' innovative legal theories: "I used to chortle in a what-will-American-lawyers-think-of-next sort of way, but I've just read a book which has made me laugh a little less patronizingly."¹³ According to Berlins, the book makes a compelling case for the fundamental legal rights of bodily integrity and bodily liberty for chimpanzees and bonobos, showcasing their cognitive, emotional, and social capacities and arguing for their entitlement to freedom from imprisonment and abuse.

In her review of *Rattling the Cage*, Jennifer Everett finds the book's use of research on animal consciousness compelling in supporting the case for their legal personhood. Everett underscores the necessity of legal rights over mere animal protection statutes, stating, "Wise does not spend much time explaining why legal rights rather than simply stronger or better-enforced animal protection statutes are necessary, but the reason is simple: the existing regime of animal law is utterly impotent to leverage significant changes in practices already regarded as legitimate."¹⁴ Salzani acknowledges the book's wide-ranging erudition and engaging storytelling, making it informative and entertaining. He states: "The recognition of legal personhood for chimpanzees and bonobos to grant them fundamental rights, as Wise advocates in his book, would only be a beginning, but it would be a concrete, tangible, and important start."¹⁵

I knew that I had been entrusted with a critical task. *Sacudiendo la jaula* was expected to open doors for litigation on behalf of animals in Spanish-speaking countries, providing a valuable tool for people who want to understand the legal and ethical considerations surrounding animal rights.¹⁶ The book's availability in Spanish is a significant step in promoting the recognition of legal personhood and fundamental animal rights in the Spanish-speaking world.

Translating the book was not easy. Steve Wise writes in a very scientific and technical manner. It doesn't flow quickly, especially in the chapters with more science discussion. Moreover, it is a long book, with 340 pages, so it was a task that took me a long time to complete. However, I learned a lot and tried to be as faithful as possible to the ideas that Steve Wise wanted to express in the book, trying to maintain the essence of the work without including any unnecessary words or interpretations of Steve Wise's original work.

¹³ BERLINS, M. Race Dilemma for Judges, *The Guardian*, May 14 (2000) <https://www.theguardian.com/world/2000/may/15/law.theguardian> (last visited Mar 24, 2024).

¹⁴ EVERETT, J. Book Review: Steve M. Wise. Foreword by Jane Goodall. *Rattling the Cage: Toward Legal Rights for Animals*. Cambridge, Mass.: Perseus Books, 2000, *Ethics & The Environment* 7 (2002) 147, 148, 149.

¹⁵ SALZANI, C. Steve M. Wise *Sacudiendo La Jaula: Hacia Los Derechos de Los Animales Tirant Lo Blanch* (Valencia 2018) 394 p, *Derecho Animal* 9 (2018) 168, 178.

¹⁶ Ver: SALZANI, C. *supra* note 15.

The Spanish edition of Steve M. Wise's book *Rattling the Cage: Toward Legal Rights for Animals*, is entitled *Sacudiendo la jaula: Hacia los Derechos de los Animales*. This edition was published in April 2018 by the renowned publisher Tirant lo Blanch. The translation aims to introduce the Spanish-speaking public to the arguments and legal mechanisms used to advocate for the legal rights of nonhuman animals by Steve Wise. The release event for the Spanish edition took place on April 19th, 2018, at the *Museu i Centre d'Estudis de l'Esport Melcior Colet* in Barcelona. It was organized with the Private Foundation CyO, the NGO *Esport Solidari Internacional*, the publisher Tirant lo Blanch, the Master of Animal Law and Society of the Autonomous University of Barcelona, and the ICALP.

4. RATTLING THE CAGE DEFENDED

Not all reviews of Wise's *Rattling the Cage* were favorable. Michael Hutchins, in his review of *Rattling the Cage*, points out the paradoxical nature of our relationship with animals, where we both love and use them and argues that nature, being amoral, does not fit neatly into legal categories of right and wrong: "We love them. We hunt them. We worship them. We eat them. We value their freedom. We keep them as pets. We admire predators but seem to hate that they kill. I struggle with such paradoxes every day, but unlike the author, I have learned to live with paradox rather than seeking fairness and consistency in everything. Nature is far from evenhanded."¹⁷

Cass R. Sunstein, when reviewing *Rattling the Cage*,¹⁸ also raised questions about the practical implications of granting legal rights to animals and whether certain human activities, such as scientific experimentation, might override these rights under specific circumstances.

Katrina M. Albright, in her review, highlights ecofeminism's critique of traditional animal rights theories, which often rely on rationality, and advocates for a shift towards an ethic of care that values emotional relationships and moral responsibilities. She states, "Ecofeminism draws connections between the domination over women and the domination over nature and nonhuman animals. It identifies Western patriarchal value systems as the common source of cultural validation of environmental destruction and violence against women and animals."¹⁹ Building on this, Albright suggests that an

¹⁷ HUTCHINS, M. *Rattling the Cage: Toward Legal Rights for Animals*, 61 *Animal Behaviour* 855 (2001).

