

Legal Personhood and the Status of Non-Human Animals

Historically, rights of bodily liberty have been granted solely to human beings, sometimes on the grounds that only humans possess a key feature of personhood—the capacity for higher reasoning. These rights declare that human beings cannot be owned or imprisoned. Of course, we can think of conditions under which these rights are impeded in order to ensure the safety and rights of others. For example, the government can decree that students need to attend school, and that people who break laws can be imprisoned to protect the rights of others.

The Nonhuman Rights Project (NhRP) insists that the capacities of personhood that we attribute to human beings also pertain to some non-human animals that possess sentience and high-level cognitive abilities. In 2013, in New York State, this group filed three lawsuits – the first of their kind – on behalf of chimpanzees being held in captivity in solitude and/or for medical testing purposes.¹ The group asked for these non-human animals to be granted legal personhood so that they can be entitled to “such fundamental rights as bodily integrity and bodily liberty.”² If these lawsuits are successful, these apes would not be forced to live their lives in cages, nor could they be purposely harmed or physically used for ends beyond themselves.

Although animal rights laws exist in every state of the country, these laws are based on the assumption that animals are objects, thus contingent largely on the discretion of their human ‘owners.’ Many activists find these laws too lax.³ Additionally, these laws exempt the mistreatment of animals that are being used for human consumption and capital endeavors—those in the livestock, poultry, cosmetic, and medical testing industries, for example—because these animals are being used in the service of robust human endeavors or human survival itself.⁴ For example, medical research on non-human animals to find cures for life-threatening human diseases can be justified as a means to aid human survival, while the forced fertilization of cows and chickens for the purposes of milk and egg production is justified in terms of human affinity for these products.

NhRP wants to expand the legal dialogue so that consideration of non-human animals is no longer based on species but rather on qualities and capacities.⁵ Critics worry that this argument creates a slippery slope, and that it will result all kinds of species being granted inappropriate rights. Further, critics maintain that the legal rights that we afford to humans have nothing to do with their capacities but reflect a fundamental right, a right that extends even to people who do not exhibit certain characteristics which are sometimes attributed uniquely to human beings (for example, people who cannot communicate, are not self-conscious, and cannot use moral reasoning or make rational life plans), and which are argued by some to be the requirements of legal personhood.

Study Questions:

1. What qualities and capacities are relevant to bestowing rights, moral status or personhood?
2. Is it morally permissible to eat animals, or to use them in medical research? What about cosmetics research? Should there be restrictions placed on how we can use animals?
3. If animals are granted rights, how should their rights be balanced against human rights? If animal rights come into conflict with human rights, how should we resolve the conflict?

¹<http://www.wired.com/wiredscience/2013/12/chimpanzee-personhood-nonhuman-right/>

²<http://www.nonhumanrightsproject.org/mission-goals-values/>

³<http://www.petfinder.com/helping-pets/information-on-helping-pets/legal-rights-animals/>

⁴<http://www.petfinder.com/helping-pets/information-on-helping-pets/legal-rights-animals/>

⁵<http://www.nonhumanrightsproject.org/are-you-a-legal-person-or-a-legal-thing/>

