

# Different strokes for different folks: the concept of responsible pet ownership

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The concept of pet ownership is something we generally take for granted: for most of us, a pet is part of the family: usually a dog or cat, someone we've often grown up with who gives unconditional love, companionship, a sense of perspective, warmth at night if we are lucky enough to be allowed to have our pet on the bed! They are a constant in our lives. Some of our happiest and saddest moments are shared with our companion animals.

Of course, when discussed in terms of policy or legislation, this relationship is often translated into something that seems a bit cold and clinical. A pet is an animal that we keep, usually on our premises. It is an animal that we feed and look after, and take to the vet when we have to. Under the Companion Animals Act NSW (1998), an owner is defined as 'the person by whom the animal is ordinarily kept' and the animal is kept 'as personal property'.

It is important to define the terms 'owner' and 'pet', and to understand the relationships between them, because these concepts are the basis of urban animal management policy and legislation. But if we explore the terms carefully, in relation to some actual examples of different human-animal relationships, it turns out that they don't apply to every case as easily as we might like. It is crucial, when drawing up and policing any urban animal management policy, to remember that not everyone looks at their pet like you do. In this paper I will outline some different concepts of pet ownership, briefly discuss their relative benefits and disadvantages, and possible implications for urban animal management.

## **PET OWNERSHIP: THE 'TRADITIONAL' MODEL**

The traditional, 'bare bones' concept of owning a pet is based on the premise that a pet is the property of the owner. It is the conceptual basis of legislation such as the Companion Animals Act NSW (1998) and the Prevention of Cruelty to Animals Act (1979).

For example, Mary buys a German Shepherd Dog to guard her property. The dog is a pet by virtue of the fact that it belongs to Mary and exists to serve her purposes. No one is allowed to take the dog away from Mary without her permission (ownership implies that something is exclusively mine), in normal circumstances. Mary decides where the dog will sleep, what it will eat, if and when it will go for a walk and how the dog is supposed to behave. She decides when to punish the dog for not behaving according to her wishes.

Furthermore, when she buys the dog, Mary also takes on responsibility for her pet's actions. If the dog bites someone, Mary can be prosecuted. If the dog defecates in the street, Mary has to pick up the faeces. The dog's actions are legally viewed as an extension of Mary's actions. Should she decide that she no longer wants to keep the dog, Mary can sell or have the dog euthanased, though she is not allowed to 'dump' the dog anywhere

she pleases. Similarly, if the dog dies, Mary must take appropriate steps to dispose of the body.

Since ownership can lead to liability, the benefits of owning the dog need to outweigh the costs. If the dog is a good guard dog, Mary is happy to pay for food and 'maintain' the dog. If it turns out, however, that the dog is aggressive and difficult to manage, and Mary finds herself receiving complaints from neighbours and fines from the council, the costs of owning this pet are too great, and therefore the pet is given away or destroyed. In philosophical terms, the dog is a 'utility' – something that is good for the human. In this model, the ideal pet is the most useful (for example, the best guard dog or work dog, or even just the best 'pet') and costs the least to the owner (in terms of food, money and time).

Conceptually this model is very cold, and far from the warm and fuzzy relationship that many of us share with our companion animals. One of the reasons that we perceive this model as cold is that the dog itself has no 'intrinsic value' – no value in-itself, but value only to the extent to which the owner's needs are fulfilled. As long as Mary feeds, waters and keeps her dog healthy and out of the neighbour's hair, she is fulfilling her responsibilities as an owner.

An implication of this model is that unowned dogs have very little value: certainly no intrinsic value, and definitely no extrinsic value as there is no owner to value the dog. This difference introduces a very sharp division between owned and unowned pets, and suggests a solution to the problem of stray/unwanted animals: simply destroy those animals which are of no value to us, otherwise our communities incur the cost of these animals.

In some ways, this model appears ideal as the basis of legislation and policy, because it is straightforward: the 'owner' is responsible for the 'pet'. Various urban animal management policies describe the extent of these responsibilities and what will happen when they are neglected or breached. They work well if every owner-pet relationship follows this model.

