

# Why keeping a pet is fundamentally unethical – Gary L Francione & Anna E Charlton

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We live with six rescued dogs. With the exception of one, who was born in a rescue for pregnant dogs, they all came from *very* sad situations, including circumstances of severe abuse. These dogs are non-human *refugees* with whom we share our home. Although we love them very much, we strongly believe that they should not have existed in the first place.

We oppose domestication and pet ownership because these violate the fundamental rights of animals.

The term ‘animal rights’ has become largely meaningless. Anyone who thinks that we should give battery hens a small increase in cage space, or that veal calves should be housed in social units rather than in isolation before they are dragged off and slaughtered, is articulating what is generally regarded as an ‘animal rights’ position. This is attributable in large part to Peter Singer, author of *Animal Liberation* (1975), who is widely considered the ‘father of the animal rights movement’.

The problem with this attribution of paternity is that Singer is a utilitarian who rejects moral rights altogether, and supports any measure that he thinks will reduce suffering. In other words, the ‘father of the animal rights movement’ rejects animal rights altogether and has given his blessing to cage-free eggs, crate-free pork, and just about every ‘happy exploitation’ measure promoted by almost every large animal welfare charity. Singer does not promote animal *rights*; he promotes *animal welfare*. He does not reject the use of animals by humans *per se*. He focuses only on their suffering. In an interview with *The Vegan* magazine in 2006, he said, for example, that he could ‘imagine a world in which people mostly eat plant foods, but occasionally treat themselves to the luxury of free-range eggs, or possibly even meat from animals who live good lives under conditions natural for their species, and are then humanely killed on the farm’.

We use the term ‘animal rights’ in a different way, similar to the way that ‘human rights’ is used when the fundamental interests of our own species are concerned. For example, if we say that a human has a right to her life, we mean that her fundamental interest in continuing to live will be protected even if using her as a non-consenting organ donor would result in saving the lives of 10 other humans. A right is a way of

protecting an interest; it protects interests irrespective of consequences. The protection is not absolute; it may be forfeited under certain circumstances. But the protection cannot be abrogated for consequential reasons alone.

Non-human animals have a moral right not to be used exclusively as human resources, irrespective of whether the treatment is 'humane', and even if humans would enjoy desirable consequences if they treated non-humans exclusively as replaceable resources.

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When we talk about animal rights, we are talking primarily about *one* right: the right not to be property. The reason for this is that if animals matter morally – if animals are not just things – they *cannot* be property. If they are property, they can *only* be things. Think about this matter in the human context. We are all generally agreed that all humans, irrespective of their particular characteristics, have the fundamental, pre-legal right not to be treated as chattel property. We all reject human chattel slavery. That is not to say that it doesn't still exist. It does. But no one defends it.

The reason we reject chattel slavery is because a human who is a chattel slave is no longer treated as a person, by which we mean that the slave is no longer a being who matters morally. A human slave is a thing that exists completely outside the moral community. All the interests that the human slave has can be valued by someone else – the owner – who might choose to value the slave as a member of the family, or could provide the slave with minimal sustenance but otherwise treat the slave horribly. The slave's fundamental interests might be valued at zero.

There were many laws that purported to regulate race-based human slavery in the United States and Britain. These laws did not work because the only times regulatory laws are relevant is when there is a conflict between slave and slave owner. And, if the slave owner does not prevail substantially all of the time, then there is no longer an institution of slavery. There can be no meaningful challenge to the exercise of the owner's property rights.

The same problem exists where non-humans are concerned. If animals are property, they can have no inherent or intrinsic value. They have only extrinsic or external value. They are things that *we* value. They have no rights; *we* have rights, as property owners, to value *them*. And we might choose to value them at zero.

There are many laws that supposedly regulate our use of non-human animals. In fact, there are more such laws than there were laws that regulated human slavery. And, like the laws that regulated human slavery, they don't work. These laws are relevant only when human interests and animal interests conflict. But humans have rights, including the right to own and use property. Animals are property. When the law attempts to balance human and non-human interests, the result is preordained.

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Moreover, because animals are chattel property, the standard of animal welfare will always be very low. It costs money to protect animal interests, which means that those interests will, for the most part, be protected only in those situations in which there is an economic benefit in doing so. It is difficult to find a welfare measure that does make animal exploitation more efficient. Laws requiring the stunning of large animals before slaughter reduce carcass damage and worker injuries. Housing calves in smaller social units rather than in solitary crates reduces stress and resulting illness, which reduces veterinary costs.

