Measuring the Value of Petness:  
Economic and Legal Perspectives

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INTRODUCTION

With the development of society, the economic recovery in courts of law for children who have died as a result of negligence or intentional torts has advanced significantly in recent years. It has evolved from the strict human capital approach, under which the deceased child is regarded only as a kind of moneymaking machine and evaluated at the present value of dollars that he or she would have earned had he or she not suffered a premature loss of life, to a system that recognizes and incorporates the non-economic value of the deceased.

Some have suggested that pets, relative to their owners, are analogous to minor children, relative to their parents, in terms of their treatment and evaluation (Duckler, 2002). While neither pets nor children are economically viable, both receive a great amount of attention and affection from members of the modern family. However, in today’s legal environment, courts’ judgments for setting damage awards compensating for the loss of animals is, in general, based solely on the animal’s economic function, while ignoring the affection (non-economic) component.

Akin to the evolution of measuring human life values, one can reasonably expect to see the transition to courts’ incorporating the value of companionship with pets, in a manner that has already been applied to children. The purposes of this paper are to explain the current state of the law, which exhibits only a tendency to compensate for this “petness” characteristic, without knowing or identifying the quantitative criteria upon which such is measured; and to propose and articulate approaches on how to quantify the emotional loss associated with a lost pet. Accordingly, standards and evidence will be provided that courts may use to compensate victims for such losses.

The organization of the paper is as follows. Section 2 summarizes the current legal cases regarding pet loss in a variety of states; Section 3 provides the evidence that petness should be compensated; Section 4 proposes several ways to measure petness, incorporating a focus on a utility maximization approach; finally, in Section 5, we conclude and summarize our suggestions to courts and other interested persons.

THE CURRENT STATE OF THE LAW

There are numerous and significant differences among states as legislators enact and judges interpret laws relating to the appropriate amount of damages to be awarded in the event of the untimely demise of a pet, either through negligence or an intentional tort. This section identifies and addresses several states’ approaches to such valuations. These differences are manifest first, by relevant case law, and second, by actual and pending statutes in the area.

Case Law

State courts fall into one of two camps in their allowances for animal values – those that allow plaintiffs to recover for either the intentional or negligent infliction of emotional distress and those that do not. Given the nature of these awards and given the fact that the law appears to be shifting, albeit slightly, in this arena, this paper focuses only on those cases that are less than approximately ten years old. Prior to then, cases were almost uniform in their views that owners
of lost animals could never recover for infliction of emotional distress, but only for the fair market value of the animal at the time of its death.

Today, most courts continue to rule that there is no distinction between animals and other forms of personal property. Consistent with this philosophical perspective, courts generally do not allow plaintiffs to recover for infliction of emotional distress in the event of the loss of a pet. This paper will address some of the numerous cases that take this position, as well as the handful of cases that maintain the opposite position.

Cases Denying Recovery for Infliction of Emotional Distress

Connecticut courts have fairly consistently held that owners of deceased pets cannot recover for emotional distress. As a first example, this was the case where the plaintiff alleged that her former husband intentionally allowed her pet to starve to death while in his custody. The court denied the claim, noting that neither Connecticut nor New Jersey has recognized a cause of action for intentional infliction of emotional distress in connection with the loss of a pet. The court pointed out that claims of intentional infliction of emotional distress are not available for the loss of a child or spouse, except when the bereaved is a bystander, and it would be inappropriate to extend it to emotional distress resulting to a person from the loss of a pet. [Pantelopoulos v. Pantelopoulos, 49 Conn.Supp. 209, 2005.]

In a second case in the same state, a dog owner brought an action against a city animal control officer and a city manager for intentional and negligent infliction of emotional distress after her dog was removed from her premises and euthanized. The outcome of this case was the same in not allowing such recovery. [Myers v. City of Hartford, 84 Conn.App. 395, 2004.]

In Illinois, when a woman's cat was attacked by a dog being boarded at an animal hospital, the woman brought suit against the veterinarian and animal hospital under several theories of law, including intentional infliction of emotional distress. The trial court summarily dismissed the intentional infliction of emotional distress claim. [Anzalone v. Kragness, 826 N.E.2d 472, 2005.]

A Massachusetts Appeals Court ruled that where sheep owners sought damages for emotional distress, loss of companionship, and trespass against owners of dogs who entered the sheep owners' property and slaughtered their sheep, the court held that these sheep owners could not recover for the emotional distress associated with a finding that their sheep had been slaughtered in their absence. It should be pointed out that this ruling might have had a different result had the sheep been companion animals, such as pets. [Krasnecky v. Meffen, 56 Mass App. Ct. 418; 777 N.E. 2d 1286; 2002 Mass App. Lexis 1376, 2002.]

