

The Macaques Must be Free!

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This blog examines the legal recognition of animal rights. It focuses on the recent escape of rhesus macaques from Alpha Genesis, a research facility in South Carolina. The blog raises questions about the consistency of applying these rights, especially in biomedical research contexts. The conclusion contends that for rights to hold substantial meaning, they must be universally and consistently applied to all sentient beings.

Introduction

On 6 November 2024, 43 young female rhesus macaques escaped Alpha Genesis research facility in Yemassee, South Carolina, USA. They immediately scattered throughout the nearby town and into the

forest beyond. As of this writing, twenty-five have been captured², with the rest remaining somewhere in the wilds of South Carolina.

This is not these monkeys' first foray into freedom. All forty-three were recently captured from nearby Morgan Island, where Alpha Genesis maintains a population of over 4,000 rhesus macaques, capturing members as needed for biomedical research projects³. These monkeys had, until recently, been living in the wild before being captured in preparation for being shipped off to have their brains experimented upon and dissected as part of research on degenerative brain diseases⁴.

Legal Recognition of Animal Rights

These monkeys have a right to freedom. That right to freedom is being violated by their capture. The capture and use of these monkeys are a violation, not only of their rights as individuals, but of the concept of rights as a whole.

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² **Maria Cramer**, 'Monkey Captured in South Carolina After Escape from Research Facility' (*The New York Times*, 10 November 2024) <https://www.nytimes.com/2024/11/10/us/monkey-captured-south-carolina.html> accessed 10 February 2025.

³ **Stacey Leasca**, 'Yes, There's a Secret Island in South Carolina Filled With Monkeys — and You Can Visit Nearby' (*Travel and Leisure*, 22 March 2023) <https://www.travelandleisure.com/trip-ideas/island-vacations/morgan-island-south-carolina-monkeys> accessed 10 February 2025.

⁴ **Li Cohen**, 'South Carolina Escaped Monkeys: What We Know' (*CBS News*, 9 November 2024) <https://www.cbsnews.com/news/south-carolina-escaped-monkeys-what-we-know/> accessed 10 February 2025.

Human rights are, by the conception of the modern human rights regime, inherent and universal, applying to all persons, regardless of who they are or where they might be.

From the vilest criminals to the most innocent infants, all are granted rights from birth until death. While the source of rights may be debated, the reality of rights enforced by law is not. Under the law, we have rights, regardless of any other source from which they might derive. It stands to reason, then, that if the law is the arbiter of rights, it is to the law we must turn to understand what the rights of the South Carolina macaques are.

That animals have rights is unquestionable. Article 13 of the Treaty on the Functioning of the European Union (TFEU) establishes animal sentience within the same context as gender equality and anti-discrimination policies⁵. Article 13 has served as the basis under which the five freedoms have been incorporated into law, further solidifying that animals not only deserve welfare but also possess rights⁶. The Dutch Animals Act

of 2011 takes this a step further, not only affirming that animals have rights but that they are beings with intrinsic worth beyond any financial value⁷.

That animals are rights-holders rather than rights-objects has also been affirmed and reaffirmed through case law. *Oregon v. Newcomb* established that property rights do not apply to sentient beings⁸. Similar case law exists in Quebec⁹ and the United Kingdom¹⁰, with further case law establishing that chimpanzees have the right of habeas corpus¹¹. In 2015, an Argentine court declared Sandra the orangutan to be a non-human person, defining her as an “existing visible person,” with equivalent rights to a child or disabled person¹².

The Case of the South Carolina Macaques

The law, then, is on animals’ side. Their sentience is recognised. Their right to well-being is recognised. In Europe, the cruelty of research is recognised¹³. Every legal

⁵ **European Union**, 'Treaty on the Functioning of the European Union' (*EUR-Lex*, 2023) <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-on-the-functioning-of-the-european-union.html>

⁶ **Animal Humane Society**, 'The Five Freedoms of Animal Welfare' (*Animal Humane Society*, 2023) <https://www.animalhumanesociety.org/health/five-freedoms-animals> accessed 10 February 2025.

⁷ **Dutch Government**, 'Wet Dieren (Animals Act)' (*Overheid.nl*, 1 January 2013) <https://wetten.overheid.nl/BWBR0030250/2013-01-01> accessed 10 February 2025.

⁸ **Oregon v Newcomb** 359 Or 756 (Or Sup Ct 2016) <https://law.justia.com/cases/oregon/supreme-court/2016/s062387.html> accessed 10 February 2025.

⁹ **Government of Quebec**, 'An Act to Improve the Legal Status of Animals' (2015) https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuel

[es/en/2015/2015C35A.PDF](https://www.nonhumanrights.org/client/hercules-and-leo/) accessed 10 February 2025.

