

THE INFRINGEMENT OF ANIMALS' INTERESTS AS A RESULT OF QUARANTINE

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Abstract

Globalisation and technological advances have yielded to modern society the facility to migrate inter-continently both rapidly and economically. Animal quarantine, by contrast, can be seen as an anachronistic remnant of a bygone age. While the technology to obviate the need for quarantine exists, some countries cling to tried and tested means of avoiding the spread of diseases. While this would not be a problem if there were no victims of these policies, the consideration that animals may be subject to unnecessary suffering through the process (and are possibly having their interests infringed) means that moral agents must re-examine the rules that place mute animals in this situation. Do we have moral obligations to our animal relatives in quarantine? The aims of this essay are to examine the issues surrounding this topic and to provide recommendations toward a more holistic, modern and compassionate solution.

Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts, Applied Ethics for Professionals, in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

James Frederik Stuart Allison

1st day of October, 2012

Dedication

To Pat Joffe – she was a good friend and she left everything to animal charities.

To my trusted animal companion Sundance – she gave me the inspiration for this paper.

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‘Life is as dear to a mute creature as it is to man. Just as one wants happiness and fears pain, just as one wants to live and not die, so do other creatures.’¹

- His Holiness The Dalai Lama

‘Mankind's true moral test, its fundamental test (which lies deeply buried from view), consists of its attitude towards those who are at its mercy: animals. And in this respect mankind has suffered a fundamental debacle, a debacle so fundamental that all others stem from it.’²

- Milan Kundera, *The Unbearable Lightness of Being*

¹ Quotes about animals, “Why Animals are Important to Us”. No Date.
<http://www.dogquotations.com/quotes-about-animals.html> (accessed 3 July 2012).

² Ibid.

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1 Introduction

Companion animals often occupy a special place in the lives and consciousness of their human counterparts. We share a long history of symbiosis. It has been shown that keeping a pet - particularly a dog - can have beneficial impacts on human health and general well-being.³ The referenced article indicates that the benefits relate to lowered blood pressure and cholesterol as well as aiding in recovery from serious ailments like heart attack. The article concludes that these benefits may be credited to lowered stress levels. No wonder people may get attached to their pets and treat them like members of the family.

A fact of life for many people (particularly South Africans) is emigration. In addition to relocating family members and the removal of possessions, people will need to consider taking their companion animals. What makes including pets⁴ unique is the issue of any quarantine. This could affect the emigrant's decision of where to migrate, as well as whether or not to take her pets with her. An increasing number of countries – like Canada⁵ - have adopted a more up-to-date concept of and legislation around quarantine. This is, provided that the pet's import papers are in proper order, she⁶ may accompany her owner on the same flight, to then be collected upon arrival at the destination. Other countries' legislation is somewhat more draconian – necessitating more than six months

³ BBC News. "Dog-owners lead 'healthier lives'". 21 January 2007.

<http://news.bbc.co.uk/2/hi/health/6279701.stm> (accessed 26 June 2012).

⁴ Although the fashionable (indeed, even 'politically correct') name for pets in the literature is 'companion animals', I will be using the terms interchangeably in this paper.

⁵ Canadian Food Inspection Agency, "Pet Imports". 12 January 2012.

<http://www.inspection.gc.ca/animals/terrestrial-animals/imports/policies/live-animals/pet-imports/eng/1326600389775/1326600500578> (accessed 26 June 2012).

⁶ I have generally used the feminine 'she' and 'her' to refer to an individual animal, but where applicable this also includes male animals.

in quarantine in the case of countries like Australia⁷ for pets from South Africa. This somewhat onerous time period may lead pet owners to either leave their pets behind, or euthanize them – even if they are young and healthy. (The issue of animal euthanasia, albeit important, is unfortunately beyond the scope of the present inquiry.)

In my essay, I intend to cover quarantine only for dogs and cats – and to concentrate on the issue of rabies. The chief reason that some countries impose longer quarantine periods on animals is to avoid the introduction of diseases into local populations of animal life or humans from the imported animal. South African animals are seen by Australia as constituting a relatively high risk for rabies entering the country.⁸ Animals being transported from the UK to Australia are seen as representing fewer risks, and so the corresponding quarantine period is shorter. The fact that the UK quarantine rules have been relaxed to come in line with EU rules from January 2012 provides support to a position that procedures in other countries need review.⁹ New Zealand rules have also recently been relaxed after a review – meaning that a dog from South Africa in good health will ‘only’ need to spend a minimum of 10 days in quarantine – down from a similar regime to Australia’s current rules.¹⁰ This new process needs a veterinarian clearance - and if any causes of concern are found upon examination this period may be increased – on a case-by-case basis. If New Zealand is able to review and relax its requirements, there is no reason why all similar countries are not able to do the same.

⁷ Australian Government: Department of Agriculture, Fisheries and Forestry – Biosecurity, “Bringing Cats and Dogs (and other pets) to Australia”. 27 June 2012. <http://www.daff.gov.au/aqis/cat-dogs> (accessed 14 July 2012).

⁸ Ibid.

⁹ UK Department for Environment, Food and Rural Affairs, “Quarantine”. 12 June 2012. <http://www.defra.gov.uk/wildlife-pets/pets/travel/quarantine/> (accessed 26 June 2012).

¹⁰ New Zealand Ministry for Primary Industries: Biosecurity, “Your Pets”. 14 February 2012. <http://www.biosecurity.govt.nz/enter/personal/pets> (accessed 14 July 2012). If the argument in my essay is compelling, then even New Zealand legislation ought to be subjected to further review.

New Zealand is arguably one of the most pristine and disease free countries in the developed world - and the authorities would not risk their status through adopting presumed risky regulations.

We are less likely to tolerate innocent people being incarcerated for extended periods for purely instrumental reasons, or as a means to an end (as animal quarantine is). Why then do we tolerate or allow this in the case of non-human animals? The fact that quarantine has largely been a 'non-issue' in the literature on ethics, and that it has thus far received very little criticism, indicates how low the moral status of animals is compared to humans. Either that, or quarantine is seen to constitute no harm. Human refugees kept in detention centres *rightfully* receive plenty of exposure and attention and are the cause of widely-publicised protests for their release.¹¹ Interestingly, Australia's treatment of its human refugees is analogous to their quarantine animals'.¹² Asylum seekers to Australia are often kept in detention centres for months or years while their cases are decided. Although their plights could be seen to be similar, animals do not receive similar coverage or lobbying. It is my ambition to highlight this issue and to raise awareness of the discrepancy between human and animal treatment. In this way, I aim to make a novel contribution through this present research project.

I intend to begin my essay by summarising the quarantine rules and regimes for various countries – including the United Kingdom, Canada and Australia. After presenting the facts about quarantine, I will address objections to my argument – including a consequentialist response (which forms the strongest opposition to my case). Next, I will

¹¹ Human Rights First, "Refugee Protection Program". No Date. <http://www.humanrightsfirst.org/our-work/refugee-protection/> (accessed 26 June 2012).

¹² Australian Greens, "Immigration and Refugees". No Date. <http://greens.org.au/policies/care-for-people/immigration-and-refugees> (accessed 26 June 2012).

present argument in defence of my thesis – including a discussion of interests and suffering in animals. Drawing support via the moral theories including deontology and virtue theory, I aim to strengthen my case. My argument most closely aligns with a deontological approach – as I feel that this theory is most robust in defence of the individual animal. Finally, before summing up with the conclusion, I will make recommendations for more effective, alternate policies.

2 Companion Animal Quarantine – Some Issues and Facts

In what follows, I summarise the animal quarantine policies of a few developed countries. These countries are among the main destinations for South Africans who intend to emigrate. Therefore, they are appropriate countries to study in regard to the subject of animal quarantine. While the main goal of quarantine is to avoid the introduction of disease in the target country, it appears that the number one concern globally is the issue of rabies being introduced or spread. A canvassing of the sundry country websites confirms this position. Australia, New Zealand and the United Kingdom are considered rabies-free. Canada and the United States do have incidences of rabies (but mainly in their wild animals – like raccoons, skunks and bats). In the US wild cases of rabies accounted for around 92% of cases reported in 2010.¹³ South Africa has a significant incidence of rabies in dogs and cats – this was evidenced by the 2010 outbreak and mass inoculation drive in Gauteng.¹⁴ This is the kind of situation that has led to South African companion animals needing longer quarantine periods when imported to

¹³ US Centres for Disease Control and Prevention, “Rabies”. 15 November 2011.

<http://www.cdc.gov/rabies/location/usa/surveillance/index.html> (accessed 27 June 2012).

¹⁴ South African Government Information, “Gauteng Department of Agriculture and Rural Development (GDARD) act after two more rabies outbreak in western and southern suburbs of Johannesburg”. 3 September 2010. <http://www.info.gov.za/speech/DynamicAction?pageid=461&sid=12694&tid=17163> (accessed 27 June 2012).

Australia than pets from the UK or Canada. Companion animals in Australia are typically not inoculated against rabies, and there is a fear that if an animal with rabies was imported, it could cause problems for the local population of dogs and cats and also wildlife like kangaroos. In other words, it could affect life substantially in that country. This concern would obviously also extend to humans – since rabies can be transmitted to all mammals.¹⁵

2.1 Quarantine in the United Kingdom

Until very recently, the UK used to have very strict laws regarding quarantine for pets from those countries deemed to be a rabies risk. In fact their laws were similar to Australia's and probably served as the template for Australia's rules – as is the case for many other areas of the ex-colony's policies. These animals would spend quite some time in quarantine. A system involving what was called the 'Pet Passport' was active – which meant that animals that had all their inoculations could avoid quarantine if they were coming from certain 'approved' countries. Pets from those countries considered a rabies risk (e.g. South Africa) were subject to around six months quarantine. Very recently, the UK has had to come in line with European Union standards - which meant that quarantine was effectively eliminated as from 1 January 2012. From this date onward, animals from all countries are permitted to enter the UK without quarantine, provided a checklist of prerequisites is completed. These include a rabies vaccination and a blood test performed thirty days after the vaccination for countries previously considered a rabies risk. The changes are summarised as follows:

The UK will harmonise its pet movement rules with the rest of the European Union from 1 January 2012, bringing the UK's Pet Travel Scheme into line with the most recent science. The UK will maintain its high level of protection against animal diseases after the changes, which have the potential to save pet owners around £7 million in fees. Forcing pets to spend six months in

¹⁵ US Centres for Disease Control and Prevention, "Animals and Rabies". 20 January 2010. <http://www.cdc.gov/rabiesandkids/animals.html> (accessed 28 June 2012).

quarantine, a practice dating from the 1800s, is no longer necessary because of vastly improved rabies vaccines and treatments ... changes will ensure the risk of rabies coming to the UK remains extremely low. It's estimated that the new rules mean there would be one case of rabies in a pet in the UK once every 211 years, with the possibility of a person dying from rabies obtained from a pet once in every 21,000 years.¹⁶

Clearly, if there was any danger at all of introducing disease via the 'relaxing' of quarantine restrictions, then one can be quite sure the UK would not have acquiesced or agreed to harmonise. The figures quoted above highlight a number of important issues. Firstly, that thousands of animals are subject to the rigours of quarantine, in some countries, each year for the purpose of avoiding rabies in animals or in humans in the destination country. Secondly, a lengthy quarantine process is extremely costly. I would assume that Britain was brought into line, not because of any concern for the animals or their owners – but rather to make things easier for those bureaucrats charged with administering the systems across Europe. Somewhat ironically, it is not the palpable benefits to both non-humans and humans that are considered, but rather the complexity of managing more than one system. Happily, the side-effect of the change benefits the animal. It may also reduce the number of people attempting to cheat the system.

