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This is a pre-copyedited, author-produced PDF of an article accepted for publication in *Journal of Bioethical Inquiry* following peer review. The definitive publisher-authenticated version [Rock M, & Degeling C. Public Health Ethics and a Status for Pets as Person-Things: Revisiting the Place of Animals in Urbanized Societies. *Journal of Bioethical Inquiry*. (2013) 10(4):485-95.] is available online at <http://link.springer.com/article/10.1007/s11673-013-9478-z>

# Public Health Ethics and a Status for Pets as Person-Things: Revisiting the Place of Animals in Urbanized Societies

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## Abstract

Within the field of medical ethics, discussions related to public health have mainly concentrated on issues that are closely tied to research and practice involving technologies and professional services, including vaccination, screening, and insurance coverage. Broader determinants of population health have received less attention, although this situation is rapidly changing. Against this backdrop, our specific contribution to the literature on ethics and law vis-à-vis promoting population health is to open up the ubiquitous presence of pets within cities and towns for further discussion. An expanding body of research suggests that pet animals are deeply relevant to people's health (negatively and positively). Pet bylaws adopted by town and city councils have largely escaped notice, yet they are meaningful to consider in relation to everyday practices, social norms, and cultural values, and thus in relation to population health. Nevertheless, not least because they pivot on defining pets as private property belonging to individual people, pet bylaws raise emotionally charged ethical issues that have yet to be tackled in any of the health research on pet ownership. The literature in moral philosophy on animals is vast, and we do not claim to advance this field here. Rather, we pragmatically seek to reconcile philosophical objections to pet ownership with both animal welfare and public health. In doing so, we foreground theorizations of personhood and property from sociocultural anthropology.

**Keywords** : Anthropology; Philosophy; Ethics; Public health; Urban health; Pets

## Introduction

Contributors to the literature on medical ethics and law have long considered issues that are relevant to public health, including vaccination, screening, clinical services, quarantine, and legal measures such as mandatory seat belts. Broader determinants of disease, injury, and well-being across populations have not received as much attention, although this situation is rapidly changing (Powers and Faden 2006; Calman 2009). Meanwhile, there is increasing evidence that the presence of pet animals, particularly pet dogs, has significant impacts on human health (McNicholas et al. 2005; Johnson, Beck, and McCune 2011). These impacts have normative dimensions, which are only beginning to receive attention. In particular, the benefits arising from pet ownership are unevenly distributed, with lower-income citizens facing barriers to pet ownership generally and dog ownership in particular (Shore, Petersen, and Douglas 2003; Carlisle-Frank, Frank, and Nielsen 2005), with pet dogs being more likely to be perceived

as nuisances in disadvantaged neighbourhoods (Derges et al. 2012; Toohey and Rock 2011) and with the potential for people of relatively high socioeconomic status to take control of public space through their dogs (Tissot 2011). Even though public health practices are humanist in orientation, the health and well-being of the animals themselves should be considered. Our aim here is to advance the field of public health ethics by attending to these normative questions.

Pets reside in approximately half of all households in urbanized Western countries, and the popularity of pets is growing in non-Western cities, too (McNicholas et al. 2005; Oka and Shibata 2009; Headey, Na, and Zheng 2007). A growing body of literature suggests that such high levels of pet ownership are relevant to public health. Two main pathways have been studied: direct and indirect. The literature on direct effects has focused on human–animal bonds. Authors have concluded, for example, that pet owners are more likely to survive a heart attack and to have lower blood pressure than people without pets of their own (McNicholas et al. 2005). The essence and impact of human–animal bonds has also been explored in the literature on animal-assisted therapy and on “seeing-eye dogs” and other animals placed in the service of people with disabilities (Fine 2010; Burrows, Adams, and Spiers 2008; Solomon 2010).

The literature on indirect effects, by contrast, is principally concerned with the impact of human–animal bonds on people’s interactions with one another. For example epidemiological investigations have found that dog-ownership is beneficial for people’s health, in the main because regular dog-walking is form of physical activity (Christian et al. 2012). A related set of studies has highlighted that pet ownership, generally, and dog-walking, in particular, can spark positive social interactions between strangers and help to foster a sense of community among neighbours (McNicholas et al. 2005; Toohey and Rock 2011). Nevertheless, the impacts of pet ownership are not always positive. Other studies highlight that negative effects on physical activity and social interactions ensue from litter from dog waste, unattended dogs, and dogs perceived to be aggressive or simply unfriendly (Toohey and Rock 2011; McCormack et al. 2010; Derges et al. 2012).

