

HISTORICAL OVERVIEW OF THE CHANGE IN ANIMAL STATUS. TRANSFORMATION OF THE LEGAL AND ETHICAL STATUS OF ANIMALS AS A DEONTOLOGICAL CHALLENGE TO THE VETERINARY MEDICAL PROFESSION

Iliyan Radev Kostov

Department of Clinical Sciences, Medical University – Pleven, Bulgaria, iliyan.kostov@mu-pleven.bg
ORCID ID: 0000-0001-7243-5749

Abstract: This article aims to provide a historical overview of the change in the status of companion animals and to analyze the deontological challenges faced by practicing veterinary surgeons when working with companion animals.

Using methods of analytical review, the article traces the historical transformation of animals from mere legal property (*res*) and "living machines" (according to Descartes) to sentient beings officially recognized by law and science from antiquity to the present day. The transformation of the legal and ethical status associated with this deontological challenge is analyzed from a deontological perspective.

The article achieves several key scientific, applied, and conceptual results:

Systematization of historical and legal evolution: The article successfully traces the historical transformation of animals from mere legal property and "living machines" (Descartes) to sentient beings officially recognized by law and science. Fundamental international and national acts (the Treaty of Lisbon, International and European conventions) that regulate this transition and its legal consequences for veterinary practice are analyzed.

Clarification of the modern ethical and conceptual framework: A transition is made from the "Five Freedoms" to the "Five Domains". The evolution of animal welfare concepts is explored—moving from the passive prevention of suffering to active care aimed at providing positive emotional experiences and psychological comfort for patients.

Identification of deontological conflicts in practice: The article defines the primary deontological conflict in which the veterinary surgeon is no longer merely an executor of the owner's (client's) will, but serves as the primary advocate and defender of their patient (the animal).

The publication can serve as a benchmark for veterinary professional organizations to update professional codes of ethics and establish clear deontological algorithms for managing complex clinical and ethical cases.

The transformation of companion animals from economic property into sentient beings necessitates the definitive abandonment of traditional paternalism and a transition toward formal bioethical analysis in daily clinical practice.

The change in the legal status of patients requires a rethinking of the traditional "veterinarian–client–patient" triad. The veterinary surgeon ceases to be a mere technical executor of the owner's wishes and establishes themselves as the primary ethical and legal advocate for animal welfare.

The discrepancy between traditional property law and modern neurobiological and deontological revelations gives rise to systemic ethical conflicts in clinical practice (economic euthanasia, cosmetic procedures, refusal of treatment). This mandates continuous updates to professional ethical codes and the development of clear deontological protocols to address moral distress.

Recognizing animal sentience and humane treatment is not an isolated veterinary issue, but a critical component of public health, human medicine, and social stability.

Keywords: veterinary deontology, change in companion animal status, animal welfare, sentient beings.

1. INTRODUCTION

In recent years, professional veterinary deontology has undergone a dynamic and profound transformation process. In this transitional period, traditional veterinary deontology—the science of professional duty, moral obligations, and standards of conduct faces challenges that extend beyond classical concepts of animal care.

Among the primary challenges facing modern veterinary deontology are the changing status of companion animals in contemporary life and the associated transformation of their legal and ethical status viewed from a deontological perspective.

2. MATERIAL AND METHODS

Using methods of analytical review, the article traces the historical transformation of animals from mere legal property (*res*) and "living machines" (according to Descartes) to sentient beings officially recognized by law and science from antiquity to the present day. The transformation of the legal and ethical status associated with this deontological challenge is analyzed from a deontological perspective.

3. RESULTS

The article achieves several key scientific, applied, and conceptual results:

- It traces the historical transformation of animals from mere legal property and "living machines" (Descartes) to sentient beings officially recognized by law and science. Fundamental international and national acts (the Treaty of Lisbon, International and European conventions) regulating this transition and its legal consequences for veterinary practice are analyzed.
- Clarification of the modern ethical and conceptual framework is provided through the transition from the "Five Freedoms" to the "Five Domains". The evolution of animal welfare concepts—from passive suffering prevention to active care ensuring positive emotional experiences and psychological comfort—is evaluated.
- The primary deontological conflict is defined: the veterinary surgeon is no longer a simple executor of the owner's (client's) will, but the primary advocate and defender of their patient (the animal).

