

COMPANION ANIMALS: AN EXAMINATION OF THEIR LEGAL CLASSIFICATION IN ITALY AND THE IMPACT ON THEIR WELFARE

ANNAMARIA PASSANTINO *

ABSTRACT

Animals are now defined as “sentient creatures” in European law and no longer just as agricultural products (Treaty of Amsterdam, 1997). That change reflects ethical public concern about animals’ quality of life.

* Annamaria Passantino, Ph.D., received her doctorate in “Blood parasite pathology in domestic animals in mediterranean and subtropical areas” from the University of Messina in Italy. Currently, she is a Professor with the Faculty of Veterinary Medicine at the University Messina, teaching Forensic Veterinary Medicine, Veterinary Legislation, Animal Protection and Medical Ethics. In the past, she has also taught Veterinary Ophthalmology and Veterinary Laboratory Medicine. She lectures at post-graduate triennial specialization schools about “Bovine clinics” and “Inspection of food animal of animal origin.” She is also Co-ordinator of a research Doctorate on “EU countries’ rulings concerning animal welfare and protection” and a course on Technologies, hygiene and health of extensive eco farms. She works in the Medical Clinic of the Veterinary Faculty, University of Messina. Ms. Passantino is member of the Committee of Animal Bioethic of Messina. Her research activity (160 works) covers topics such as serological investigations, clinical and medico-legal considerations on zoonotic infections and parasite diseases; evaluation of the physiological ocular parameters (tonometry, lacrimal secretion) and clinical aspects of ocular pathology in some domestic animals, haematological modifications in various species during and after pharmacological treatment; therapeutic efficacy of drugs; animal welfare and protection; medical ethics; veterinary laws and regulations, civil and penal code in Veterinary Medicine, purchase of animals and legal vice; ill-treatment of animals. She is also author of a book entitled “La tutela giuridica del sentimento dell’uomo per gli animali” [The legal protection of human feeling for animals].

In Italy, an important section of the regulation of man's relationship with companion animals is contained in the "State-Regions Agreement on Companion Animal Welfare and Pet Therapy", which was recognised by the Council of Ministers in DCPM 28th February 2003.

The Agreement defines some basic principles whose aims are to create a greater and increasingly correct interaction between man and companion animals. The agreement guarantees the latter's welfare in all circumstances. It is intended to avoid the inappropriate employment of companion animals and also to encourage a culture of respect for their dignity in the sphere of innovative therapeutic activities such as Pet-therapy.

Among the various aspects examined, this agreement especially underlines the responsibilities and duties of a companion animal handler and specifies that any person who lives with a companion animal or agrees to take care of one is responsible for its health and welfare and must house it and give it adequate care and attention.

The Agreement also introduced important new measures aimed at reducing the numbers of stray animals, such as the use of microchips as an official dog identification system and the creation of a computerised data bank.

The Author, after having analyzed the legal status of animals under the current system and discussed the idea of extending legal personhood to such animals, considers the law for the current valuation of companion animals. Finally, the Author promotes the idea that there is a legal and rational basis for changing the way that companion animals should be valued by legal system (such as the Agreement) and recommends the adoption of principles and guidelines for the care of pets. The Author evaluates these aspects of the Agreement.

I. INTRODUCTION

Animals are classified as either "wild" or "domestic". If an animal is classified as wild, a human would only be able to obtain a qualified property right in such animal through taming or confinement. Once a wild animal left the control of a human, the person no longer maintained a qualified property right in the

animal. In contrast, the ownership of a domestic animal is not lost if the animal escapes

Companion animals (CAs) can be considered a subcategory of domestic animals. To determine whether an animal fits within this subcategory it is necessary to focus on evidence of the relationship between the animal and its owner. If an animal is considered to be a companion animal, a person may have more rights in the animal, but also will likely be subject to more statutory responsibilities.

Companion animals (CAs) can play hugely important roles in the lives of people. They serve as companions (Fogel, 1981), a source of livelihood, entertainment, and inspiration. Pets are seen as medicine. They may be therapeutic¹ (e.g., Corson & Corson, 1989; Heiman, 1967; Walshaw, 1987) and they may serve as transitional objects and a locus of affection that helps children develop a humane caring sense of responsibility (Levinson, 1972; Robin & Bense, 1985; Volkan & Cavanaugh, 1978).

Yet animals can and do exist independent of people and, as living beings, they arguably have interests separate and apart from their utility to humanity.

Serpell and Paul (1994) argued that companion animals could function as bridge-builders over the gap between humans and animals.

A. "Animal-Companion Defined"

Animal companion means a dog, a cat, or any warm-blooded, domesticated non human animal

The term *companion animal* will be used as the preferred term in this paper to reflect the changes in perception of the relationships people have with animals. Lagoni *et al.* (1994) point

¹Some studies suggested that the relationship with animals is also useful for human well-being and health. In particular companions animals could enhance quality of life by reducing blood pressure, heart rates, anxiety and depression. See: Garrity, T.F. and Stallones, L. (1998). Effects of pet contact on human well-being: Review of Recent Research. In: C.C. Wilson and D.C. Turner (Eds). *Companion Animals in Human Health*. Sage Publications. Thousand Oaks; Wilson, C.C. (1998). A conceptual framework for human-animal interaction research. In Wilson, CC, Turner, DC (eds.) *Companion animals in human health*. Thousand Oaks, CA: Sage.

out that the use of the phrase “companion animal” implies reciprocity indicating “a mutual relationship much more like friendship”. Instead the word *pet* infers passivity on the part of the animal and connotations of an animal existing to provide pleasure and entertainment for human beings. In fact, animal activists typically prefer the term “companion animals” over “pet”, as it better describes the relationship between a human and domestic animal, and fully encompasses the role that such animals play in people’s lives (Paek, 2003).

B. The Bond between Man and Companion Animals

In the course of the last few years the man-animal relationship has deeply changed (Lagoni *et al.*, 1994.) and has assumed distinctions which reflect the rapid evolution of the associated cultural changes² and there has been an enormous rise in the canine population.

The relationship between human beings and CAs is similar to a parent and child relationship. The companion animal guardians consider their animals as members of the family (Cain, 1983; Foote, 1956; Hickrod & Schmitt, 1982; Hirschman, 1994; Sussman, 1985; Voith, 1985) or as children or best friends³ (Squires-Lee 1995; Beyer 2000; Preece & Chamberlain, 1993), rather than as personal property, and describe the animal’s role in the family as “very important”.

In fact, a 1995 study, reported by the American Animal Hospital Association, revealed that 70% of surveyed individuals who formerly or then-currently shared their lives with Cas responded that they thought of their animals as children (Cropper,

² The changing nature of the relationship between people and companion animals has been attributed to the urbanization, industrialization, and isolation of modern society.

