

## **ISSUES IN PERSPECTIVE**

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### ***Do Chimpanzees Have Rights?***

In late November, the Nonhuman Rights Project filed a writ of habeas corpus on behalf of a chimpanzee named Tommy of Gloversville, New York. Stephen M. Wise, leader of the Nonhuman Rights Project, is demanding that the State Supreme Court in Fulton, County, NY recognize Tommy as a legal person, with a right to liberty, but one that has limits. According to Wise, Tommy is “being held captive in a cage in a shed at a used-trailer lot.” The petition is asking the court to remove Tommy from his owners and place him in a sanctuary. The use of the legal tool of habeas corpus is a time-honored legal strategy for addressing unlawful imprisonment of human beings. Wise is therefore arguing that Tommy (and many other “captive chimps”) is in fact enslaved and that the same principles apply to them that apply to human beings. The filing argues that Tommy “is a cognitively complex autonomous legal person with the fundamental legal right not to be imprisoned.” In the filing as well, Wise argues that a chimpanzee has “an awareness of self, past and future, that should provide it with a right to bodily liberty.” Thus, Wise is requesting that Tommy not be completely free; rather, that he be placed in the North American Primate Sanctuary Alliance.

How should we think about this rather novel and extraordinary legal argument to establish that chimpanzees are legal persons, with rights and liberties? Permit me to offer several reflections on the growing animal rights movement. Several introductory questions: What is it that makes humans special? Why are they different from animals? Is it biblical to argue for rights and liberties for animals? Is there a creation-order distinction between animals and human beings?

First, one of my favorite writers is Andree Seu, who writes for the magazine *World*. In one of her columns, she wrote of reading through a bird magazine she bought at a local PetSmart store. One article particularly in this magazine caused her to write of the author: “. . . by the end of her remarks I felt just a little bit ashamed of being human. It’s hard to put your finger on a tone of voice, but here is a sampler: ‘We love our avian family members and know they love us. Unfortunately, we often hinder the development of a deeper and more precious relationship with them because of how we have been trained to think of animals. . . [A]s humans we are hindered by our egocentric tendency toward assessing intelligence by how much an animal thinks or behaves as we do . . . Their ability to adapt to our world is usually far superior to our ability to function in theirs. . . The animal world . . . possesses a state of sophistication that is inconceivable and unattainable to most human beings, yet we like to hold ourselves above it.’”

After reading this, I too felt almost guilty that I am a human being. Perhaps C.S. Lewis provides an antidote to our perceived guilt: He observes that the problem is not that we love animals too much but that we love God and other human beings too little. In *The Four Loves* he wrote: “It is the smallness of our love for God, not the greatness of our love for the many that constitutes the inordinacy.” The Bible establishes a clear creation-order distinction. Humans are created in

God's image, not cats. Jesus declared that humans are worth more than birds, even though God cares for both (Matthew 6:26). Further, humans are the ones whom God declares to be "a little lower than the angels" (Psalm 8), not dogs.

Second, how should we think biblically about our pets and about chimpanzees? There are several biblical principles that enable us to think biblically about animal life, the larger physical world, and our relationship to both.

- **A proper biblical view of the physical creation begins with a proper view of God.** The challenge is to keep in balance God's transcendence and His immanence. God's transcendence focuses on his radical separateness from creation; He is both above and beyond His physical world. God's immanence focuses on His presence in His physical world. To stress His immanence at the expense of His transcendence is to embrace a pantheism where everything is god. To stress His transcendence at the expense of His immanence is to view the physical world as insignificant and, thereby, a tool for exploitation. Neither is satisfactory nor God-honoring. In our theology, there must be a balance between both God's transcendence and His immanence, between His intimate involvement with all aspects of His physical creation (see Psalm 139) and His radical distinction from creation. Where it is finite, limited, dependent, He is infinite, unlimited and self-sufficient.
- **A proper view of human beings.** Because humans alone bear God's image and have stewardship responsibility over the Earth, humans are both interdependent with the rest of creation and unique within it. Often, Christians forget that we are interdependent with the rest of God's world. Our daily existence depends on water, sun and air. There is indeed a global ecosystem. It matters how we treat the water, the trees and the other animals. If they are harmed so are we. There is this vital, interdependent relationship that comes from the creative hand of God.