In summary, while many positive outcomes across multiple populations have been reported, the overall impact of high levels of pet ownership appears to be mixed, for pet owners themselves as well as for people without pets of their own. Clearly, any attempt to maximize the benefits to human health of high levels of pet ownership through any of the direct or indirect effects described above must also entail tackling the reality of an ever-present potential for harm to people and animals. Indeed, many contributors to the literature on human–animal interactions shy away from the term “pet” in favour of “companion animal,” for theoretical reasons having to do with the degree and nature of the attachments in question, as well as to avoid any semblance of animal exploitation (Shapiro 2002). Nevertheless, the status of “companion animals” has yet to be examined in the literature on health effects. For instance, the existing literature in public health on dog-walking has been silent on the legality and morality of pet ownership. Rather, dog ownership has been presented in a matter-of-fact tone and the underlying suggestion is that dogs can and should serve as instruments for human benefit.

We contend that the current situation of inattention to the legal and social status of pets in public health is deeply problematic, in light of a well-established body of literature that critiques pet ownership on moral and philosophical grounds (Francione and Garner 2010). Experiences in instituting tobacco control, population-level diagnostic screening, and vaccination programmes demonstrate that, in public health theorisation and practice, we ignore profound disagreements about values and morality at our peril. More specifically, legal arrangements that are of interest to public health researchers and practitioners should not receive unqualified endorsement without careful consideration of viewpoints that challenge their ethical foundations.

We both are of the view that pets and all other nonhuman animals possess an inherent value,

independent of human interests. At the same time, we recognize that pets *have the potential* to contribute positively and negatively to human experience, and thus, ultimately, to health outcomes in human populations. This concern with potentiality is important to emphasize, as not all instantiations of pet-keeping are health-promoting. Our objective in this essay is to begin the process of reconciling philosophical objections to pet ownership, on the one hand, with the positive and negative impact that pets can have on human health, on the other hand. In doing so, we draw on anthropological theories regarding animals, personhood, and property. Thus, we acknowledge—but do not intend to advance—philosophical scholarship on the morality of pet ownership. Ultimately, we come at the topic of pet ownership from an entirely different angle, which could be described as an anthropological perspective on public health ethics. Furthermore, in keeping with our concern for public health ethics, we concentrate our attention on pet ownership in urban areas. Not only do most people and pets live in urban areas, but the place of pets in daily life as well as the legal apparatus surrounding pet ownership have characteristics in cities and larger towns that are relevant to public health.

Theories of liberty are pivotal to public health ethics (Powers and Faden 2006; Calman 2009). Following on from John Stuart Mill (2011 [1859]), in this essay we invite reflection on the following question: *When and how can power rightfully be exercised, against a pet animal's or a pet owner's will, to prevent harm to others?* Below, we develop a response to this way of phrasing Mill's classic harm principle, in three steps. To begin, we introduce insights from sociocultural anthropology on personhood and commodification, as the basis for proposing that pets have the legal and social status of person-things in urbanized Western societies. This first section is meant to allay concerns that any legal definitions and practical applications that underpin the institutionalization of pet ownership rest upon a form of instrumentalization that constitutes a violation of the animal's own will and is therefore morally problematic. Next, we consider socio-legal scholarship on animal welfare, with a focus on animals kept as pets. The purpose of this second section is demonstrate that, in Western societies at least, there exists a public interest in the welfare of pet animals, which tempers and constrains any supposition that pet owners are at liberty to treat these animals as they see fit, as a matter of property rights. Finally, we then revisit pet ownership with reference to socio-legal scholarship on bylaws adopted by local governments. In this third section, we develop the notion that pet bylaws adopted by local councils and municipal governments are significant texts for public health law and ethics. In particular, pet bylaws carry the potential to influence the health and well-being of both humans and animals, in positive as well as negative ways. In arguing for the importance of pet bylaws, we touch on the welfare of urbanized wildlife and highlight that these animals are also important for public health ethics. In conclusion, we maintain that pet ownership is highly relevant to conceptualizing multispecies collectivities as a cornerstone of healthy cities.