³ While the tendency to see a companion animal as a member of the family is pervasive, the role each pet plays in the unique family structure differs. Frequently, companion animal owners view their pets as children and engage in activities that parents often share with their human children such as playing. Similar to raising human children, caring for and training pets requires a tremendous investment of time, energy and money. In addition to being viewed as surrogate children, pets also take on a parental role, providing security and protection.

1998). Cain (1983) has confirmed that Cas “aren’t like family – they are family”.

Probably Cas are viewed as members of the family to the extent that they can be anthropomorphized or assigned human thoughts and feelings. Really dogs and cats are most commonly humanized and therefore are most frequently regarded as family members (Passantino, 2007).

It is more than socially acceptable to have a dog or cat in the household. According to EURISPES study made in 2002, in Italy there are 44,000,000 companion animals resident in eight and half million families, which generate business worth almost 5 million euros⁴. In the United States, there are approximately 68 million animal guardians with dogs in their household. Forty million, or four in ten households, have at least one dog⁵.

Popular media reflect the interest and connection that human beings have with animals. From the days of Lassie, Rin Tin Tin, and Benji, there is now an entire network devoted to animals. Unlike cartoon series of the past that anthropomorphized cute animal characters, much of the current media focus upon animal-human interaction.

C. Human-Animal Bond in Ancient Times.

Interaction between man and animals is documented throughout the history of the world and society’s attitude to animals has varied in line with differing views on the role of animals over the centuries and around the globe.

Man’s relationship with animals goes back as far as the Creation, when Man was freed from his solitude and given “precious travelling companions” to share his world with⁶.

⁴ At <http://www.gaiitalia.it>, last visited Oct. 5, 2005.

⁵ The Humane Society of the United States, U.S. Pet Ownership Statistic, at <http://www.hsus.org/ace/11831>, last visited Feb. 8, 2003

⁶ “... Then the Lord God said: it is not good for Man to be alone. I will make him some suitable helpers. And with a little earth the Lord God made all the animals of the field and the birds of the air and look them to man to see what he would call them. Man then gave a name to all domestic animals, to the wild animals and to the birds...” See, Genesis II, 18-20, la BIBBIA, Ed. Interconfessionale in lingua corrente, Torino, ELLE DI CI, 1985.

There has always been a close link between man and animals. Depending on the circumstances, animals can be friends, enemies or useful instruments to obtain certain ends.

In the Bible, animals are sometimes viewed in a very positive light, as friends to be defended against persecution or exploitation. However, sometimes Man's fear of wild animals is apparent.

It is recognised that animals are precious to Man because they work for him and provide food for him. (Rossano *et al.*, 1996).

The symbolic and allegorical significance of some animals derives from their behaviour and actions. Thus, the lion is the symbol of courage, the snake of temptation (Gen. 3), the fox of cunning and the vulture of rapacity. An invading army is likened to a storm of locusts (Na 15-17) and enemies to a herd of bulls (Sal 22, 13-14).

Domesticated dogs have been sharing their lives with humans for more than 12,000 years and domesticated cats have been companion animals for approximately 4,500 years (Pack, 2003). Cats were known to be household companions in Egypt 5000 years ago and were often mummified and entombed with their human companions. In addition, ancient Egyptians considered their dogs both assistants and protectors (Epstein, 2001). However, recent studies of dog's mitochondrial DNA at the University of California at Los Angeles, estimated that domestication occurred as early as around 135,000 years ago (Douglas, 2000). In 1978, archaeologists in northern Israel discovered a 12,000 year-old skeleton of a human (a woman) and a dog buried together (Squires-Lee, 1995).

II. LEGISLATION

Once, man used to place himself in a position of alterity, of separation with what was thought different from himself - animals first of all. This was not necessarily intended as an attitude of hatred or cruelty, but it meant that the individuality of the various

So, in Genesis II, we see that the world is not anthropocentric, but rather that all species are made to live together and inhabit the earth in harmony. It is also clear that animals hold a superior place, above all inanimate things, but they are inferior and subordinate to man. The latter conclusion is based on the fact that animals are created for him and that it is he who names them.

species was taken into consideration only in utilitarian terms, even when such usefulness was not really economic.

Subsequently the social structure changed: the disintegration of the family, the ever more frenetic rhythms of life and the progressive levelling of social roles led man to a reorganization of his own ego, to a different consideration of his own identity in favour of other living beings. The symbolic distance between the two worlds, human and animal, which seemed great earlier, is now beginning to take on new aspects (Passantino, 2007).

According to Barton-Ross and Baron-Sorenson, "Changes in human mobility and family structure have increased the likelihood of people forming significant attachments to pets" (Barton-Ross and Baron-Sorenson, 1998).

A. Sources of EU Laws Relating to Protection of Companion Animals

The stages of this evolution are marked by some important documents.

The Universal Declaration of Animals' Rights, proclaimed on October 15, 1978 at UNESCO (United Nations Educational, Scientific and Cultural Organization) House in Paris (Chapouthier & Nouët, 1998), that animals have rights and established that the violation of such rights led and continues to lead man to commit crimes against the natural world. But, above all, it asserts that there cannot be respect among men if first they do not respect animals.

The Declaration⁷ does not have any legal value and it does not envision any type of sanctions. However, it represents the fundamental point of departure for all the events that have taken place since, such as the European Convention for the Protection of Companion Animals, approved in Strasburg on 13th November 1987⁸.

⁷The declaration provides a code of biological ethics for the environment and all the living beings, based on every species' right to live. See League for Animal Rights, at <http://league-animal-rights.org/>

⁸ At <http://conventions.coe.int/Treaty/EN/Treaties/Html/125.htm>, visited April 27, 2005.

This recognises that “in consideration of the particular ties existing between man and companion animals,” man has the moral obligation to respect all living creatures.

In Contrast to the US, the European Convention for the protection of Pet Animals expands the guardian role of humans with regard to their companion animals.

The basic principles for animal welfare presented in this treaty are that nobody shall cause a pet unnecessary pain, suffering, or distress. Additionally, it provides that no one shall abandon a companion animal. The provision on maintaining a pet requires accommodation, care, attention, water, food, and exercise for the pet and that the guardians must take reasonable measures to prevent the animal from escaping.

The European Convention has been signed but not ratified by Italy (table 1). Nevertheless, many of its precepts have been acknowledged by number law no. 281 of 14th August 1991 (Anon, 1991). This, at last, shows a radical change of perspective in juridical guardianship, with the awareness of the fact that an animal is a psycho-physical entity, capable, like man, of feelings and emotions, of pain and anguish (Passantino & De Vico, 2006). A subject with rights, and so fully to be safeguarded, no longer an object, regarded only as a “*res*” useful to man.

Article 1 of the aforesaid law indicates the state as the fundamental promoter of such guardianship.