According to the UK's Environment Secretary, Caroline Spelman:

The 'UK's quarantine system was designed to combat the threat of rabies in the 19th century and has now been left far behind by scientific advances. It's time we changed these outdated rules which have caused hardship to generations of pets and pet owners, and those who rely on assistance dogs, with too many animals cooped up unnecessarily.¹⁷

2.2 *Quarantine in Canada*

Canada's rabies cases do tend to fluctuate, but the trend is downward: from 670 cases (23 dogs and 8 cats) in 2000 – the incidences are mainly in wild animals; 248 cases (12 dogs

¹⁶ UK Department for Environment, Food and Rural Affairs, "New rules mean it will be easier and cheaper to travel abroad with pets". 30 June 2011. <http://www.defra.gov.uk/news/2011/06/30/new-rules-pet-passports/> (accessed 28 June 2012).

¹⁷ Ibid.

and 4 cats) in 2005; 273 cases (7 dogs and 3 cats) in 2007; 128 cases (3 dogs and 4 cats) in 2010; 114 cases (2 dogs and 4 cats) in 2011 and 75 cases (12 dogs and 1 cat) by June 2012.¹⁸ Canada does not quarantine dogs and cats.¹⁹ Canada classifies requirements for animals entering according to a list of countries considered to be either rabies-free or not recognised as rabies-free. Dogs and cats are handled through a similar process. Animals from rabies-free countries do not need to have been inoculated against rabies. Animals from a country not considered rabies-free by Canada need to have a rabies vaccination certificate. This certificate lists information including when the animal was vaccinated, the drug used and how long the efficacy of the treatment is. Young animals are exempt from the rabies inoculation requirement.

2.3 Quarantine in Australia

Australia has a very rigorous and rigid quarantine procedure for dogs and cats being imported – perhaps the most stringent for any major country. Like many countries, Australia classifies import countries according to perceived rabies status. In response to the UK's more relaxed rules from beginning 2012, all animals entering Australia from the UK will need evidence of rabies inoculation – which was not required previously as the UK was classified as rabies-free. Companion animals will still need to spend time in quarantine – unchanged at thirty days. Dogs and Cats from South Africa need to spend a minimum (*not maximum*) 210 days in quarantine – due to South Africa being seen as a higher rabies risk. Some of the quarantine time can be spent in an approved kennel in South Africa and around 3 months must be completed in Australia. Indeed, Australia

¹⁸ Canadian Food Inspection Agency, "Positive Rabies in Canada". 20 August 2012. <http://www.inspection.gc.ca/english/anima/disemala/rabrag/statse.shtml#a2012> (accessed 20 September 2012).

¹⁹ Canadian Food Inspection Agency, "Importing Domestic Dogs". 14 August 2012. <http://www.inspection.gc.ca/english/anima/imp/petani/canine.shtml> (accessed 20 September 2012) and "Importing Domestic Cats". 16 March 2012. <http://www.inspection.gc.ca/english/anima/imp/petani/feline.shtml> (accessed 28 June 2012).

advises that very young animals are not allowed through the quarantine process – contrast this with Canada exempting young animals altogether - and that older pets may not survive it. This is evidence that the whole process is very taxing on any animal. Dogs of seven years or older will need a veterinarian's approval to board the flight – to establish that they are fit enough to handle quarantine. There is no real way to circumvent this situation, unless one first imports the pet to a third country (of a lesser rabies risk) for up to six months. Fortunately, dogs and cats from New Zealand are not subject to quarantine. It would therefore make sense to first take one's pet to New Zealand for 3 months and then on to Australia. At least the pet would then spend comparatively little time in New Zealand quarantine.

According to Biosecurity Australia, a review of the rabies requirements with regard to quarantine is currently underway, but there is no indication when a result could be expected (although a draft proposal is now available which is very similar to New Zealand's policy).²⁰ In the last ten years there has not been one case of rabies detected in quarantine – while each year approximately 8000 animals go through the quarantine process. The aim of quarantine for both the UK and Australia is ultimately the same – they both want to avoid the introduction of disease. The difference is that Australia does not have the pressure of a European Union being applied in order to standardise the procedures. Australia is, in effect, able to act unilaterally. People may argue that this is the prerogative of a sovereign state. But, if we believed that a sovereign state was violating human rights, this would be a justification for political, diplomatic, and perhaps even military intervention. Paradoxically, if we decide that animal interests are

²⁰ Australian Government: Department of Agriculture, Fisheries and Forestry – Biosecurity, “Review of importation of dogs and cats and their semen”. 05 September 2012.
http://www.daff.gov.au/ba/ira/current-animal/dogs_and_cats (accessed 24 September 2012).

being infringed, there is no precedent – or any realisation that action could be taken. There is definitely a case for quarantine to be reduced in Australia.

2.4 Quarantine in New Zealand

As already indicated above, New Zealand's requirements have recently become more relaxed than Australia's. Previously, New Zealand had a quarantine regime similar to Australia's. Since May 2011, dogs and cats need 'only' spend a minimum of ten days in quarantine if all their papers and inoculations are in order. This includes dogs and cats from South Africa. This change is positive for South African imports, but it has become stricter for those from the UK – since under the previous regime, there was no quarantine for pets from the UK. Now New Zealand has standardised imports from countries that are considered to have rabies under control. The pet needs an import permit and a post-arrival inspection. Candidate companion animals need to have evidence of anti-rabies treatment to be able to accompany their owners to New Zealand and must exhibit no signs of rabies on inspection. Source countries are categorised by status of being either rabies-free or having rabies well controlled. South Africa is one of the countries listed as having rabies well controlled. Interestingly, the ten day requirement is not for the purpose of detecting latent rabies – but for other reasons:

Post-arrival quarantine requirements were previously based on rabies risk mitigation, although they also provided a "safety net" for other risks. The risk mitigation measures for rabies no longer include quarantine. However, the value of post-arrival quarantine was considered to allow time for a thorough inspection of the animal by an official veterinarian in a calm environment, time for engorgement of any ticks still present, a thorough documentation check, and confirmation of clinical health.²¹

²¹ New Zealand Ministry for Primary Industries: Biosecurity, "Draft Import Health Standard for the Importation into New Zealand of Cats and Dogs from Approved Countries". 31 March 2011. <http://www.biosecurity.govt.nz/files/biosec/consult/review-submissions-ihs-cats-dogs.pdf>, p. 5. (accessed 28 June 2012).

Australian animals are seen as less of a risk and will be examined at the border and if the animal passes then no quarantine is required. If the source country is not listed, pets from there are not eligible for direct import to New Zealand.²² Under these circumstances, a pet owner can move their pet to an 'approved' country for six months – or one can 'submit a request for inclusion of a country or territory in a veterinary certificate for cats and dogs'.²³

A New Zealand Ministry of Agriculture case study on the risk of introducing rabies with the importation of dogs finds that:

On the basis of this risk assessment it was concluded that vaccinated dogs imported without prolonged quarantine pose no greater risk of introducing rabies than dogs entering through 6 month quarantine. Prolonged quarantine could thus be replaced by vaccination without any reduction in security, reducing significantly the cost of importation and eliminating the prolonged separation which was usually distressing for pets and their owner.²⁴

New Zealand regulations will be reviewed after two years to assess the impact.

2.5 Quarantine in the United States

The United States has a procedure similar to Canada's – with some variation between the states. Companion animals to be imported need a valid rabies certificate and in the absence of this the importer will need to confine the animal until she can be immunized. Requirements state that '[d]ogs must have a certificate showing they have been

²² New Zealand Ministry for Primary Industries: Biosecurity, "Import Health Standard for Cats and Dogs". 16 December 2011. <http://www.biosecurity.govt.nz/files/ihs/catdog.gen.pdf>, p. 4. (accessed 28 June 2012).

²³ Ibid.

²⁴ MacDiarmid, S.C. and Corrin K.C., New Zealand Ministry of Agriculture, "Case Study: The Risk of Introducing Rabies through the Importation of Dogs". No Date. <http://freespace.virgin.net/simon.green/riskman.htm> (accessed 28 June 2012).

vaccinated against rabies at least 30 days prior to entry into the United States. These requirements apply equally to service animals such as Seeing Eye dogs'.²⁵

2.6 *Other Countries*

European Union countries have standardized their rules. There is no quarantine period if the animal's papers are in order. Likewise, the quarantine situation in Asian and South American countries reflect a similar trend to most of the countries outlined above – they are concerned with rabies – but as long as the pet's papers are in order, there is no quarantine period.²⁶

In light of all the above data, it is patently clear that the Australian standard is out of step with the other countries studied - and also in defiance of global trends. The aim of animal quarantine is the same or very similar for all countries – so why is the process so different for Australia?

3 Arguments in Defence of Quarantine

In my opinion, the strongest objection to any reduction of quarantine requirements would originate from those who feel that such changes could allow disease to enter the destination country. In other words, the good of the local population of animals and humans is seen to be of greater importance than the welfare of relatively small numbers of quarantine animals. This kind of argument neatly corresponds to a consequentialist justification – that is, one in which the aggregate consequences of any action are seen as the most important factor to consider when making a moral decision. This concern is

²⁵ US Centres for Disease Control and Prevention, "Bringing a Dog into the United States". 6 August 2012. <http://www.cdc.gov/animalimportation/dogs.html> (accessed 22 September 2012).

²⁶ LetsGoPets.com, "International Pet Travel Regulations". 2012. <http://www.letsGOPets.com/inttravel.php#> (accessed 28 June 2012).

obviously valid and powerful. Yet, I will argue that making changes that benefit those animals destined for quarantine does not necessitate compromising the health of local animals and humans.

A second, albeit less powerful, consequentialist argument in favour of quarantine originates from those whose livelihood is dependent on the animal quarantine business. These people benefit monetarily through the quarantine process and would oppose the regime being altered to their detriment. I will also consider this objection, somewhat more briefly.