This model has been criticised on several grounds. Animal welfare groups have highlighted the dangers of defining animals as property, including the fact that owners can treat the animal in the way they wish to, and decide to dispose of a healthy animal on a whim. There are some restrictions: for example, the Prevention of Cruelty to Animals Act prohibits owners from using dogs to fight or for other cruel sports (such as the recent ban on greasy pig hunting in NSW), but these are minimal. Disposal of animals, albeit responsibly, is condoned under this model.

The utility model falls apart when we encounter relationships between humans and domestic animals that do not fit the 'owner', 'pet' model, for example, totem animals in some indigenous communities, which I will speak about in more detail later.

It does not describe the relationship between all so-called owners, and all so-called pets. For example, in the recent review of wildlife keeping legislation in Victoria, a spokesperson for the Department of Natural Resources stated that reptiles ‘are not pets’, suggested that they are not owned as ‘companion animals’, but owned for other purposes, such as display or conservation. Pet native animals are frequently restricted to those with licenses to own them, and in some cases (for example, new bird legislation to be introduced in NSW in October this year), potential owners must prove that they are able to meet the needs of their future pet.

Because native animals are viewed in terms of a wider, ‘conservation’ value, ownership is treated as a privilege – not a right. This allows governing bodies to exert more control over ownership. Theoretically, owner and pet benefit mutually from this relationship, but it may place undue restrictions on ownership (this is an objection to new laws relating to keeping birds in NSW, to be introduced in October this year) and in fact may prove prohibitive.

Some argue that if we are to maintain the ‘traditional’ model of pet ownership, where the pet is legally the property of the owner, then we should go to some lengths to determine if the owner is suitable – as we do with cars. Bernard Rollin, an American philosopher, says that

‘in essence, a dog is like an automobile, even down to the licensing [registration] fee, except that one needs to pass a test in order to drive an automobile’ (Rollin, 1981).

Other prominent animal welfare organisations support the idea of ‘means-testing’: you can’t have a BMW unless you can afford the car, the rego and the insurance, they argue, so why should you keep a dog unless you prove up front that you can afford potential vet bills.

The question is, are licensing fees, suitability and means testing really an answer to urban animal management problems? To the extent that they restrict ownership to those who are willing to at least meet certain responsibilities they may appear attractive, but there is a crucial difference between a Border Collie and a BMW: if the bottom falls out of the finances, the BMW might be repossessed, but no decent person would take the Border Collie. We don’t see the relationship in the same way.

Measures such as means testing and licensing fees increase the extrinsic value of the dog, but they don’t increase the value of the dog in itself. Furthermore, a good owner isn’t a good owner because he or she has cash or a dozen permits or both. This model is inadequate because it fails to emphasise the importance of the relationship between the pet and the owner.

## **PET OWNERSHIP: THE SOCIAL CONTRACT MODEL**

This model is based on the idea that companion animals gave up their free, wild life to live in human societies, offering us numerous benefits including companionship, pest control, hunting skills and the ability to protect us. In return, humans offer shelter, food, leadership and protection. The relationship is one of mutual benefit.

This model has been purported by many animal behaviourists as important in the way humans have co-evolved with animals, particularly dogs.

It has been argued that we have integrated the pack structure of dogs into human communities, so that we play the role of the pack leader or alpha.

Under this model, an animal is seen to have value independently of ownership: we have a duty of care to the animal. In fact, the relationship is probably better described as custody than ownership.

At the moment the question of independent or intrinsic value of animals is being debated in the UK, as new animal welfare legislation is introduced. The RSPCA, along with several other animal welfare groups, are arguing that we need more than the Prevention of Cruelty to Animals Act, as an owner can only be prosecuted after an animal has been neglected or harmed. The ‘duty of care’ clause includes positive steps that owners must take in order to care properly for their animals, including the prevention of harm. They outline how owners need to fulfil the social contract.

Under current legislation in the UK, if Joe tethers his horse on the side of a steep slope, where it is in danger of slipping and choking, nothing can be done as long as the horse has adequate feed, water and veterinary treatment. Under the proposed changes, Joe can be charged for tethering the horse in this way, because he has a duty of care to keep the horse free from the possibility of harm.