¹⁸ SUSTEIN, C. R. *The Chimps' Day in Court*, *New York Times Book Review* 26 (2000).

¹⁹ ALBRIGHT, K.M. *The Extension of Legal Rights to Animals under a Caring Ethic: An Ecofeminist Exploration of Steven Wise's "Rattling the Cage,"* *Natural Resources Journal* 42 (2002) 915. *Rattling the Cage: Toward Legal Rights for Animals*, Steven M. Wise argues that nonhuman animals should be counted as persons under the law, therefore granting them legal standing in the American court

ecofeminist reform of the American legal system could build upon Wise's framework, offering legal protections to a broader range of animal species. Her review presents a thoughtful exploration of Wise's work through an ecofeminist lens, calling for a more inclusive approach to animal rights that transcends the limitations of rationality-based arguments.

In *Rattling the Cage Defended*,²⁰ Steve Wise addresses various criticisms of his book, engaging directly with several authors and critics who have reviewed it. One prominent critic Wise responds to is Judge Richard Posner, who reviewed *Rattling the Cage* in the *Yale Law Journal*.²¹ In his critique, Posner raises concerns about the practical implications of extending legal rights to animals, questioning the enforcement of these rights and determining which species should be entitled to them. He suggests that Wise's focus on cognitive capacity as the basis for rights may lead to problematic comparisons and emphasizes the need for a more pragmatic approach. Posner acknowledges the momentum of the animal rights movement but questions the practicality of granting legal rights to animals. He expresses concern about the slippery slope of extending rights beyond chimpanzees and bonobos to other species and the potential dilution of human rights.

Wise counters Posner's concerns by emphasizing the importance of recognizing the relative autonomy of certain nonhuman animals, such as chimpanzees and bonobos, and the need for a legal framework that reflects their cognitive abilities and moral significance already recognized by science. He argues that the legal system can and should evolve to accommodate the rights of nonhuman animals, much as it has adapted historically to protect human rights over time. Wise claims that extending legal rights to nonhuman animals does not necessarily dilute human rights but rather leads to a more inclusive and just legal system.

Furthermore, Wise addresses Posner's worry that failing to maintain a clear distinction between animals and humans may lead to treating human beings as badly as we treat animals.²² On this point, Wise stated: "If we open our moral umbrella a bit to shelter apes or primates or mammals or vertebrates, and believe every one of them inviolable and equal in dignity, why would we no longer believe the same of all humans who, would be a subset of those whom we believe to be inviolable and of equal dignity?"²³

system. Wise advocates the immediate extension of legal rights to chimpanzees and bonobos (pygmy chimpanzees

²⁰ WISE, S. *Rattling the Cage Defended*, 43 B.C. L. REV. 623 (2001).

²¹ POSNER, R.A. *Rattling the Cage: Towards Legal Rights for Animals*, *Yale Law Journal* 110 (2000) 527.

²² WISE, *supra* note 20 at 647.

²³ *Id.*

Wise argues that the recognition of legal rights for nonhuman animals should be based on their cognitive and emotional capacities, similar to those of humans in many respects. This recognition would not diminish human rights but expand our moral and legal community to include others capable of suffering and experiencing joy. Incorporating the perspective that the suffering of some animals, such as great apes, is worse than that of other animals due to their autonomy and mental capacities, Wise could further argue that this scientific understanding supports the need for a nuanced legal approach. I believe that recognizing the tremendous suffering of certain animals in captivity, based on their cognitive similarities to humans, strengthens the case for extending legal rights to these beings. This approach is not necessarily speciesist, as it is grounded in scientific evidence rather than arbitrary distinctions.

In *Rattling the Cage Defended*, Wise also challenges Posner's suggestion that there may be social value in maintaining a rhetoric of human specialness. He contends that the actual social value lies in acknowledging the interconnectedness of all life forms and respecting the dignity of all sentient beings. Wise argues that extending legal rights to nonhuman animals affirms our commitment to justice and compassion, which is foundational to a humane and civilized society. Wise's response to Posner's critique is centered on the idea that the legal recognition of rights for nonhuman animals is a natural progression of our evolving understanding of justice and morality. He advocates for a legal system that is flexible enough to adapt to new scientific understandings of animal cognition and emotional capacities and capable of extending protection to those most vulnerable to exploitation and harm.

In 2018, Martha C. Nussbaum praised the book's success in achieving its goal: "Wise is one of the most important pioneers of Animal Law. His book *Rattling the Cage*, published in 2000, brought animal ethics into the legal realm with astonishing results."²⁴ However, in 2001, she published a very harsh critique of Steve Wise's book *Rattling the Cage* in the *Harvard Law Review*,²⁵ which raises several key points. Firstly, she

²⁴ NUSSBAUM, M. Working with and for Animals: Getting the Theoretical Framework Right, *Journal of Human Development and Capabilities* 19, 2, (2018) 3.