A Michigan court was equally unsympathetic to a plaintiff's request for damages for emotional distress where a dog owner brought a negligence action against a veterinarian and an animal hospital after the death of a dog. The court cited the generally accepted characterization of a dog as personal property, disallowing the claim based on emotional distress. [Koester v. VCA Animal Hospital, 244 Mich.App. 173, 2000.]

In Nebraska, the owners of racehorses brought an action against a veterinarian, arising out of the deaths of two racehorses, alleging professional negligence, and seeking damages for emotional distress. Once again, the suit was unsuccessful, but, once again, the case dealt with commercial animals rather than pets. [Fackler v. Genetzky, 263 Neb. 68, 638 N.W.2d 521, 1999.]

Nonetheless, in New Jersey, when the plaintiffs claimed their pet dog had died of medical complications after it was negligently subjected to extreme heat for an extended period of time at a dog grooming business, the court refused to award damages for emotional distress. Here the court noted the difficulty in quantifying the emotional value of a companion pet. It also found that public policy mitigated against allowing emotional distress and loss of companionship damages,

In New York, an automobile driver was successful in having the court dismiss claims of pet owners for emotional distress, pain and suffering, and punitive damages from witnessing the death of their dog. The court held that pet owners could not recover for emotional distress based upon an alleged negligent or malicious destruction of a dog, which was deemed by the court to be indistinct from other forms of personal property. [Johnson v. Douglas, 734 N.Y.S.2d 847, 2001.]

An unusual case in Ohio involved a couple who brought their dog to a veterinarian to have its teeth cleaned. The veterinarian attempted to spay the dog, which had been spayed previously. The couple sued on behalf of the dog, asserting that the dog suffered emotional distress and required psychological care. The couple also claimed they suffered emotional distress. The trial court dismissed the claim and the Court of Appeals affirmed, citing the fact that dogs are classified as livestock. [Oberschlake v. Veterinary Assoc. Animal Hosp., 151 Ohio App 3d 741, 785 N.E.2d 811, 2003.]

In Texas, a dog owner filed suit against a pet store to recover damages allegedly incurred when the dog was killed in traffic after escaping from a pet groomer. The Texas Court of Appeals held that the dog owner was not entitled to damages for mental anguish, absent the pet store's ill-will, animus, or desire to harm her personally; that the dog owner was not entitled to loss of companionship damages; and that the dog owner was not entitled to punitive damages. [Petco Animal Supplies, Inc. v. Schuster, 144 S.W.3d 554; 2004 Tex. App. Lexis 3752, 2004.]

The Virginia Supreme Court held that a plaintiff-motorist could not recover damages for emotional or mental anguish she suffered because of her concern for injuries sustained by her dog, which was riding in motorist's car at time of an accident. [Kondaurov v. Kerdasha, 629 S.E.2d 181, 2006.]

In Washington, a dog owner whose pet was mauled by other dogs brought an action against the owners of these other dogs for negligent and malicious infliction of emotional distress and destruction of the guardian-companion animal relationship. The Washington Court of Appeals held that the plaintiff could not recover for negligent or malicious infliction of emotional distress, and that the cause of action for destruction of a companionship relationship did not extend to the death of or injury to the dog. [Pickford v. Masion, 124 Wn. App. 257; 98P.3d 1232; 2004 Wash. App. Lexis 2024, 2004.]

Finally, in Wisconsin, the owner of a companion dog brought an action against the City of Racine after the city police officer shot and killed her dog. The Wisconsin Supreme Court held that: public policy precluded the owner's claim for damages based upon the tort of negligent infliction of emotional distress; absent evidence that the officer acted for the purpose of causing her emotional harm, the owner failed to establish a claim for intentional infliction of emotional distress; and, liberally read, the dog owner's complaint encompassed a claim for damages for property loss. [Rabideau v. City of Racine, 627 N.W.2d 795, 2001.]

Cases Allowing Recovery for Infliction of Emotional Distress

In contrast to the numerous cases denying recovery for emotional distress, the authors could discover only four cases offering opinions allowing for such recovery. A brief description of these cases follows.

In the first of these cases, in Kentucky, the owner of horses sued boarders of horses who sold them for slaughter, asserting the tort of outrage, or intentional infliction of emotional distress. The Kentucky Court of Appeals held that: intentional infliction of emotional distress, requiring outrageous and intolerable conduct, depends upon the conduct of the wrongdoer, and not the subject of such conduct; the boarders' actions constituted the tort of outrage; and the award of
$50,000 compensatory damages and $75,000 punitive damages was not excessive. [Burgess v. Taylor, 44 S.W.3d 806, 2001.] However, it should be noted that the subjects of this case, horses, were not considered to be companion animals or pets.