### **Pets Exist as Person-Things: An Anthropological Perspective**

In Western law and philosophy, distinguishing persons from things is foundational: Animals are classified as living things and further distinguished from inert objects. Scholars have noted that while living things and inert objects can both be defined legally as someone's property, different kinds of property are treated differently, to the extent of laws and procedures to prevent and redress the neglect or abuse of animals (Garner 2010). Here, there is particular concern for the status of animals as living property, but this position could be extended to trees or other plant life, too.

By paying close attention to actual lived experience within and across cultures, sociocultural anthropologists have taken a different point of departure from most philosophers and socio-legal scholars. This approach has led to recognition that personhood and personal property are culture-bound realities (Pottage and Mundy 2004). In other words, seemingly self-evident concepts such as *person* and

*property* have been found to vary radically across social and geographic contexts. In fact, nonhuman animals as well as supernatural entities have the status of persons in many settings (Descola 2006).

In our own societies, veterinary medicine and veterinary care provided by owners to pets are zones of practice that blur the boundary distinguishing human persons from living things. Caring for pets foregrounds the reality of pets being recognized and valued as *selves*, yet without being defined or treated as persons in all the ways that adult humans are ( Degeling 2008, Rock and Babenic 2008, Degeling and Rock 2013). In fact, people encourage both dogs and cats to make choices every day. At the same time, limits on the authority of human owners to treat pets as they see fit have been established, and in many countries, legal protection of animals from cruelty now encompasses owner-ordered veterinary procedures, notably tail-docking and debarking (Garner 2010).

What this points to is that pets in urbanized Western societies occupy a unique social, legal, and moral status: that of *person-things*. To develop this argument, we have leaned on analyses of values in sociocultural anthropology. While this literature is vast, given that many critics of human–animal relationships perceive a moral contradiction between personhood and commodification (Favre 2000; Francione and Garner 2010), we only discuss two classic essays that deal directly with these concepts: “Commoditization as a Process” (Kopytoff 1986) and “Commodities and the Politics of Value” (Appadurai 1986).

According to Kopytoff (1986), human persons and all other entities vary in the extent to which they are treated in a given place and at a given time as singular (and thus irreplaceable) or exchangeable. At either end of the spectrum, people as well as nonhuman beings or inert objects may be regarded as useful. In these terms, it is not a matter of being against commoditization of people or animals altogether, but of critiquing its forms and institutionalizations. Key to Kopytoff’s argument is a cross-cultural analysis of slavery. While critics of defining animals as property have also drawn comparisons with slavery, we wish to highlight that the point of departure for Kopytoff’s analysis is that some degree of instrumentalization is practically *inevitable*. In addition, treatment of the same person over time and of different people occupying the same category at a given time can diverge greatly. What is crucial about Kopytoff’s argument for us is that all people (not only person-things such as pet animals) are sometimes used as a means to an end, as part and parcel of everyday experience. While philosophical literature on instrumentalization and exploitation of people is vast, and interest on these topics in relation to animals continues to grow, Kopytoff’s analysis and related anthropological theory foregrounds contextual contingencies. In particular, Kopytoff highlights that the status and value accorded to a particular person or thing may change over time. This empirical stance suggests that theoreticians need to be informed about and attentive to the vagaries of actual practice before making moral pronouncements.

The next step to our argument relies upon Arjun Appadurai’s (1986) revision of Kopytoff’s position. Appadurai accepts the main lines of Kopytoff’s argument, but rejects Kopytoff’s suggestion that, in all societies, there exists a continuum between singular persons at one pole and interchangeable things at the other. Instead, Appadurai advises analysts to consider concrete situations in which people (or embodied time, as in the commoditization of labour under capitalism) and other entities are placed in relation to one another, *or not*, as indications of their perceived value. He distinguishes, therefore, between commoditization and the commodity situation. Whenever goods or services change hands, the process of *commoditization* is complete (Kopytoff 1986). By contrast for Appadurai (1986), *commodity situations* occur when we regard something as potentially exchangeable. In other words, commodity situations require an analysis of thought patterns, which in turn help explain why some exchanges (i.e., instances of commoditization) take place regularly and without controversy, while others are impractical or even unthinkable.

