

The Moral Value of Companion Animals: Are They Something or Someone?

By Angie Vega LLB, LLM

Seeing dogs and cats in holiday pictures sent to friends and family is not unusual. From celebrating their birthdays and making them part of important family events to paying for specialized food and veterinary care and acquiring health insurance, companion animals have gone from being pets or even best friends to being considered cherished family members.

Throughout history, humans and their companion animals have had a range of relationships. For instance, humans used to have dogs and cats for utilitarian purposes, where they would live outside and provide some sort of service to their master, such as herding animals, hunting 'pests' or food, or guarding the home. There might have been affection towards one another. Nevertheless, it was fair to expect their lives to be cut short at any moment due to diseases or other animals. Today, this relationship looks very different. The bond between humans and nonhuman animal companions has significantly evolved and is stronger than ever.¹ Companion animals are treated by the average family as full family members, where they provide companionship and happiness. In addition, studies have shown that having a pet can improve mental health, reduce stress, and lead to a longer, healthier life.² They are different from many other animals in that we live with them, give them a name, and do not eat them.³ In to-

day's world, it is not uncommon for people to consider their companion animals as valued members of their family. This phenomenon occurs in most families with a "pet," and families in the United States⁴ and the United Kingdom⁵ are no exception.

The significance of companion animals in our lives has been steadily growing. The evolving needs and dynamics of society have profoundly impacted our relationship with these beloved animals. Busy schedules, smaller families, and moving to urban areas are some of the factors that have taken humans to be closer to their companion animals.⁶ The advance of veterinary medicine and technology is a critical factor as well. Dogs and cats are living longer than ever.⁷ Parasite control treatments allow us to have a relationship with animals without worrying that they will make us sick. In addition, many of yesterday's deadly diseases are treatable today. It can be asserted that when someone welcomes a dog or a cat into their family, they do so with the expectation of forming a deep and enduring bond. This assumption is based on the understanding that that animal will likely have a relatively long lifespan, allowing ample time to create a strong and meaningful connection. As that bond develops and grows stronger, it becomes more difficult to watch them endure pain. Studies even show that humans grieve their nonhuman animal companions like they

than human families. Pets, people, and practices in multispecies households.

1 New Research Confirms the Strong Bond Between People and Pets is a Global Phenomenon, 95% Worldwide Say Pets Are Family, The Human Animal Bond Research Institute (HABRI), 2022, <https://habri.org/pressroom/20220116>.

2 The Power of Pets, Health Benefits of Human-Animal Interactions, National Institutes of Health, 2018, at <https://newsinhealth.nih.gov/2018/02/power-pets> and Pets in society, Health benefits. European pet food industry, at <https://europeanpetfood.org/pets-in-society/health-benefits/>.

3 Morethanhuman families: Pets, people, and practices in multispecies households, Leslie Irvine & Laurent Cilia, 2016, at <https://www.academia.edu/35990445/More>.

4 Pets on board: Meet the multispecies American family, Dallas SMU, 2021, at <https://www.smu.edu/News/2021/Research/Pets-on-board>.

5 Has COVID-19 changed our relationship with pets and other animals?, Warwick Knowledge Centre, 2020, at https://warwick.ac.uk/newsandevents/knowledgecentre/society/sociology/animals_and_covid19/.

6 See Morethanhuman families: Pets, people, and practices in multispecies households, Leslie Irvine & Laurent Cilia, 2016.

7 Dogs and Cats Are Living Longer: The Study, ALMO NATURE, <https://blog.almonature.com/en-gb/dogs-and-cats-are-living-longer-the-study>.

grieve close family members.⁸ Indeed, the choice to welcome an animal into the family is far from random. People make this decision because animals bring genuine happiness and a profound sense of purpose, but also under the understanding that their responsibility towards their new nonhuman family member will extend over the long haul.

