

# **THE SLIPPERY SLOPE OF GUARDIANSHIP**

*Julia V. McDonough, IACP CDT*  
*www.FortunateK9.com*

I own four dogs. Separately or en masse, they travel with me to work, on business trips, and sometimes just for fun. They run at liberty in the vast woods surrounding my home, and walk politely on a leash and whenever possible, off of one in the public spaces where they are welcome. They visit pet supply shops to pick out special toys, they eat the best food I can get for them, they have an affectionate and longstanding relationship with a great veterinarian, they sleep in my room so that they are the last faces I see at night and the first to greet me every morning. I can say without guile that I love them. But I own them. They are my dogs.

Why would I introduce myself so specifically as the owner of my dogs? Because, recently when I used that terminology, I was corrected. You see, according to some folks, I have no right to “own” my dogs. I can be their “guardian”, their “pet parent” or their “caregiver”. But to say that I own them somehow cheapens our relationship, and equates noble Lex, sweet Kindi , precocious Cora, and charming Gretsch with pieces of furniture or stereo equipment. The guardian movement is old news, as laws go. It came to life in Boulder, Colorado back in 2000 and has since spread to a number of towns and counties around the U.S. While many of these places are predictably Left Coast communities such as San Francisco and West Hollywood, guardianship has landed pretty close to home, too. Woodstock, NY and Amherst, MA no longer have pet owners, just “animal guardians”. The entire state of Rhode Island has established guardianship as law. OK, I know it’s a small state, but the implications are pretty serious.

Being accosted by a hemp-wearing PETAn who demanded that I “set my dog free” from his leather collar on Washington Street in downtown Jamaica Plain, MA was something I expected when I lived there. But being gently admonished that I use politically correct speech to describe

my relationship with my dogs by a breathless “animal lover” in the southern New Hampshire suburbs sort of threw me for a loop.

It made me start thinking again about people and their dogs and how we relate so differently to them than we did back when I was a young girl, not all that long ago. Spending two decades as a dog trainer has allowed me to watch these developing mutations in the dog/human paradigm from a very privileged vantage point. I started out as an idealistic kid who eschewed the concept of veterinary college in favor of becoming like the great men who trained Lassie, Benji and the Doberman Gang. Being a dog trainer was a bizarre and socially crippling choice as an adolescent, and I clung to the very few people I could find in my weird career world. Today, my field is overcrowded with canine psychiatrists, animal communicators, and a startling number of hobbyists-turned-professional who emphasize a type of feel-good self-esteem building for doggies but who are woefully ill-equipped to solve the simplest problems their clients present. Meanwhile, dogs have become “furkids” and owners have become “pet parents”, and in some cases, by law, “guardians”. Dogs have day nannies, playdates, gourmet canned food, and designer fragrances. All of this worshipping at the altar of Dog has been good for the pet care industry, but I wonder how much good we’re actually doing for dogs themselves. Breed specific legislation, increasingly tough insurance policies for owners, far fewer dog friendly public spaces and a disturbingly static number of dogs turned into shelters and pounds for behavior issues are all evidence that we have somehow lost our way and forgotten how to think and act when we own a dog.

So what of it? Who cares what you call yourself when it comes to your dog? Just clean up after him and don’t let him bite any kids and we’ll be all set, right?

But...

If I don’t really *own* my dog, if I’m just his legal guardian, as if he is a human child, then whose rights supercede mine? One of the arguments put out by those in favor of guardianship is that the *owner* of a dog can only be compensated for fiduciary loss should his pet be lost to him through the actions or negligence of a third party, but the *guardian* of a dog will be able to sue for loss of companionship and emotional distress. Anyone who has lost a pet will identify with the idea that while the animal himself may have only been “worth” a certain amount of money, his true value as friend and family member is priceless. Of course, says the animal lover, I would sue my negligent vet into nonexistence if my dog was lost at his or her hands. But if this scenario

played out enough, malpractice insurance for vets could soon be a determining factor in the costs they pass on to pet owners. How many people who don't mind "owning" their pets would be deprived of affordable veterinary care due to a few bereaved "guardians" and their lawyers?

Even more disturbing is the power this gives to those people who live on a self-declared moral high ground, and who are quick to point out the ethical shortcomings of anyone outside of their personal standards. Because the guardian position allows the courts to revoke guardianship based on reports of abuse or neglect, a huge can of worms can be opened when those terms are put to the test. Who gets to determine what is "abusive"? Can a surly neighbor dime me out because I "abuse" my dogs by correcting them if they pull me? Can I get back at her by filming her "treats-trained" dog repeatedly running into the road, courting death, as she chases after him, waving a package of string cheese? How about my disabled friend (a professional trainer) who relies on a Service Dog to help her get through her day by picking up and carrying dropped objects, among other trained tasks? It always astounds me how many loud-mouthed bunnyhuggers have opined that she is "abusing" her faithful Dobe, regardless of the fact that the dog quite obviously enjoys all of the freedoms that come with the position, including entry into restaurants and shops. But if guardianship was the rule of the day, everything from neighborhood feuds to deep misunderstandings about the human-dog dynamic could pollute an already clogged legal system with even more flotsam, and could detract from legitimate abuse or neglect cases. Even if the bureaucratic nightmare that results is able to stop most of the frivolous cases from progressing, think about the social repercussions: "So tell me, how often do you beat your dog?" will be the implication every time someone raises an eyebrow when they look at Fido. Scary.

Also, who gets to enforce the guardian policy, and what is that person's agenda? I know that if I had a hand in developing the conditions to revoke ownership...er, guardianship, I would go after anyone who dresses their dogs in clothes more than three times a year. I would be less lenient with the "guardians" of physically healthy dogs that ride in strollers, handbags or those godawful infant knapsacks. Oh, and anyone with a dog wearing a head halter and walking on a retractable leash would be in deep doo-doo. In my professional opinion, none of these people should own a dog. But they do, so I can't ride through the streets, like a modern-day distaff Wyatt Earp, writing citations and finding more suitable human companions for the unfortunate animals. Now, if they were only the *guardian* of those dogs, I would be doing anything I could to get the poor creatures into more intelligent hands. And that's just the canine end of the equation.

Imagine the implications this has for the “guardians” of less cuddly pets; the pets that need to eat live food such as crickets, mice or goldfish. Who speaks for the feeder fish and pinkies? Will there be a Mealworm Civil Liberties Union? Think I’m kidding?

Much of what is sold to us vulnerable animal lovers has unintended consequences that may prove impossible to escape. Very few laws get taken away once they are set in stone. Often, the people who are loudest in claiming their fealty to the human-animal bond are the ones who are ready to warp it into something that is unhealthy for both ends of the relationship. Before you jump on the guardianship bandwagon, make sure you get a clear map of exactly where its destination lies. Because once you and your dog arrive there, there’ll be no return trip.

*Want to learn more? Visit these websites:*

National Animal Interest Alliance

[http://www.naiaonline.org/about/policy\\_guardianship.htm](http://www.naiaonline.org/about/policy_guardianship.htm)

The Guardian Conspiracy by the late, great Captain Arthur Haggerty

<http://www.dogpro.org/index.php?pageID=61>

©Copyright 2004 Dobermind Press  
All rights reserved

**Julia V. McDonough**  
**FortunateK9**  
**Dog and Owner Training**  
*When you’re ready for results!*  
Trainer@FortunateK9.com  
**www.FortunateK9.com**