²⁵ NUSSBAUM, M. Animal Rights: The Need for a Theoretical Basis, *Harvard Law Review* 114 (2001) 1506. by Steven M. Wise, is reviewed. This review critiques Wise's historical argument that both Aristotelian and Stoic thought have created a sharp dichotomy between humans and animals that still animates Anglo-American thought. The review also considers several alternative frameworks for structuring an approach to animal rights. Finally, Wise's proposals for changing animal rights law are discussed and it is concluded that any constructive suggestions for incorporating these ideas into the common law require a carefully considered theoretical background.»»-container-title:»»Harvard Law Review»»DOI:»»10.2307/1342686»»ISSN:»»0017-811X»»issue:»»5»»language:»»eng»»note:»»publisher-place: Cambridge\npublisher: Harvard Law Review Association»»page:»»1506–1549»»source:»»hollis.harvard.edu»»title:»»Animal Rights: The Need for a Theoretical Basis»»title-short:»»Animal Rights»»volume:»»114»»author:»»[{«family:»»Nuss-

argues that Wise's historical account of philosophical attitudes toward animals is overly simplistic. Nussbaum suggests that ancient Greek and Roman thought provided various views on animals, including those recognizing their intelligence, emotional capacities, and moral significance. She points out that philosophers like Aristotle and the Stoics had complex opinions on the natural continuum between humans and animals, which Wise's account fails to capture.²⁶

Nussbaum also criticizes Wise's reliance on legal rights as the primary means of protecting animals. She contends that focusing solely on legal rights may not be sufficient to address the moral complexities of human-animal relationships. Nussbaum suggests that a more nuanced theoretical framework is needed to underpin animal rights, considering a broader range of ethical considerations beyond legal personhood.

In *Rattling the Cage Defended*, Wise defends his historical approach, emphasizing that he intended to highlight the main intellectual thread leading to the current legal status of nonhuman animals as property. He acknowledges that his book does not provide a comprehensive history of human attitudes toward animals but argues that it was not meant to.²⁷ Instead, Wise aims to demonstrate how specific philosophical ideas have influenced the legal treatment of animals, leading to their categorization as property without rights.

Wise also addresses Nussbaum's concerns about the effectiveness of legal rights. He argues that while anti-cruelty laws are essential, they do not offer the same level of protection as legal personhood. Wise believes granting legal rights to certain animals, such as chimpanzees and bonobos, would create a more substantial barrier against exploitation and abuse. He maintains that legal rights are crucial to recognizing these animals' intrinsic value and autonomy.

baum»,»given»:»Martha C.»}],»issued»:»{«date-parts»:»[[«2001»]]}»}],»schema»:»https://github.com/citation-style-language/schema/raw/master/csl-citation.json»}

²⁶ *Id.* at 1506. by Steven M. Wise, is reviewed. This review critiques Wise's historical argument that both Aristotelian and Stoic thought have created a sharp dichotomy between humans and animals that still animates Anglo-American thought. The review also considers several alternative frameworks for structuring an approach to animal rights. Finally, Wise's proposals for changing animal rights law are discussed and it is concluded that any constructive suggestions for incorporating these ideas into the common law require a carefully considered theoretical background.»»-container-title»:»Harvard Law Review»,»DOI»:»10.2307/1342686»,»ISSN»:»0017-811X»,»issue»:»5»,»language»:»eng»,»note»:»publisher-place: Cambridge\npublisher: Harvard Law Review Association»,»page»:»1506–1549»,»source»:»hollis.harvard.edu»,»title»:»Animal Rights: The Need for a Theoretical Basis»,»title-short»:»Animal Rights»,»volume»:»114»,»author»:»[{«family»:»Nussbaum»,»given»:»Martha C.»}],»issued»:»{«date-parts»:»[[«2001»]]}»,»locator»:»1506»,»label»:»page»}],»schema»:»https://github.com/citation-style-language/schema/raw/master/csl-citation.json»}

²⁷ WISE, *supra* note 20 at 623–648.

In summary, Nussbaum's critique of *Rattling the Cage* focuses on a more comprehensive historical and theoretical approach to animal rights. Wise's response emphasizes the importance of legal rights to protect animals and defends his historical narrative to highlight the philosophical underpinnings of the current legal treatment of animals.

Another critic Wise engages with is Damon Linker, who wrote in Commentary that Wise's arguments about the cognitive abilities of chimpanzees and bonobos might be overstated. Linker questions whether the ability of some nonhuman animals to understand human language or exhibit theory of mind warrants the attribution of rights typically reserved for humans. Wise responds by emphasizing the scientific evidence supporting the complex cognitive abilities of chimpanzees and bonobos, and he argues that these abilities justify considering them as legal persons with certain rights.