Appadurai's distinction between commoditization and the commodity situation follows from Georg Simmel's argument that ordinary as well as ceremonial sacrifices illuminate people's values. In Western societies, we tend to take for granted that anyone who possesses money can make purchases based on the "face value" of the currency and posted prices for goods and services, but examples such as price negotiation in real estate or reluctance on the part of some breeders to allow a dog to be purchased by households without a routine adult presence throughout the day highlight that commodity situations always implicate judgements of people. Thus, according to Appadurai, situations in which people contemplate commensuration as well as concrete instances of exchange provide insight into people's values.

We agree and have observed there does not seem to be a continuum in people's way of treating pets, ranging from pets-as-unique-selves to pets-as-useful-things (cf. Kopytoff 1986). Instead, it appears that many people who regard pets *as unique selves* may regard them simultaneously *as useful things*, just as they might another human being. For example, a dog can provide companionship on a walk or jog, while also usefully supplying a need for an owner to get out of the house, to the extent that a sick dog or a deceased dog may end up being replaced, functionally if not sentimentally, by another dog (Degeling and Rock 2013). Indeed the historian Katherine Grier (2006) asserts that pets are created when people single out an animal for special attention and make a claim of belonging. Further, a claim of belonging may be mutual, between a person and animal, as animals may single out particular people for attention and affection and to meet their needs. Food provisioning is the most basic and fundamental demonstration of mutual belonging and of the potential for reciprocal instrumentalization in relationships between people and animals kept as pets.

In short, pets exist in many people's lives as living things endowed with nonhuman selves. In some situations, their individuality and uniqueness are made apparent (*as selves*); in other situations, generic characteristics and fungibility are emphasized (*as living things*); and, perhaps more often than not, these two aspects entwine in practice. For as will be discussed further in the next two sections, the processes of governance that surround human-animal relations reinforce a status for pets as person-things whose own welfare warrants protection, but also as actors whose presence in urbanized space can compromise the freedom and well-being of others. In other words, being subject to a claim of "ownership" gives pet animals a social and legal status, while also demanding that their owners respect the needs and preferences of other members of the community—human, canine, or otherwise.

### **Governing Animals in Liberal States: Social Contracts and Property Relations**

The place of animals in contemporary Western societies is attracting increasing attention from socio-legal scholars and political philosophers. Bridging both these fields of expertise, Robert Garner (2010) and Steve Cooke (2011) are among those who maintain that no contradiction need exist between the existence of pets as companion animals and as private property, precisely because a public interest has been established in their welfare. Furthermore, this public interest in the welfare of pets is apparent in day-to-day life and plays out in applications of and amendments to legal instruments (see also Nowicki 2011; Borthwick 2009). We concur.

The political theorist Kimberly Smith similarly is "concerned with whether and how the state, and more specifically the liberal state, can defend animal welfare" (2012, xii). Although legal reforms to protect animal welfare predated and arguably served as template for child welfare legislation in the United Kingdom as well as in the United States, Smith acknowledges that liberalism's emphasis on equality and liberty for human beings has been remarkably unhelpful when it comes to determining the state's role in human-animal relations. She maintains that animals are best understood neither as

persons nor as things, but as “fellow creatures, co-inhabitants of our ecological and social spaces” (Smith 2012, xiv. )

Like us, Smith is pragmatic. She follows Robert Merton’s lead to construe social contract theory, in the tradition of Rawls (1971), as a “normative midrange theory” that can guide thinking, practical action, and the reform of social institutions when it comes to human–animal relations. On this basis, her position is that liberal theory and related state-sponsored interventions “can be based on a broad social consensus about the status of animals” (Smith 2012, xiv). She argues that, at the present time in Western urbanized societies, pets have the status of private property and also are included in social contracts.