It is no secret that people love their animals, not like they love a valuable piece of jewelry, but as family members. For instance, in 2022, around 94% of people with companion animals in the U.S.⁹ and the U.K.¹⁰ considered them part of the family. But how about the law? Does the legal system value companion animals in the same way as society does? The U.S. and the U.K. legal systems have evolved differently in many aspects. However, when it comes to the legal treatment of animals, both countries, as with the vast majority of other countries, classify them as property. A chattel, just like a toaster, a phone, or a computer.¹¹ At first glance, this may not seem problematic and even logical to many. After all, legal systems are built around the notions of persons and property. However, the strict interpretation of this classification poses some deeper issues, particularly to those that highly regard their nonhuman animals within the context of their family.

When a companion animal is harmed by the intentional or negligent conduct of a third person, the "owner" of the companion animal can file a lawsuit against the tortfeasor for the harm or loss suffered by that person. The same principle applies in both the U.S. and the U.K. The

goal is to put the injured party in the same position they would have been in if the tort had not occurred. To make the plaintiff whole. This area of the law has been developed through case law. The remedies in torts are damages, which provide financial compensation to the plaintiff for their losses. This is with the goal of compensating the plaintiff, not punishing the defendant.

Let's illustrate this issue. Imagine your beloved 7-year-old mutt dog, Benny, is beaten up by your neighbor because he went onto his property. You have been together for many years, and even though he may not be as energetic and may even have some health issues, your love for him is ever-growing. You take him to the vet regularly to ensure he is healthy. You go on walks together, watch TV, and cuddle at night. Benny means the world to you! You love him unconditionally, and he gives you happiness and purpose in return. Benny does not die immediately. However, he undergoes extensive treatment and stays at the hospital for many days. You become anxious and stressed. Focusing at work becomes almost impossible to accomplish. You cannot sleep, wondering how Benny must be feeling. You wonder whether he is confused, in pain, and probably thinking you abandoned him. Your life turns upside down by the thought of losing him. Ultimately, Benny passes due to his injuries. You are devastated. You thought you had at least a few more years to experience fond moments together. However, he has been abruptly taken away from you. Certainly, Benny cannot be brought back to life, and you cannot bear the thought of welcoming another dog into your home. To you, Benny was indeed irreplaceable.

If Benny were a human family member, you would have a number of claims available to recover for your emotional injuries depending on where you are. Unfortunately, the value of companion animals is yet to be reflected in the legal system. As property, the current valuation of companion animals (including Benny) is based on their market value. This is the commercial value they had prior to the injury or death. Just what you would have been able to recover if someone had damaged or destroyed an item of personal property. The

8 Behler, Anna Maria & Green, Jeffrey & Joy-Gaba, Jennifer. (2020). "We Lost a Member of the Family": Predictors of the Grief Experience Surrounding the Loss of a Pet. *Human-animal interaction bulletin*. 2020. 10.1079/hai.2020.0017.

9 Pets as (Affluent) Family Members Drive Durable Product Sales, CISION PR Newswire, 2022, at <https://www.prnewswire.com/news-releases/pets-as-affluent-family-members-drive-durable-product-sales-301560524.html#:~:text=In%20Packaged%20Facts'%20January%202022,home%20for%20most%20pet%20owners>.

10 Majority Consider 'Pets to be Family,' Finds Major Charity Poll of Pet Owners, *Pets Magazine*, 2022, at <https://www.petsmag.co.uk/charity-reveals-findings-of-largest-ever-survey-of-uk-pets-and-their-people/#:~:text=The%20survey%20confirmed%20the%20UK,91%25%20giving%20their%20pets%20treats>.

