

New York Appellate Court Rules Against Granting Legal “Personhood” Status to Chimpanzees

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June 9, 2017

In a ruling of considerable importance to zoos, aquariums and other organizations that house animals for display and educational purposes, a New York appellate court unanimously determined this week that two chimpanzees living in captivity should be not awarded “legal personhood” status.

The chimpanzees, Kiko and Tommy, are held by private owners in New York. The Nonhuman Rights Project, an animal activist group, filed writs of habeas corpus which, if granted, would have permitted the chimps to challenge their detention in court. Such an action effectively would have acknowledged the “personhood” status of animals for the first time in a federal or state court.

However, a five-judge panel of the Appellate Division First Department in Manhattan ruled unanimously that the legislature, not the courts, should decide on legal personhood status for animals. Without the legislature making that determination, the court found that the chimpanzees at issue lacked “sufficient responsibility to have any legal standing.”

At oral argument in March, the appellate division heard from the Nonhuman Rights Project’s Stephen Wise, who asserted that U.S. law should consider the chimpanzees in possession of their own right to bodily liberty. In seeking habeas corpus relief, the group’s overall goal was to have the chimps transferred to a sanctuary.

The appellate division’s decision to deny habeas relief was based, among other reasons, on the nature of the group’s request. According to the court: “Petitioner does not seek the immediate production of Kiko and Tommy to the court or their placement in a temporary home, since Petitioner contends that ‘there are no adequate facilities to house [them] in proximity to the [c]ourt.’ Instead, Petitioner requests that respondents be ordered to show ‘why [the chimpanzees] should not be discharged, and thereafter, [the court] make a determination that [their] detention is unlawful and order [their] immediate release to an appropriate primary sanctuary’ . . . Since petitioner does not challenge the legality of the chimpanzee’s detention, but merely seeks their transfer to a different facility, habeas relief was properly denied by the motion court.”

Wise’s group has brought a series of other court challenges relating to the same “legal personhood” issue, and courts consistently have denied the petitions and appeals. Previously, the New York state Supreme Court expressly found that chimpanzees could not be granted legal rights because they are unable to bear “legal responsibilities and societal duties.”

The Nonhuman Rights Project stated it plans to appeal the appellate division’s decision to New York’s

highest court, the Court of Appeals. Mr. Wise also has asserted in other news articles that his group plans to challenge the personhood status of other animals beyond chimpanzees – and he has identified elephants and orcas as possible targets.

Certain language from the appellate division’s decision could prove precedential in any future cases, as the court found that the “human-like” characteristics of such animals do not render them to be “persons” from a legal standpoint: “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,” Justice Dianne Renwick wrote.

Click [here](#) to read the appellate division’s June 8, 2017 decision.

Kelley Drye’s Animal Law Practice Group will continue monitoring this and other developments. If you have any questions please contact:

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