Social contract theory, more precisely, in Smith’s reading, can be extended to questioning how animal welfare is promoted or fettered by formal rules, notably laws. This reading of social contract theory and this concern with the role of governments in promoting animal welfare leads Smith to argue against established critiques of pet ownership, which claim that pet ownership construes such an animal as “a mere object or commodity.” Smith disagrees with the “mere” part of this formulation: “Recognizing an owner’s property rights in an animal can be a way to improve its civic status by giving the human–animal relationship formal protection,” she asserts, with reference to the history of U.S. legislation to redress animal cruelty and neglect (Smith 2012, 84). Further, Smith maintains that defining pets as people’s property “does not harm their welfare in the way that humans are harmed psychologically, simply by being misvalued” (Smith 2012, 97). And we agree.

Our position parts company with Smith, however, in two significant and interrelated ways. First, we reject the narrowness within which Smith conceptualises commodification; and, second, rather than relying on the notion of “fellow creatures,” we suggest that pet animals in particular do have a unique status of person-things in many cosmopolitan societies. As exemplified in the classic essays by Kopytoff and Appadurai, anthropological theories of commodification and valuation provide a different point of entry than the literature drawn upon by Smith, who ultimately conflates commodification with commercialization. Her discussion of commodification revolves around the state’s role in regulating the production of animal populations as revenue sources, that is, as food sources and as pets. This discussion is relevant to processes through which dogs, cats, and members of other species become people’s pets, but it does not provide much guidance for considering people’s ongoing claims that a pet belongs to them, or, for that matter, an animal’s agency in soliciting claims of belonging from people.

By contrast, the anthropological literature, particularly in the context of recent Aboriginal land claims, shows that assertions about mutual belonging often entwine with conceptualizations of social well-being, and that they implicate nonhuman beings (e.g., Povinelli 2002). From this vantage point, belonging is not always a one-way construct (as in formal definitions of property) but a two-way process that is lived out in day-to-day practice. The key insight is that if Aboriginal peoples are to be accommodated in the social contract for Western liberalism, then humanist conceptualizations of well-being and belonging have to be reconsidered. We do not want to suggest that pet ownership is equivalent in any way to Aboriginal land claims. Still, recent anthropological scholarship in the context of Aboriginal land claims illustrates that, albeit clumsily and certainly in a non-ideal fashion, the Western legal tradition has been pushed to accommodate claims about mutual belonging between human and nonhuman beings. That these claims need to be lodged as property relations, in order to have any legal status, is a contradiction in terms. Yet it is precisely the contradictory possibility of accommodating relationships of care under legal definitions of property that has captured our attention in relation to the conundrums for public health ethics of defining pet animals as people’s rightful property. For the very notion that pet ownership is proper and just, when viewed in terms of a social contract, brings into view questions about animal welfare and public health.

Indeed, the possibility of some kind of legal recognition for mutual belonging between people and pets alongside some degree of legal protection for others outside a specific relationship defined by a human–animal bond is crucial for our interest in small differences to well-being. Due to the popularity of pets and the effects of pets on people’s relationships with one another, seemingly insignificant differences to well-being that are mediated by human–pet interactions may ultimately influence the mental and physical health of entire populations—human and nonhuman. Whereas Smith argues that “the primary responsibility for embodying better ideals of animal friendship and respect in our social practices does not lie with the state,” but with “civil society” (2012, 97), our specific concern with pets in urban life has directed our attention toward “the state” in the form of municipal governments (also known as local councils) and their bylaws.

### **Pet Bylaws and Liberal States: Implications for Public Health Ethics**

Municipal bylaws can enshrine pet ownership. For example, they may stipulate that anyone who feeds or shelters an animal has a duty to register that animal’s presence with the municipal government and to ensure that any animal in their care does not pose a nuisance or a threat to others (Borthwick 2009). In other words, pet bylaws reflect the extent to which a social contract extends to animals of various kinds. Municipal bylaws on pets, therefore, combine a role for the state and a role for civil society, in practical ways that are relevant to everyday life for millions of people and animals worldwide. Moreover, the potential impact of municipal bylaws on pets extends beyond pet owners and their pets, to encompass people without pets of their own as well as urbanized wildlife.