Therefore, the "Safeguarding of Animal Welfare" aims to recognize animals' role and habitat considering them as our fellow earthly tenants, reducing their exploitation and subjection by man.

It must be specified that this concept is part of a wider movement at a communitary level. In fact, the provisional text of article III-5*bis* of the European Constitution sanctions the obligation for the Union and the Member States to take into account, in the matter of animal welfare, that they are sentient beings.

The recognition of animal dignity as sentient beings, besides constituting a value strongly shared by most Italian citizens, is contained in the Protocol on Animal Protection and Welfare, attached to the final act of the institutive Treaty of the European Union, approved in Amsterdam in 1997 (Anon, 1997). This demonstrates how strongly the need for animal safeguard and welfare is perceived by the UE Members.

B. Are Companion Animal Property or Sentient Being?

Common law and civil law traditions are dualistic in that there are two primary normative entities in this system: persons and things. Animals are treated as things, and, more specifically, as property of persons⁹.

The Sources of the Italian Law did not recognise any rights for animals. In Roman law, animals were “*res*” (things) and sometimes were put at the same level as the other “thing”, that is to say slaves.

The same, for example, is in the United Kingdom (UK) and the United States (US)¹⁰.

The legal status of animals in the UK remains as it always has been, that of property so far as domestic and captive animals are concerned.

But there is a cultural difference between two states. In the UK, property rights are important, particularly so far as common law is concerned. But by and large there is less opposition in principle to qualifying property rights. In the US, constitutional rights are somewhat tied to or based upon property rights.

In the spirit of the Italian modern law, the animal “thing” has become a “movable thing”¹¹, as opposed to “immovable things”.

⁹ For a general discussion of the status of animals as property, see Francione GL, *Animals, Property and the Law*, Ed. By Tom Regan, Temple University Press, 1995.

¹⁰ Under the current U.S. legal framework, animals are clearly treated as a form of personal property.

¹¹ Article 812 Civil Code in the third book, second section, distinguishes between movable and immovable properties, decreeing that: “soil, spring and watercourse, trees, building and other are immovable properties (...), even if these are only temporary tied to the soil, and generally immovable is everything that is incorporated into the soil naturally or artificially (...) moveable properties is everything else”. Animals are included in this definition of moveable properties.

The animal-being essence is pointed out in the article 820 c.c., which distinguishes between natural fruits and civil fruits: natural fruits are those which come from thing.....as agricultural products, woods and parts of animal.....”.

It is true that animals' suffering is also recognised by the law, which aims to prevent it by making certain behaviour obligatory, but animals are still juridically considered as "things" (Passantino *et al.*, 2004), as a good owned by men (articles 810 and 812 of the Italian Civil Code).

The denial of rights to animals depends on a series of juridical, scientific, philosophic and moral reasons.

The Juridical tradition also does not recognise for non-human beings qualities which are proper to human beings, and it considers the expression "animals' right" as a "metajuridical" concept.

Finally, also the article 1496 c.c., which regulates animal trading, regarding animals as res, decrees that: "... special laws guarantee for the flaws or , if there are no laws, local customs shall guarantee. When local customs do not provide, previous laws should be observed", i.e. civil code regulations regarding property sale should be applied. The parties to the case, if they are at variance or if laws do not provide anything, should use the regulations of the trading area. Also flaws of "sold things are regulated by local customs, while civil code is considered as subsidiary", considering that special laws addressed to the flows of "sold thing" are lacking.

Thus it is clear that owner as *dominus* may treat his animal as he wishes, observing the existing protective laws.

However animals should be treated not as objects but as subjects "worthy of consideration" and accepted in a new legal framework. This is considering that the ethological studies have highlighted new important aspects on animal behavior and animal social life as well, casting new light on their capacity of feeling pleasure, pain, as well as having interests and being capable of satisfying these interests. For an explanation, see Francione GL. Introduction to Animal Rights: Your Child or the Dog? Temple University Press, 2000; Galvin RW. What Rights for Animals? A Modest Proposal, Pace Environmental Law Review 1985; 2: 245; Goodkin SL. The Evolution of Animal Rights. Columbia Human Rights Law Review 1987; 18: 259; Kelch TG. Toward a Non-Property Status for Animals. New York University Environmental Law Journal 1998; 6(3): 531-539; Regan T. Do sentient beings have an inherent value? International Conference CIWF, London 17-18 March 2005; Regan T. The Case for Animal Rights. University of California Press: Berkeley, USA, 1983; Rollin BE. The Unheeded Cry: Animal Consciousness, Animal Pain, and Science. United Kingdom: Oxford University Press, 1989; Singer P. Animal Liberation: A New Ethics for Our Treatment of Animals. (2d ed., Avon 1990).

David Favre (2000) writes that “Animals are not humans and are not inanimate objects. Presently, the law has only two clearly separated categories: property and juristic persons”.

In fact, animals are personal property, and, as personal property, have value. Duckler (2002) has stated that:

“... animals are fundamentally distinct from manufactured commercial objects in that value in at least three ways.

First, animals, by their nature, are inherently unique and irreplaceable objects. Concepts of modern genetics command the recognition that every individual sexually-reproducing animal is a distinct fingerprint of nature, each unlike that of any other. ... The awesome power of the genetic variation to construct a singular and unique object in the universe cannot be applied to nonliving commercial properties, even handcrafted ones. ... Second, animals, as a legally recognized group, are relatively unusual. Most animals are much more novel and noticeable commercial items than are the majority of objects placed into the stream of commerce or woven into our social fabric. As with works of art, market transactions involving larger animals, captives, and companion animals are more pointedly vulnerable to public scrutiny, and under such scrutiny often become cloaked with a notoriety not accompanying non-living goods. That those transactions engage the emotions and strident opinions of the communities of buyers and sellers in which they occur, suggests that the items involved in the exchanges are special goods worthy of more sensitive treatment than that given standard trade items.

Finally, animals have a relatively serious impact on human communities. Most animals, as distinct from inanimate objects, are an integral part of the ecological and psychological health of every community in which they reside. Because overall biological and cultural diversity is increased by the presence, and damaged by the absence, of captive

and companion animals, oscillations in our public health transcend the self-interest of just the owners, buyers, and sellers in the marketplace. In other words, more than purely economic interests are at stake in the ownership of animals as personal property because of what animals are. Laws regulating animals as property encroach slowly and surely on the protection and enforcement of our nation's environmental health. ..."

C. Animals as Sentient and Emotive Being.

A sentient being is a being that, by virtue of its characteristics, has the capability of experiencing suffering, both at physical and psychological levels, regardless of the species to which it belongs.

Only the members of the animal kingdom can be sentient, although not every animal species possesses the characteristics that would make their members be considered sentient beings.

