

Chimps Are Not Legal Persons: N.Y. Appellate Court

The rise of the apes may be nigh, as a New York appellate court unanimously [denied that chimpanzees were legal persons](#).

On Thursday, the New York Supreme Court Appellate Division issued a decision declaring that chimps -- including a 26-year-old chimp named "Tommy" -- were not entitled to the same legal protections as human inmates because they aren't legally considered "persons." The *New York Daily News* reports that Tommy is owned by an upstate New York couple, and this case was an attempt to free him from their care.

What exactly does this chimp decision mean for us humans?

Humans Are People, Not Chimps

Humans and chimps both descend from a common ancestor, but unfortunately for Tommy, only humans are legally considered people. Chimps, like all other non-human animals, are considered by law to be property. This is the reason why [you can't give money or property to your cat or dog](#) in your will -- both are animals that are also considered property, not people.

Animal rights activists like those with the Nonhuman Rights Project disagree with this species-based distinction, arguing that chimps have fundamental rights as legal persons. One of these fundamental rights, they argued, was the right to liberty protected by [habeas corpus](#) -- often invoked by prisoners or detainees to contest their imprisonment.

In a unanimous decision, the New York state appellate court noted that one of the things that define a legal "person" is the ability to take on legal duties and be held responsible for its actions. Since chimps can do neither, the court stated, it is "inappropriate" to give them legal personhood.

Perhaps a Chimp Corporation?

As you may be wondering, the court did acknowledge that common law and the U.S. Supreme Court have acknowledged and expanded the rights of corporations as "people." While corporations are not natural persons or even actual beings, they seem to fit the court's framework of an entity that can bear legal duties.

Corporations even [have religious freedom rights](#) thanks to a recent decision by the U.S. Supreme Court. Chimps can't form a corporation though, as only a legal person can complete the [legal steps necessary to form one](#).

The closest non-human primates can have to legal rights are the protections afforded to them by trusts and corporations set up for their benefit. Which, honestly, is more legal attention than some humans get.

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