A third major argument in favour of quarantine is one which claims that animals are not due any moral consideration and therefore that we are not obligated to reduce their time spent in quarantine. There are some contemporary philosophers of this viewpoint, even though they may be in the minority. This objection to reducing quarantine periods corresponds to an argument that we should not consider animals in decisions that affect their welfare.

3.1 Consequentialist Objections to Reducing Quarantine

The chief objection is that foreign governments are primarily interested in preventing any diseases that could affect their local pets, wildlife and livestock.²⁷ Obviously these policy makers could be even more concerned should such a threat affect humans. One would imagine that the threat of introducing diseases like avian influenza or SARS could easily unsettle policy makers. Governments could argue that following the Precautionary Principle²⁸ would motivate against relaxing quarantine laws. Succinctly, this principle

²⁷ UK Department for Environment, Food and Rural Affairs, "Quarantine". 7 September 2012. <http://www.defra.gov.uk/wildlife-pets/pets/travel/quarantine/> (accessed 22 September 2012).

²⁸ Van De Veer, D. and Pierce, C. Eds. 2003. "The Environmental Ethics and Policy Book", p. 618.

states that if there is any risk of a threat, then changes would be hard to justify. So, any motivation for reducing quarantine would need to be backed-up by evidence that proposed changes do not constitute a threat. Essentially, this principle does not deny moral obligations to the animals (or their owners) in quarantine – it just prioritises our obligation to larger groups of animals and humans. In a country like Australia that has unique and emblematic fauna this concern is especially pertinent. This unease is encapsulated in the following quote from the Australian Department of Agriculture, Fisheries and Farming:

If rabies became established in Australia the disease could profoundly change our way of life. Rabies could be very difficult to eradicate if it became established in native wildlife. If dogs and cats became infected then it would be necessary for pet owners to regularly vaccinate their pets. Australia[n]'s would need to be alert to risks from stray cats and dogs. All imported animals are subject to strict quarantine requirements, including vaccination for dogs and cats from all affected countries.²⁹

Indeed a potentially serious situation that should not be risked or broached at all. The last thing I would be recommending is something that would constitute a risk to this status. Interestingly, a Canadian website calls into question Australia's putative rabies-free status – because bat-transmitted rabies (lyssavirus) is present.³⁰ If this is the case, the Australian quarantine case is a straw-man argument. That is, they are doing their best to prevent something that is already present. But, the important question to consider here is whether or not the changing of quarantine requirements would lead to any increased risk to Australian wildlife (or humans). Any argument promoting such a scenario would be indefensible – unless in exceptional circumstances. My motivation is based on the premise that a reduction in quarantine would be *at least* as effective as the current regime.

²⁹ Australian Government: Department of Agriculture, Fisheries and Forestry, "Rabies". 21 June 2011. <http://www.daff.gov.au/animal-plant-health/pests-diseases-weeds/animal/rabies> (accessed 29 June 2012).

³⁰ Public Health Agency of Canada, "Rabies Virus". 19 April 2011. <http://www.phac-aspc.gc.ca/lab-bio/res/psds-ftss/rab-eng.php> (accessed 26 June 2012).

This argument is based on solid supporting evidence from other countries with a significant history of not quarantining animals. The premise is that an emphasis on prevention and technological advancements has rendered long quarantine periods effectively redundant. In fact, in Australia's case, eliminating quarantine ten years ago would not have allowed even one case of rabies to enter the country – according to its own figures (see Quarantine in Australia section).

The consequentialist would have to concede that putting so many pets through unnecessary suffering cannot be justified if there is close to a zero chance of any humans or animals becoming infected with rabies. This is true especially if the local population is indifferent to changes – and so their utility or happiness is unaffected no matter what the quarantine regime of the day encompasses. If there is no heightened threat to local populations, there could be no lowered utility. Therefore the only consequences to consider when making a decision are for those animals and humans directly impacted by quarantine. This means a consequentialist justification need only consider how those subjects in the quarantine process would be best off - either retaining the status quo or eliminating quarantine. No doubt the consequences or happiness of those impacted would be best if there was no quarantine. Additionally, Tom Regan argues that, other things being equal, animals have not only interests but also rights that should not be violated.³¹ Regan would argue that the violation of the individual's interests in quarantine would not be justified by deferring to the greater good of maintaining a disease free status for the larger local population.

³¹ Regan, T. 2003. "The Case for Animal Rights". In VanDeVeer, D & Pierce, C. , pp. 143-149.

Another strong objection to this consequentialist position makes mention of the fact that disability assistance dogs are generally permitted to circumvent the quarantine process if their paperwork is in order. Presumably, then, there is no threat from certain dogs. But this points to a discrepancy in the system. Surely a uniform approach is not only needed; it is *logical*. If seeing-eye dogs can be accorded special and different treatment – in fact, most times they can accompany owners on the same flight – then why are companion animals not given the same treatment?³²

A second consequentialist objection to the elimination of quarantine would originate from people who are economic beneficiaries of the whole process. This would apply to people who run the kennels and those employed in the quarantine departments and associated businesses. It is rather expensive and labour-intensive to put a pet through the quarantine process.³³ The approximate cost is around ten thousand ZAR³⁴ per animal per month in quarantine. If we consider that around eight thousand animals are put through quarantine each year, we are talking about a huge industry. (Please note that the figures quoted do not cover the additional cost of relocating the pet.) If quarantine is eliminated, the livelihood of those in the business will be affected and some roles may be lost. This argument is, however, analogous to the consideration that animal experimentation should continue, because of its benefits to those employed in the research sciences, pharmaceutical industry, etc. This objection is not as strong or compelling as the previous – because it is difficult to prioritise the monetary gain of relatively few

³² Australian Government: Department of Agriculture, Fisheries and Forestry, “Disability Assistance Dogs”. 01 August 2012. <http://www.daff.gov.au/aqis/cat-dogs/assistance> (accessed 22 September 2012).

³³ Australian Government: Department of Agriculture, Fisheries and Forestry, “Quarantine station accommodation & fees”. 07 May 2012. <http://www.daff.gov.au/aqis/cat-dogs/accom> (accessed 29 June 2012).

³⁴ Australian Government: Department of Agriculture, Fisheries and Forestry, “Fees for government animal quarantine stations for cats and dogs”. 05 July 2012. <http://www.daff.gov.au/aqis/cat-dogs/accom/govt-stations> (accessed 22 September 2012).

individuals at the expense of great deals of animals and their owners suffering unnecessarily. Any benefit gained from running the process would not neutralise the pain that the pets and their owners experience. This is because there may be multiples of pets (and owners) who are inconvenienced per person employed in the process.

Paradoxically, if quarantine times were reduced (as in the case of New Zealand) then more pet owners may be prepared to import their animals as the cost and stress involved would be far less. I am now considering taking my dog via New Zealand to Australia because I feel that ten days would be manageable for her. Not that I vouch for even short times in quarantine (as there is no need for quarantine), but this could translate to continued business for those employed in the quarantine industry. Therefore, this objection is not a sound justification to continue with the current regime. I now turn to the third objection to my argument and this is around the consideration of animals as beneficiaries of moral decisions – or of animals enjoying moral standing.

3.2 Moral Standing Objections to Reducing Quarantine

For a person or animal to have moral standing presupposes that she is able to be affected either positively or negatively by a moral agent making a choice and that we take their welfare into consideration when making a moral choice. This means that the being involved is at least a moral subject. Kai Horsthemke argues that animals have moral subject status and that they have standing equal to human subjects.³⁵ Some philosophers deny that animals are due moral consideration in decisions that affect their welfare. According to them we are not obligated to consider them when we make decisions about quarantine.

³⁵ Horsthemke, K. 2010. "The Moral Status and Rights of Animals", p. 159.

Two leading philosophers who are renowned for their anthropocentric stance are Michael P.T. Leahy and R.G. Frey. Although these philosophers do not accord interests or rights to animals, they are a minority amongst philosophers contemporarily. Their arguments would correspond to a Kantian viewpoint that animals only deserve to be treated as a means to an end and not as ends in themselves.³⁶ They deny animals any moral standing. Although Leahy – who takes a more hard line approach than Frey - would not condone unnecessary suffering of animals, his philosophy is that animals would not suffer to the degree humans do because they are not self-conscious to the degree that humans are – mainly as a result of not being able to use human language³⁷. Despite the fact that he concedes he is no expert in animal physiology and is a philosopher rather, he nevertheless does make some claims about how animals experience (or do not experience) things like pain and suffering. He does not deny that animals are sentient, but maintains that there is a supreme degree of difference between humans and other animals. His claim that the possession of moral status depends on the ability to vocalise language is countered by the argument from marginal cases.³⁸

Alternatively, we could counter his argument by considering the following thought experiment. Imagine that we are visited by a sophisticated alien species which communicates through telepathy and whose intelligence is far greater than humans. How can any ability to suffer be reduced to the facility to verbalise any such suffering? His argument is far-fetched. Any person who has owned a pet could vouch for that pet's suffering when she becomes injured – sometimes the incomprehension of the situation

³⁶ Rachels, J. and S. 2010. "The Elements of Moral Philosophy", p. 137.

³⁷ Leahy, M.P.T. 1994. "Against Liberation: Putting Animals in Perspective", p. 237.

³⁸ Succinctly, the argument from marginal cases is concerned with humans who are on the margins of human normality. This could include infants or the intellectually challenged. While few would question their claim to moral status and dignity, these candidates would not pass Leahy's criterion for moral standing.

makes it worse than when one is able to explain things to a human victim. The most Leahy would probably concede is that we owe animals indirect duties via their human companions.

In Chapter 8 of his book “Against Liberation: Putting Animals in Perspective” - in which he discusses zoos amongst other topics - Leahy makes mention of the fact that objections to animals being so housed would consist in the fact that their ‘animal nature is frustrated by captivity’.³⁹ And, although he mentions Marian Stamp Dawkins’ signs of animal suffering and James Rachels’ claim that animals have a right to liberty⁴⁰, his conclusion is that an animal cannot object to being incarcerated against her will like a human can because she lacks self-consciousness.⁴¹ Kevin Behrens writes about Leahy ‘[a]rguing that animals lack the capacity for language, moral agency and self-consciousness and are thus not subjects of moral responsibility’.⁴² Even if animals are not self-conscious to the degree that humans are, this does not preclude them being moral subjects. They still have some awareness of their life situation. Otherwise they would not survive and thrive. Therefore, it does not follow that we can discount taking their needs into account when making decisions that compromise their interests or welfare – they can still have a claim to moral consideration.