Sentient animals are beings that have a physical and psychological sensibility, which allows them – in the same way as humans – to experience pain and pleasure¹². And it is certain that they naturally seek, by all means available to them, to avoid painful experiences.

¹²Contemporary philosophers such as Jeremy Bentham have argued that the question is not can animals reason, but can they suffer? Peter Singer argues that the utilitarian principle of the greatest good for the greatest number should include animals because they too can feel pleasure and pain. In fact, he has said: "... *They have conscious experiences, ... they can feel pain or suffer in some way, and in that very direct sense, they can be harmed. ... I think there are other living things, certainly, definitely plants, and arguably some things that belong to the animal kingdom of which that might not be true;.....*". 5th Animal Conference on Animals and Law - September 25, 1999, New York City.

Animals also have a life¹³ and a liberty of their own, which they naturally seek to preserve, once again in the same way as humans do. And, exactly in the way humans look at the experience of suffering and to the deprivation of life and liberty as harms that should be avoided by them, they should also look at the experience of suffering and the deprivation of life and liberty as evils that should be avoided for animals, since animals, just like humans, even considering the differences, do not have any interest in being subjected to these harms.

In fact, humans look at suffering as having a moral relevance in the sense that every act that consists in deliberately inflicting suffering on another person is considered a morally condemnable act. In the same way, every deliberate act leading to life and liberty deprivation for another person is considered a morally unacceptable act. Laws in all human societies that value life, liberty and happiness as fundamental values reinforce these fundamental principles. Still, these legal principles are rarely extended to animals, although they too have no interest in being subjected to any kind of suffering, deprivation of life or of liberty.

Presently, respect for animals is a moral and social value that assembles a very solid consensus in human societies, imposing itself with more or less strength depending on the historical, social and cultural circumstances of each society.

Scientific evidence (data) supports the contention that animals are sentient and emotive beings. Research has shown that mammals share similar emotive and cognitive characteristics with humans and that mammals are remarkably similar to humans both neurologically and genetically¹⁴. Moreover, many scientists have

¹³In Singer's opinion, animals are sentient beings, not sub-human beings with proto-human behaviour. All sentient beings are of intrinsic value because of their conscious state and each conscious life has equal value. For further discussion on this issue, see PETER SINGER, *ANIMAL LIBERATION: A NEW ETHICS FOR OUR TREATMENT OF ANIMALS* (Random House 1975).

¹⁴Thomas G. Kelch, *Toward a Non-Property Status for Animals*, 6 N.Y.U. Envtl. L.J. 531, 539 (1998).

concluded that the DNA of animals and humans has “a ninety percent match or agreement with each other”¹⁵.

The law should reflect society’s recognition that animals are sentient and emotive beings capable of providing companionship to the humans with whom they live (Passantino, 2006).

D. Sentiente of Animals as a Constitutional Principle.

The acknowledgment of animal dignity as sentient beings¹⁶, besides constituting a strongly shared value by most Italian citizens, is contained in Protocol on Animal Protection and Welfare, which demonstrates how important animal safety and welfare is perceived by the UE State Members¹⁷. It states that “... to ensure improved protection and respect for the welfare of animals as sentient beings.”

There is a fast growing group of states where the moral and social value that the respect for animals represents is also recognized as a legal value, which makes animals benefit from specific legal protection.

An important example is Germany, which has recently introduced the protection of animals in its Constitution, becoming the first European Union member-state to do it.

¹⁵Lyann A. Epstein, *Resolving Confusion in Pet Owner Tort Cases: Recognizing Pets’ Anthropomorphic Qualities Under a Property Classification*, 26 S. Ill. U. L. J. 31, 32 (2002).

¹⁶In the philosophy of animal rights, sentience is commonly seen as the ability to experience suffering. A being is declared to be sentient if he can physically or psychically suffer. It is characterized by the possession of a developed nervous system and brain. The group of sentient beings particularly includes vertebrate species: mammals (human or not), birds, reptiles, amphibians and fishes. Each sentient being has the right to life and to welfare.

¹⁷Animal laws vary from one country to the next. What one country may value as life, another values only as property. This leads to fundamental differences in the existing laws designed to protect animals. For a brief explanation in Italy, see e.g. Passantino A., *La tutela giuridica del sentimento dell’uomo per gli animali*. Aracne Editrice (2007). An animal’s moral status, be it sentient being or machine, inevitably determines how an animal will be viewed in the eyes of the law.

In fact, in July 2002, the German federal Constitution was reformed and the principle was introduced, in the new formulation of the art. 20, according to which the “protection purpose of the natural foundations of life and the animals” is assigned to the State¹⁸. In German legislation animals are defined as “legal creatures”, assuming a status that is placed in the centre between that one of subject and that one of object¹⁹.

Hoping to set an example for many other countries, in Italy, the Constitutional Transaction Commission of the Chamber Deputies approved a modification of article 9 of the Constitution that inserts after the words: “The Republic promotes the development of culture and scientific and technical research. The protection of the landscape and the historical and artistic patrimony of the Nation. ... the Republic protects the requirements, in matter of welfare, of animals as sentient beings”.

Such a constitutional bill in parliament, if approved, would make Italy the second among European countries that recognize animals’ status as sentient beings in a constitutional text. Moreover, several proposals of modification have been made recently, according to the code of art. 9 of our Constitution. It is a good idea to list them in order to show better how they are effectively laying the foundations of a new and correct relationship between man, animals and environment. Proposal no 4429, of 28/10/2003 was directed, “with particular care, to the defence of biodiversity, the equilibrium of the ecosystems and of the hydro geological cycles, which are considered common assets of humanity”; Proposal no 4423, of 24/10/2003 it would add to the end of art. 9 the following commas: “the Republic recognizes the environment, the biosphere and the ecosystems to be of irreplaceable value in the interests of the State and the planet, it guarantees the inviolability and protection, not the shortness of life, the protection of the natural resources, all the living species and biodiversity”. Proposal no 705, of 12/06/2001, suggested the insertion, after the first code of art. 9, of the following: “The no

¹⁸P. Unruh, *Animal Protection as a Constitutional Principle – Effects on the Legislation, the Administration and the Judiciary*. Dtsch Tierarztl Wochenschr 110(5),183-186.

¹⁹ Johannes Caspar, *Animal protection in constitutional law?* Dtsch Tierarztl Wochenschr 105(3):85-89 (1998).

human animal species is directly on par with the life and in compatible existence with their own biological characteristics. The Republic recognizes all the animals as subjects with rights. It promotes and develops services and initiatives regarding respect of animals and the protection of their dignity". It is hoped that the proposal of reform of the Italian parliamentary commission becomes part of a greater movement at a community level. In fact, the temporary text of article III-5*bis* of the European Constitution sanctions the obligation for the Union and the Member States to take into account in the matter of animal welfare that they are sentient beings. This brief review, testifying the great evolution in collective sensibility with regard to the safeguarding of natural equilibriums and the correct relationship between living creatures demonstrates how much can still be done to attain the recognition of a more modern legal status of animals and at the same time how much we are approaching the objective.