In response to *Nature Neuroscience's* editorial critique of his book,²⁸ Steve Wise addresses the concerns raised about animals' cognitive capacities and the challenges of drawing a line in determining legal rights for different species. *Nature Neuroscience* acknowledges that the mental capacities of great apes exceed those of many humans but points out that Wise's proposal to grant legal rights to chimpanzees and bonobos raises the question of where to draw the line between species. They argue that any sensible solution would require criteria for evaluating different animals' mental capacities and weighing them against the benefits of experimentation. However, they note that Wise offers little guidance on achieving this.²⁹

In *Rattling the Cage Defended*,³⁰ Wise acknowledges that drawing a line is a significant challenge but argues that it is not unique to the issue of animal rights. He points out that legal systems already draw lines based on cognitive abilities when determining the rights of humans, such as in cases involving children or individuals with cognitive impairments. Wise suggests that a similar approach can be applied to nonhuman animals, where rights are granted based on relevant mental characteristics that are scientifically verifiable.

It is interesting to note that this particular critique from *Nature Neuroscience* led Steve Wise to write his subsequent book, *Drawing the Line: Science and the Case for Animal Rights*.³¹ In this book, Wise further explores the scientific basis for determining the cognitive abilities of various animals and how these abilities should inform their legal rights.

²⁸ Legal challenges to animal experimentation, 3 *Nature Neuroscience* 523 (2000).

²⁹ *Id.* at 523.

³⁰ WISE, *supra* note 20 at 650.

³¹ WISE, S. *Drawing the line: Science and the case for animal rights* (2002).

Wise also addresses the concern that granting legal rights to nonhuman animals could lead to a slippery slope, making it difficult to justify excluding other species from legal protection. He argues that the legal system can make nuanced distinctions and that recognizing legal rights for certain animals does not necessarily imply that all animals should have the same rights. Instead, Wise advocates for a case-by-case approach,³² where the rights of different species are determined based on their cognitive abilities and the ethical implications of their treatment.

I agree with Wise's response to *Nature Neuroscience's* critique, which emphasizes the importance of using scientific evidence to inform legal decisions about animal rights. Wise acknowledges the challenges of drawing a line but argues that these are not insurmountable and that the legal system can evolve to accommodate the rights of nonhuman animals based on their cognitive capacities and moral significance.

In response to Richard Epstein's critique,³³ Steve Wise compares the legal treatment of nonhuman animals and enslaved humans. Specifically, Wise discusses Epstein's critique in the section entitled "II. Criticisms of My Legal Arguments,"³⁴ in which Epstein criticizes Wise for claiming that, historically, nonhuman animals were treated as property, arguing that this oversimplifies the legal treatment of animals and is no more accurate than saying enslaved people were treated as things. Epstein contends that enslaved people were treated as legal hybrids, part property, and part human beings, and that animals were similarly treated both as living organisms and private property. Wise responds by asserting that nonhuman animals were indeed treated as property and that enslaved people were treated as things, with their legal status being that of property without personal rights. He argues that the essence of slavery is rightlessness and that scholars often compare the rightlessness of enslaved people to that of nonhuman animals under ancient law. Wise emphasizes that the legal thinghood of nonhuman animals is an anachronism, with its roots deeply embedded in Roman law and ancient philosophies. In other words, Wise defends his claim that nonhuman animals were historically treated as property and that enslaved people were treated as things, arguing that this legal treatment resulted in their lack of rights. He addresses Epstein's critique by highlighting the similarities in the legal treatment of nonhuman animals and enslaved humans as property without personal rights. In *Rattling the Cage Defended*, Wise emphasizes the need for a legal paradigm shift that recognizes certain nonhuman animals' intrinsic value and autonomy.

³² WISE, *supra* note 20 at 650.

³³ EPSTEIN, R. The Dangerous Claims of the Animal Rights Movement, *The Responsive Community* 10 (2000) 28.

³⁴ WISE, *supra* note 20 at 668.

5. IMPACT OF *RATTLING THE CAGE*

(i) Cases in the U.S.

Many of the concepts presented in *Rattling the Cage* provided the foundation for the legal cases brought by the Nonhuman Rights Project in the U.S. and have influenced legal cases brought overseas.

In *Rattling the Cage*, Attorney Wise provides a description of how common law is made by judges in the courtroom and discusses how the common law serves as a flexible vehicle for introducing change. For this reason, the NhRP has focused most of its efforts on litigation, although recently the organization has widened its efforts to seek legislative changes.

As mentioned above, In *Rattling the Cage*, Attorney Wise identifies bodily liberty as a fundamental human interest and argues that this common law right should be recognized in certain nonhuman animals. The NhRP seeks to secure the right to bodily liberty for its nonhuman animal clients through a common law writ of habeas corpus. Attorney Wise mentions habeas corpus in *Rattling the Cage* and in his later writings further develops his ideas regarding how habeas corpus can be used to secure rights for nonhuman animals and their freedom from captivity.

Rattling the Cage provides an overview of the proven cognitive abilities of certain nonhuman animals and underscores their similarity to human beings with respect to autonomy. Attorney Wise argues that the legal concept of equality requires equal treatment of individuals who are similar for purposes of the law. Put another way, equality requires a legitimate justification for treating relevantly similar individuals differently. The NhRP has chosen to file its initial cases on behalf of certain animals with extraordinary complex cognitive abilities and autonomy substantiated by scientific evidence. Autonomy is the state of being self-conscious, (meaning having a sense of self and an awareness that one exists) and having the ability to desire something and to act on those desires. The filings of the NhRP include affidavits from experts on species specific animal cognition and autonomy, who present evidence establishing that the NhRP's nonhuman animal clients have these qualities.