To the extent that animal welfare measures increase production costs, the increase is usually very small (eg, going from the conventional battery cage to 'enriched cages' in the EU) and rarely affects overall demand for the product given elasticities of demand. In any event, however 'humanely' treated animals are, they are still subjected to treatment that, were humans involved, would be torture. *There is no such thing as 'happy' exploitation.*

Although the right not to be property is a negative right and does not address any positive rights that non-humans might have, recognition of that one negative right would have the effect of requiring us, as a matter of moral obligation, to reject *all* institutionalised exploitation, which necessarily assumes that animals are just things that we can use and kill for our purposes.

We want to take a short detour here and point out that, although what we are saying might sound radical, it's really not. Indeed, our conventional wisdom about animals is such that we come to almost the same conclusion without any consideration of rights at all.

Conventional wisdom about animals is that it is morally acceptable for humans to use and kill them but that we should not impose unnecessary suffering and death on animals. However we might understand the concept of necessity in this context, it cannot be understood as allowing *any* suffering or death for frivolous purposes. We recognise this clearly in particular contexts. For example, many people still have a strong negative reaction to the American football player Michael Vick, who was found to be involved in a dog-fighting operation in 2007. Why do we still resent Vick almost a decade later? The answer is clear: we recognise that what Vick did was wrong because his only justification was that he derived pleasure or amusement from harming those dogs, and pleasure and amusement cannot suffice as justifications.

Many – perhaps most – people object to bullfighting, and even most Tories in the UK oppose fox hunting. Why? Because those bloodsports, by definition, involve no necessity or compulsion that would justify imposing suffering and death on non-human animals. No one proposed that Vick would be less culpable if he were a more 'humane' dog fighter. No one who opposes bloodsports proposes that they be made

more humane because they involve *unnecessary* unnecessary suffering. They oppose the activities altogether, and advocate their abolition, because these activities are immoral, however they are conducted.

The problem is that 99.999 per cent of our uses of non-human animals are morally indistinguishable from the activities to which the overwhelming number of us object.

The only use of animals that we make that is not transparently frivolous is the use of animals in research to find cures for serious illnesses

Our most numerically significant use of animals is for food. We kill more than 60 billion animals for food annually, and this does not count the even larger number – estimated conservatively to be about a trillion – of sea animals. We don't need to eat animals for optimal health. Indeed, an increasing number of mainstream healthcare authorities, including the National Institutes of Health in the US, the American Heart Association, the British National Health Service, and the British Dietetic Association, have stated that a sensible vegan diet can be just as nutritious as a diet that includes animal foods. Some authorities have gone further to say that a vegan diet can be healthier than an omnivorous diet. In any event, it cannot be credibly claimed that we need animal products for health reasons. And animal agriculture is an ecological disaster.

We consume animal products because we enjoy the taste. In other words, we are no different from Vick, except that most of us pay others to inflict the harm rather than inflicting it ourselves. And our uses of animals for entertainment or sport are, by definition, also unnecessary. The only use of animals that we make that is not transparently frivolous is the use of animals in research to find cures for serious illnesses. We reject vivisection as morally unjustifiable even if it involves necessity (a claim we also believe is problematic as an empirical matter), but the morality of vivisection requires a more nuanced analysis than the use of animals for food, clothing, entertainment and other purposes. Just about all of our other uses of animals can easily be seen to be immoral given our conventional wisdom.

The bottom line: whether you adopt an animal-rights position and recognise that animals must have a basic, pre-legal right not to be property, or you stay with conventional wisdom, the result is the same: substantially all of our uses of animals must be abolished.

To say that an animal has a right not to be used as property is simply to say that we have a moral obligation to not use animals as things, even if it would benefit us to do so. With respect to domesticated animals, that means that we stop bringing them into existence altogether. We have a moral obligation to care for those right-holders we have here presently. But we have an obligation not to bring any more into existence.

And this includes dogs, cats and other non-humans who serve as our 'companions'.

We treat our six dogs as valued members of our family. The law will protect that decision because we may choose to value our property as we like. We could, however, choose instead to use them as guard dogs and have them live outside with virtually no affectionate contact from us. We could put them in a car right now and take them to a shelter where they will be killed if they are not adopted, or we could have them killed by a veterinarian. The law will protect those decisions as well. *We* are property owners. *They* are property. *We own* them.

The reality is that in the US, most dogs and cats do not end up dying of old age in loving homes. They have homes for a relatively short period of time before they are transferred to another owner, taken to a shelter, dumped or killed.