Other examples concern the laws of Norway, Portugal, Switzerland, Sweden, the Netherlands, the United Kingdom and the US will also be referenced.

In Norway animals have not yet obtained legal status as "sentient beings"; in contemporary Norwegian Law, they have legal status as property or nature²⁰.

The changing of the legal status of animals in the Portuguese Civil Code from "things" to the category of "animals" or "non-human persons" will be implemented. Portugal will in the near future have the protection of animals included in its Constitution²¹.

²⁰In 2003, the Parliament decided that the revised Animal Welfare Act must be based on the assumption that every animal has an intrinsic value. See Norwegian Animal Protection Alliance, <http://www.dyreverm.no/english> (last visited March 2006). Because the interests of animals are not covered by the Norwegian Constitution, acts passed by the Parliament are the highest sources of law in the field of animal welfare.

²¹ http://www.animallaw.info/nonus/articles/arptconstitutionalproposal_en.htm

The reference to the importance of the protection of animals and their welfare that the Protocol on Animal Welfare annexed to the Amsterdam Treaty recognizes and determines is also one of the most consistent legal foundations for the necessity of including in the Constitution of the

Switzerland has gained international attention as an animal-loving nation. Animal-rights activists in this country aggressively campaigned to raise the legal status of animals and obtained over 100,000 signatures to put a referendum to a national vote.²² The referendum proposes that animals be given similar legal rights to children in tort offences and divorce proceedings.²³ Another Swiss animal-rights organization is gathering signatures to call for a referendum that proposes even stronger rights for animals²⁴ and calls for: “the respect of animal’s dignity, emotions and ability to feel pain” by amending the Swiss Constitution to enshrine animal’s rights.²⁵

Portuguese Republic a specific ordinance about the protection of animals. Considering the present Constitution of the Portuguese Republic, in accordance with the last Constitutional Revision of 2001, it is hereby proposed the introduction of the following article in the Constitution, in the Title III - Economic, social and cultural rights and duties, in Chapter II - Social Rights and Duties, figuring from now on as the Article 73rd of the Constitutional text, with the following formulation:

1. The animals that have a physical and psychological sensibility that allows them to experience suffering are beings intrinsically worthy of respect and protection by all the people and the by the State itself.

2. It is duty of the Portuguese State to promote and insure the respect from the animals that have characteristics pointed in the previous number, taking the necessary measures to protect and preserve them from all suffering, imprisonment and death that are not justifiable.

3. The animals that have the characteristics pointed in the number 1 of this article will only be subjected to the infliction, to imprisonment or to the induction of death in the cases in which that really is necessary and happens according to specific legislation that will command such situations.

²²See Anne Marie, *Switzerland to Give Human Rights to Animals*, Jan. 4, 2001, <http://www.kuro5hin.org/story/2001/1/4/173316/3956>; Brian Camell, *Swiss to Vote on Animal Rights Measure*, Animal Rights.net, Sept. 5, 2000, <http://www.animal.rights.net/articles/2000/000063.html>; Claire Doole, *Swiss Ponder Animal Rights*, BBC News, Sept. 3, 2000, <http://news.bbc.co.uk/1/hi/English/world/Europe/newsid.908000/08764.stm>.

²³Marie, *supra* note 22.

²⁴Doole, *supra* note 22.

²⁵Doole, *supra* note 22; Marie, *supra* note 22..

In the United States, even if animals are regarded as individuals with intrinsic value, they will still be classified as property.²⁶ The central legal issue at the present time is therefore simply put: “Animals are not humans and are not inanimate objects. Presently, the law has only two clearly separated categories: property or juristic persons.”²⁷

III. COMPANION ANIMAL WELFARE

A. *How Should Well-Being or Welfare Be Defined?*

²⁶ “Animals are property. These three words – and their legal implications and practical ramifications – define the most significant doctrines and cases ... and the realities for current practitioners of animal law.” Frasch Pamela D., Waisman S.S., Wagman B.A., Beckstead S., *Animal Law*, 67 (Carolina Academic Press, Durham, North Carolina 2000) Several authors have critically examined the centuries-long practice of classifying animals as property. See generally Steven M. Wise, *The Legal Thinghood of Nonhuman Animals*, 23 B.C. Envtl. Aff. L. Rev. 471 (1996); Steven M. Wise, *Rattling the Cage: Toward Legal Rights for Animals* (Perseus Books 2000); Gary L. Francione, *Animals, Property, and Legal Welfarism: “Unnecessary” Suffering and the “Humane” Treatment of Animals*, 46 Rutgers L. Rev. 721 (1994); Thomas G. Kelch, *Toward a Non-Property Status for Animals*, 6 N.Y.U. Envtl. L.J. 531 (1998); Derek W. St. Pierre, *The Transition from Property to People: The Road to the Recognition of Rights for Non-Human Animals*, 9 Hastings Women’s L.J. 255, 270 (1998); Petra Renee Wicklund, *Abrogating Property Status in the Fight for Animal Rights*, 107 Yale L.J. 569 (1997). For relevant case law, see Frasch et al., at 67-107, 175-276.

The definition of animal is limited under the U.S. Animal Welfare Act and applies mainly to warm blooded animals, such as dogs, cats, non-human primates, guinea pigs and rabbits. 7 U.S.C. § 2132(g). For more information on the Animal Welfare Act, see the Animal Legal & Historical Center’s AWA Topic Page at <http://www.animallaw.info/topics/spusawa.htm>. Although companion animals are considered family members by their guardians, established legal doctrine classifies these animals as property. See 4 Am. Jur. 2d Animals § 6 (1995).

²⁷ David Favre, *Equitable Self-Ownership for Animals*, 50 Duke L.J. 473, 502 (2000). See Robert R. M. Verchick, *A New Species of Rights-Rattling the Cage: Toward Legal Rights for Animals*, 89 Cal. L. Rev. 207 (2001).

The word “welfare” means, according to the 1993 edition of the Oxford English Dictionary, “happiness, well-being, good health or fortune, successful progress or prosperity.”²⁸

A clearly defined concept of welfare is needed for use in precise scientific measurements, in legal documents and in public statements or discussion.

Welfare is defined in the following way: a state of animal well-being which flourishes when physiological and psychological requirements²⁹ are met continuously and adverse factors are controlled or absent. It can be readily related to other concepts such as: needs, freedoms, happiness, coping, control, predictability, feelings, suffering, pain, anxiety, fear, boredom, stress and health.³⁰

²⁸ <http://www.oed.com>, visited October 5, 2005.

