

## Supreme beings?

## To the Editor:

The *Michigan Bar Journal* is to be praised for comprehensive reporting in the July 2018 animal law issue about the legal interactions between mentally competent adult humans in the Wolverine State and other animals. However, the overall premises reveal a fundamental problem in the way we in the legal profession view forms of life other than such humans. The problem was addressed most specifically two years ago by Derrick Jensen, an environmentalist philosopher, in his book *The Myth of Human Supremacy* (Seven Stories Press, 2016.) Jensen claims human supremacism is part of the foundation of much of this culture's religion, science, econom-

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ics, philosophy, art, epistemology, and more (add law.) "We've been taught, in ways large and small, religious and secular, that life is based on hierarchies and that those higher on these hierarchies dominate those lower, either by right or by might. We've been taught that there are myriad literal and metaphorical food chains where the one at the top is the king of the jungle." (Jensen, *Are you a human supremacist?* <<https://www.positive.news/2017/environment/25989/are-you-a-human-supremacist/>> (March 8, 2017)).

Echoing Jensen through her article "The Psychology of Supremacism: Whether White, Male or Human" in *Psychology Today* (January 16, 2016), Darcia F. Narvaez emphasized that human supremacy is akin to notions of white or male supremacy and has its worst effect on children who are raised under such beliefs. In law, the doctrine has manifested itself in the idea that the "other" is property. In the animal law issue, a sidebar to "Animal Consortium: A New Use of an Old Action" makes clear the distinction between humans and "others": "The reality is that animals are property..."

Before the Civil War, blacks in or of slavery were regarded legally as property (see *Scott v Sandford*, 60 US 393; 19 How 393; 15 L Ed 691 (1856)). If animals were treated as something other than property, they might be entitled to a right to be left alone. Legal protection would be offered to preserve that right, not just when competent adult humans decide to act for their welfare, as they seem to do now.

It wasn't always that way. With the creation of the Endangered Species Act of 1973, the United States legally recognized the right of at least some nonhuman creatures

to be left alone. The most notable beneficiary was a tiny fish, the snail darter. The United States Supreme Court upheld a lower court decision that Congress could decide not to fund any federal project, including the electricity-producing TVA dam, if such restraint would protect an endangered species (*TVA v Hill*, 437 US 153; 98 S Ct 2279; 57 L Ed 2d 117 (1978)). The year that act was passed, federally funded Michigan Legal Services threatened to bring a habeas petition to require the Detroit Children's Museum to show cause why it was displaying a disabled common squirrel in a cage. The museum first agreed to send the squirrel to an animal sanctuary, but then manufactured its own protective plan. The squirrel was removed from public view but kept in a larger cage, where it died several years later without ever being at large again (see Askins, *Fight to Free Nibbles*, The Detroit Free Press, October 18, 1973).

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MONEY JUDGMENT  
INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year, from when the complaint was filed, and is compounded annually.

For a complaint filed after December 31, 1986, the rate as of July 1, 2018 is 3.687 percent. This rate includes the statutory 1 percent.

But a different rule applies for a complaint filed after June 30, 2002 that is based on a written instrument with its own specified interest rate. The rate is the lesser of:

- (1) 13 percent a year, compounded annually; or
- (2) the specified rate, if it is fixed—or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see <http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/interest.pdf>.

*As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.*

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