And it does not matter whether we characterise an owner as a ‘guardian’, as some advocates urge. Such a characterisation is meaningless. If you have the legal right to take your dog to a kill shelter, or to ‘humanely’ kill your dog yourself, it does not matter what you call yourself or your dog. Your dog is your property. Those of us who live with companion animals are owners as far as the law is concerned, and we have the legal right to treat our animals as we see fit as long as we provide for minimal food, water and shelter. Yes, there are limitations on the exercise of our ownership rights. But those limitations are consistent with according a very low value to the interests of our animal companions.

But, as you recoil in horror thinking of what life would be like without your beloved dog, cat or other non-human companion, whom you love and cherish as a member of your family, you are probably thinking: ‘But wait. What if we *required* everyone to treat their animals the way I treat mine?’

The problem with this reply is that, even if we could come up with a workable and enforceable scheme that required animal owners to provide a higher level of welfare to their animals, those animals would still be property. We would still be able to value their lives at zero and either kill them, or take them to a shelter where they would be killed if not adopted.

You might respond that you disagree with all that as well, and that we ought to prohibit people from killing animals except in situations in which we might be tempted to allow assisted suicide (terminal illness, unrelenting pain, etc) and that we should prohibit shelters from killing animals except when it is in the best interests of the animal.

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What you’re suggesting starts coming close to abolishing the status of animals as chattel property and requiring that we treat them in a way that is similar to the way we treat human children. Would it be acceptable to continue to breed non-humans to be our companions then?

Our answer is still a firm ‘no’.

Putting aside that the development of general standards of what constitutes treating non-humans as ‘family members’ and resolution of all the related issues is close to impossible as a practical matter, this position neglects to recognise that domestication itself raises serious moral issues irrespective of *how* the non-humans involved are treated.

Domesticated animals are completely dependent on humans, who control *every* aspect of their lives. Unlike human children, who will one day become autonomous, non-humans never will. That is the entire point of domestication – we *want* domesticated animals to depend on us. They remain perpetually in a netherworld of vulnerability, dependent on us for everything that is of relevance to them. We have bred them to be compliant and servile, and to have characteristics that are pleasing to us, even though many of those characteristics are harmful to the animals involved. We might make them happy in one sense, but the relationship can never be ‘natural’ or ‘normal’. They do not belong in our world, irrespective of how well we treat them. This is more or less true of all domesticated non-humans. They are perpetually dependent on us. We control their lives forever. They truly are ‘animal slaves’. Some of us might be benevolent masters, but we really can’t be anything more than that.

There are some, such as Sue Donaldson and Will Kymlicka, who in their book *Zoopolis* (2011) say that humans are dependent on each other, and ask what’s wrong with animals being dependent on us? Human relationships might involve mutual dependence or interdependence, but such dependence either operates on the basis of choice, or it reflects social decisions to care for more vulnerable members of society who are bound together and protected by the complex aspects of a social contract. Besides, the nature of human dependence does not strip the dependant of core rights that can be vindicated if the dependence becomes harmful.

There are those who respond to our position by saying that dogs, cats and other ‘pet’ animals have a right to reproduce. Such a position would commit us to continue to reproduce without limit and indefinitely, as we could not limit any reproductive right to ‘pet’ animals. As for those who are concerned that the end of domestication would mean a loss of species diversity, domesticated animals are beings we have created through selective breeding and confinement.

Some critics have claimed that our position concerns only the negative right not to be used as property, and does not address what positive rights animals might have. This observation is correct, but *all* domestication would end if we recognised this one right – the right not to be property. We would be obliged to care for those domesticated animals who presently exist, but we would bring no more into existence.

If we all embraced the personhood of non-humans, we would still need to think about the rights of non-domesticated animals who live among us and in undeveloped areas. But if we cared enough not to eat, wear or otherwise use domesticated non-humans, we would undoubtedly be able to determine what those positive rights should be. The

most important thing is that we recognise the negative right of animals not to be used as property. That would commit us to the abolition of all institutionalised exploitation that results in the commodification and control of them by humans.

We love our dogs, but recognise that, if the world were more just and fair, there would be no pets at all, no fields full of sheep, and no barns full of pigs, cows and egg-laying hens. There would be no aquaria and no zoos.

If animals matter morally, we must recalibrate all aspects of our relationship with them. The issue we must confront is not whether our exploitation of them is 'humane' – with all of the concomitant tinkering with the practices of animal-use industries – but rather whether we can justify using them at all.

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