Horsthemke claims that philosophers who deny moral standing to animals tend to concentrate on arbitrary differences - like the ability to speak - between us and animals to limit moral consideration, while at the same time ‘ignoring significant and relevant

³⁹ Leahy, M.P.T. 1994, p. 236.

⁴⁰ Ibid.

⁴¹ Ibid, p.237.

⁴² Behrens, K. 2009. “Tony Yengeni’s Ritual Slaughter: Animal Anti-Cruelty vs. Culture”, *South African Journal of Philosophy*, 28(3), p. 278.

similarities that exist between us. The failure to extend the benefits of morality, or general moral principles, to members of other species is both inconsistent and biased.⁴³ These similarities include qualities like our complex nervous systems and anatomy.

Frey argues against animals being accorded any interests, as he reiterates in the postscript to his book “Interests and Rights: The Case Against Animals”.⁴⁴ But most interestingly, he also denies rights to humans in relation to animals, especially the right to treat animals the way we currently do – including keeping them in zoos or using them for experiments or for food, and that,

we have no moral right to an animal’s confinement in zoos, to its ceaseless drudgery and labour on our behalf, to its persistent exploitation in the name of cosmetics, clothing, entertainment, and sport, to its blindness, dismemberment, and ultimate death in the name of science, and, to be sure, to its appearance on our dining-tables.⁴⁵

Judging from this quote, it would be hard to imagine him condoning quarantine. He likens the denial of interests to animals to denying women the right to abortion on demand – but emphasises that this does not leave animals (or women) powerless.⁴⁶ So, in effect he is according similar moral standing to animals and humans, albeit in a somewhat oblique way.

Despite their anthropocentric viewpoints, both Leahy and Frey appear to grant that animals, like humans, are able to suffer, feel pain and experience deprivation. Since most contemporary philosophers (including Peter Singer and Regan) attribute moral standing to animals, the onus of justifying their viewpoint has shifted to those who maintain a

⁴³ Horsthemke, K. 2010, p. 145.

⁴⁴ Frey, R.G. 1980. “Interests and Rights: The Case Against Animals”, pp. 168-171.

⁴⁵ Ibid, pp. 169-170.

⁴⁶ Ibid.

morally anthropocentric position – and who deny animals' moral standing. It is, therefore, neither implausible nor unfeasible to grant that companion animals should be the direct recipients of certain moral obligations.

Interestingly, the two major objections that I have discussed in effect negate each other, or work in opposite directions. Philosophers who feel that animals are not deserving of moral consideration would, by definition, not be worried about the welfare of the local populations of animals and wildlife (even if they are very concerned about human populations contracting diseases). They would therefore argue that quarantine is not needed if there is no threat to humans. And, if local animals happened to succumb to disease, this is not something that should be prevented at all costs. The consequentialist, on the other hand, would take issue with those who claim animals are undeserving of consideration because consequentialists are concerned with outcomes that deliver the best consequences overall – and include animals in their utility calculations. The consequentialist position therefore presupposes that animals are holders of moral standing.

As a final consideration, one could also raise the issue that there would be critics of my thesis due to the fact that most countries have moved (or are moving) forward from a quarantine regime – and I may be effectively conducting a straw-man argument. Despite this progress being positive news, there are still some laggards like Australia that do maintain onerous quarantine periods. To be sure, if these countries changed their policies, there would be some basis to this criticism, but while their rules are in place, my argument remains valid. Additionally, even if all quarantine is ended, my argument will remain in force if one considers that despite the fact that slavery has mostly been

abolished (and partly because people opposed it once it became economically unviable), the moral case against slavery retains its force. These types of practices need to be condemned (even after they are ended) so that there is no possibility for them to recur.

4 Animal Interests and Animal Suffering

Moral standing can be related to the possession of interests – interests ‘define the conditions under which [a creature] flourishes or languishes’.⁴⁷ This implies that if a creature possesses interests, we may have moral obligations toward her. It would be hard to deny that the kind of animals that are routinely quarantined have interests. Most contemporary philosophers would accord interests to dogs and cats. Any being that acts for the good of its own welfare or has desires displays an interest. Animals will not normally put themselves in situations of danger, and they usually act in accordance with maintaining their own well-being (as an example, many animals moved to higher ground before the Indonesian tsunami struck in 2004). In other words, they have an interest in preserving their welfare – just like humans do. According to Horsthemke:

Animals, like human beings, have interests. They are centres of experience, subjects of a life. They are individuals who have, and in some cases even take, an interest in living. Their lives can be better or worse for them. They can be made to suffer, and be helped as well as be harmed. Finally, many are capable of enjoying their lives. Therefore, it is not implausible to say that they matter morally and to regard them as morally considerable individuals.⁴⁸

When animal and human interests conflict (for example when we use animals for food) we usually have a situation where the interests of the animals are overridden. Putting

⁴⁷ Horsthemke, K. 2010, p. 47.

⁴⁸ Ibid, p. 50.

companion animals in quarantine is an example of the animal's interests being ignored or being subjugated to human interests. Time in quarantine constitutes a time of languishing for animals rather than flourishing, no doubt. Animals have an interest in freedom, rather than in being caged. This is supported by the fact that animals in zoos and enclosures are often stressed, will not breed as successfully and may live shorter lives.⁴⁹ In fact, it is even possible that the time in quarantine is a time of suffering for the animal. While animals cannot articulate or verbalise their interests, they are able to display their preferences – and this may also give us an indication that the animal is suffering. Animals will not subject themselves to pain unnecessarily and will move away from a pain stimulus. When my dog was a puppy, she shocked her nose on the electric fence. She was obviously in great distress and squealed, ran away and urinated on the ground. She is now extremely wary of the fence and avoids the area. She knows that chancing another encounter with the fence is not in her interest.

In the quarantine situation, animals' interests are closely intertwined with their owner's interests. The owner's interests would be compromised, because it would involve being isolated from the pet for an extended period of time. Human owners are negatively affected by being separated from the pet – since it is analogous to being apart from a family member. No pet owner would volunteer to have a pet put in quarantine. We do it because we do not (seem to) have a choice or an alternative.

It is widely accepted that all beings (human or animal) should not suffer gratuitously. We therefore need to address the issue of whether or not animals in quarantine suffer through their experience. This is important to know if we wish to make an informed

⁴⁹ Regan, T. and Singer, P. eds. 1976. "Animal Rights and Human Obligations", p. 210.

decision about quarantine. If the animal does indeed suffer, the case against quarantine is much stronger. Furthermore, if there is any doubt at all about whether a creature suffers unnecessarily through contact with any experience, then we are morally obliged to avoid the situation – since the being in question needs to be given the benefit of the doubt. Therefore, only if we are one hundred percent certain that the animal does not suffer at all (or at least not unnecessarily) can we consider quarantine tolerable – especially since there are alternatives that have proven (at least as) effective as quarantine.

4.1 Do Animals in Quarantine Suffer?

Marian Stamp Dawkins is an authority on the scientific determination of animal discomfort. In her book “Animal Suffering: The Science of Animal Welfare”, she details the symptoms that animals exhibit through the experiences of stress, distress and suffering.⁵⁰ ‘Stress’ is the term used to refer to physiological changes ‘that take place [in the animal] whenever animals are subjected to a wide range of conditions and situations, such as overcrowding, [or] repeated attacks by a member of their own species’⁵¹ for example. These changes that could take place are a heightened heart rate or adrenaline secretion into the blood. I think most people would have heard about animals being transported to slaughter having to deal with more stress than usual – especially overcrowding. ‘Distress’, which may not necessarily be harmful to an animal, causes the animal to respond in a way that may interfere with its well-being, comfort, and /or reproduction, with possible consequences of overt pathologic changes.⁵² In other words, when an animal becomes stressed, it may act in uncharacteristic, distressed ways. An example of this could be an animal going to slaughter trying to climb a fence in order to

⁵⁰ Stamp Dawkins, M. 1980. “Animal Suffering: The Science of Animal Welfare”, ch. 6.

⁵¹ Stamp Dawkins, in Singer, P. ed. 2006. “In Defense of Animals: The Second Wave”, ch. 2.

⁵² Clark, J.D., Rager, D.R., and Calpin, J.P. 1997. “Animal Well-Being II. Stress and Distress”, *Laboratory Animal Science*, 47(6), p. 571.

escape the situation. Dawkins defines 'suffering' as an experience that is both unpleasant and extreme.⁵³ In our example, an animal at the slaughterhouse would no doubt suffer through the experience of long transport to the destination, possibly in overcrowded and unpleasant conditions, with little access to clean air and water.

Dawkins evaluates a number of comparative tests to establish whether or not an animal suffers. These tests include comparisons to peers in the wild; comparison to human behaviour under similar circumstances and also symptoms of animal thriving. Obviously none are definitive since we cannot hope to get inside an animal's head to know how she feels, but taken together, or collectively, the signs and tests can be useful in forming a coherent case that the animal does suffer. The three symptoms indicative of suffering are the animal's health, physiological signs and behavioral evidence. Dawkins later refines her definition of suffering to being something that an animal would work hard to avoid if she were given the choice.⁵⁴ She distinguishes between unnecessary and necessary suffering in animals (in other words, suffering for no gain as opposed to suffering for greater benefit - for example, an injection for prevention of rabies) and she points to us imagining ourselves in their skins in order to get an idea of how animals may be feeling.⁵⁵ If a dog presents well and has bright eyes and a glossy coat and is eating well – she is presumably not suffering. If the dog is listless, with dull eyes and off her food, she is no doubt not content – and may possibly be suffering.

Suffering is often linked to pain, but this need not necessarily be the case. Even if the animal does not suffer physically, she can still be suffering mentally. In the case of

⁵³ Stamp Dawkins, in Singer, P. ed. 2006, ch. 2.

⁵⁴ Ibid.

⁵⁵ Ibid.

quarantine, the animal ‘suffers’ in that a significant portion of her life is wasted while people examine whether or not the animal is carrying any diseases. Therefore, the animal would quite possibly work hard to avoid this kind of situation and may even go off her food in quarantine. Companion animals often return from kennels sick and could even return with an illness colloquially called ‘kennel cough’.⁵⁶ Kennel cough is a serious condition and if not treated it can be passed other animals or cause the demise of the animal. This is clearly a cause of suffering for the pet.

