

Court Rules Chimpanzees Are Not Persons



Summary: *The Nonhuman Rights Project has been working to obtain the legal rights of personhood for a pair of locked up chimpanzees in New York State.*

An appeals court ruled that chimps are not legal persons but are they missing something? The New York State Appeals Court rejected an appeal by the Nonhuman Rights Project (NhRP) seeking rights for a pair of chimpanzees. The group is not going to let this setback stop them for finding a way to give highly intelligent animals legal rights.

The captive chimpanzees in question – Tommy and Kiko – will remain in their cages for now until the NhRP can find a way to help them. The New York appeals court unanimously found that the chimps are not persons so they do not deserve the same protections afforded to humans. The NhRP lawyers were fighting to have the chimps released and placed in a sanctuary. Tommy is held at a trailer dealership in a warehouse in Gloversville, NY while Kiko get a storefront cage in Niagara Falls, NY.

Efforts have been underway for a number of years to achieve legal personhood for a select group of nonhuman animals like apes, dolphins, whales, and elephants. The Institute for Ethics and Emerging Technologies (IEET) has established a Rights of Nonhuman Persons Program and there is a world conference focused entirely on the subject.

One legal expert sees a flaw in the appeals court's decision and even the judges admitted that a higher court would likely need to be involved to give their ultimate opinion. The five justices involved in the court's decision agreed with the previous ruling made by New York State Supreme Court Justice Barbara Jaffe in December 2015. Lawyer Steven Wise for the NhRP was asking for habeas corpus relief for the chimpanzees, arguing that they had a right to bodily autonomy. The court countered that chimps are not persons because they are not humans. "The asserted cognitive and linguistic capabilities of chimpanzees do not translate to a chimpanzee's capacity or ability, like humans, to bear legal duties, or to be held legally accountable for their actions," wrote Justice Troy Webber.

The court's ruling on the basis that chimpanzees cannot participate in the social contract is where the flawed argument starts. There are many humans that cannot "be held legally accountable for their actions," however they are still considered persons.

When the court was faced with this flawed stance, they simply replied, "Petitioner argues that the ability to acknowledge a legal duty or legal responsibility should not be determinative of entitlement to habeas relief, since, for example, infants cannot comprehend that they owe duties or responsibilities and a comatose person lacks sentence, yet both have legal rights. This argument ignores the fact that these are still human beings, members of the human community." In a nut shell, humans are persons because they are humans, chimps are not persons because they are not humans.

Scientific evidence presented with the help of primatologist Jane Goodall to the court was basically ignored. Chimpanzees are able to display a wide arrange of cognitive traits displaying the intelligence and awareness of things going around them. Justice Webber called the group's efforts "laudable" but more "an issue better suited to the legislative process."

The group also presented the fact that other countries have granted personhood to other nonhuman entities, including national parks and rivers." The court found that argument irrelevant to the United States.

Wise and the group intend to appeal to a higher court. He said, "For 2,000 years all nonhuman animals have been legal things who lack the capacity for any legal rights. This is not going to change without a struggle. That fight has begun and we remain confident that Tommy's and Kiko's fundamental right to bodily liberty will be recognized as a matter of justice so that they too may experience the freedom they so desperately deserve. Public opinion has begun to tilt in our favor since we started filing these lawsuits, likely as a result of them."

Do you think chimpanzees should be given legal rights? Tell us in the comments below.

To learn more about the arguments for personhood, read these articles:

- [Two Chimpanzees Given the Right for Writ of Habeas Corpus as Legal Persons](#)
- [Chimps Not 'Legal Persons,' Court Rules](#)

- [New Zealand River Granted Personhood](#)

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