There are many positive implications of this model. For example, it allows for early intervention of potential animal management problems, such as the tethered horse above. Animal control officers and inspectors do not need to wait until the animal is suffering before they act. It also allows for early intervention to prevent harm to animals through neglect and cruelty. Under such a model, owners are educated more about their pets because they know not only what to avoid but also what their pet requires in terms of care.

It also seems to describe the relationship that many people have with their pets: that pets are more than property to simply be managed. We have an obligation to provide the best care we can.

One kind of relationship that is captured by this model is the pet-owner-as-parent. This is frequently referred to as ‘anthropomorphism’, perceiving and treating animals on the assumption that they are like humans. A classic example of anthropomorphism is the man who went to London Zoo and smiled at the Gorilla for some time. The Gorilla ‘smiled back’. This was interpreted by the man as a friendly gesture; to the Gorilla, the bared teeth of the man was a threat: he eventually hurled a brick and killed the man.

Everyone is familiar with less extreme examples – for instance the woman who carries her terrier in a baby harness, or the couple who keep two dogs instead of having two children – and spoils them accordingly. In many ways this is great for communities, because if everyone cared for their pet in this way we would not need to manage stray or dumped animals nearly so often, nor would we see neglect and cruelty.

But is it really satisfactory? Martin Jenner, an animal control officer in Sydney, has experienced the negative side of this model, especially with poodles. ‘The owners show too much kindness, and these dogs can’t bear being separated from them’.

In one case the solution was simple: once informed of their dogs' separation anxiety, a couple hired a dog-walker and someone to come to the house and play with the dogs every day. This option is unfortunately not available to every owner.

Some people claim that there is a real concern with the legal implications of designating pets as more-than-property. In the UK, some members of the community, including some kennel clubs and cat-fancier groups, claim that a 'duty of care' complicates the otherwise straightforward relationship between people and pets, and it is a step closer to giving animals rights which may not be congruent with activities such as breeding and even owning companion animals, any forms of sport in which animals are involved, animal experimentation, animals on display in zoos and circuses and so on.

The fear is that, if animals have inalienable rights, this may ultimately remove our right to keep, nurture and protect them as pets. Others argue that if we describe the relationship as one of custody instead of ownership, these negative aspects can be overcome.

### **'PETS' AND 'OWNERS' WHO DON'T FIT THE BILL**

During the Big Lick Conference 2001, in Darwin, many delegates, including several animal control officers, were amazed to learn about the role of dogs within indigenous communities. Before I discuss this any further it is important to qualify that the indigenous people present at the conference, and with whom I spoke, emphasised the fact that each community is different and may have a completely different relationship to dogs, and that they were not in a position to speak as 'representatives' of their respective communities. We were very grateful for their insights into the relationship between some indigenous people and the dogs in their communities.

It became clear that the term 'pet' doesn't really make sense in many cases: for example, the dogs might be associated with an individual or a family, but tend to reside in the community and feed off scraps. Their companionship is often valued and they are seen as good hunting companions. In some communities, the dog is a totem animal, and part of the dreaming. It is wrong to harm this animal.

While dogs may spend much time with community members, for example as sleeping companions (one delegate told us that her uncle slept with ten dogs, that would keep him warm and ward off evil spirits), the relationship is not necessarily perceived as one of 'ownership'.

Dr Cutter, a veterinarian who works with Top End communities, gave me an example of an interaction that lends insight into the kinds of relationships that people may have to dogs in such communities. Dr Cutter pointed to a dog and said, 'he's a bit skinny'. The man he was speaking to replied, 'Yeah, he's a lazy dog. He needs to hunt more'.

The dog was considered a companion in the sense that it should take responsibility for itself – a thin dog might not require more feeding, but more initiative. Yet the dogs are valued in the communities.

'It is a friendship-based ownership,' describes Dr Cutter. 'The dog's relationship with the 'owner' grows and wanes much like human friendship, and dogs and people are free not to be friends anymore and become friends with others. Thus a person with too many dogs is not irresponsible but popular'.