The suffering an animal experiences in quarantine may manifest in ‘distress’ behaviour like pacing, or uncharacteristic repetitive-style actions in the animal. Imagine a lion captive in a small cage in a zoo for years. The animal may start to exhibit non-characteristic or abnormal behaviour – called stereotypies - like pacing or shaking his head continually.⁵⁷ She would, in short, begin to display some symptoms of mental illness or distress.⁵⁸ The same can be said for dogs – we are all aware of dogs that are overly aggressive, too timid or hyperactive.⁵⁹ All of these are symptoms of an animal that has suffered some sort of psychological damage and they may suffer like this in quarantine. In Australia, animals in quarantine are permitted visitors – but the times and hours are not very convenient. It differs from facility to facility, but typically one would be permitted to visit only for a couple of hours on certain weekdays. Visits are generally not permitted on weekends or public holidays. This would mean that some working

⁵⁶ **Kennel cough** is a highly contagious [canine](#) illness characterized by inflammation of the upper [respiratory system](#). It can be caused by viral infections such as [canine distemper](#), canine [adenovirus](#), canine [parainfluenza virus](#), or [canine respiratory coronavirus](#), or bacterial infections such as [Bordetella bronchiseptica](#).^[1] It is so named because the infection can spread quickly among dogs, such as in the close quarters of a [kennel](#) - see Wikipedia, “Kennel Cough”. 12 September 2012. http://en.wikipedia.org/wiki/Kennel_cough (accessed 22 September 2012).

⁵⁷ Gruen, L. 2011. “Animals and Ethics”, p.137.

⁵⁸ Horsthemke, K. 2010, p. 60.

⁵⁹ See Stamp Dawkins (*passim*).

people may not be able to visit their pets during the whole quarantine period. This would no doubt add significantly to any stress the animals are subjected to.

While the animal is in quarantine, she is usually confined to a fairly small cage. She is permitted to be exercised in a communal yard - this is up to the visitor or a hired dog-walker to do. Staff *may* exercise the animal every few days – but it does not sound like this is enforced, or can be relied upon.⁶⁰ Further evidence of suffering would be provided by monitoring the animal's demeanor and condition during and after the quarantine period. But, as I have stated above, physical symptoms are not needed to determine that the animal has suffered – it also bears the mental scars of a period of forced incarceration. Even if the physical environment of the station is not a cause of suffering for the animal, the separation of the animal from its owner would cause suffering – as it would for the pet's owner too. Since it would be almost impossible to prove that an animal does not suffer, we owe it to the animal not to put it through the experience.

If animals can display signs of mental stress, we can infer that they are capable of suffering psychologically - even if it is not the same as human suffering.⁶¹ Mental stress can be seen as a form of suffering. Animal suffering may not only be limited to being raised and killed for food or vivisection. Sentient beings, by definition, can suffer by living in strange and possibly cramped conditions for months on end – ‘they suffer both physically and psychologically, and they have their interests in liberty frustrated’.⁶² They may not understand how long this confinement would last, and while this lack of a sense

⁶⁰ Australian Government: Department of Agriculture, Fisheries and Forestry, “Quarantine station accommodation & fees”. 07 May 2012. <http://www.daff.gov.au/aqis/cat-dogs/accom> (accessed 29 June 2012).

⁶¹ Singer, P. ed. 2006. “In Defense of Animals: The Second Wave”, ch. 2.

⁶² Gruen, L. 2011, p. 174.

of time and duration may also be seen as a fortunate thing, it is arguably (and empirical evidence appears to confirm this) time spent pining as they see their human companions less frequently than usual. Most pet owners would attest that their animal companions pine if they are away for the day – so experiencing the double stress of physical / geographic relocation and of isolation could be an enormously trying time for the animal. This stressful period would be compounded the longer it endures. This phenomenon has been identified as separation anxiety. While not all dogs exhibit this condition, for those affected it may be an unpleasant and extreme experience. Since we cannot be sure how animals do experience this phenomenon, it is possible that this is a time of suffering for the animal. Indeed, it may be a time of mental stress or psychological suffering.⁶³

Within the pro-animal literature, there are obviously disparate views on what kind of treatment constitutes suffering in animals, what is considered harm, and – especially – what our responses ought to be. Consequentialist (i.e. utilitarian) philosophers like Singer argue that as long as animals do not suffer, they are not harmed⁶⁴ and that in situations where harm is unavoidable, on aggregate, the harms may not outweigh the overall benefits. Singer attributes interests to animals on the basis of the ability to feel pain. Since animals are possibly suffering unnecessarily in quarantine, Singer would not approve of the situation. Still other philosophers – like Lori Gruen - maintain that considerations of suffering (and of corresponding utility and rights) are insufficient to account for the subtleties in our moral interactions with nonhuman animals, placing the

⁶³ The Humane Society of the United States, “Separation Anxiety”. 3 November 2009. http://www.humanesociety.org/animals/dogs/tips/separation_anxiety.html (accessed 29 June 2012).

⁶⁴ Singer, P. 2009, p. 160.

emphasis instead on caring, compassion and companionship⁶⁵ - which echo virtue ethical theory.

The fact is that humans are (normally) able to articulate thoughts to express their physical and emotional state and that this is something that animals generally lack. For some reason, this ability to *communicate* how an individual feels has come to be seen as equivalent to being able to *experience* this state.⁶⁶ No one would deny that a person unable to communicate their physical and psychological distress is able to feel pain and experience deprivation – so on what grounds do we withhold the benefit of the doubt from animals with comparably complex nervous systems? Animals may not be able to express themselves in any human language, but some humans also lack this facility. It could be seen as speciesist to accord feelings only to human beings who are unable to verbalise them, but to deny them in relevantly similar situations to non-human beings.

Animals usually communicate physically and through body language rather than through speech. But dogs can bark, growl, yelp, squeal, howl or whine. Cats will purr, hiss, meow or screech. We have a fairly reliable idea of their intention when these vocalisations are made, although they are not using human speech. Additionally, animals could bite or scratch in response to a negative situation, or they could also move away to avoid a negative stimulus. Even human communication is often more reliable via body language than through speech. I could fairly easily say that I feel fine – but my demeanour could convey that I am not happy and feel ill. The use of language does not presuppose consciousness or having feelings. Humans developed sophisticated languages

⁶⁵ Gruen, L. 2011, pp. 155 - 158.

⁶⁶ Frey, R.G. 1980, pp. 89 - 100.

to communicate these emotions to others, not as evidence of possessing such capacities or feelings in the first place.

Philosophers who believe that animals are not able to feel pain – that they are merely automata that perform like machines – are misguided. This Cartesian⁶⁷ view can be easily refuted via the evidence that animals are able to get ill and then recover of their own accord. I think most people have witnessed an ill dog – hence the term ‘sick as a dog’. If dogs were machines, they would not easily get sick. Cartesian philosophers liken animals getting sick to machines failing. But when machines malfunction they are not able to subsequently fix themselves. If animals are able to get sick, they are able to be harmed. In addition, unlike machines, animals are able to reproduce – just like humans do. This is evidence that animals are closer to humans than they are to machines.

Therefore, if animals are able to suffer, we are obligated to cause them no gratuitous harm. Further proof that animals are in fact able to feel pain (perhaps more acutely so than humans since they may not understand how long it will last) is that it is a necessary evolutionary quality.⁶⁸ Animals who cannot feel pain would not survive or evolve – since pain-perception is instrumental in avoiding danger. If it were not present, animals would not be motivated to avoid danger – they would be too brave. Maintaining that animals cannot feel pain makes me think of a situation about people who are being operated on and who have had ineffective anaesthetic. They are conscious and feel everything but cannot move and cannot speak. I can think of nothing more awful and yet this is probably the case for animals sometimes. They are constrained and are suffering – but cannot tell us. We clearly do not give them sufficient benefit of the doubt.

⁶⁷ Horsthemke, K. 2010, pp. 19 – 22.

⁶⁸ Horsthemke, K. 2010, p. 23.

5 Arguments in Defence of Thesis

5.1 Question and Thesis Statement

‘Are we morally obliged to eliminate / at least substantially minimise companion animal quarantine?’

As far as I can ascertain from my research on the topic, this research question is an original one that has not been addressed previously in the literature on animals and ethics. In addition, I believe that the topic is unique from a philosophical (i.e. applied ethics) perspective. Most questions around animals’ deprivation of freedom are related to intensive farming, zoos, wildlife sanctuaries or even their lives as (domesticated) pets.⁶⁹ The moral issue faced here is around the experience of animals forced into quarantine by government policies that may be out of touch not only with the demand for respect for animal life and well-being, but also with what are (and what are *not*) *reasonable* requirements of health and safety.

The more I read about animal abuse and the ways in which humans use animals, the more I realise that most times we try to ignore the processes that put meat on the plate, or shampoo in the bottle. How can sensitive, good people acquiesce to the kinds of wrongs being committed to satisfy our acquired tastes and preferences? Have we become so desensitised to the suffering that we tend to discount the connection between animal and product? Humans’ right to a comfortable life is deemed sacred while animals’ is deemed (relatively) worthless and is regularly violated. I feel that sometimes the key to addressing egregious wrongs is to divide and conquer - as it were. If people become aware that something as seemingly innocuous as quarantine actually involves harm to

⁶⁹ Gruen, L. 2011, ch. 5.

animals, then they could become aware that things like raising animals for food is an even greater harm.

My thesis is that we are obliged to eliminate or substantially minimise animal quarantine. My argument is that there are more effective (and less harmful) ways to achieve the aim of safeguarding local animal populations from any threat of disease due to importation of foreign dogs or cats. Animal quarantine has a long history and in certain ways is as anachronistic as Ellis Island⁷⁰ was for human migrants. We would not tolerate such an institution today – and rightly so - but presumably it was seen as more acceptable last century. Perhaps people felt they had no choice in going through the immigration process. I would assume that people living in those times saw that regime as the necessary evil of seeking a new life in immigrating to the United States. Today we would see this as a compromise of human interests – just like incarceration of the innocent. This kind of treatment has been replaced today by people taking a medical in their home country before the immigrant is granted a visa. While the aim is the same, the method is more humane and less invasive. Attitudes and levels of acceptance have changed as people have become more empowered and emancipated. Establishment of the United Nations and the Universal Declaration of Human Rights⁷¹ have focused a spotlight on the treatment of people globally. Today an institution like Ellis Island would be seen as an abuse of human dignity. Imagine being scrutinised for diseases - and possibly being turned back to the old country like a person with Hansen's disease.

⁷⁰ Ellis Island opened in 1892 as a federal immigration station, a purpose it served for more than 60 years (it closed in 1954). Millions of newly arrived immigrants passed through the station during that time - in fact, it has been estimated that close to 40 percent of all current U.S. citizens can trace at least one of their ancestors to Ellis Island – see History.com, “Ellis Island”. 1996 – 2012.

<http://www.history.com/topics/ellis-island> (accessed 29 June 2012).

⁷¹ United Nations, “The Universal Declaration of Human Rights”. No Date.

<http://www.un.org/en/documents/udhr/> (accessed 29 June 2012).