The ideas in *Rattling the Cage* inform the NhRP's legal filings and in consequence, influence how judges rule. In her dissenting opinion in *Nonhuman Rights Project, Inc. v. Breheny*, New York Court of Appeals Judge Jenny Rivera acknowledges that Happy is an autonomous, cognitively complex being, who should be granted legal relief from captivity.

“We are here presented with an opportunity to affirm our own humanity by committing ourselves to the promise of freedom for a living being with the characteristics displayed by [the elephant] Happy. We are asked to recognize that the writ may be invoked because

Happy is a sentient being, who feels and understands, who has the capacity, if not the opportunity, for self-determination. That recognition means that a court may consider whether to issue the writ because it is unjust to continue Happy's decades-long confinement in an unnatural habitat where she is held for the sole purpose of human entertainment.... A gilded cage is still a cage. Happy may be a dignified creature, but there is nothing dignified about her captivity."³⁵

The quote below from now retired New York Court of Appeals Judge Eugene Fahey distinguishes legal personhood from legal thinghood, a fundamental concept discussed in *Rattling the Cage*.

"The issue whether a nonhuman animal has a fundamental right to liberty protected by the writ of habeas corpus is profound and far-reaching. It speaks to our relationship with all the life around us. Ultimately, we will not be able to ignore it. While it may be arguable that a chimpanzee is not a 'person,' there is no doubt that it is not merely a thing."³⁶

In the book, Attorney Wise categorizes judges based on how they make decisions—for example, how rigidly they adhere to the past or whether they consider societal changes. Attorney Wise argues that the moral evolution of society should influence the law. This concept is clearly articulated in the NhRP pleadings. As quoted below, Judge Wilson affirms this idea. In his dissenting opinion in *Nonhuman Rights Project, Inc. v. Breheny*, New York Court of Appeals Judge J. Wilson acknowledges this matter.

"Society's determination as to whether elephants have a right to be free of oppressive confinement, which they may test through habeas corpus, is not likely to be the same today as it was 100 years ago. At its core, this case is about whether society's norms have evolved such that elephants like Happy should be able to file habeas petitions to challenge unjust confinements."³⁷

In their discussions, both judges also touch upon the sensitive issue of racial comparisons within the context of animal rights advocacy. Judge Wilson critically addresses the racial implications of equating the plight of animals with historical human injustices, cautioning against drawing parallels that could potentially perpetuate racial stereotypes. He notes, "Any discussion of slavery in the context of animal rights demands an acknowledgement of our country's reprehensible history of denying the humanity of racial minorities."³⁸

³⁵ *Nonhuman Rights Project, Inc. v. Breheny*, 38 N.Y.3d 555, 642 (N.Y. 2022) (Rivera, J., dissenting).

³⁶ *Nonhuman Rights Project, Inc., on Behalf of Tommy v. Lavery*, 31 N.Y.3d 1054, 1059 (N.Y. 2018) (Fahey, J., concurring).

³⁷ *Nonhuman Rights Project, Inc. v. Breheny*, 38 N.Y.3d 555, 588 (N.Y. 2022) (Wilson, J., dissenting).

³⁸ MONTES FRANCESCHINI, M. & STILT, K. *Estrellita the Woolly Monkey and the Ecuadorian Constitutional Court: Animal Rights Through the Rights of Nature*, REVISTA, <https://revista.dr-clas.harvard.edu/estrellita-the-wooly-monkey-and-the-ecuadorian-constitutional-court-animal-rights-through-the-rights-of-nature/> (last visited Apr 11, 2024).

Judge Rivera echoes this concern, emphasizing the need for careful consideration when making comparisons between animal rights and human rights struggles involving people of color. She states, “While acknowledging the unique oppressions faced by enslaved individuals and other marginalized groups, we must also recognize that comparisons intended to illustrate the severity of animal suffering should not inadvertently diminish the experiences of those historically oppressed.”³⁹

These reflections from Judges Wilson and Rivera highlight the complex interplay between advancing animal rights and addressing racial sensitivities within the legal and societal frameworks. The efforts by Steve Wise and the Nonhuman Rights Project to push for legal personhood for animals like Happy not only challenge existing legal definitions but also bring to the forefront the importance of ensuring that the animal rights movement advances in a way that is respectful and inclusive of racial and minority issues. This approach underscores the necessity for a movement that fosters justice and dignity for all beings, facilitating a broader societal acknowledgment and respect for both animal and human rights.

(ii) Cases in Latin America

It is difficult to determine the direct impact that *Rattling the Cage* has had on the attorneys and advocates filing habeas corpus cases globally. However, since the book was published in 2000, over fifteen habeas corpus have been filed for nonhuman animals like chimps, orangutans, elephants, bears, and monkeys in countries like Brazil, Argentina, Colombia, and Ecuador. Most habeas corpus petitions for nonhuman animals have been filed in Latin America, mainly in Argentina.

