

# VIDEO TRANSCRIPT

LEGAL

PERSONHOOD

Animals: Property or Persons?



## SUMMARY

This 6-minute educational animated video invites students to engage with the concept of legal personhood, and consider the legal status of animals.

It provides an explanation of the legal status of animals as human property, and an overview of the concept of legal personhood as a potential alternative legal status.

It explains the consequences of legal personhood status for the protection of animal interests, and introduces students to the work of the Nonhuman Rights Project in the US.

Through reflection, students are encouraged to critically think about the legal status of animals, and whether this legal status should be changed.

Contains no graphic footage. Suitable for use in high school classrooms for Years 7 and above.

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In most countries, animals are considered human **property** under the **law**.

**Property** is a complex concept, but it can be understood as a thing owned by a person.

This means that a dog is a 'thing', just like a mobile phone or a truck.

But you have to treat living animal 'things' differently from non-living 'things'.

For example, if you have a pet dog, you have to feed them, walk them and take them to the vet.

This is because we have animal welfare **laws** that aim to protect animals from cruelty.

But this still means that animals have owners and it's the owner's responsibility to take care of their animals.

This does not mean that animals have **legal rights**.

**Rights** are a special way of protecting important interests under the **law**.

Should we change the legal status of animals so that they can have **rights**?

Humans have a lot of rights. For example, children have the right not be separated from their parents unless it's in their best interests. Animals do not have this right.

Humans also have the right to be represented in court and to challenge someone holding them against their will. And if the human cannot do so, they have the right to have someone else do it on their behalf.

In court, the humans imprisoning them have to justify their detention.

If the detention is found to be unjustified, the imprisoned human can be set free.

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Animals have not yet been recognised as having this fundamental right to freedom.

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However, some lawyers in the USA are arguing that animals should have **legal personhood** so their interests can be represented in a court of **law**.

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To do this, the US lawyers have to convince the court that animals can be legal persons, as **legal persons** are entitled to rights.

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This may sound confusing at first if you think that a **legal person** always has to be a human being.

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But rivers, **corporations** and ships can also be **legal persons**.

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So, should the status of animals be changed from 'thing' to '**legal person**' as well?

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The lawyers from the **Nonhuman Rights Project** argue that they should. They say at least some animals, like chimpanzees and elephants, qualify for **legal personhood**.

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One of their clients, is a chimpanzee called Tommy.

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He lives in a small concrete cage in a caravan park. The lawyers argue his detention is unjustified, and that he should be released to a sanctuary.

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They argue that all chimpanzees like Tommy have certain capacities that they share with human beings. They argue that these shared capacities should entitle them to **legal personhood**.

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One of these capacities is **self-awareness**. Tommy is conscious of his own individuality and separateness from the environment and other individuals.

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Adult chimps can even recognise photographs of themselves from their youth.

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The other capacity is **autonomy**. Tommy can desire something and intentionally choose how to live his life. He doesn't act purely out of instinct.

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Chimps have language and **culture** and can plan for the future. Just like many humans.

The lawyers argue that because animals like Tommy have these capacities, they also have **rights** that protect these capacities, like the right to 'bodily liberty' to protect their **autonomy**.

If these rights were recognized, lawyers could act on behalf of Tommy or other chimpanzees if they were being held **captive**. Just like a lawyer could act on behalf of a human being.

So far, some US judges haven't fully accepted the argument.

They have said that animals are unable to bear responsibilities and duties, and to be a **legal person** and have **rights**, you must be able to take on such duties and obligations.

The lawyers at the **Nonhuman Rights Project** disagree and point out that personhood has already been granted to nonhuman entities like rivers and forests, as well as a chimpanzee in Argentina. They also point out that many humans who can't exercise duties are still capable of holding rights, such as human babies.

They argue that one reason we don't grant **legal personhood** to animals is because we believe humans are superior to other animals.

This worldview allows us to treat animals, like Tommy, in ways that we would not allow a human to be treated. Even though we have exactly the same relevant capacities like **self-awareness** and **autonomy**.

One of the judges who heard the **Nonhuman Rights Project's** lawyers' arguments said that chimpanzees are definitely not just 'things'. If chimpanzees and other animals are not 'things', then what are they?

What do you think?

Should Tommy and animals like him be granted **legal personhood**? Or is it ok for animals to be 'things' and remain as human **property**?

Words in **bold font** are defined on the [Voiceless Animal Protection Encyclopedia](#) on the Voiceless website.