In Practice: Everyday ethics

Navigating the legalities of canine castration

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During a vaccination consultation for a 15-month-old entire male Staffordshire terrier, the client requests the dog is booked in for castration as soon as possible. He says the dog has been escaping from the garden for the past six months to see a female dog that lives around the corner, and they’ve had enough. The owner states that his 15-year-old daughter, who he describes as a ‘Goth’ wants to take the dog’s testicles home in a jam-jar of whisk~~e~~y, so she can keep them in her bedroom. How do you proceed?

Although surgical castration is commonly carried out in practice, it is worth revisiting the ethical issues associated with it to ensure you continue to do the best for your patient.

Superficially, the request is straightforward; legally, if not morally. The dog is the client’s property, the mutilation is permitted in the UK (1) and unlike some mutilations, does not require certain husbandry criteria to be met before proceeding, e.g. nose ringing in pigs. However, at least 3 ethical issues arise in this case; the ethics surrounding mutilations, issues of genuinely informed consent, and issues surrounding the client’s motivation. The first two issues are common to all requests for canine castration. The third, and more unusual issue, relates to the request for the return of the testicles.

The Mutilations (Permitted Procedures) (England) Regulations 2007 define mutilation as “a procedure which involves interference with the sensitive tissues or bone structure of an animal, otherwise than for the purpose of its medical treatment.” If statutory law is considered a manifestation of society’s view of what is ethically acceptable (2), then there is no ethical consensus on the acceptability of canine castration as a mutilation, as it is not permitted in some EU countries (e.g. 3). Therefore, a vet may decide that the request for castration is ethically unacceptable, i.e., following Banner’s first ethical principle regarding the treatment of animals by people that ‘harms of a certain degree and kind ought never to be inflicted on animals’(4), or that the request at least requires further discussion with the client regarding the animal’s best interests.

The issue of what is in an animal’s best interests is discussed elsewhere (5), but involves

obtaining genuinely informed consent. This requires discussion of alternative treatment options and likely risks and benefits (including failure to change the dog’s behaviour. The second ‘Banner Principle’ (‘any harm to an animal requires justification and must be outweighed by the good which is realistically sought in subjecting an animal to it’) is central to such discussion when balancing the concepts of ‘beneficence’ and ‘non-maleficence’ in deciding whether to meet the client’s request.

Maintaining the ‘owner-pet’ bond might be the beneficent justification for agreeing to the mutilation. However, aside from the immediate risks and harms associated with the surgery, long term consequences of surgical castration are not always benign. Banner’s inclusion of the words ‘realistically sought’ in the principle are also highly relevant; would castration realistically solve the client’s reported concern? If there is doubt, are alternative less maleficent strategies available, such as trialling a hormone implant? Failure to discuss these alternatives may not only subject the dog to avoidable suffering, but also fail to achieve the client’s aim, undermin~~i~~ng trust in the client-vet relationship.

The issue of returning the testicles to the client is ethically more problematic. The client’s request may be disquieting, but is this justification for refusal, and if so, on what grounds? What happens to the testicles afterwards is clearly of little relevance to the dog’s welfare.

If we look at Swiss animal welfare protection legislation, this would prohibit the surgery in that country, if the castration was intended to provide a ‘trophy’ for the daughter, (6,7). While legal in the UK, the questionable ethics of such motivation may lead the clinician to decline the surgery, based on Banner’s second principle.

As the dog, and associated testicles, are the owner’s property, the Human Rights Act 1998 might mandate their return to the owner; however, owner’s property rights can be overridden by statutes ‘in accordance with the general interest.’ The Controlled Waste (England and Wales) 2012 Regulations fulfil this caveat and require appropriate disposal of ‘veterinary waste.’ Legal debate about whether testicles are ‘offensive’ or ‘clinical’ waste may be prolonged, however the issue can be put beyond doubt by following Section 3(d) of the Mutilations Regulations 2007, which requires that mutilations are conducted ‘in accordance with good practice’. Good practice involves administering intra-testicular lidocaine, which has been shown to improve analgesia during castration; as a result, this definitively renders the testicles as ‘clinical waste’(8). Following good clinical practice in this way not only accords with Banner’s third ethical principle (‘The harm which is justified by the second principle ought to be minimised as far as possible’), but also resolves the legal issue about the return of the testicles.

References

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