Here is a list of some of the most important cases:⁴⁰

1. Chimp Suiça (Brazil, 2005)
2. Chimps Lili and Debby Megh (Brazil, 2008)
3. Chimp Jimmy (Brazil, 2009)
4. Chimp Toti (Argentina, 2013)
5. Polar Bear Arturo (Argentina, 2014)⁴¹
6. Chimp Monti (Argentina, 2014)

³⁹ Nonhuman Rights Project, Inc. v. Breheny, 38 N.Y.3d 555, 642 (N.Y. 2022) (Rivera, J., dissenting).

⁴⁰ See, MONTES, M. Animal Personhood: The Quest for Recognition, *Animal & Natural Resource Law Review* (2021) 17, 93-150; MONTES, M. Animal Personhood: A Legal and Moral Defense (2022) [Doctoral dissertation, Universitat Pompeu Fabra]. TDX. <http://hdl.handle.net/10803/675950>

⁴¹ See, DE BAGGIS, G. Arthur Bear’s Dilemma, *Derecho Animal* 7 (2016) 1.

7. Chimp Toto (Argentina, 2014)
8. Orangutan Sandra (Argentina, 2014)
9. Chimp Cecilia (Argentina, 2016)
10. Chimps Martín, Sasha, and Kangoo (Argentina, 2017)
11. Andean Bear Chucho (Colombia, 2017)⁴²
12. Andean Bear Remedios (Colombia, 2019)
13. Woolly Monkey Estrellita (Ecuador, 2020)
14. Elephants Guillermina and Pocha (Argentina, 2021)

In these habeas corpus cases, the animals have been confined in zoos. The petitioners seek to relocate these animals to sanctuaries where they can lead more natural lives, considering that reintroduction into a completely wild habitat is not feasible (except for the Estrellita Case, as we will see). Thus, the aim of habeas corpus is to liberate the animals from human-dominated environments, allowing them to live as freely as possible in their natural state. In the following sections, we will highlight certain cases, focusing not on the specifics but on the impact of Steve Wise, his books, and the Nonhuman Rights Project (NhRP) for their development.

It is noteworthy that while Steve Wise's strategies are tailored for application within common law jurisdictions like the United States, many cases influenced by his work have arisen in Latin American countries, which operate under the French Continental legal tradition. Despite this contrast in legal systems, it's important to highlight the unique legal frameworks each country employs concerning *habeas corpus*. The principles advanced by the Nonhuman Rights Project (NhRP) to grant legal standing to chimpanzees and bonobos in U.S. courts would likely find no traction in civil law jurisdictions. In these systems, judges are generally bound to adhere strictly to the law as written. In civil law systems, judges resemble members of a classical orchestra, adhering closely to the written musical scores. In contrast, judges in common law systems are similar to jazz musicians who, while grounded in a basic structure, are afforded the leeway to interpret and improvise creatively. Typically, legal doctrine under civil law stipulates that habeas corpus petitions can only benefit human beings. For instance, Colombian law explicitly limits the application of habeas corpus to human individuals, invoking the *pro homine* principle.

Therefore, even if a civil law judge decided to grant habeas corpus to an animal, such a decision would not alter the system for all animals in a civil law country. From a legal perspective, in countries like Colombia—and likely extendable to others—for an

⁴² See MONTES, M. Legal Personhood: The Case of Chucho the Andean Bear, *Journal of Animal Ethics* 11 (2021) 36.

animal to be considered a subject of rights, it would need to be explicitly recognized as such by national laws. This would necessitate the prohibition of any real rights over such an animal and the creation of special procedural actions to protect their fundamental rights. Fundamental reforms would be required, including changes to the Civil Code and procedural laws, and probably to the National Constitution, to establish special guardianship actions based on the sentient nature of these beings, distinguishing them from objects to persons. In civil Law countries, requesting a judge to suddenly prohibit or abolish ownership of animals, including livestock, is asking too much. It's not a matter of judicial courage but rather the proper role and function within the judiciary and a rule-of-law state civil law system. Such a foundational change would need broad consensus within society itself, where popular and political sovereignty resides. Judicial decisions alone cannot effectively bring about such changes without adherence to laws and constitutional processes.

However, the numerous habeas corpus actions filed in Latin America on behalf of animals held in captivity have been very beneficial in two respects. Firstly, they have stirred the debate on animal rights both within society and in law schools. The media coverage of the cases of Sandra and Cecilia brought these discussions to public attention, highlighting that some animals might also be recognized as persons. This awareness is a crucial first step towards building a social consensus on animal rights.