¹⁰ **Animal Ask**, 'Does Sentience Legislation Help Animals?' (*Animal Ask*, 15 March 2023) <https://www.animalask.org/post/does-sentience-legislation-help-animals> accessed 10 February 2025.

¹¹ **Nonhuman Rights Project**, 'Hercules and Leo: The First Time a Court Recognized Chimpanzees as Legal Persons' (*Nonhuman Rights Project*, 2015) <https://www.nonhumanrights.org/client/hercules-and-leo/> accessed 10 February 2025.

¹² **Nonhuman Rights Project**, 'Update on the Sandra Orangutan Case in Argentina' (*Nonhuman Rights Project*, 2015) <https://www.nonhumanrights.org/blog/update-on-the-sandra-orangutan-case-in-argentina/> accessed 10 February 2025

¹³ **European Commission**, 'The Need for Non-Human Primates in Biomedical Research, Production and Testing of Products and Devices' (*European Commission*, 2017)

criterion is met for the fundamental rights of non-human animals to be recognised, and yet, the South Carolina macaques and tens of thousands of macaques like them face torture and death in the name of research.

Inconsistencies in the Application of Rights

The question, then, is why. If rights are what we believe they are – inherent, inalienable, and universal – why do we sentence these macaques to a fate that, were they human or even pets, would fall immediately afoul of every clause of every human rights document?

The reality is that this, too, is the story of rights. Rights exist when convenient, and when inconvenient, they are set aside. These macaques will be recaptured and experimented upon and killed, because it is convenient for us to do so. They will suffer and they will die, because we believe another's suffering is valid if it improves our well-being, however slightly.

This highlights a critical disparity in the application of universal rights. They are, routinely, disregarded in the name of convenience. Forced labour permeates the modern supply chain¹⁴, with some

industries¹⁵ being so dominated by enslaved child labour that it is impossible to purchase anything from that industry that has not been touched by it. The devices that power our modern world are built on the backs of the enslaved¹⁶ and dispossessed¹⁷.

We as a society know this. We know the cost of what we consume, and yet we persist, because ultimately, we've decided that the rights of others are worth less than our own comfort.

Conclusion: What are rights?

Until one day, it is we who are dispossessed. Then, perhaps, we'll cry out for the law and find we have rendered it powerless to save us.

The future of the South Carolina macaques matters. Their fate matters because within that future lies the question of the fundamental nature and universality of rights.

We know that non-human primates – including macaques – are extraordinarily similar to humans in terms of how they perceive the world, problem solve, and build complex social bonds¹⁸. We know that

https://health.ec.europa.eu/scientific-committees/easy-read-summaries-scientific-opinions/need-non-human-primates-biomedical-research-production-and-testing-products-and-devices-update-2017/need-non-human-primates-biomedical-research-production-and-testing-products-and-devices-1_en accessed 10 February 2025.

¹⁴ **Fair Labor Association**, 'Forced Labor Guidance Update' (July 2019) https://www.fairlabor.org/wp-content/uploads/2022/03/forced_labor_guidance_update_july-2019.pdf accessed 10 February 2025.

¹⁵ **Peter Whoriskey and Rachel Siegel**, 'Cocoa's Child Laborers' (*The Washington Post*, 17 June 2019) <https://www.washingtonpost.com/graphics/2019/b>

[business/hershey-nestle-mars-chocolate-child-labor-west-africa/](https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/)

¹⁶ **U.S. Department of Labor**, 'List of Goods Produced by Child Labor or Forced Labor' (*DOL*, 2022) <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods> accessed 10 February 2025.

¹⁷ **Nina Lakhani**, 'The Electric Cost of Lithium Mining in Chile' (*The Guardian*, 14 June 2021) <https://www.theguardian.com/commentisfree/2021/jun/14/electric-cost-lithium-mining-decarbonisation-salt-flats-chile> accessed 10 February 2025.

¹⁸ **Emily Anthes**, 'Social Development in Monkeys Remarkably Similar to People' (*The Transmitter*, 5

courts throughout the world have ruled that sentient creatures have a right to be safe from harm¹⁹. We have made them bearers of rights from the moment of their birth to the moment of their deaths, and yet will not take that final step of acknowledging their right to a life of dignity, because doing so means recognising the horror to which we sentence these macaques.

If rights are to have any meaning, if the law is to have any true power, then it must apply

equally to all. The bearers of rights must have those rights acknowledged and protected.

By recognizing the moral and legal standing of animals, we reaffirm the inherent value of rights. The continued captivity and experiments on macaques is a direct infringement of these principles.

The macaques must be free.