The lack of attention to municipal governments in the work of Smith and other scholars concerned with animal welfare is hardly surprising, given the dearth of socio-legal scholarship on bylaws. Fortunately, however, Mariana Valverde (2012) attends to bylaws as part of the mundane kind of governance that takes place under the auspices of municipal jurisdiction. Through an inquisitorial approach that she acknowledges as in keeping with anthropological scholarship on property and personhood, Valverde underscores that municipal jurisdiction focuses on the “thing” side of the person–thing distinction in the Western legal tradition. Municipal jurisdiction, in other words, revolves around people’s use of private and public property. Thus, it bears repeating that municipal governments accomplish this degree of intervention (or intrusion) without privileging Western conventions of personhood, but rather, by operating within strict limits on jurisdictional authority in the realm of nonhuman entities.

Valverde does not specifically comment on the exercise of municipal jurisdiction over pet animals, as compared with immobile plants or inert objects. The key points from Valverde’s analysis, however, readily apply to municipal bylaws on pets (Rock, 2013). Indeed, pet bylaws are more about governing people than they are about exerting direct control over animals. In pet bylaws, people’s attitudes and actions are the ultimate target, and the stated intent of pet bylaws can be to ensure that others are free to enjoy private and public property. In fact, supra-local governments may adopt legislation to regulate municipal governments or local councils, as they in turn seek to govern people through pet bylaws (Borthwick 2009).

In what follows, we provide an overview of common pet bylaws and we speculate, by extrapolating from published research, on the potential impact of adopting and implementing such bylaws for the health of people, pets, and wildlife in urbanized societies. In doing so, we do not distinguish between well-being and health (cf. Powers and Faden 2006). Our argument about the importance of pet bylaws for mitigating the potential for harms as well as benefits does not pivot on whether it is valid to distinguish between animal welfare, human health, and social well-being. Rather, we regard these issues as entwined (Degeling, Kerridge and Rock, 2013). Typical municipal bylaws on dogs cover licensing,

aggression, waste disposal, and access to public space (Borthwick 2009), and so do we. Also, we pay particular attention to whether guardianship, which has been proposed as a replacement for pet ownership (Favre 2000), offers a workable alternative for mitigating the potential for pets to pose harms to other people and animals in urbanized environments.

### **Licensing**

In exchange for allowing dogs to be present within their boundaries, municipalities typically charge licensing fees. Even people who prefer to think of themselves as guardians are legally rendered as owners through bylaws on pet licensing. An unlicensed dog found to be “at large” falls entirely under municipal jurisdiction, and many such dogs are killed (i.e., euthanized), especially when the supply of impounded dogs exceeds demand for adoption. Moreover, when large numbers of dogs are “at large” in urbanized environments, they tend to intimidate people (Toohey and Rock 2011). They may also harass or even kill wildlife. Minimizing the number of unlicensed and stray dogs can, therefore, protect people and other nonhuman animals from harm. Compliance with municipal bylaws on dog licensing can thus promote the well-being of people and animals by helping to reduce the numbers of impounded and euthanized dogs and by facilitating the reunification of lost pets with owners (Rock 2013). In practice, the example of reunification combines a fungible status for dogs, as living things that fall under municipal jurisdiction (“the state”); a cultural status for dogs as person-things whose welfare is in the public interest; and a legal status for dogs as person-things belonging to particular people as private property. Put another way, pet licensing is an example of what Appadurai (1986) defines as a “commodity situation” but not one in which pets are completely commoditized, to the point of being bought, sold, or traded away (Kopytoff 1986).