Secondly, at least for Cecilia and Sandra, their lives were improved as both ended up living in a sanctuary following the initiation of habeas corpus actions on their behalf. Thus, the lives of two animals—a chimpanzee and an orangutan—were greatly enhanced. The lives of Sandra and Cecilia are invaluable.

a) Suíça

In 2005, a writ of habeas corpus was filed on behalf of a chimpanzee named *Suíça* who was confined in an unsuitable enclosure at the municipal zoo in the Brazilian city of Salvador, located in the northeast of Brazil. This case held considerable importance for the animal rights movement in Latin America. The writ of habeas corpus was filed by public prosecutors Heron Santana and Luciano Santana from the northeastern Brazilian state of Bahia and was submitted to the 9th Criminal Trial Court.⁴³ The desired outcome was to secure the chimpanzee's release from solitary confinement and ensure her transfer to a primate sanctuary in Sorocaba, in the state of São Paulo. In the petition, whose English translation can be found on the website of the Legal and Historical Center, the petitioners cite *Rattling the Cage* by Steve Wise:

⁴³ See, Suíça-Habeas Corpus | Animal Legal & Historical Center, <https://www.animallaw.info/case/Suíça-habeas-corporus> (last visited Apr 11, 2024).

“The Project’s point of view is based on modern evolutionary theory regarding genetic evolution and similarities between humans and great apes. Scientific evidence shows that humans and apes had a common ancestor about 5 or 6 million years ago when they split; one branch led to chimpanzees and bonobos, and the other led to the hominids, the erect bipedal primates that include humans and other species of the genera *Homo*, such as *Australopithecus*, *Ardipithecus*, and *Paranthropus*.”⁴⁴

In Herón Santana words: “Wise was one of the most important Animal Law jurists. In addition to being the first professor of this discipline, he produced work of high scientific value, especially in his books *Drawing the Line* and *Rattling the Cage*. The latter had a strong and very important influence on the development of my theory on habeas corpus for great apes.”⁴⁵

b) Sandra the Orangutan and Cecilia the Chimpanzee

Sandra was born in a German zoo in 1986 and transferred to the Buenos Aires Zoo in 1994. In November 2014, the NGO AFADA filed a writ of habeas corpus seeking her relocation to a sanctuary in Brazil. Initially, both the lower court and the Court of Appeals rejected this request. However, the Federal Criminal Court of Cassation later acknowledged Sandra as a subject of rights through *obiter dictum*, marking the first such recognition in Argentina. Despite this, the court did not approve her transfer. A subsequent protective legal action in 2015, led by Judge Liberatori, recognized Sandra as a person. Although this decision was overturned, the mandate to improve her living conditions remained, leading to her eventual relocation to the Center for Great Apes in Florida in 2019, after twenty-five years of solitary living.

Cecilia, born into captivity, spent over two decades in a cement enclosure at the Mendoza Zoo, enduring poor conditions. In 2016, a writ of habeas corpus filed by AFADA and endorsed by Judge Mauricio established Cecilia as a person entitled to fundamental rights, culminating in her transfer to Brazil’s Great Ape Sanctuary. This decision was notable for its use of environmental and sentience arguments to affirm Cecilia’s personhood and challenge the traditional application of habeas corpus solely to humans. The court recognized her cognitive and emotional capacities, comparable to those of a four-year-old child, as a basis for her rights.

While the lawyers involved in these habeas corpus cases do not acknowledge a direct or indirect impact from the ideas presented in *Rattling the Cage* by Steven Wise, an

⁴⁴ Suiça-Habeas Corpus | Animal Legal & Historical Center, 8, <https://www.animallaw.info/case/Suiça-habeas-corporus> (last visited Apr 11, 2024).

⁴⁵ SANTANA GORDIHLO, H. Personal communication, April 10, 2024. Dr. Herón Santana Gordihlo expressly authorized me to use the referred information.

article by Gustavo de Baggis cites the influence of the case of Suiça and of Herón Santana Gordilho who had been influenced in part by Steven Wise's ideas. Suiça's case is regarded as a pioneering instance in global jurisprudence. According to De Baggis, Dr. Heron Gordilho, a prosecutor with environmental jurisdiction in Bahia and a professor at the local university, played a crucial role in this case and is a significant figure in Latin American Animal Law as the first president of the Latin American Animal Law Association (ALDA).

Additionally, in *Rattling the Cage*, Wise emphasizes bodily liberty as a fundamental interest and argues for the recognition of such rights for animals with complex cognitive abilities and proven autonomy. These cases utilize the habeas corpus framework Wise advocated for, contesting the illegitimate and arbitrary deprivation of liberty and the unjustified confinement of an animal, demanding its release and transfer to a suitable primate sanctuary. This strategy reflects the essential principles discussed in *Rattling the Cage*.

c) Woolly Monkey Estrellita⁴⁶

For 18 years, a chorongo monkey named Estrellita lived with Ana Beatriz Burbano Proaño. Her presence remained unnoticed by neighbors until 2019 when an anonymous report alerted the environmental authorities about a monkey living in a private residence. Under the Ecuadorian Environmental Code, owning wild animals without a permit is prohibited, and such permits are typically not granted to individuals. Consequently, Estrellita was seized on September 11, 2019, and placed in quarantine at the San Martín de Baños Zoo.⁴⁷