4. DISCUSSION

The transition of companion animals from legal property (*res*) to sentient beings recognized by law and science represents one of the most significant transformations in veterinary medicine and deontology.

Under Roman Law and subsequent civil codes (e.g., the *Code Civil* of 1804), animals were classified as movable property (*res mobilis*). The owner possessed an unrestricted right of use and disposal (*jus utendi et abutendi*).

In his 1637 work *Discourse on the Method*, René Descartes formulated the concept of *animaux-machines*, asserting that animals lack a soul or consciousness and that their reaction to pain is merely a mechanical reflex. At that time (17th century, specifically between 1596 and 1650), the veterinary profession did not yet exist as an organized, scientific, or academic discipline.

The treatment of animals was carried out by craftsmen, known as farriers/marshals, who served solely the interests of the owner (economic value, draft power, etc.). Pain in animals was regarded as inconsequential, and anesthesia was rarely or never utilized during surgical interventions. During the 17th century, the status of these healers was predominantly artisanal rather than scientific-medical. Animal medicine was viewed as the maintenance of a "living agricultural inventory unit" (Domingo, 2022). This aligned perfectly with Descartes' philosophy of the "animal-machine," since, according to him, the animal possesses no soul (*anima*) or consciousness, does not experience pain in the human sense, and its response to injury is merely an automated physiological reflex.

From the 19th to the mid-20th century, the inception of humane treatment began alongside the criminalization of overt animal cruelty. In 1822, the United Kingdom passed the Cruelty to Cattle Act (Martin's Act), followed by statutes protecting domestic pets. Animals remained property, but owner rights were partially restricted by the state.

Bentham (1789) posed the fundamental question of veterinary ethics: "*The question is not, Can they reason? nor, Can they talk? but, Can they suffer?*" With this question, Bentham executed a revolutionary shift in Western philosophy. Before him, thinkers such as Descartes and Kant maintained that humans have no direct moral duties toward animals because animals lack reason, self-awareness, or language. Bentham dismantled this view by stating that sentience (the capacity to suffer), rather than intellect, grants the right to moral consideration. For Bentham, pain is pain regardless of who experiences it. A dog or a horse experiences physical and emotional suffering in the same manner as a human infant or a person with severe cognitive impairments (who likewise cannot speak or reason abstractly). He presciently drew an analogy with slavery, noting that skin color was once a pretext for treating humans as property. Through this inquiry, Bentham insisted that animals must be included in our moral calculus. Because they can suffer, their interests in avoiding pain must be weighed by law and society.

During the 19th to mid-20th centuries in the UK and the US, the first formal ethical codes and professional organizations emerged (e.g., the Code of Professional Conduct for Veterinary Surgeons in the UK and the Principles of Veterinary Medical Ethics in the US), placing emphasis on preventing unnecessary suffering.

Later, between 1960 and 1990, the concept of animal welfare gained prominence. Practice shifted from simply treating disease to managing overall animal welfare. Pain management (analgesia) became a mandatory standard in small animal surgery and therapy (Webster, 1995).

In his fundamental work on jurisprudence and animal ethics, *Animals, Property, and the Law*, Gary L. Francione (1995) presented the first systematic legal-philosophical analysis of how the status of animals as property (*res*) renders most existing protection laws ineffective. Francione introduced the term "legal welfarism" to describe the official legal framework that ostensibly prohibits inflicting "unnecessary pain and suffering" while requiring "humane treatment". His primary conclusion is that this system is fundamentally flawed because it treats animals simultaneously as beings whose suffering matters and as personal movable property of humans. As long as an animal is legally classified as property, it possesses no rights of its own and remains merely the object of third-party (human) property rights. Francione logically demonstrates that when humans and animals conflict, a

fair "balancing" of interests does not occur—and is, in fact, impossible. On one side of the scale rest fundamental constitutional and property rights of the owner, while on the other side stand the mere interests of a "thing" (property). Because rights invariably trump property interests, the legal outcome is predetermined: human/owner interests almost always prevail, regardless of how trivial the human interest may be (e.g., economic profit, entertainment) or how critical the animal's interest is (life, freedom from excruciating pain).

Another crucial contribution of his work is the redefinition of "unnecessary suffering" and "cruelty." Due to property status, anti-cruelty statutes are interpreted by courts in a highly specific manner. "Unnecessary suffering" does not denote pain that could abstractly be avoided, but only pain that yields no benefit or profit to the owner. If an institutionalized practice (factory farming, scientific experimentation, hunting) is deemed lawful and lucrative, any cruelty facilitating it is automatically recognized by law as "necessary" and "humane." Regulations effectively govern how to exploit property more efficiently rather than protecting the property from exploitation.

