

# Beyond the Cage

## 2015 Voiceless Animal Law Lecture Series

### Steven Wise Keynote Presentation Abstract

Since Roman times, the two most fundamental legal categories have been ‘persons’ and ‘things’.

Persons possess inherent value and have the capacity for an infinite number of legal rights. Things, however, possess only instrumental value and are not afforded any legal rights.

A ‘great legal wall’ has long separated some humans, the natural legal persons, from all other animals whom are considered legal things. This wall was applied during the times of slavery, where not all humans were considered legal persons.

Today, all humans (and their institutions), lie on the persons side of that wall. On the other side of the wall, however, lie all other species who are prevented from possessing important legal rights, like the right to freedom or the right to freedom from torture or mistreatment.

In essence, this wall has given rise to the treatment, and subsequent abuse, of nonhuman animals through captivity, farming, research and other means of exploitation.

The Nonhuman Rights Project (NhRP) argues that the position of this legal wall is irrational because science tells us overwhelmingly that some nonhuman animals possess cognitive abilities sufficient to elevate their legal status. It argues that chimpanzees, orcas, and elephants possess autonomy and self-determination – the supreme values of Western law – and numerous other advanced cognitive abilities.

When determining the legal personhood of such species, courts should not be asking “is the plaintiff a human being?”, but rather “does the plaintiff possess the qualities relevant to whether he or she should be a legal person?”

In 2014, lawyer Steven Wise led a team of NhRP lawyers in three strategic litigation lawsuits in New York State, demanding the courts issue common law writs of *habeas corpus* on behalf of four captive chimpanzees as legal persons.

Having all been rejected on wildly different grounds, NhRP has now requested for leave to appeal to New York’s High Court.

The [2015 Voiceless Animal Law Lecture Series](#) will examine the efforts of the NhRP to establish legal personhood for nonhuman animals in the United States. This series will explore why and how the NhRP chose the State of New York, the common law writ of *habeas corpus*, the four chimpanzees, why the courts have ruled in the manner they have, and where the NhRP’s litigation is heading in New York, in other American states, and throughout the world – including Australia.