

What is Animal Cruelty?

A Humane Law Enforcement Perspective:

What constitutes cruelty to animals?

Excerpted from Walter Kilroy, former director, MSPCA Law Enforcement

Ask a group of animal protectionists if hunting, trapping, calf roping, steer wrestling and a long list of other animal-use activities are cruel and you will probably get a resounding "yes." Ask the same questions of those who participate in these activities and you will likely get a resounding "no." Everyone sees things from the perspective of their own concerns and interests. And many kinds of people have an interest in animals.

This dilemma has existed since the very beginning of the animal-protection movement. While much progress has been made for animals in our society, particularly during the past 50 years, the continuing absence of a widely accepted definition of cruelty to animals remains an enormous obstacle. Every activity that threatens the well being of animals - and that has not already been remedied through legislation - must be challenged and overcome on a largely individual basis.

One definition, sometimes used by judiciary authorities, the MSPCA and other humane law enforcement officials, is found in Blacks Law Dictionary:

Cruelty to Animals. The infliction of physical pain, suffering or death upon an animal, when not necessary for purposes of training or discipline or (in the case of death) to procure food or to release the animal from incurable suffering, but done wantonly, for mere sport, for the indulgence of a cruel and vindictive temper, or with reckless indifference to its pain.

The single greatest obstacle to drafting, interpreting and more effectively enforcing animal-protection laws is the premise on which they are based. Constitutionally designed to protect people from acts that are considered offensive to human morality, these laws do not always consider animals' true biological and social needs. Nowhere is this more evident than in humane law enforcement. Each day in the MSPCA's Law Enforcement Department brings calls from people concerned about activities that they consider cruel but that may not violate any law. One of the most common, and sometimes heart-wrenching, of such calls concerns the dog chained to a doghouse 24 hours a day, seven days a week, 52 weeks a year. The dog is fed and watered adequately and is in good physical condition; but its only contact with another living creature occurs when its owner sees to its basic physical needs. The dog - like most dogs - apparently craves companionship, as it often cries incessantly. But it lives in near-total social isolation.

Does this sound like a cruel situation? To the MSPCA it certainly does. Does it violate any animal-protection laws? No, it does not. Technically and legally, there is nothing the MSPCA can do to compel a change in this situation.

Other common cruel but legal practices include dogs kept perpetually tethered on short chains, unable to properly exercise; dogs and cats confined to dark basements but otherwise properly cared for; and highly social elephants and other wild animals living solitary, stress-laden, and unnatural lives in zoos.

Regrettably, laws that protect people's sensibilities rather than animals' social and biological needs often fail to recognize the plight of these and other suffering creatures. Not until laws protect animals for their

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own sake will debates and disagreements over what constitutes cruelty be resolved - and humane law enforcement be able to intervene more effectively on behalf of all suffering animals.

In the meantime, we strive to interpret and enforce the laws that do exist, and to educate people about animals' needs in cases where the law does not provide adequate protection. We also work to educate the public, since this is the best way to change expectations and sensibilities and, ultimately, to create more comprehensive animal-protection laws.