While human and animal quarantine are not the same, there are nevertheless parallels. If we have moved on to more humane methods for humans, is it acceptable to retain an analogous regime for our pets – when our technology has advanced to the point of making quarantine unnecessary? Companion animals are subjects of a life and like humans and other sentient beings, they are able to suffer. While animals are suffering, we are obligated to act to end that suffering. Therefore, quarantine belongs in the last century – just like Ellis Island.

In addition to the issues of animals suffering or having their interests infringed in quarantine, there are two vital and related, largely empirical questions that also need to be answered. These are: firstly, what is the purpose or aim of quarantine? And, secondly, how effective is quarantine in achieving this aim? Once we get answers to these two questions, the debate can be framed in a coherent and consistent fashion. If we understand the purpose of quarantine, we may be able to suggest alternatives. Additionally, if we are able to determine *how well* quarantine meets this aim, we may be able to suggest *more effective* alternatives.

As indicated previously, the selected government websites indicate that the purpose of quarantine is to avoid the threat of disease being introduced to local animal (and human) populations via the import of animals from foreign countries. Rabies is the chief disease (or threat) governments want to avoid. How effective quarantine is in averting disease can only be established by looking at statistics. One can refer to statistics on how many cases of rabies have been detected in animals held in quarantine over the past few years – in order to get an idea of how effective quarantine is. If no (or few) cases of rabies are

detected in the thousands of animals going through quarantine over the years, then by implication, it is hard to justify quarantine *on these grounds*. If many cases are discovered, then there is proportionately greater justification. The figures from Australia quoted above indicate no cases of rabies detected in the last ten years in quarantine. This means that for approximately 80 000 animals, each spending from one to around seven months in quarantine and not one case of rabies detected, there is a lot of suffering for no obvious result. In other words, in addition to engaging in the moral debate, we may also be able to look to more practical means to remedy the situation and suggest more caring and, indeed, more economical alternatives.

There are different ideas on how humans could incur moral obligations to other animals. The three most common criteria or capacities that are used to determine whether or not animals have moral standing are sentience, rationality and autonomy.⁷² I think the least controversial of the three attributes that could be used for companion animals is sentience, as it would be harder to argue that such animals are rational or autonomous. Most philosophers grant that sentient⁷³ animals should not suffer unnecessarily, and that they do have (at least some minimal) moral standing. Since most, if not all, companion animals would qualify as sentient beings by any measure, we are, therefore, morally obliged to avoid any unnecessary suffering they may be exposed to. If we can achieve the aim of avoiding the introduction of disease into a country without causing any suffering, then we should choose that alternative. From the research I have undertaken, I am convinced that quarantine does indeed cause an animal *unnecessary* suffering – because the aim can generally be achieved without placing animals in quarantine.

⁷² Regan, T. and Singer, P. 1976, p. 8.

⁷³ Sentient – ‘having the power of perception by the sense; conscious’ – Dictionary.com, “Sentient”. 2012. <http://dictionary.reference.com/browse/sentient> (accessed 29 June 2012).

Immigrant humans arguably represent a threat to the health of local populations too. Certain governments do restrict the issuing of visas to people afflicted by HIV (a similarly arbitrary, misguided and archaic policy), but they do not prevent all risk-groups from entering the country. They deal with the issue on a case by case basis. I believe this approach needs to be adopted in our treatment of animals, too. If their papers are up to date (and consequently, by definition, are not a threat) then immediate entry ought to be permitted. If there are doubts about authenticity of papers or the papers are incomplete then perhaps a short quarantine ought to be considered, with careful inspection and monitoring by qualified veterinarians. There is no justification in subjecting all animals to a blanket, indiscriminate policy (especially given the consideration that some countries enjoy shorter periods of confinement, depending on the source country).

Even from a purely anthropocentric perspective, according to which animals are not due any direct moral consideration, or are at least incapable of suffering relevantly like humans, most (if not all) people would agree that human proprietors of animals are able to feel and suffer loss. Humans who have their companion animals placed in quarantine are arguably suffering as a result of the separation from their loved ones. People often see companion animals as extended family. I know that if I decided to emigrate, I would go to a country where my dog does not need to spend any or much time in quarantine – I would be very upset if I had to be separated from her for months. Even if we have no direct duty to animals, we surely have indirect duties to their human companions. If this is correct, then there exists even a good anthropocentric reason for a thorough review of *all* quarantine processes – since animal quarantine can be seen as a human rights violation.

People who are prepared to take companion animals with them overseas are people who see their animals as individuals (and part of the family) rather than pieces of property; otherwise they would simply sell their animal and buy another one in the new country. This is because it is far cheaper to buy a dog than to travel with a dog. If your sofa was cheaper to buy than to transport, most financially-minded people would rather buy a new one. If someone has a sentimental attachment to a particular heirloom or piece of furniture - even if they could get a cheaper alternative at their destination - they would take the item. Likewise, you only take a pet with you if you are attached to the individual animal in question. If this is the case, one would naturally keep the pet in peak health. This means maintaining her diet and keeping up with her rabies shots. Putting an animal in good health in a kennel will more likely cause the pet to get sick rather than through the preferred alternative of keeping your pet with you. An animal that has had all their shots is not a threat to any local populations.

Therefore, a more effective resolution needs to be sought. By taking the welfare of all the animals concerned into account (not simply the majority), we are able to determine a better solution. More modern and effective treatments and prevention of rabies and other diseases mean that by the time your pet arrives in the new country it poses no risk to the local populations. In fact, it would be irresponsible to allow a pet that is a potential threat into the target country – even via a period in quarantine. All the preventive measures should be undertaken before the pet leaves her source country. More common these days is to have the pet complete a process of inoculations in the year or six months leading up to departure. If her papers are all in order, the pet gets clearance to accompany her owners on the flight to the new country.

Animals' interactions with humans often consist in the animals being used as a means to human ends. Sometimes the animal will be loved, as in the case of a companion animal – and one gets the impression that mostly this relationship is reciprocated or required. Unfortunately, in the vast majority of instances the contra positioning of human and animal interests results in a disastrous experience for the animal. Here I would refer to animals being raised in factory farms, animals being used in experimentation, animals in zoos, animals being hunted, etc. Truly, there are many causes for an animal rights advocate to pursue. Why does animal quarantine deserve mention when there are so many more urgent issues regarding how animals are being used and abused? Animals are being killed by the billions each year to satisfy the human hunger for flesh – in terms of animal suffering this would surely be the number one issue.

Not only do we sacrifice animals in order to eat them, we also ravage the planet in our cultivation of meat – because the production of meat is very resource intensive.⁷⁴ So, why would the plight of a few (relatively speaking), somewhat pampered companion animals that happen to spend a few months in a kennel in quarantine be the appropriate topic to warrant an article of research? In relation, this would comprise low-level abuse. Many people would argue that it involves no abuse at all. If we look at the issue rationally, the animal in question most likely comes from a wealthy home (emigrants tend to have resources) and she is loved by humans - enough to be relocated at great cost. It costs thousands of ZAR to take a companion animal abroad and to have it go through the quarantine process. Arguably, only the most privileged pets would get to experience this situation.

⁷⁴ Stanford Woods Institute for the Environment, "Unintended Consequences of the Meat Industry". 2004. <http://woods.stanford.edu/evp.php?name=livestock> (accessed 29 June 2012).

My motivation to write this report is in part somewhat personal. I am South African / Australian and would ideally like to return to Australia to live. I would like to take my dog with me – yet, when I consider that she will have to spend so much time in quarantine, I baulk at the prospect. I cannot imagine she would make it through unscathed. She is a sensitive, rescue dog and every evening when I get home she is so excited and it is more than obvious that she, like many other dogs, suffers separation distress while I am away at work. My sister tells me she is quite different when I am away – she spends most of the day in her bed and is very subdued. So how could she cope with months of separation from me, her ‘owner’? I really do not think that it is a possibility – so now I am considering going to Canada instead – since there would be no quarantine. Sunny would accompany me on the flight and I would retrieve her on the other end. My second option is to first go to New Zealand, let Sunny spend ten days in quarantine and then live there for six months before relocating to Melbourne – *sans* quarantine.

If animals suffer in quarantine, or their interests are infringed, we are obligated to reassess the situation. Naturally, it could be argued that animals do not suffer and that they do not have interests by philosophers like Michael Leahy⁷⁵ and R. G. Frey.⁷⁶ However, I have argued that animals are able to suffer and they do so in quarantine and that they do have interests and that these are frustrated in quarantine. These conditions being satisfied imply that we owe it to animals to end the procedure.

Additionally, by admission of the countries involved, quarantine is an onerous process for companion animals. Australia does not recommend subjecting older dogs to

⁷⁵ Leahy, M.P.T. 1994, ch. 7.

⁷⁶ Frey, R.G. 1980, ch. 2.

quarantine – since they may not survive. This implies that it is an arduous endeavour. Both England and New Zealand concede, in the reasons for their change in quarantine procedures, that eliminating / reducing the quarantine period will save the pet a certain amount of distress and that it will make more sense economically. If only for the time period the animal is incarcerated, there is an argument that this amounts to suffering in terms of freedom lost.

5.2 *Why is the Issue Important?*

The issue of quarantine needs to be addressed because we are witnessing an on-going abuse of sentient beings – albeit in the guise of the provision of some necessary and valuable service. I believe that this is causing harm to animals. Just like we harm animals in vivisection or factory farming or hunting, we can be said to harm animals while they are isolated in quarantine. Since animals cannot object, those making policy and rules are not under a huge amount of pressure to justify the quarantine. Animals do not have a desire to spend months in a small cage – and normally try to escape. I think the quarantine situation is analogous to animals being kept in zoos. In his paper ‘Do Animals Have a Right to Liberty’, James Rachels writes of the zoo experience for animals:

It is a familiar fact that many wild animals do not fare at all well in captivity: taken from their natural habitats and put in zoos, they are at first frantic and frustrated because they cannot carry on their normal activities; then they become listless and inactive, shadows of their former selves.⁷⁷

He also writes about increased rates of disease among zoo animals and a shorter life span than wild counterparts – although some evidence points to the contrary, i.e. that zoo animals have longer lives than those in the wild. Companion animals that are confined

⁷⁷ Regan, T. and Singer, P. 1976, p. 210.

would have a similar experience. They may not be wild, but they would most times be used to space and more liberty than is available at kennels or quarantine accommodation. In effect, they are not able to move around freely or follow their wants. Companion dogs love the routine of their daily walk – I know my Sunny gets extremely excited when we go for a walk and she knows as soon as I get her lead that she is about to go for her walk and she is extremely animated and ecstatic.