But the Bible affirms human uniqueness in God's world, for humans are image-bearers of God. No other physical part of God's world can claim this. Humans also have dominion status. God declares in Genesis 1:26-30 that humans have the responsibility to rule (have dominion) over the nonhuman creation. Tragically, this dominion has frequently turned to exploitation. Humans are to serve and watch lovingly, almost worshipfully, over God's creation. We are God's stewards: He has the sovereignty; we have the dominion. Francis Schaeffer argues that humans have two relationships—one upward and one downward. The upward relationship accentuates the personal relationship humans can have, through salvation, with God—a relationship not enjoyed by the rest of the created order. The downward relationship accentuates the "creaturely" relationship that humans share with the rest of the created order (see Genesis 2:7 and Job 34:14, 15). As with most issues, the struggle is to keep the two in balance. We often highlight the upward relationship to the virtual exclusion of the downward. This can lead to horrific neglect or to a ruthless exploitation of the physical world. Or we often highlight only the downward to the virtual exclusion of the upward. This is the gross error of the evolutionary hypothesis, which sees humans as the product of the impersonal force of natural selection, not of God's purposeful design.

- **The non-human creation is of great significance to God.** He created the physical world as a deliberate act. God also takes pleasure in His physical world. This is clear from the Creation Ordinance in Genesis 1 and 2 and from 1 Timothy 4:4: “For everything created by God is good and nothing is to be rejected, if it is received with gratitude.” (See also Psalm 104:31 where we see God rejoicing in His works.) The point is that if the physical world is of importance to God, then it must be to us—His creatures—as well (see also Job 39:1-2, Colossians 1:16 and Psalms 19:1-4). As Ron Sider points out, it is likewise imperative to remember that God also has a covenant with the nonhuman creation. After the flood, God made a covenant with the physical creation: “Behold, I establish my covenant with you and your descendants after you, and with every living creature that is with you, the birds, the cattle, and every beast of the earth with you, as many as came out of the ark” (Genesis 9:9-10). The physical world has dignity, worth and value quite apart from its service to humanity. Incredibly, God’s redemptive plan has a cosmic quality to it. As Sider states, “This fact provides a crucial foundation for building a Christian theology for an environmental age.” The biblical hope that the whole created order, including the material world of bodies and rivers and trees, will be part of the kingdom confirms that the created order is good and important. Romans 8:19-23 demonstrates that at Christ’s return the groaning of creation will cease, for the creation will be transformed: “The creation itself will be liberated from its bondage to decay and brought into the glorious freedom of the children of God” (v. 21).

Are chimpanzees important to God? Absolutely. Do chimpanzees deserve to be recognized as “legal persons” with virtually the same rights as humans? No, for there is a creation-order distinction between humans and chimps. Does it matter how humans treat and care for chimps? Absolutely. Humans have dominion status and therefore have a stewardship responsibility before God. It is ethically wrong to exploit them, to harm them or to abuse them. But chimps do not bear the image of God. It is ethically fallacious to view chimps as having the same liberties as humans, and is therefore biblically suspect to file a writ of habeas corpus on behalf of an animal.

See James Gorman, “Rights Group Is Seeking Status of ‘Legal Person’ for Captive Chimpanzees,” in the *New York Times* (3 December 2013); Andree Seu in *World* (28 January 2012), p. 71; Mark Oppenheimer in the *New York Times* (15 October 2011); James P. Eckman, *Christian Ethics* (2<sup>nd</sup> Revised Edition), pp. 109-120.