### **Aggression**

Dog bites remain a significant source of injury worldwide and can spread infectious diseases, including rabies, in human and animal populations (Zinsstag et al. 2007). As the cultural anthropologist Phillipe Descola (2010) has pointed out, in the Western legal tradition, the owners of dogs—not the pet dogs themselves—are held accountable for pets’ actions (including dog bites). What is important about this observation for our argument is that municipal bylaws provide leverage on these problems by rendering people with dogs in their care as owners. Municipal bylaws often provide for fining owners following incidents of dog aggression, for impounding aggressive dogs (effectively dissolving a claim of ownership and the dog’s legal status as private property), and for euthanizing such dogs (even if against the owner’s will). When dogs are euthanized following documented incidents of aggression, the justification provided for this action is to protect public safety, not to punish the dog. We recognize that not all dogs have the opportunity to become well socialized and that “due process” may vary widely across municipalities for investigating and responding to dog aggression (see also Borthwick 2009). More effort and expertise should be invested in these aspects. Yet the rubric of pet ownership that has been instantiated in municipal bylaws is flexible enough to allow for such reforms, and replacing pet ownership with an alternative regime would not appear to offer substantial benefit. Notably, guardianship would not provide a meaningful alternative to ownership, because that would dissolve municipal authority, which is strictly limited to private and public property. To come under municipal jurisdiction, dogs must be classified as property. In effect, whenever dogs are present within urbanized environments yet unclaimed by anyone, they qualify as public property. Dogs kept as pets within municipal boundaries, meanwhile, are defined legally through pet bylaws as private property.



## **Waste Disposal**

Dog faeces can contain infectious pathogens that pose a risk to animal health (pets and wildlife) and to human health. In addition, litter from dog waste is a nuisance that can fuel animosity, deter people from walking and visiting parks, and symbolize poverty for the human residents of disadvantaged neighbourhoods (McCormack et al. 2010; Derges et al. 2012). Besides, dog waste is a significant environmental contaminant and contributor to landfill in urbanized Western societies. Some municipalities deploy public employees and equipment to remove dog waste from public places (Webley and Siviter 2000), but many municipalities have adopted bylaws that put the responsibility on owners to remove dog waste promptly from public places. In other words, waste from a dog “belongs” legally to the owner under such bylaws, to the point that the dog’s body and actions in public settings are construed as manifestations of the owner’s body and actions or inaction (Borthwick 2009). Thus, while municipal strategies for disposal of dog waste vary in the extent to which they pivot on pet ownership, many do. Substituting animal guardianship for pet ownership will not resolve questions about responsibility for minimizing the negative impact of dog waste in urbanized environments.

## **Access to Public Space**

The well-being of people and dogs in cities or towns is enhanced by access to public space. In fact, without being able to take dogs out in public, on city streets, or to parks, sizeable dog populations could not thrive in Western urbanized societies. Under contemporary bylaws, dogs are to be closely supervised whenever out in public (Borthwick 2009). Close supervision of dogs in public implies regular physical activity, can spark friendships, and may cultivate a sense of place and belonging (Toohey and Rock 2011; Johnson, Beck, and McCune 2011). In turn, close supervision of dogs can help to avert incidents of dog aggression (toward people, pets, and wildlife) and to prevent the spread of infectious disease (Toohey and Rock 2011). As illustrated above, pet bylaws on dogs in cities and towns offer protection against these problems, and these protections are contingent on classifying dogs and other animals as things. At the same time, there is scope in the Western legal tradition as well as in contemporary urbanized societies to accommodate distinctions in the realm of things, to the point that animal welfare concerns regarding both pets and wildlife may motivate voluntary and enforced compliance with bylaws on pet ownership. In this regard, it bears noting that the presence of wildlife in urban parks is positively regarded by many people, to the point of motivating people to visit, although a positive response is hardly uniform across wildlife species or for different groups of people (McCormack et al. 2010). From this perspective, the social contract in many cities and towns may extend to wildlife and be positively connected to subjective well-being and physical activity, such as walking, for people.

## **Conclusions**

The impetus for Smith’s (2012) extended reflections on the state’s role regarding animal welfare under liberalism was the perilous fates of pets and their owners in New Orleans in the wake of Hurricane Katrina. Smith’s analysis of the social contract applies to ordinary life in New Orleans and other urbanized settings in Western countries, to an extent that, somewhat ironically, her discussion of property relations does not. In turning to anthropological scholarship on commodification and personhood, as well as to socio-legal scholarship on the specificity of municipal jurisdiction, we follow Smith’s lead and extend social contract theory to mundane processes of governance in ordinary urban life. Our intent is to assist in opening up new topics for discussion in public health ethics, particularly when it comes to the cumulative impact on population health of how cities are experienced and governed. Our point of entry has been to reformulate John Stewart Mill’s classic harm principle in

relation to pets as private property. We have considered the potential for pets themselves to be harmed, for other pets and wildlife to be harmed, and for people other than a specific pet's owners to be harmed. In doing so, our analysis highlights the potential for pet bylaws adopted by local councils or municipal governments to mitigate the potential for harm.