Captive animals arguably experience a certain amount of psychological suffering. Another situation analogous to quarantine can be experienced when visiting the SPCA. The animals are similarly confined to cages – sometimes more than one animal to a cage. The dogs are very noisy and bark constantly. The experience is not pleasant for a human visitor – the cages are small and mainly concrete. I cannot imagine what it is like for a resident. When we chose our rescue dog Sunny, she was very timid and was being bullied by her cage mate. All in all there was little evidence that this was an environment conducive to animals' surviving, let alone flourishing and being happy. The animals did not seem healthy, and to me they all seemed distressed. After we had our dog a few days she became extremely ill with kennel cough.

This is not to say that animals in quarantine are always unhappy or always get sick – but living in close quarters with other dogs that may be sick will put healthy dogs at a greater chance of picking up a virus or disease. Indeed the concept of quarantine is a misnomer – since animals are not being individually isolated, as is the case for humans suspected of contagious disease. Actually, a lot of animals from all over the world are being kept together at close quarters away from the local population. This situation is in itself questionable in regard to effectiveness and safety for the residents. I would argue that the

situation is more prone to spreading disease than the alternative of allowing each pet to remain with her owners.

One of the most generous of human qualities is that of compassion and consideration. What makes us human is in part an ability to try to put ourselves in another's position – to empathise and sympathise with others. We should be able to consider non-human animals in our feelings too. They are more deserving of our consideration because they cannot argue for themselves and they rely on us to speak for them. It would be a serious lapse on our part to tolerate harm towards animals without voicing our concerns. Just like we disapprove of dog-fighting or donkeys forced to work long hours, we should voice concerns about any animal suffering. To ignore their plight makes us lesser humans and puts us below the animals. We often rely on our capacity for compassion or altruism to emphasise how we are better than other beings. The question arises whether this is only when it is convenient to us. Even if someone could argue that animals are not worthy of moral concern – at the very least we do owe their human owners moral consideration and would therefore need to give weight to their interests. Even if an animal cannot be said to 'suffer' in quarantine, the animal's owner is clearly suffering.

Some people may see freedom for animals as an instrumental good - or means to an end. But some philosophers (like Gruen) believe that it is of intrinsic worth – or good in its own right.⁷⁸ This is because animals need (at least some) freedom to flourish, just as humans do. A trapped or caged animal will not be as happy as the same animal that has freedom to run and play. Horsthemke writes that 'the practice of keeping individuals in

⁷⁸ Gruen, L. 2011, pp. 141 - 144.

captivity is morally reprehensible in that it constitutes a bar to the natural unfolding of lives, whatever one's potential or capacities'.⁷⁹

Politically sophisticated, democratic countries like Australia and New Zealand - would possibly like to be seen as world leaders in honouring the welfare of animals - evidenced by the countries' generally enlightened stance on animal experimentation, whale hunting and factory farming etc. This is evidenced in the following in the Australian Department of Agriculture, Fisheries and Forestry website - 'Australia is free from some of the world's major agricultural and aquatic pests and diseases, *and is a world leader in animal welfare*' (emphasis added).⁸⁰ These countries would probably not even comprehend the charge of recalcitrance. The highlighting of the quarantine issue to authorities would alert someone in government to an ongoing inconsistency in public policy. This could lead to a more holistic, effective and ultimately even a more economically viable resolution of the matter.

Some people regard the keeping of companion animals as a form of animal harm – and advocate the cessation of even this practice. If this view is at all accepted, then clearly the quarantine of companion animals is even more of harm to those animals. Nonetheless, I do not see a philosophical contradiction in my position on the desirability of removing quarantine and of the permissibility of keeping pets. I do not regard the keeping of companion animals as harming them. I see it as a symbiotic relationship between human and non-human animals, especially when we are referring to commonly domesticated animals such as dogs and cats. It does not make sense to 'free' companion animals;

⁷⁹ Horsthemke, K. 2010, p. 60.

⁸⁰ Australian Government: Department of Agriculture, Fisheries and Forestry, "Animal and Plant Health Home". 7 August 2012. <http://www.daff.gov.au/animal-plant-health> (accessed 22 September 2012).

although it may be argued that we should stop breeding them. If they were ‘freed’ and left to their own devices, they would likely not survive – and this is surely a fate worse than domestication. I believe that especially in the case of rescue dogs or cats, the keeping of them as pets is a beneficial service to them rather than a harm, provided they are treated with respect and provided all the nurture, nutrition, water, medicine and space to live full lives. I do, however, regard animal quarantine as an actual and real harm.

People whose pets are forced to endure the hardship of quarantine must also pay for the displeasure. One fact that the figures of rabies incidence expected in the UK’s calculations above highlight is that for an infinitely small chance of rabies being introduced to animal or human, thousands of animals each year were going through the quarantine process. From a consequentialist standpoint, this would be hard to justify. This can surely not be just. Would the UK have changed their rules if Europe had not forced their hand? This is a not an easy question to answer – maybe an answer could lie in the decision behind New Zealand’s standardising of their rules. Most important is the point that things are changing – all for the animals’ welfare.

Obviously, since rabies control has improved so much, any continuance of onerous quarantine rules constitutes unnecessary suffering for the animal. Countries with draconian quarantine periods cannot claim that the processes are in place in order to exclude disease – since it is proven that other countries are able to remain disease-free via more humane methods. A consequentialist argument of protecting the majority local population against introduced disease can no longer be made if there is no viable threat to the local humans and non-humans. I believe that this condition is met by improved

rabies and disease control. There is therefore no threat to animals or humans posed if the animal's papers are in order. In fact, consequentialist claims can be made that one needs to include quarantine animals in the calculation of net overall utility. The situation for quarantine dogs and cats needs to be also taken into consideration and their unhappiness would count against the total happiness or utility of the local population. Ironically, since there is no real threat to local populations of animals to healthy dogs being introduced, the best consequences are arrived at by keeping the import dogs happy.

There are some concerns about a virus related to rabies - Australian bat lyssavirus – that is present in Australia. 'Lyssaviruses are a group of viruses that includes rabies and Australian bat lyssavirus'.⁸¹ Lyssavirus is not normally transmitted to humans, and only two people have become infected and died. As is the case for rabies, once symptoms appear, there is no cure. The incidence of lyssavirus raises the possibility of rabies running through wild populations too – and not necessarily being spread by domestic animals. It is possible for rabies to be carried by all warm-blooded animals (although birds are not affected). If animals in quarantine are a threat, then under the current regime, it would be presumably possible for a rat or bat to become infected with rabies through contact with an infected dog in quarantine and then pass the condition on to a local uninfected animal.

In addition, grouping companion animals from every corner of the globe together in quarantine is not the most effective way to combat rabies. One needs to look to a more holistic and viable way to handle the situation – rather than to try and isolate imported

⁸¹ New South Wales State Government: Australia – Health, "Rabies and Australian Bat Lyssavirus Infection". 11 October 2011.
<http://www.health.nsw.gov.au/factsheets/infectious/rabiesbatinfection.html> (accessed 29 June 2012).

animals. According to the Australian Quarantine website, rabies can take up to a year or longer to manifest⁸² – so even *with* their strict policy, there is a chance that some animals could carry rabies undetected through the quarantine period – however minute the chance may be. This implies that the existing quarantine regime could fail. It would make more sense to make sure that the pet's papers are in order rather than putting the emphasis on a period of quarantine. Additionally, inoculating local domesticated animals would be a more prudent method and even more failsafe. It would at least add an extra degree of protection. We are living in an increasingly globalised world and people are travelling inter-continentially overnight. Surely we need more modern ways to handle all aspects of migration rather than methods having their origins in the 1800s. Australia has an additional problem with illegal migrants arriving by boats along the long porous northern sea border - via countries like Indonesia. Surely it is possible that infected animals could arrive this way (possibly an infected rat aboard a ship) and present a more viable rabies threat than domestic animals that go through a formal importation procedure. So, if the rabies risk is great, it would make sense for local dogs and cats to be inoculated.

I will now discuss selected moral theories in defence of my position. I will elaborate on Deontology, Virtue Theory, the Capabilities Approach and Theriophilia. The moral theory I feel most complements my viewpoint and supports my argument is Deontology – because it supports direct human obligations towards non-humans – if not the correlative rights of the latter. It does not rely on charity or kindness towards, or love of

⁸² Australian Government: Department of Agriculture, Fisheries and Forestry, "Rabies". 21 June 2011. <http://www.daff.gov.au/animal-plant-health/pests-diseases-weeds/animal/rabies> (accessed 29 June 2012).

animals, calls to animal dignity or inherent value, or considerations of consequences of action – it concentrates on what is the right thing to do on the basis of direct duty.

5.3 *Deontology*⁸³

Deontology is the moral theory of direct duty – in other words, of the morality or goodness of acts themselves. Its name derives from the Greek words for duty and science and it is closely associated with Kant. Kant emphasised the importance of making choices out of a sense of good will. The theory is most concerned with treating moral subjects as autonomous entities. These subjects are to be treated respectfully and also as ends in themselves rather than as a means to an end. This means that we do not use people (merely) for our own purposes – we always treat people the way we want to be treated. The theory also emphasises a moral agent performing a right action in any given circumstance requiring a moral decision. It is important to note that Kant did not regard animals as being moral subjects. He felt that we are under no direct obligation to treat them well, as he did not consider them as rational beings. He saw humans in a completely different league entirely and ‘special’ among other animals. Kant did feel however, that we may have indirect duties towards animals, in that treating them badly could make human interactions more abrasive. Modern deontological thought and more recent philosophers do regard animals deserving of consideration however – as animals are seen to have some desires and goals for the future. Kant would possibly support respectful treatment of pets if we consider obligations toward their human owners.

According to deontology, the consequences of the act are not as important as performing the correct action. Rights-based theories can tend to favour the individual rather than a majority. Especially from an absolutist position, these theories would consider that

⁸³ Rachels, J. and S. 2010, chs. 9 & 10.

sacrificing one baby to save a nation an incorrect action – even if people think this is ludicrous and impractical. This theory often tends to work in opposition to a consequentialist theory, since consequentialism does not primarily concern itself with the action itself, but rather the consequences of that action. The aggregated happiness or good of all the morally considerable entities impacted by a decision is the important consideration when evaluating a moral choice. Thus, if a consequentialist theory supports quarantine in order to safeguard local populations of animals and humans, the deontological position would arguably tend to emphasise the harm suffered by the quarantined animal (and her owner), since putting the individual animal through an experience that violates its interests could not be justified by pointing to any greater good obtained by the larger population. Thus, ‘for deontologists, the Right has priority over the Good’.⁸⁴ In other words, allowing an animal to suffer unnecessarily could not be seen as the right choice by the deontologist.

One could also argue along Kantian lines that even if animals enjoy no moral standing, we may still owe it to one another as sensitive humans to treat animals respectfully and kindly.⁸⁵ That is, we should not subject them to lengthy periods of quarantine – seven months in quarantine for a dog could be considered analogous to four years for a human if we believe the popular adage that each human year is like seven years for a dog. In support of this, dogs do tend to have very short lives, comparatively speaking.