²⁹ The reference to both physiological and psychological requirements extends also to behavioural needs. Seamer J.H., *Human stewardship and animal welfare*. Applied Animal Behaviour Science, 59, pagg. 201-205 (1998).

³⁰ Duncan I.J.H., *The changing concept of animal sentience*. Applied Animal Behaviour Science, 100, pp. 11-19 (2006); Ewing S.A., Lay Jr D.C., von Borell E., *Farm animal well-being. Stress physiology, animal behavior, and environmental design*. Upper Saddle River, NJ, USA: Prentice Hall; 1999. p. 357; Fraser A.F., Broom D.M., *Farm Animal Behaviour and Welfare*, third ed. (1990), Ballière Tindall, London, UK; Fraser D., Weary D.M., Pajor E.A., Milligan B.N., *A scientific conception of animal welfare that reflects ethical concerns*, *Anim. Welfare*, Volume: 6, (1997), pp. 187-205; Garner, J.P., Falcone C., Wakenell P., Martin M., Mench J.A., *Reliability and validity of a modified gait scoring system and its use in assessing tibial dyschondroplasia in broilers*, *Br. Poult. Sci.*, Volume: 43, (2002), pp. 355-363; Kirkden R.D., Pajor E.A., *Using preference, motivation and aversion tests to ask scientific questions about animals' feelings*. Applied Animal Behaviour Science, 100, pp. 29-47 (2006); Millman S.T., Duncan I.J.H., Stauffacher M., Stookey J.M., *The impact of applied ethologists and the International Society for Applied Ethology in improving animal welfare*. Applied Animal Behaviour Science, 86, pp. 299-311 (2004); Moberg G.P., *A model for assessing the impact of behavioral stress on domestic animals*. *J Anim Sci*, 65, 1228-1235 (1987); Moberg G.P., Mench J.A., editors. *The biology of animal stress. Basic principles and implications for animal welfare*. Wallingford, Oxon, UK: CABI International, 2000. p. 377; Rushen J., Taylor A.A., de Passillé A.M., *Domestic animals' fear of humans and its effect on their welfare*. Applied Animal Behaviour Science, 65, pp. 285-303 (1999);

Effects on welfare which can be described include those of disease, injury, starvation, beneficial stimulation, social interactions, housing conditions, deliberate ill treatment, human handling, transport, laboratory procedures, various mutilations, veterinary treatment or genetic change by conventional breeding or genetic engineering.³¹

Welfare can be measured in a scientific way that is independent of moral considerations. Welfare measurements should be based on a knowledge of the biology of the species and, in particular, on what is known of the methods used by animals to try to cope with difficulties and signs that coping attempts are failing.³² The measurement and its interpretation should be objective.

Welfare is a broad term, of which health³³ and feelings³⁴ are important parts. Fraser suggests that three main ideas are

Unti, B.O., Rowan, A.N., 2001. *A social history of postwar animal protection*. In: Salem, D.J., Rowan, A. (Eds.), *State of the Animals 2001*. Humane Society Press, Washington, DC, USA, pp. 21–37; Tannenbaum, J., *Ethics and animal welfare: the inextricable connection*, *Journal of the American Veterinary Medical Association* 198, 1360-1376 (1991).

³¹ <http://www.veterinaria.org/revistas/redvet/n121207B/BA018ing.pdf>

³² *supra* note 31

³³ The term "health" is encompassed within the term welfare. Like welfare, health can refer to a range of states and can be qualified as either "good" or "poor." However, health refers to the state of body systems, including those in the brain, which combat pathogens, tissue damage or physiological disorder. See D.M. Broom, *Indicators of Poor Welfare*, *British Veterinary Journal* v. 142, 524-525 (1986); D. Fraser, *Assessing Animal Well-Being: Common Sense, Uncommon Science*, Food Animal Well-Being, 37-54, West Lafayette, Indiana: USDA and Purdue University (1993).

³⁴ Feelings are aspects of an individual's biology which must have evolved to help in survival, just as aspects of anatomy, physiology and behaviour have evolved. They are used in order to maximise its fitness, often by helping it to cope with its environment. It is also possible, as with any other aspect of the biology of an individual, that some feelings do not confer any advantage on the animal but are epiphenomena of neural activity. See D.M. Broom, *Welfare, Stress and the Evolution of Feelings*, *Advances in the Study of Behaviour*, v. 27, 371-403 (1998).

expressed in public discussion concerning animal welfare: i) feelings, ii) functioning and iii) natural living.³⁵

i) The concept of “feelings” in animals relates to both the subjective categories of hedonism and the desire for fulfilment in human well-being.³⁶ As a definition of animal welfare, the concept is closer to hedonism; for example, Fraser represents this idea as follows: “Animals should *feel* well by being free from prolonged and intense fear, pain and other negative states, and by experiencing normal pleasures.”³⁷

However, expression of preferences by animals is often included under the heading of feelings without recognition that this is a separate issue. This is partly because it is often assumed, and sometimes stated explicitly, that pleasure will be achieved and suffering avoided by animals expressing preferences: this is the basis of preference testing. Thus Duncan and Fraser say that:

“One research approach [to the subjective experience of animals] involves studying the preferences of an animal for different environments, and the strength of the animal’s motivation to obtain or avoid certain features of the environment. Underlying such research is the assumption that animals will choose (and work to obtain) environments in which they experience more contentment and/or less pain, fear and other negative states.”³⁸

There are, then, three possible views on the subjective nature of animal welfare. First, that animal welfare is all about feelings such as pleasure and suffering (hedonism), and that expression of preferences is only relevant because it tends to increase pleasure; thus preference tests may help to reveal such feelings. Second, that animal welfare is about both feelings and preference satisfaction. Third, that animal welfare is all about preference satisfaction; this

³⁵ D. Fraser et al, *A Scientific Conception of Animal Welfare that Reflects Ethical Concerns*, *Animal Welfare*, Vol. 6, No. 3, 190 (1997).

³⁶ See Jensen K.K. and Sandoe P, *Animal Welfare: Relative or Absolute?* in *Applied Animal Behaviour Science* v. 54: 33-37 (1997), discussing hedonism, preference testing and animal welfare.

³⁷ Fraser, *supra* note 35, at 187.

³⁸ L.J.H. Duncan & D. Fraser, *Understanding Animal Welfare*, in *Animal Welfare* 19-31 (M.C. Appleby and B.O. Hughes, eds., 1997).

third view is probably rare. Interactions between hedonism and desire or preference fulfilment will be considered below.

ii) Broom points out that feelings may be an important aspect of functioning.³⁹ However, it may still be that when it comes to a definition of well-being or welfare it is appropriate to adopt one category as pre-eminent and to think of the others as contributing to well-being or as providing means of assessing it, rather than as defining it. In this case, welfare may be defined in terms of functioning, with any associated variation in feelings or preference satisfaction being seen as secondary.

iii) The idea of 'natural living' for animals encompasses several concepts, perhaps most commonly that of the importance of living in 'natural environments.' One other major approach to 'natural living' for animals is that proposed clearly by B.E. Rollin:

"It is likely that the emerging social ethic for animals ... will demand from scientists data relevant to a much increased concept of welfare. Not only will welfare mean control of pain and suffering, it will also entail nurturing and fulfillment of the animals' natures, which I call *telos*."⁴⁰

There are conditions of an animal's life for which society, science and the legislator can establish requisites of welfare, after having identified physiological and ethological requirements.

