

Should animals have legal rights currently reserved for humans?

Tommy the chimpanzee got his day in court on October 8, 2014. He was unable to attend the hearing in 'person' – spending the day, like any other, in a cage at a used trailer sales lot in Gloversville, New York. But an hour's drive away, in a courtroom in the state capital of Albany, Steven Wise of the Nonhuman Rights Project argued that Tommy should indeed be considered a person under New York state law. If so, Patrick and Diane Lavery of Circle L Trailer Sales could be summoned to determine whether they are imprisoning him illegally.

Central to Wise's arguments in Tommy's case, and similar suits his organisation has filed on behalf of other captive chimpanzees, is the assertion that apes are highly intelligent and self-aware beings with complex emotional lives. "The uncontroverted facts demonstrate that chimpanzees possess the autonomy and self-determination that are supreme common law values," Wise told the five judges hearing the case.

It is a bold legal move – and so far unsuccessful. The court in Albany, like a lower court before it, rejected the idea that Tommy has legal rights of personhood. But Wise intends to fight on, taking Tommy's case to the state's ultimate arbiter, the New York Court of Appeals.

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