⁸⁴ Alexander, Larry and Moore, Michael, "Deontological Ethics", *The Stanford Encyclopedia of Philosophy (Fall 2008 Edition)*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/fall2008/entries/ethics-deontological/> , p. 4. (accessed 14 July 2012).

⁸⁵ Rachels, J. and S. 2010, p. 136.

5.4 *Virtue Theory*⁸⁶

Virtue Ethics can be attributed to both Aristotle and Plato.⁸⁷ It is one of the three major applied ethics normative theories along with consequentialism and deontology.

Although the 'virtues' have changed over time from ones like courage, honour and generosity in Plato's time through to faith, hope and charity according to Christian moral tradition, the currently accepted virtues are more secular but include qualities like compassion, honesty, justice, benevolence and tolerance. So with Virtue Theory, generous human qualities are esteemed in one's treatment of other moral subjects. The virtues are seen to be the kind of qualities that make a 'good' or just person. These qualities are generally the type that would be found in almost all cultures and are not limited to a Christian culture. 'Aristotle said that a virtue is a trait of character manifested in habitual action'.⁸⁸ Thus, they would be considered good in most cultures and would transcend cultural boundaries. Therefore, virtuous actions would not be subject to criticisms of cultural relativism (which attempts to explain differing moral views according to culture). In other words, a virtue in one culture would not be considered a vice when 'enacted' in another culture.

Extending this idea of virtue theory to human interactions with animals could likewise be seen as apposite and definitely virtuous. If the theory can hold across cultures, it can likewise hold across species. Therefore, showing qualities like compassion and kindness to animals is as appropriate as exhibiting these qualities in our human interactions.⁸⁹

This means that, other things being equal, we should not tolerate anything causing

⁸⁶ Rachels, J. and S. 2010, ch.12.

⁸⁷ Hursthouse, Rosalind, "Virtue Ethics", *The Stanford Encyclopedia of Philosophy (Spring 2012 Edition)*, Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/spr2012/entries/ethics-virtue/> (accessed 14 July 2012).

⁸⁸ Rachels, J. and S. 2010, p. 160.

⁸⁹ Rachels, J. and S. 2010, ch.12.

suffering to our pets. Central to virtue theory a concept called *eudaimonia* – which encompasses the rights of a being to flourish. For animals to flourish they would need to be content and free to follow their interests – and unnecessary suffering could not be consistent with *eudaimonia*. Contentment could not be possible living at close quarters with hundreds of other dogs and cats in small cages.

Eudaimonia has traditionally been viewed in terms of human flourishing and has not been extended to non-human animals – for the reason that they are not (considered) rational. But if an animal is able to flourish, then there is no reason why a theory of virtue should not support this goal in terms of animals too. Animals are clearly able to flourish – they evidently benefit from being kept in good condition and being well exercised (healthy coats and bright eyes are testimony to this). It doesn't seem fair not to recognise such a goal if there is any debate over their rationality. If a being can flourish, we owe it to them to aim for this, and to call for an end to quarantine.

5.5 Capabilities Approach⁹⁰

The capabilities approach, which has been proposed by Martha Nussbaum (following Amartya Sen), would aid my argument through an emphasis on animals' claim to dignity. Nussbaum has developed a capabilities list for human empowerment and freedom – which includes the kind of factors or qualities that allow a person to live a life worthy of human dignity. The kind of capabilities Nussbaum lists for human potential include the following amongst others: *life* – the ability to live a full-term life; *bodily health* – to live in good health and be well nourished; *bodily integrity* – to be free from assault and *affiliation* – to be able to live with others of one's choice. She believes that having

⁹⁰ Sunstein, C.R. and Nussbaum, M. eds. 2004, "Animal Rights: Current Debates and New Directions", ch.14.

access to these kinds of capabilities is the basis for a life of human dignity. She has also adapted this list to accommodate animals with factors more applicable to reaching dignity in their lives.

The kind of factors or qualities included on Nussbaum's capabilities list for animals are: *affiliation* - including being granted the legal status of dignified beings; *practical reason* – including plenty of room to move around; *play* – adequate space and an environment conducive to a pleasurable existence and *control over one's environment* which includes territorial integrity of their environment. Animals in quarantine would not be 'capable' of achieving any of the above qualities. In terms of affiliation, they could not be enjoying the legal status of a dignified being while languishing in a cage. In regard to practical reason and play, there would be very little space to move around or an environment conducive to a pleasurable existence. The creature in quarantine is not conceded much 'dignity' at all – and her capabilities or choices are very limited. In short, the capabilities approach supports an animal's desire for a state of existence in which they can be as free as possible and reach their own kind of potential for a dignified and full animal life. This would be analogous to a human's desire to lead a dignified human life. A fully developed human would have advanced capabilities – e.g. a woman should believe that any career or life expectation is within her grasp or that she can aspire to human dignity via the capabilities list. Likewise, for an animal for which freedom is an intrinsic good, the quarantine situation would be abhorrent – and contra-indicated for a dignified life.

5.6 *Theriophilia*⁹¹

Theriophilia means 'love of animals', or to literally be fond of animals. While Stephen Clark termed this orientation 'zoophilia', Horsthemke has suggested the term 'theriophilia' 'for

⁹¹ Horsthemke, K. 2010, pp. 172 - 174.

reasons of etymological consistency'.⁹² Yet, as Horsthemke writes, 'to be fond of something or someone does not provide a basis for consistent moral concern, let alone establish that someone or something has moral standing'.⁹³ Conversely, believing animals are deserving of moral concern does not make one an animal lover – one may support the cause more out of a sense of justice. So it is not completely clear that theriophiles would consistently object to quarantine – but they may be more predisposed to arguments in favour of moral consideration for animals rather than people who are animal haters or people convinced that animals are not due any consideration. This would be particularly true if theriophiles believed that animals suffer in quarantine – since an animal lover would find animal abuse or suffering abhorrent. If there is any doubt about how an animal would cope in quarantine, we should not subject them to the experience. As I have argued, it is most likely that animals do suffer in quarantine, so theriophiles would likely support an end to the practice. I cannot believe a pet owner would consider quarantine for their pet if it was not mandatory – even if they believed the animal would not suffer at all. Therefore, in light of evidence that animals do indeed suffer, we should eliminate quarantine where possible.

Even though the deontological approach may seem in a way to contradict itself (with Kant not respecting animals and deontology seemingly emphasising the supreme moral significance of the individual animal), I consider this the theory that most closely aligns with my view of quarantine. This is because I do not feel that putting an individual animal through a time of unnecessary suffering is justified by pointing to gains of the local animal population. Doing the right thing means we have a duty to end quarantine. Virtue theory is also strong in terms of support for quarantine animals, but its motivation

⁹² Ibid, p. 173.

⁹³ Ibid.

could be seen to be out of a sense of human charity to the animals rather than doing the correct thing for animals. The capabilities approach is good in theory, but one may find it more difficult to argue against quarantine on the basis of extending the capabilities list to animals, compared to the safety of the local animal population. I believe that we need to see their suffering as something that requires direct attention, rather than mediate concern based on somewhat less urgent and more esoteric capabilities. I think that theriophilia does not really provide a strong enough argument in favour of eliminating animal quarantine – since theriophiles could possibly consider arguments in favour of the local populations of animals above quarantine animals.

6 Risks and Recommendations

Obviously, a major concern would be that the current quarantine regime in a particular country could allow problems or diseases to enter a country. By placing the emphasis on detection in quarantine rather than prevention prior to entry, this remains a valid issue. It makes more sense to adopt a preventative strategy rather than a cure or remedy approach. Since it is possible for rabies to take more than a year to manifest, it would make most sense to insist on a reliable history of at least one year of rabies vaccinations – before the animal can be considered for import. The rules applied would need to take younger animals into consideration – as is the case for Canada. Clearly, if there are any doubts about the authenticity of the animal's credentials, then the animal should not be allowed to travel. Just as a human's passport or visa is checked before she can board a flight, so should the animal's papers be verified prior to departure. If checks and balances are in place to ensure sufficient measures exist, then onerous quarantine periods are not warranted. Obviously, the target country should insist on reputable and approved

certificates – and in the absence of these there could be a fallback position to ensure protection of local populations. This could include disallowing importation to prevent any threat. This kind of approach would be more robust than trying to control the risk from within the target country.

I also recommend that all companion animals are inoculated against rabies – even in rabies ‘free’ countries like Australia and England. Animals do not respect borders and even islands are able to be breached by migratory animals like bats (or sea mammals) that are able to carry the rabies virus – possibly infecting local animals. This approach would be far more holistic and effective in protecting local animals and humans. There may not be enough of a threat to humans, but if rabies really is a concern, humans too could be inoculated.

I recommend that the quarantine process be changed in all countries with long detention periods – to bring them into line with global trends. The process is not as effective as it could be and it would make more sense to replace it with a new process – one that is kinder to pets and owners alike. The upside is that making positive changes to this process will not involve any loss of confidence in countries maintaining their disease-free status.

7 Conclusion and Implications

We owe it to our animal brethren to reject any unnecessary suffering they endure due to time spent in quarantine. Cats and dogs are sophisticated, sentient beings, capable of suffering through the deprivation of freedom. They have interests in maintaining their

(relative) freedom and this is compromised through time they spend in quarantine. Luckily, quarantine is not a *necessary* evil. Fortunately, adequate examples (that could be seen as control experiments) exist for countries where quarantine is not practised. None of these countries is witnessing a rabies epidemic. Their animal import rules are based on modern, scientific research and experience – no country will take a risk on such an important issue. Advances in disease control have led to a much needed rationalisation of rules. This pragmatic approach should be introduced in all countries where strict, outdated rules are still practised. We are not dealing with harmless regulations and bureaucracy - we are talking about real and unnecessary suffering for our best friends during this costly process. There should be pressure brought to bear on those who maintain these procedures – the onus is on them to justify their treatment of our companion animals. This tardiness in reassessing their procedures would not be tolerated if we were dealing with humans. Those countries that are reluctant to change with the times need to be lobbied to make those changes. There is a need to introduce more effective, more humane regulations. This change would lead to a more sober, effective treatment to the issue – we are able to achieve the same aim of disease control - without dropping standards or effectiveness of treatment. Simultaneously, animals would reap the benefits of far more humane, modern and economical rules.

Where there is any doubt on exactly how animals experience this kind of loss of liberty, we should be giving them the benefit of the doubt. A review of current practices in those countries where quarantine is still a reality should be conducted. This should lead to a much safer, happier solution for all those people and animals that need to go through the stressful process of migration. Quarantine should be assigned to the history books in the same way slavery has been.

8 Bibliography and References

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