The concept of welfare is particularly relevant in the relationship between man and domestic animal or pets, where it is necessary to define the best conditions for the environment, feeding and utilization of animals. An example, in Italy, is the "State-Regions Agreement on Companion Animal Welfare and Pet Therapy," which was signed on 6th February 2003 at the State-Regions Conference by the Ministry of Health, the Regions and the Autonomous Provinces of Trent and Bolzano⁴¹ and recognised by

³⁹ D.M. Broom, *Welfare, Stress and the Evolution of Feelings*, *Advances in the Study of Behaviour*, v. 27, 371-403 (1998).

⁴⁰ Fraser, *supra* note 35, at 190, citing B.E. Rollin, *Animal welfare, science and value* in *Journal of Agricultural and Environmental Ethics* v. 6 (suppl. 2): 44-50 (1993). The term *telos* derives from Aristotle's writings. See Aristotle, *The Nicomachean Ethics*. Harvard University Press: Cambridge, Massachusetts, USA (1934).

⁴¹ Published in *Gazzetta Ufficiale* n.51 of 3rd March 2003.

the Council of Ministers (or “Government”) in DCPM 28th February 2003.⁴²

The Agreement defines some basic principles that aims to create a greater and increasingly correct interaction between man and companion animals, to guarantee the latter’s welfare in all circumstances, to avoid the inappropriate employment of animals and also to encourage a culture of respect for their dignity in the sphere of innovative therapeutic activities such as Pet-therapy.⁴³

Among the various aspects examined, this agreement especially underlines the responsibilities and duties of a companion animal handler and specifies that any person who lives with a companion animal or agrees to take care of one is responsible for its health and welfare and must house it and give it adequate care and attention. The Agreement also introduced important new measures aimed at reducing the numbers of stray animals, such as the use of microchips for an official dog identification system and the creation of a computerised data bank.

The legislative basis on which the Agreement is founded comes from:

- the norms for the prevention of straying animals;
- the European Convention for the protection of pets.

Therefore, it is hoped that this Agreement can:

1. reduce the phenomenon of stray animals through the improvement of the man/pet relationship. Especially when a pet shows behavioural problems, abandonment is very likely;
2. improve the quality of a pet’s life by safeguarding its well-being, i.e. its psycho-physical equilibrium.

These objectives can be achieved through a correct formulation of the man-animal relationship.

⁴² Published in Gazzetta Ufficiale n.52, 4th March 2003.

⁴³ A. Passantino, *Responsible pet ownership: legal issues in Italy*, Abstract Book of 11th International Conference on Human-Animal Interactions, Tokyo 5th-8th October 2007, P-10, p. 139 (2007b)

*B. General Principles for the Care of Companion Animals:
Proposals*

In order to develop guidelines on how pets should be housed, it is appropriate to determine what conditions, or standards, should be met.

In 1965, Brambell reviewed the welfare of farm animals in intensive husbandry systems and proposed that all farm animals should benefit from minimal standards of welfare known as “The Five Freedoms”: 1) freedom from thirst, hunger and malnutrition, 2) freedom from discomfort, 3) freedom from pain, injury and disease, 4) freedom to express normal behaviour and 5) freedom from fear and distress.⁴⁴

These principles, used to assess the welfare of farm animals, as well as laboratory and zoo animals, can be modified for use in companion animals (Table 2).⁴⁵

The Author puts forward the following specific proposals:

- 1) for correct keeping of CAs:
 - a) Any person who keeps a CA animal shall be responsible for its health and welfare.⁴⁶
 - b) All CA owners or keepers shall have their animals examined by a veterinarian every time their state of health renders it necessary⁴⁷ and the owners shall follow the veterinarian’s prescriptions.

⁴⁴ Rochlitz, I, *A review of the housing requirements of domestic cats (Felis silvestris catus) kept in the home*, Applied Animal Behaviour Science, v. 93, Iss. 1-2, 97-109, 99 (2005), citing Brambell F.W.R., Report on the Technical Committee to Enquire into the Welfare of Livestock Kept Under Intensive Husbandry Systems, (1965), HMSO, London.

⁴⁵ Rochlitz, *supra* note 45, at 99.

⁴⁶ Dogs shall be fed to maintain their body weight within the normal physiological range, no matter how much physical activity they have. Ideal body weight depends on breed and age. The food offered should be sufficient in amount and appropriately balanced in nutrients to meet their physiological needs. Passantino A., Di Pietro C., Russo M., The future for companion animal welfare: approaches of the European and Italian law. 30th Annual WSAVA Congress, Mexico City, May 11-14, 2005.

⁴⁷ Health and welfare are strongly correlated. Diseases and disorders often cause dullness, discomfort and sometimes pain. Dog owners have a

- c) Any person who keeps a CA or who is looking after it shall provide accommodation, care and attention which take into account the ethological needs of the animal in accordance with its species and breed. For example, Rochlitz makes recommendations for the housing of cats in the home, in catteries and animal shelters.⁴⁸ The main points to be considered when designing or evaluating housing for cats are size of enclosure (pen and cage)⁴⁹,

responsibility to prevent, control and treat disorders when appropriate and to maintain their dogs in healthy condition. Health and welfare should be checked daily. This should include observing whether the dog is eating, drinking, urinating, defecating and behaving normally. Veterinary advice must be obtained if a dog shows significant signs of ill health which persist for more than a few days, or of severe distress which persist for more than a few hours. Passantino, *supra* note 47.

The following signs may indicate ill-health:

- abnormal dullness, lethargy or abnormal excitement, agitation
- loss of or increase in thirst or appetite
- a discharge from the eyes, nose, mouth, anus, vagina or prepuce
- vomiting, diarrhoea
- any bleeding which is unlikely to stop or which has not stopped within a few minutes
- straining as if to defalcate or urinate
- sneezing or coughing or abnormal or increased rate of breathing
- lameness or gait abnormality, inability to stand
- loss of balance, uncoordinated gait, fits
- significant weight loss
- patchy or excessive hair loss
- swelling of part of the body
- pale gums and inner eyelids
- persistent scratching or biting resulting in self mutilation
- persistent shaking of the head.

