

News & Comments

Happy the Elephant isn't a person – Court Rules

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Despite Happy, the elephant's intelligence and deserving of compassion, the New York Supreme Court ruled that it cannot be equated to a human being as he is illegally confined to the Bronx Zoo. In a closely watched case, the state's Court of Appeals ruled 5-2 in favour of animal rights in a close call.

If advocates at the Nonhuman Rights Project win their lawsuit, the zoo and its supporters said, there may be more legal actions on behalf of animals in zoos, including pets, farm animals, and other species. In its majority opinion, the court agreed. Happy's freedom would destabilize modern society, according to Chief Judge Janet DiFiore.

A habeas corpus proceeding, which allows people to challenge illegal detention, will not release Happy to a more spacious sanctuary. The decision reads, "Indeed, this decision would call into question the very premises of pet ownership, the use of service animals, and the involvement of animals in other forms of work."

The Bronx Zoo argued Happily is neither illegally imprisoned nor a person, but a well-cared-for elephant "respected as the magnificent creature she is." In sharply worded dissents, Rowan Wilson and Jenny Rivera stated that Happy's status as an animal doesn't preclude her from having legal rights. According to Rivera, Happy is imprisoned in an environment that is unnatural to her and does not allow her to live her life.

Defending Happy against the majority's ruling, Judge Jenny Rivera said that Happy is autonomous, if not physically free. "The law has a mechanism to challenge this inherently harmful confinement," she said. Gilded cages are still cages, Rivera said. Despite Happy's dignity, her captivity is anything but dignified."

Born in Asia in the 1970s, Happy was captured and brought to the United States as a 1-year-old. Grumpy, another elephant at the Bronx Zoo who was fatally injured in a fight in 2002, arrived at the zoo with Happy in 1977.

KEYWORDS

Associated Press, business, animals, courts, science, lawsuits, New York, news, wildlife, Happy, free happy