11 Pets are also chattels!, Farrer & Co LLP, 2021, at <https://www.farrer.co.uk/news-and-insights/pets-are-also-chattels/>.

remedy for trespass to chattels or conversion of personal property or goods is special or economic damages; to the law, Benny is not more than that. How about the emotional distress, pain, and suffering, or in other words, the emotional damages suffered by their families? Is it taken into account when calculating damages suffered? The short answer for both countries is—most likely not.¹²

To some, it may seem like the right approach. Ultimately, economic damages are readily ascertainable and predictable. However, in tort law, the purpose of damages is to compensate plaintiffs for their loss. The value of a dog like Benny is not economical. It is sentimental! The reality is that very few people are concerned with the economic value of their dogs and cats, and unless an animal is purebred, has special training, or represents some commercial utility, they most likely have a nominal value at best. In turn, bringing a civil lawsuit will likely represent high attorney fees and court costs, compared with the possibility of being awarded the purchase or adoption fee of the companion animal at most. What does this mean? It means that under the current system, companion animal owners are not being compensated for their actual loss, but rather for a loss they do not bear. Moreover, the actions of tortfeasors lack significant deterrents, allowing them to harm other people's companion animals without real consequence.

Sentimental injuries are indeed more challenging to determine. That is why they are compensated in limited circumstances, such as in personal injury cases and wrongful death. However, this difficulty is not a valid reason to ignore them. On the contrary, the relationship people build with their companion animals is so unique and relevant that it should guarantee that they can recover for their emotional damages. Ultimately, we live with our companion animals; they take part in our daily lives and are distinguished from other animals. They depend on us, and we emotionally rely on them as well. It is a task for the legal system to determine a way to provide compen-

sation, allowing plaintiffs to recover for their injuries, which are predominantly emotional in companion animal cases.

Some areas of the law have started to reflect the value of companion animals in today's society—more specifically, divorce cases, trusts law, and even the law of judicial liens. Some states in the U.S. have even started to enact hot car laws (more than half of the 50 U.S. states) to protect animals in hot cars.¹³ Similar to laws that protect children. However, the development in the area of torts remains rather dull. While the U.K. and the U.S. continue to deny recovery based on dated arguments, such as the long-standing principle that companion animals are property and that allowing recovery of general damages would open the floodgates of litigation, other countries legally recognized that today's modern family is multispecies, in which animals play the role of beloved family members.¹⁴

As other areas of the law continue to evolve to recognize the significance of the relationship between humans and their nonhuman family members, it is time for a reform that allows compensation of damages truly suffered as opposed to mere fair market value, which, interestingly, is nothing but unfair. Perhaps, a law is more appropriate to move forward in tort law, where the circumstances of recovery and limitations are clearly delineated. In that way, there is a system in place that provides adequate compensation and avoids the possibility of unrestrained damages. This would be a win not just for plaintiffs but also a small win for companion animals whose place within the family ought to be legally recognized.

Author biography

Angie Vega is a Colombian attorney and the current Animal Law Fellow at Michigan State University. She has used her civil and common law expertise to advance animal law in the academic field. Her scholarly work explores the intersectionality of animal law with other areas

¹² See Torts (Interference with Goods) Act 1977 for the U.K., at <https://www.legislation.gov.uk/ukpga/1977/32?view=plain>. And the Restatement (Third) of Torts § 217.

¹³ Table of State Laws that Protect Animals Left in Parked Vehicles, Rebecca F. Wisch, 2023, at <https://www.animallaw.info/topic/table-state-laws-protect-animals-left-parked-vehicles>.

¹⁴ See cases in Spain, Portugal, Colombia, and Argentina.



and how to improve animal protection and advance the interests of animals within the legal system. Angie's legal research and teaching focus on topics such as the human-companion animal bond, animal law in Latin America, Animal Rights, and the Rights of Nature. She created the Animal Law Latin American Collection on the animallaw.info website, where she has also written articles on various topics. Angie is the Regional Director for Latin America, the Caribbean, and Oceania for World Moot on International Law and Animal Rights, an HSUS Humane Policy Volunteer Leader, a Mercy for Animals Detroit Hub member, and a UN Harmony with Nature Expert.