⁴⁸ Rochlitz I. Recommendations for the housing of cats in the home, in catteries and animal shelters, in laboratories and in veterinary surgeries. Journal of Feline Medicine & Surgery, vol. 1, issue 3: 181-191 (1999).

⁴⁹ Rochlitz, *supra* note 49, at 182: "Within an enclosure (the internal environment), there should be adequate separation between feeding, resting and elimination (litter tray) areas. The enclosure should be large enough to allow cats to express a range of normal behaviours, and to permit the caretaker or owner to carry out cleaning procedures easily."

- complexity of enclosure⁵⁰, quality of the external environment⁵¹ and contact with conspecifics⁵².
- d) All owners or keepers of animals shall guarantee the animals constant appropriate living conditions, including regular cleaning of the shelter.⁵³

⁵⁰ Rochlitz, *supra* note 49, at 182: "Beyond a certain minimum size, it is the quality rather than the quantity of space that is important. Most cats are active, have the ability to climb well and are well-adapted for concealment." *Id.* at 183: "Resting areas where cats are retreat to and be concealed, in addition to "open" resting areas (e.g. shelves), are essential for their well-being." *Id.* at 184: "There should be a sufficient number of litter trays, at least one per two cats, sited away from feeding and resting areas. Cats can have individual preferences for litter characteristics, so it may be necessary to provide a range of litter types and designs of litter trays." *Id.* at 184: "Most cats play alone rather than in groups, so the cage should be large enough to permit them to play without disturbing other cats."

⁵¹ Rochlitz, *supra* note 49, at 185: "The environment around the enclosure (the external environment) will have an impact on the cat's welfare. Efforts should be made to increase olfactory, visual and auditory stimulation, for example by creating enclosures that look out on to areas of human and animal activity, or by providing access to an outdoor run."

⁵² Most cats can be housed in groups providing that they are well socialised to other cats, and that there is sufficient space, easy access to feeding and elimination areas and a sufficient number of concealed retreats and resting places. When cats are kept in large groups, it may be necessary to distribute feed, rest and elimination areas in a number of different sites, to prevent certain cats from monopolising one area and denying others access (van den Bos, R.; de Cock Buning, T., "Social behaviour of domestic cats (*Felis lybica f. catus* L.): a study of dominance in a group of female laboratory cats". *Ethology* 1994 pp. 14-37). Owners and caretakers need to be knowledgeable about the behaviour of the animals they are responsible for, since behavioural changes are often the first indicators of illness or other causes of poor welfare.

⁵³ Dogs must be provided with sheltered, dry and draught-free sleeping areas, with room to move around freely and to urinate and defecate away from the sleeping area.

For dogs that do not share their owner's home, accommodation may be a kennel to which the dog has free access, a kennel with an enclosed run attached, or a kennel to which the dog is tied. The last is the least-preferred option.

- e) Prohibition to keep animals outside without suitable shelter.
 - f) Any person who keeps a CA or who has agreed to look after it shall take all reasonable measures to prevent its escape and shall guarantee the protection of third parties from aggression.
- 2) to encourage the development of education programs for CAs and owners where the participants receive information about the animal's normal behaviour and the principal diseases and obtain basic knowledge about keeping and caring for animals:
- a) Information and education programmes for owners/keepers of CAs. Correct information can be given, for example, in informative, practical and concise brochures, containing mainly the following information:
 - normal behaviour of the dog/cat;
 - correct behaviour towards dogs/cats;
 - behaviour in the presence of children;
 - how to recognize and behave in the case of aggressive behaviour of the dog;
 - how aggression can be prevented;
 - responsibility of the owner/keeper
 - b) Information and education programs among individuals concerned with the keeping, breeding, training and/or trading of CAs, for any commercial purpose. In these programs, attention shall be drawn in particular to the following subjects:
 - the need for training of CAs for any commercial or competitive purpose to be carried out by persons with adequate knowledge and ability;
 - the need to discourage:
 - gifts of CAs to persons under the age of sixteen without the express consent of their parents or other persons exercising parental responsibilities;
 - gifts of CAs as prizes, awards or bonuses;
 - unplanned breeding of CAs;

The kennel or sleeping area must be large enough to allow the dog to stand up and turn around and lie down comfortably. At frequent intervals it should be cleaned so that it is dry and clear of faeces, mud and bones.

- the possible negative consequences for the health and well-being of wild animals if they were to be acquired or introduced as CAs;
- the risks of irresponsible acquisition of CAs leading to an increase in the number of unwanted and abandoned animals.

IV. CONCLUSIONS

Although CAs are considered family members by their guardians, established legal doctrine classifies these animals as property. Currently in the eyes of Italian and European law, similar to the United States and the UK, animal guardians share a legal relationship with their companion animal as owners of property.

The concept of property ownership refers to the possession, use and disposal of a thing. There is, however, a judicial and legislative trend to acknowledge CAs as more than property, and the enactment of both Member States and EU are currently the strongest force in dismantling the property status of companion animals. CAs, like all animals, deserve to be treated with dignity and respect as emotional and sentient beings.

Table 1 – Field of application of the European Convention for the protection of companion animals. Status as of 3/5/2005 (Source: Treaty Office on <http://conventions.coe.int>)

Participating States	Ratification	Enforced
Austria	10 th August 1999	1 st March 2000
Belgium	20 th December 1991	1 st July 1992
Bulgaria	20 th July 2004	1 st February 2005
Czech Republic	23 th September 1998	24 th March 1999
Cyprus	9 th December 1993	1 st July 1994
Denmark	20 th October 1992	1 st May 1993
Finland	2 nd December 1991	1 st July 1992
France	3 rd October 2003	1 st May 2004
Germany	27 th May 1991	1 st May 1992
Greece	29 th April 1992	1 st November 1992
Lithuania	19 th May 2004	1 st December 2004
Luxemburg	25 th October 1991	1 st May 1992
Norway	3 rd February 1987	1 st May 1992
Portugal	28 th June 1993	1 st January 1994
Romania	6 th August 2004	1 st March 2005
Sweden	14 th March 1989	1 st May 1992
Switzerland	3 rd November 1993	1 st June 1994
Turkey	28 th November 2003	1 st June 2004

Table 2 – Standards for the assessment of welfare in domestic cats (Rochlitz, 2005)

1. Provision of food and water: a balanced diet that meets the animal's nutritional needs at every life stage, supplied appropriately, fresh water.
2. Provision of a suitable environment: adequate space and shelter, no extremes of temperature, adequate light, low noise levels, cleanliness, indoor-only or access to the outdoors.
3. Provision of healthcare: vaccination, neutering (sterilisation), internal and external parasite control, identification of the individual (microchip, collar), prompt access to veterinary care.
4. Provision of opportunities to express most normal behaviours, including behaviours directed towards conspecifics and towards humans.
5. Provision of protection from conditions likely to lead to fear and distress.

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