To illustrate the absurdity of animals' legal status, Francione draws a parallel with the legal status of enslaved people in the United States during the 18th and 19th centuries. At that time, laws existed requiring "humane treatment" of slaves and forbidding mutilation. However, these laws were ineffective because the institution of slavery defined them primarily as property. Similarly, contemporary "animal welfare" laws do little more than prevent third parties from "willfully damaging" property, failing to protect animals from their owners or institutionalized industries.

To eliminate property status (abolitionism), Francione makes a key distinction between two approaches leading toward it:

- Reformist Approach (Animal Welfare): Seeks to improve conditions of exploitation (larger cages, reduced pain during slaughter). Francione contends that this merely reinforces the commodity status of animals (Cohn, 1996).
- Abolitionist Approach (Animal Rights): The only way animals can receive genuine legal protection is through a fundamental status change—abolishing their classification as property/things and recognizing them as "legal persons" (*personhood*) possessing at least one basic right: the right not to be treated as property or a resource.

Francoise's work poses a severe deontological question for veterinary medicine: "*When a veterinary surgeon assists an animal patient, are they the patient's physician or the owner's 'service technician'?*" As long as laws treat animals as property, the veterinarian remains legally obligated to the owner rather than the patient, creating unavoidable ethical conflicts in cases of convenience euthanasia, mutilate cosmetic procedures, and economic abandonment of treatment.

With the entry into force of the Treaty of Amsterdam (1997) and the Treaty of Lisbon (2009, Art. 13 TFEU), the European Union officially recognized animals as "sentient beings."

In his paper titled "*What can veterinary medicine learn from medical ethics?*", James W. Yeates (2010) explores pathways to modernize veterinary deontology by transferring concepts from human bioethics. His core message is that veterinary medicine lags behind human medicine regarding a developed, systematic ethical framework, and that the veterinary community can critically borrow and adapt established human bioethical models to resolve its unique, complex cases. This analytical overview examines the implications of this transformational change on humane treatment and medical care. Essential highlights and conclusions include:

- Shift from Paternalism to Analytical Bioethics: In the 20th century, human medicine transitioned from traditional paternalism ("the doctor knows best") to principle-based ethics (principlism) and patient rights. Veterinary practice long relied on intuition, personal morality, or purely commercial/legal regulations. Yeates argues that veterinary surgeons must adopt formal ethical analysis for every clinical case.
- Application of the "Four Principles" of Beauchamp and Childress (2026): As the foundational framework of modern bioethics, Yeates examines how the classical four bioethical principles translate into a veterinary context:

Autonomy: Because animals cannot grant consent, autonomy is exercised via proxy consent from the owner while respecting the animal's natural needs and preferences (insofar as they are known).

- Beneficence: The duty to act in the patient's best interest (improving the animal's health and quality of life).
- Non-maleficence: The principle of *primum non nocere* ("first, do no harm")—avoiding the infliction of unnecessary pain, suffering, or futile procedures.
- Justice: Fair distribution of resources, care, and equitable treatment of animals, including addressing conflicts between different animals' interests or between animal and human interests.
- Specifics of the Veterinary Triad (Doctor–Patient–Client): Yeates emphasizes that while human ethics focuses primarily on the doctor–patient relationship, veterinary ethics operates within a complex triad. The veterinarian is frequently torn between moral duties to the animal (the patient) and legal/financial duties to the owner (who pays for services and makes final decisions).

- The Issue of Informed Consent and Proxy Decision-Making: Human medicine possesses established mechanisms for pediatric or incapacitated patients. Veterinary medicine can learn from these models by treating the owner analogously to a guardian (parent), whose decisions must be restricted if they directly jeopardize the animal's welfare.

Yeates concludes that although veterinary medicine cannot blindly copy human ethics (due to differences in legal status and economic reality), human bioethics offers a battle-tested toolkit and vocabulary that enables veterinarians to defend animal interests and welfare in a structured, reasoned manner.

Another crucial aspect of the changing status of companion animals from a deontological perspective concerns the transformation of legal and ethical status.