Crucially, pet bylaws pivot on enshrining ownership of pets as private property, yet they also construe pet ownership as a consequence and a set of responsibilities inherent to caring for a domesticated animal within an urbanized society. In other words, and in contradistinction to established critiques of commodification in human–animal studies, municipal bylaws to govern pet ownership in contemporary urbanized Western societies entail caring for and about animals. While ostensibly and mainly about pets, the wording of municipal bylaws on pets may gesture toward a vision of harmonious multispecies existence in urbanized societies.

Given that municipal jurisdiction is limited to things, but includes living things, overturning the legal definition of pets as private property in municipal bylaws would be impractical. Furthermore, replacing pet ownership with animal guardianship at any supra-local level of government might undermine the application of rules on dog licensing and aggression, whose implementation can protect people, pets, and wildlife. A dog's access to public space is contingent, under municipal or council bylaws, on behaviour, and the rubric of pet ownership provides a basis for ensuring that a dog's presence does not compromise the well-being of other people or animals. Also, as close supervision of dogs in public space has become inculcated as a sociocultural norm and as a legal requirement, dog-walking has become ingrained as a regular physical activity and a social occasion for millions of people. The status quo is not ideal, but replacing the legality of pet ownership with guardianship over companion animals would not represent an improvement.

Any instantiation of legal guardianship involves substitute decision-making, which is precisely why many advocates for people with disabilities regard legal guardianship with suspicion and truly as a last resort (Panitch 2008). Furthermore, legal guardians sometimes make decisions that are neither what the people deemed to be incompetent would have chosen for themselves nor what is in their best interests. In short, the concerns that have been raised about guardianship in relation to people with disabilities serve as a caution to endorsements of animal guardianship as inherently superior to pet ownership. There is no evidence that pets themselves are harmed emotionally by the legality of pet ownership (Smith 2012), but they certainly can be harmed, emotionally as well as physically, by how people interact with them. Our position is pragmatic, and we recommend focusing on questions of treatment from the animal's point of view. We argue against a focus on the "letter of the law" from a vantage point that equates justice for animals with textual symmetry between human and nonhuman beings. If we seek to understand the viewpoint of pets and wildlife, there is nothing inherently superior about animal guardianship over the legality of pet ownership.

Within the existing framework of pet ownership in municipal law, however, it should be possible to improve on quality of life for people, pets, and wildlife. Important questions for protecting public health—including dog aggression, infectious disease potential, and how to communicate about these risks—have been pursued separately from research on dog ownership as an influence on physical activity, interpersonal interactions, and perceptions of neighbours and neighbourhoods in urbanized societies. Furthermore, within the subfield of public health known as health promotion, pet animals have been construed as instruments for human benefit and the potential for pets to have negative impacts on wildlife has been ignored, to an extent that could offend scholars in the field of human–animal studies as well as some citizens. In short, we have a health promotion situation in which evidentiary and ethical assessments need to be integrated, iteratively and explicitly (Carter et al. 2011).

Of vital importance is reconceptualising "healthy cities" to encompass the realities and ethics of

multispecies ecologies. The “healthy cities” agenda emphasizes the role of local governments in conjunction with civil society, acknowledges complexity in socio-ecological systems, and recognizes that environmental quality has physical and symbolic dimensions (Hancock 1993). Nevertheless, the “healthy cities” agenda has paid scant attention to multispecies interactions, even in its most recent iterations (Rydin et al. 2012). Social scientists have begun to take an interest in modern cities as multispecies ecologies, with an emphasis on urbanized wildlife (e.g., Hinchliffe and Whatmore 2006), but to date have not investigated people’s pets as part of this mix. By examining and ultimately defending the legality of pet ownership under municipal bylaws with regard to public health ethics, from a position afforded by an anthropological vantage point, we invite more research on the complexity of multispecies interactions in urbanized societies alongside a deeper discussion of socio-ecological ethics in public health.

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