Following Estrellita's seizure, Beatriz Burbano Proaño, represented by attorney Verónica Aillón Albán, filed a writ of habeas corpus seeking Estrellita's return and the granting of a wildlife license to her. However, unbeknownst to the plaintiff, Estrellita had passed away from cardiorespiratory arrest on October 9, 2019, less than a month after her confiscation.⁴⁸

The lower court rejected the habeas corpus claim, which was later amended to pertain to Estrellita's remains, but the Court of Appeals upheld the denial. Both courts concluded that the environmental authority had appropriately exercised its protective

⁴⁶ See MONTES M, STILT, K. Estrellita the Woolly Monkey and the Ecuadorian Constitutional Court: Animal Rights Through the Rights of Nature, REVISTA, <https://revista.drclas.harvard.edu/estrellita-the-wooly-monkey-and-the-ecuadorian-constitutional-court-animal-rights-through-the-rights-of-nature/> (last visited Apr 11, 2024).

⁴⁷ *Id.*

⁴⁸ *Id.*

functions for the rights of nature, which are “inherent” but “belong to humanity and not just to one person,” and because the claim was filed after Estrellita’s death.⁴⁹ However, an extraordinary event occurred on December 22, 2020, when the Constitutional Court of Ecuador chose to review the case, despite Estrellita’s death, to develop binding jurisprudence on the scope of habeas corpus in protecting non-human animals and to determine if they are subjects of rights protected by the rights of nature under the Ecuadorian Constitution. Numerous individuals and foundations submitted *amici curiae* in support of Estrellita’s case, notably an *amicus* brief filed by Prof. Kristen Stilt and Macarena Montes on behalf of the Brooks McCormick Jr. Animal Law & Policy Program at Harvard Law School (ALPP) and Steven Wise and Kevin Schneider on behalf of the Nonhuman Rights Project (NhRP), which the Court cited extensively.⁵⁰

Attorney Veronica Aillón was a student in the Online Master’s in Animal Law at the Autonomous University of Barcelona, where Steven Wise served as a professor. When asked about the impact of Steven Wise and his book *Rattling the Cage* on her, Aillón responded: “I was a student of Steven Wise, and I deeply admire his work and the legal research on the institution of habeas corpus with the philosophical foundation he proposes. Also, in the Master’s program, I met Professor Heron Gordillo from Brazil, who had filed a habeas corpus petition on behalf of Suíça, and both of them influenced me.”⁵¹

6. CONCLUSION

To conclude, the book “Rattling the Cage” by Steven M. Wise offers a transformative exploration of the legal status of nonhuman animals and the compelling case for recognizing their personhood. This narrative, while rooted deeply in the legal contexts of the United States, resonates globally, influencing legal perspectives and animal rights advocacy beyond its initial scope. The impact of Wise’s arguments is particularly palpable in Latin America, where numerous *habeas corpus* actions have sparked significant legal and societal discussions. These cases not only emphasize the potential personhood of animals such as Sandra and Cecilia but also improve the lives of individual animals by

⁴⁹ See CONTRERAS, C., MONTES, M. Derechos constitucionales para animales no humanos en Ecuador: el caso de Estrellita, la mona chorongó, *Journal of Animal Law & Interdisciplinary Animal Welfare Studies / Revista general de Derecho Animal y estudios interdisciplinarios de bienestar animal* – ISSN 2531-2286 (2022), https://www.iustel.com/v2/revistas/detalle_revista.asp?id_noticia=425025 (last visited Apr 11, 2024).

⁵⁰ *Id.*

⁵¹ AILLÓN, V. Personal communication, April 10, 2024. Dr. Verónica Aillón expressly authorized me to use the referred information.

relocating them to sanctuaries, thus underscoring the practical effects of legal theory in action.

As we reflect on the broader implications of Wise's work, it becomes clear that the journey towards recognizing the legal rights of nonhuman animals is both necessary and complex, involving a nuanced understanding of legal, ethical, and biological principles. The cases in Latin America highlight a crucial first step toward social consensus on animal rights. By challenging traditional legal frameworks and advocating for a shift in how animals are perceived legally and morally, Wise's work lays foundational stones for future advancements in animal law.

In the United States, the influence of Wise's advocacy is evidenced by the notable dissenting opinions in judicial rulings, such as in the case of the elephant named Happy. Judges like Jenny Rivera of the New York Court of Appeals have recognized nonhuman animals' autonomous and cognitively complex nature, arguing that their personhood warrants legal consideration and potential relief from unjust captivity. These dissenting voices highlight the evolving legal thought and underscore the potential for significant shifts in legal practice concerning animal rights.

The lives of animals like Sandra and Cecilia, dramatically transformed through legal action, remind us of the profound impact of thoughtful legal advocacy on the welfare of sentient beings, steering us toward a more just and empathetic society. This endeavor, while challenging, is essential for the evolution of our legal systems to embrace a more inclusive and compassionate view of life on Earth. Thus, as illustrated by dissenting opinions, the dialogue between legal theory and judicial practice plays a crucial role in paving the way for a legal framework that recognizes and respects the intrinsic value and rights of nonhuman animals.

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