Animal control in such a context is problematic because the goals of animal management may not be congruent with community values. Community dogs can be a problem in that they may harbour zoonotic diseases, they can form packs and become quite aggressive, and they may be caught in the grey area between wild and domestic animals – not able to depend entirely on humans for their needs, but part of the community. The populations are not 'controlled'.

To solve these problems, an early animal management strategy involved white people coming into the communities and shooting all the dogs. This might have achieved the animal management goals of those white people, but it left the affected indigenous communities shattered, as totem animals and valuable companions were killed in front of them.

Similarly, it makes little sense and is practically very difficult to fine someone who does not 'own' a dog that is considered to live with a community by its own choice. There is no adequate term to describe the relationship that indigenous people have to animals – in some cases it may be 'symbolic' (when referring to totem animals), or it may be 'egalitarian', in the sense that the preferences of animals about who they are with are given as much weight as if they were human.

One important obstacle for animal control officers in such a situation is that they may incur the wrath of European pet owners who are fined for letting their dogs wander when apparently the rule does not apply to the Indigenous community across the street. There may be pressure for animal control officers to go in and start throwing the book at people in these communities to appear 'fair'. This approach serves to create antagonism between communities, as a result of one model being imposed when it is inappropriate to the context. There is a distinct disincentive to cooperate with an authority that rejects one's concept of living with animals entirely! This can be extremely frustrating for animal control officers, but it is equally if not more frustrating for communities who feel that they are misunderstood. In these cases, alternative approaches to animal control may be more appropriate, such as desexing, worming and vaccination programs. Lengthy consultation with communities has proved successful in these cases.

### **CONCLUSIONS**

**Definitions:** Because they form the basis of various urban animal management policies, it is important to tease apart concepts such as 'owner' and 'pet', and the possible relationships between them in order to make sense of situations that we confront. When constructing and implementing policy, it is important to consult community over the meaning of these apparently 'basic' concepts as they may be the ultimate source of conflict later on. It may turn out that alternative terms, for example 'custodian', are more appropriate in certain contexts.

**Flexibility:** The context of a pet/owner relationship is crucial and needs to be taken into account, particularly in our multicultural society. We need to look at the nature of the relationship of a human and animal before we impose control measures. Our goals for urban animal management in a remote indigenous community shouldn't be the same as they are in an urban European community, nor should they be exactly the same in a remote European community: we can only achieve control with cooperation, and people will only cooperate if they feel that some attempt is being made to understand their relationship to animals, and their needs. There may be more than one model operating in a particular context.

**The goals of urban animal management:** These are not set in stone, and should vary over time and depending on context. As I have discussed, this depends on the kind of relationship that people have to companion animals, and this is changing.

**Animal welfare:** The welfare of animals is an important element of responsible pet ownership and is an important consideration in urban animal management. In different models, the welfare of an animal is judged in different ways and this needs to be appreciated when invoking animal welfare as a justification for certain methods of animal control.

The conceptual basis of urban animal management is complex, and it is not surprising that there is much conflict about the imposition and nature of control measures. By keeping different models of responsible pet ownership in mind we can further understanding, reduce conflict and facilitate more rewarding relationships between people and animals.

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## AUTHOR'S NOTE:

I would like to acknowledge the assistance of Dr Stephen Cutter (University Avenue Veterinary Hospital, Durack, NT), Dr Stephen Buckle and Mr Martin Jenner. I would also like to thank Big Lick Australia, through which my interest in these issues has been refined over the past three years.

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Anne Quain completed an honours degree in philosophy before turning to veterinary science. She is currently in the third year of the BVSc. at the University of Sydney. Anne enjoys investigative and analytic writing and writes for several publications including the RSPCA magazine ('Animals') and 'The Veterinarian'.

During the veterinary course, she also spent almost eighteen months living in a busy inner-city veterinary practice, affording her loads of experience in after hours patient care, and counts her prac work with crocodiles and wombats (on separate occasions!) among her more memorable life experiences.

She loves people, animals and taking photographs of either or both. She lives in Sydney with her partner and Michael, her cat.