In his book "An Introduction to Veterinary Medical Ethics: Theory and Cases", Bernard E. Rollin (2006) addresses animal ownership alongside sentience. On this basis, he formulates the fundamental question of veterinary medicine: *"To whom is the veterinarian's primary loyalty owed—to the animal or to its owner?"* In response, Prof. Rollin concludes that historically, the legal status of animals as property prioritized the economic interests of the owner, whereas modern veterinary deontology demands accounting for the patient's autonomy and intrinsic value. The book demonstrates that clinical decisions in veterinary medicine are rarely purely medical; they almost always contain a moral component.

Scientific confirmation that animals possess complex neurobiological structures for experiencing pain, fear, and pleasure obligates the veterinarian to place animal welfare above subjective owner preferences (Low et al., 2012). Recognizing the animal as a sentient subject imposes an ethical boundary on aggressive, futile medical procedures that prolong the dying process without prospect for quality of life (Tannenbaum, 1995).

Modern veterinary deontology defines preventive and multimodal pain management not as an optional preference, but as a primary medical and ethical duty (Mathews et al., 2014). In their publication *"Guidelines for recognition, assessment and treatment of pain"*, Mathews et al. treat pain as the "5th Vital Sign." The authors introduce the principle that pain assessment must be performed during every clinical examination alongside temperature, pulse, respiration, and blood pressure. The absence of overt vocalization or physical response does not indicate an absence of pain, as animals frequently mask suffering for evolutionary reasons. The use of validated behavioral and composite pain scales (such as the Glasgow Composite Measure Pain Scale for dogs and the Colorado State University Pain Scale for dogs and cats) is recommended. The study also emphasizes changes in posture, facial expressions, interactions with humans, and environmental engagement.

Another criterion linked to the changing status of companion animals is the adoption of objective quality-of-life assessment scales, which help eliminate subjectivity when making euthanasia decisions. Dr. Alice E. Villalobos's (2011) article "Quality-of-life assessment techniques for oncology patients" examines the challenges veterinarians and pet owners face with terminal diagnoses such as cancer. The author stresses that a traditional focus on prolonging life can inadvertently prolong suffering. To avoid subjectivity and emotional paralysis, Villalobos provides an objective tool for measuring quality of life. Central to the article is the HHHHHMM Scale (Paw spice Quality of Life Scale). This instrument allows veterinarians and owners to track patient dynamics day-by-day to determine when supportive care remains effective and when humane euthanasia is indicated. Table 1 below compares traditional and modern deontological approaches regarding changes in companion animal status.

Table 1: Presentation of traditional and modern deontological approaches

Area of Change	Traditional Approach	Modern Deontological Approach
Legal Status	Property / Commodity (<i>Res</i>)	Sentient Being
Focus of Care	Utility to the owner	Quality of Life (QoL) and the Five Domains
Pain Management	Secondary priority / Optional	Multimodal, mandatory standard of care
End-of-Life	Sole decision of the owner	Shared decision based on objective suffering scales

Source: Author

In 2012, the Cambridge Declaration on Consciousness was authored by Philip Low and signed by leading global cognitive neuroscientists and neurobiologists (Low et al., 2012). The signatories declared that animals possess the neuroanatomical, neurochemical, and neurophysiological substrates that generate conscious states and intentional behaviors in humans. The document officially recognized that humans are not unique in possessing the neurological framework that generates consciousness.

5. CONCLUSION

The analysis demonstrates that contemporary veterinary deontology is undergoing a profound paradigm shift. Based on the historical review and challenges discussed, the following main conclusions can be summarized:

- The historical analysis confirms a fundamental scientific and normative shift in the treatment of companion animals—from classical views of animals as legal property (*res*) and physiological objects

to recognizing them as sentient beings possessing intrinsic value and the capacity to experience pain and suffering.

- The change in the legal status of patients necessitates rethinking the traditional "doctor–client–patient" triad. The veterinary surgeon ceases to be a technical executor of owner demands and establishes themselves as the primary ethical and legal advocate for animal welfare.
- The conflict between traditional property law and contemporary neurobiological and deontological insights produces systemic ethical dilemmas in clinical practice (economic euthanasia, cosmetic procedures, treatment refusal). This requires ongoing updates to professional codes of ethics and the establishment of clear deontological protocols to mitigate moral distress.
- Recognizing animal sentience and promoting humane treatment is not an isolated veterinary matter, but a core component of public health, human medicine, and societal stability.

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