

Owner vs Guardian

The issue of defining people that have pets as owners or guardians is a very complicated subject, and one that seems to polarize those who claim to care about animals and their welfare. Since many, perhaps even most, people in the US think about the issue coming from a Judeo-Christian ethos, I want to examine what the Bible says, and to also discuss the views of those in opposition to my stance on the subject. I come at the issue from a very biblical-based background, and it seems very acceptable on the surface to understand that God has entrusted man to be a *guardian* of His creation, which includes animals – man is to be as a caretaker, not an exploiter of God’s creation. In Genesis 1:28, God tells man that he is to “Be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth” (Holy Bible, NKJV), and from this word “subdue” one might be led to believe that man is being told to do with creation as he pleases, but this does not keep with the context of the rest of the Bible, or even of the chapter. God continues on to tell man that he has been given every fruit and seed for food, and that animals have been given every plant for food – man was not eating meat at that time (and neither were animals), so we see one example of God’s intent that man should not exploit animals (man was not permitted to eat meat until sin had entered into the world). In Deuteronomy 25:4, with regard to laws about how a man should conduct himself, God tells man that “You shall not muzzle an ox while it treads out the grain” (Holy Bible, NKJV); this command shows again that God wants man to show concern and kindness about the welfare of animals. It is a law given in the midst of laws telling men and women how to act towards other men and women, which leads me to understand that the compassion and even honor we are to show to animals is not to be taken lightly, though the things we are to be concerned with are the animals’ immediate needs – in this case, the animal’s food. From these and other biblical references, I am led to believe that God wants man to treat animals with respect and to honor them for the help they are to us, but

at the same time, they are not given the same value or position as men and women – this being particularly seen from the use of the word “subdue” in reference to creation.

Now I must get back to why it is only acceptable on the surface to call man a *guardian* of animals. The problem comes not with the intent of Scripture, but in our current definition of a guardian in legal terms. “Guardian” is the word we use when we refer to a parent’s responsibility to his or her child, and so I am led to understand that to refer to pet owners instead as guardians would elevate an animal to have the same standing as a human child. While current laws in place designating pet owners instead as guardians have not changed the rights and responsibilities of the two parties, the precedence of the use of the word “guardian” leaves open the possibility for wider interpretation. Terree Bowers (a deputy city attorney) stated in a memo speaking on behalf of the Los Angeles City Attorneys’ office stated that “current state-law defines ‘owners’ and ‘guardians’ in a manner that may render these two entities’ rights and responsibilities legally incompatible,” and he further explained that a “guardian” is “a person lawfully invested with the power, and charged with the duty, of caring for another person and managing the property and rights of that other person who, due to age, mental or physical ability, or lack of self-control, is considered incapable of administering his or her own affairs” (quote found on copy of memo at NABR.org). Mr. Bowers then referenced the 6th edition of Black’s Law Dictionary as his source for the basis of this definition and further clarified that the guardian must always act in the best interest of his or her ward. If we refer to owners instead as guardians, then under the current legal definition it seems we are under obligation to give animals the same rights as a human who is simply “incapable of administering his or her own affairs.” Would it then be permissible to make an animal work at a task such as pulling a sled, or carrying a person on their back, or pulling a plow? Would it be right and legal to euthanize an animal if it bites someone or attacks another animal – even if it had rabies or another communicable disease? Would it be right and legal to neuter, tattoo, brand, ear-tag or even microchip an animal because of the pain caused by procedures that aren’t of necessity for health purposes? I think that it’s easy to see that we are swinging toward the extreme elements that exist within the animal rights movement. Among these extreme elements are people like Ingrid Newkirk, president and co-founder of PETA, who stated:

“I am not a morose person, but I would rather not be here. I don’t have any reverence for life, only for the entities themselves. I would rather see a blank space where I am. This will sound like fruitcake stuff again but at least I wouldn’t be harming anything.” (quote from Pet-Law.com)

While I doubt many people would want to cause harm, we can’t go to such an extreme of wishing we didn’t exist because that evades the whole issue; it does not help the welfare of either animals or mankind – we do exist, and we must therefore decide what our impact on the rest of creation should be.

Whether we like it or not, we are predators of one kind or another; we take from an animal’s environment, or we use animals for food, or we survive at the expense of another animal in some way. As “predators”, though, we can serve a beneficial purpose if we ourselves do not overstep our bounds; we can help cull the weak and the sick, and contain “prey” populations to numbers and conditions that would otherwise become too prolific and result in disease and environmental destruction. As “predators” with a capacity to reason, we have the unique ability to assess the immediate and long term consequences of our actions, and we can decide for the benefit of our entire race, even for future generations, unlike animals, which will always act on their own immediate needs, if not interfered with by humans.

Those in support of owners being legally changed to guardians are often well-meaning, but they don’t seem to take the issue to its logical conclusion where animals and mankind begin to suffer because men and women cannot legally control animal populations, end animal suffering with euthanasia, or utilize animals for work or food without great fear of governmental interference or public litigation. Knowledgeable proponents of guardianship for pets say that the word “guardian” is simply used to make people think of their pets differently simply because of the connotations of the words they use. California veterinarian Elliot M. Katz says that “a guardian is someone who protects or looks after another. It’s a term that is positive and proactive” (quote from *Trends* magazine, March/April 2005) – if that’s all that is intended, why not use another word that does not already have legal precedents and a definition so different from the current word of “owner”? We could just as easily use protector, or steward, or another less legally charged word. While the initial stages of this law change are supposedly

negligible, they set the stage for interpretations at a later date to decide what the full intent of the word “guardian” was when it was first used in the law. I agree with New-Jersey-based veterinarian and attorney Charlotte Lacroix, who stated that: “they picked a word that has a lot of legal connotations already. First you get the word in, and then you chip away at the definition. On the surface, it’s benign. And you know why? Because if it’s benign, legislators are much more likely to pass it,” Lacroix further adds, “the issue of guardianship is a sleeping giant, and it will have a very big impact on the relationship pets and animals have with their owners” (quote from *Trends* magazine, March/April 2005).

In summation, I believe that from a Judeo-Christian ethos, a person cannot misinterpret that the Bible talks of God telling man to be *both* an owner and a guardian to animals, but that animals are never to take the same value as human lives, which necessitates that we not use the term “guardian” to describe pet owners because of the inherently troubling opportunity for this term to be legally construed to raise animals to that level of value.

1. Holy Bible, New King James Version
2. Pet-Law.com - <http://www.pet-law.com/>
3. National Association for Biomedical Research Website
<http://www.nabr.org/AnimalLaw/Guardianship/LACityAttorneyMemo.pdf>
4. Chapman, Tamara. “Owner or Guardian”, Trends magazine. March/April 2005: 31-34