July 2023)
<https://www.thetransmitter.org/spectrum/social-development-remarkably-similar-monkeys-people/>
accessed 10 February 2025.

¹⁹ **Lori Gruen**, 'The Limits of Animal Law' (PhilArchive, 2015)
<https://philarchive.org/archive/KANLAT> accessed 10 February 2025.

Bibliography

Animal Ask, 'Does Sentience Legislation Help Animals?' *Animal Ask* (15 March 2023) <https://www.animalask.org/post/does-sentience-legislation-help-animals> accessed 10 February 2025

Animal Humane Society, 'The Five Freedoms of Animal Welfare' *Animal Humane Society* (2023) <https://www.animalhumanesociety.org/health/five-freedoms-animals> accessed 10 February 2025

Cohen L, 'South Carolina Escaped Monkeys: What We Know' *CBS News* (9 November 2024) <https://www.cbsnews.com/news/south-carolina-escaped-monkeys-what-we-know/> accessed 10 February 2025

Cramer M, 'Monkey Captured in South Carolina After Escape from Research Facility' *The New York Times* (10 November 2024) <https://www.nytimes.com/2024/11/10/us/monkey-captured-south-carolina.html> accessed 10 February 2025

Dutch Government, 'Wet Dieren (Animals Act)' *Overheid.nl* (1 January 2013) <https://wetten.overheid.nl/BWBR0030250/2013-01-01> accessed 10 February 2025

European Commission, 'The Need for Non-Human Primates in Biomedical Research, Production and Testing of Products and Devices' *European Commission* (2017) https://health.ec.europa.eu/scientific-committees/easy-read-summaries-scientific-opinions/need-non-human-primates-biomedical-research-production-and-testing-products-and-devices-update-2017/need-non-human-primates-biomedical-research-production-and-testing-products-and-devices-1_en accessed 10 February 2025

European Union, 'Treaty on the Functioning of the European Union' *EUR-Lex* (2023) <https://eur-lex.europa.eu/EN/legal-content/summary/treaty-on-the-functioning-of-the-european-union.html> accessed 10 February 2025

Fair Labor Association, 'Forced Labor Guidance Update' (July 2019) https://www.fairlabor.org/wp-content/uploads/2022/03/forced_labor_guidance_update_july-2019.pdf accessed 10 February 2025

Government of Quebec, 'An Act to Improve the Legal Status of Animals' (2015) https://www.publicationsduquebec.gouv.qc.ca/fileadmin/Fichiers_client/lois_et_reglements/LoisAnnuelles/en/2015/2015C35A.PDF accessed 10 February 2025

Gruen L, 'The Limits of Animal Law' *PhilArchive* (2015) <https://philarchive.org/archive/KANLAT> accessed 10 February 2025

Nonhuman Rights Project, 'Hercules and Leo: The First Time a Court Recognized Chimpanzees as Legal Persons' *Nonhuman Rights Project* (2015)

<https://www.nonhumanrights.org/client/hercules-and-leo/> accessed 10 February 2025

Nonhuman Rights Project, 'Update on the Sandra Orangutan Case in Argentina' *Nonhuman Rights Project* (2015) <https://www.nonhumanrights.org/blog/update-on-the-sandra-orangutan-case-in-argentina/> accessed 10 February 2025

Oregon v Newcomb 359 Or 756 (Or Sup Ct 2016) <https://law.justia.com/cases/oregon/supreme-court/2016/s062387.html> accessed 10 February 2025

The Guardian, 'The Electric Cost of Lithium Mining in Chile' *The Guardian* (14 June 2021)

<https://www.theguardian.com/commentisfree/2021/jun/14/electric-cost-lithium-mining-decarbonisation-salt-flats-chile> accessed 10 February 2025

The Transmitter, 'Social Development in Monkeys Remarkably Similar to People' *The Transmitter* (5 July 2023)

<https://www.thetransmitter.org/spectrum/social-development-remarkably-similar-monkeys-people/> accessed 10 February 2025

US Department of Labor, 'List of Goods Produced by Child Labor or Forced Labor' *DOL* (2022)

<https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods> accessed 10 February 2025

Whoriskey P and Siegel R, 'Cocoa's Child Laborers' *The Washington Post* (17 June 2019)

<https://www.washingtonpost.com/graphics/2019/business/hershey-nestle-mars-chocolate-child-labor-west-africa/> accessed 10 February 2025

Leasca S, 'Yes, There's a Secret Island in South Carolina Filled With Monkeys — and You Can Visit Nearby' *Travel and Leisure* (22 March 2023)

<https://www.travelandleisure.com/trip-ideas/island-vacations/morgan-island-south-carolina-monkeys> accessed 10 February 2025