

UNIVERSITY OF MISSOURI-KANSAS CITY
SCHOOL OF LAW

Law #744
Jurisprudence

Professor Levit
Winter Semester, 2000

TAKE HOME FINAL EXAMINATION

Instructions

Sources: You may use (1) the textbook and course supplement; (2) any materials handed out in class; (3) your class notes; and (4) any outlines, notes, or other materials you have prepared. **You may not do any outside research.**

Help: You may not discuss the examination question with, or consult with, any other person. This examination is to be solely your own work. You may not do any research, either in the library, on the computer, or in any other form. Any questions about interpretation should be addressed to me. If the question could in any manner impair anonymity, it should be written and given to Debra Banister, the Story suite secretary. I will respond in writing and you can obtain the response from Debra. Violation of the rules regarding consultation with others or with outside materials will be considered honor code violations. In addition, violation of rules regarding consultation, length or lateness will lead to assessment of penalties in grading.

Deadline: Your answer must be returned by Friday, April 28, 2000, at 9:00 a.m. to Debra Banister in the Story suite. You may submit the exam earlier if you desire. Be sure to sign the check-in sheet when you turn in your exam.

Format: Your answer must be typewritten, double spaced, on 8.5" x 11" paper with 1" margins on all sides. Do not exceed the specific word limit provided. **Include a word count.** (use the word counter on your computer or count manually). I will penalize papers that exceed the word limit, fail to meet minimum readability requirements (e.g., grammar), fail to appear on time, or that in my judgment reflect an attempt to evade the spirit of these rules. Please number the pages and staple them together. Keep a copy of your exam answer.

Exam #: Use your exam number. Make sure your exam number is on all pages of your answer. You do not need to turn this exam in with your answer. You need not use a blue book.

Style: Your answer should be concise, organized and coherent. While references to theoreticians is encouraged, quotations are discouraged -- I want your words and analysis -- and citations are unnecessary.

Substance: I have included all the facts that I think you need to answer the question. If you believe you lack necessary facts, make explicit any reasonable assumptions you are making and why, or indicate what facts need to be investigated and why, or both. I encourage you not to make factual assumptions which unnecessarily raise issues not otherwise suggested by the given facts, or which avoid issues reasonably raised by the facts. The greatest amount of points will be awarded for **specific application** of the jurisprudential theories to the question asked.

Question
(100%)

Recent news articles have elaborated some of the horrors of animal experimentation. Chimpanzees and bonobos (sometimes called “pygmy chimpanzees”) are captured, purchased, and transported from Central Africa. Many are kept isolated in windowless, cinder-block cages for years. Some have been intentionally infected with strains of the HIV virus, because, immunologically, humans and chimpanzees are remarkably similar. The DNA of chimpanzees and humans is approximately 98.5% identical and chimps are susceptible to all known human contagious diseases (except, apparently, cholera). Apart from the suffering of the individual animals, there is evidence that the populations of chimps and bonobos are dwindling as the result of animal experimentation.

Chimps and bonobos also create complex social communities that resemble human societies, with varying different cultures. Humans have only recently begun to discover the extent of chimps’ cognitive and emotive capacities (tool-making, courtship and grooming behaviors, conflict-resolution and reciprocal exchange capacities, self-awareness, the abilities to teach and imitate, the capacities to reason, plan, count and communicate with language; they experience joy, pain, sadness and humor), although as pharmaceutical researches and livestock groups have pointed out, there is no evidence yet that chimps understand what others believe or think or desire.

The animals, of course, are not human beings, and thus have no legal standing to complain about their treatment. Presently animals are considered as property and thus have no legal rights. While obtaining legal personhood for animals through legislation is unlikely in this country, a number of animal rights activists want to give at least some varieties of great apes the legal rights to life and the right not to be tortured, cruelly treated, or subjected to invasive biomedical experimentation. A bill was recently introduced before Congress to guarantee chimpanzees and bonobos the rights to life, bodily integrity and bodily liberty and to ban experimentation on them for any reason.

What would the following theorists think about the proposal to accord these great apes some fundamental legal rights?

1. Evan Allgood, a natural rights theorist.
2. Rick Stein, a law and economist
3. Katherine Franklin, a cultural feminist
4. Dan Canady, a critical legal studies adherent

Word limit total for entire question (divide as you wish): 3000 words.