

Is it ethical to keep pets and other animals? It depends on where you keep them

November 14 2019, by David Favre



Credit: AI-generated image ([disclaimer](#))

New York City's [comprehensive new code for animal welfare](#) restricts when horse-drawn carriages can operate and bans the sale of the fatty liver of a force-fed duck, foie gras.

Washington state just adopted a new law that will enhance the [life of egg-](#)

[laying chickens](#), requiring that they live in an environment with "enrichments" like scratch areas, perches, nest boxes and areas to take the dust baths chickens so enjoy.

These bills, both passed this year, are part of an ongoing effort to [codify the rights of animals](#), an area of the law I have [studied](#) and [written about](#) for 30 years. My next book, which will be published in 2020, develops a group of seven [legal rights](#) that I believe an ethical society should adopt to protect animals.

Freedom from cruelty of course makes the list. U.S. law has required this since [New York first passed an anti-animal cruelty law in 1867](#). Today, all U.S. states have laws that [prohibit the infliction of unnecessary pain and suffering](#). Modern law also protects the physical well-being of animals in human care by requiring they receive [food, water and often veterinary care](#).

But a full life requires more than basic survival, so I propose some new rights for animals in my book. Perhaps most importantly, I argue that animals need a "right of [place](#)"—that is, access to sufficient physical [space](#) to live a natural life.

To be comfortable, content and to [find their place in a social hierarchy](#), animals require space. Conversely, if an animal has too little space, then its home becomes a jail, a stressor, a frustrating moment that continues indefinitely.

On the right of place

Living on a farm with five different species, including chickens and [dogs](#), has convinced me of an animal's right to place, too.

This space has two components. First, there's its size—is it big enough to

suit an animal's needs? Second, there's the content of that space—what's inside that space that the animal can make use of?

Different animals have different space needs. Consider, for example, a Great Pyrenees dog—a breed [genetically predisposed to guarding](#). For over a decade, my family's farm has been watched over by five of these large, amazing dogs.

When on guard, the Great Pyrenees have the regal look of white lion. On a given day on our farm, they will independently wander over 30 fenced acres. Without fences, I am sure these dogs could patrol an even greater range, but letting the Great Pyrenees wander her maximum range is usually not desirable. Natural and human-made hazards pose a risk to the uncontained dog, and the dog might pose a risk to others.

An optimum option for the Great Pyrenees is several acres of fenced-in land, which allows the dog to investigate its natural features while guarding against intruders.

If that same amount of land were paved in concrete and surrounded by a brick wall, it wouldn't suffice. To exercise her natural capabilities, the Great Pyrenees needs trees that provide shade, plants to sniff, perhaps a place to dig and things to watch.

Nor would confinement in a city apartment give this animal the room or features she needs to exercise her instincts.



Credit: AI-generated image ([disclaimer](#))

A place for farm animals

Pigs are [at least as complex an animal as dogs](#), studies show.

Ideally they would live in open fields of [many acres with other pigs](#). Instead, many are kept in the cement and iron confinement of [industrial agriculture](#), in [stalls the size of their physical body](#).

The vast majority of commercial chickens, too, lack the space in which to live natural lives. For their entire useful life, egg-laying chickens are often kept in [battery cages](#) that holds six hens in a four-square-foot space.

As the [free-range movement](#) has brought to light, it is possible to give

egg-laying chickens a better life without significantly increasing cost. Chickens don't actually require much space. Some of the chickens on my farm have total free range and yet seldom wander more than 100 yards from the barn where they are fed and go to roost at night.

But, as Washington state lawmakers recently acknowledged, chickens do [need a space that meets their needs](#). Washington's quietly created bill, which was signed into law by Gov. Jay Inslee in May, effectively guarantees a [chicken](#)'s right of place.

Companion animals

So what about your pet, you ask? Are you respecting its right of place?

It all depends on the pet.

Our family has had a number of poodles, and we've found that young standard poodles, being a smart and high-energy dog, will want the opportunity to [run like the wind and be challenged mentally](#). An elderly miniature poodle, however, may be content in an apartment with daily walks.

House cats, meanwhile, are often thought to be satisfied with apartment life, as long as they have [places to climb, hide, perch and scratch](#). But a confined habitat may actually cripple some felines' [instinct to hunt](#). Behavioral scientists [haven't studied cats enough](#) to fully understand their needs.

Frankly, people don't yet know how yet to satisfy every individual animal's right of place. We [need more information from science](#).

Nor is it clear, beyond the most egregious cases, when the law should intervene to ensure that pet owners are meeting their animals' needs.

This, I contend, is the next frontier of animal rights law.

People bring these [animals](#) into existence. So I believe people owe them a dignified life, a right of place on this Earth.

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