However, in the second case, a New York State court ruled that a pet dog was “somewhere between a person and personal property,” and, therefore, the animal’s owner, who had sustained a loss as a result of the dog’s death by reason of alleged negligence of a veterinarian, could sue for “intrinsic value,” measured as something beyond simple fair market value. These higher damages could include loss of companionship and infliction of emotional distress. It should be emphasized that these latter measures of damages are not recoverable for negligent loss of other forms of personal property [Erwin v. The Animal Medical Center, New York Law Journal, 28 August 1996].

In the third case, a Michigan court allowed an award for emotional distress in favor of a pet owner to stand. Again, this case addressed the issue of a deceased pet dog, who died as a result of negligence caused by a kennel’s failure to administer necessary insulin injections. The judge in this case observed, “We are going to evolve. Animals aren’t treated now like they were 200 years ago. Let’s take a closer look at this human/animal relationship” [Murray v. Bill Wells Kennels, Ltd., Wayne County Circuit Court, #95-536479NO, 1997].

Lastly, in the fourth case, in Washington, a cat owner sued a minor and his parents after the minor set her cat on fire. The court held that the allegations included sufficient facts to find both malicious conduct toward the plaintiff’s pet and her resulting emotional distress. Thus, “[f]or the first time in Washington, [the court held that] malicious injury to a pet can support a claim for, and be considered a factor in measuring a person’s emotional distress damages.” [Womack v. Von Rardon, 133 Wn. App. 254; 135 P.3d 542; 2006 Wash. App. Lexis 1068, 2006.]

Statutory Law

Consistent with the above-discussed cases, several states have explicit legislation articulating whether or not infliction of emotional distress may be awarded in the event of the loss of a pet. The states with statutes authorizing recovery for infliction of emotional distress include: Alaska, Florida, Hawaii, Idaho, Kentucky, and Louisiana. The states with statutes denying recovery for infliction of emotional distress include: Arizona, Connecticut, Iowa, Massachusetts, Michigan, Nebraska, New York, Ohio, Pennsylvania, Texas, Washington, West Virginia, and Wisconsin.

States with bills that failed to pass include:

Colorado – this bill would have specified up to $100,000 in damages for loss of companionship. [Colorado House Bill 03-1260.]

Massachusetts – this bill would have imposed no limit for emotional distress or loss of companionship, society, protection and services damages. A minimum of $4,500 for punitive damages would have been awarded for intentionally or recklessly injuring or killing a companion animal. [Massachusetts SB 932.]

Michigan – this bill would have awarded $250,000 in non-economic damages. [Michigan SB 1379.]

New Jersey – this bill would have allowed up to $500 in damages for loss of companionship and would have included an unspecified amount for emotional distress suffered by the owner. [New Jersey A.B. 3339.]

New York – this bill would have offered the same damages as offered in the Massachusetts bill. [New York AB6340/SB2791.]

Rhode Island – this bill would have allowed punitive damages of at least $1,000 for each violation to which the animal was subjected. In addition, courts could award reasonable attorneys'
fees and costs incurred by the plaintiff and up to $10,000 in non-economic damages. [Rhode Island HB 5817.]

The Law of Tennessee

Only one state specifically addresses the question of whether a plaintiff can recover non-economic damages (as distinct from emotional distress) in the event of the loss of a pet. 

Tennessee provides that a court may award damages up to the amount of $4,000 for non-economic damages for the intentional or negligent destruction of a pet, but such is limited to dogs and cats. The statute applies only in incorporated areas of counties having a population in excess of 75,000 (according to the most recent federal census).

Finally, the Tennessee statute provides that, if such death is caused by the negligent act of another, the death or fatal injury must occur on the property of the deceased pet's owner or caretaker, or while under the control and supervision of the deceased pet's owner or caretaker. [Tennessee Code/Title 44 Animals and Animal Husbandry/Chapter 17 Dogs and Cats/Part 4 Miscellaneous Provisions/44-17-403.]

THE ECONOMIC UNDERPINNINGS FOR COMPENSATING PETNESS

In general, for personal property law apart from the subset dealing with animals, any loss related to such personal property will be compensated in terms of its market value. The court cases described in Section 2 demonstrate that petness is rarely recognized by courts. The reason could be that “lost love and affection” from the deceased animal due to a wrongful tort are difficult, perhaps even impossible, to evaluate by market standards (Reland and Gilbert, 1998). Legal and economic experts are generally able to quantify tangible economic losses, but are limited in their ability to quantify intangible non-economic losses. Reland and Gilbert (1998) further point out that due to this measurement difficulty, the losses that have no market equivalents may be significantly undervalued and that tort victims therefore suffer losses without due and proper compensation.

The attitude of societies toward animals has evolved throughout history. In the past, individuals would value their animals based solely upon their functionality – including food production, door keeping, farming, and so on. By the twentieth century, however, veterinarians realized that affection for pets (a relatively modest subset of all animals) commanded prices far exceeding the animal’s market value, and, more importantly, that pet owners were willing to pay these higher prices. In addition to providing the minimum, necessary food for their animals, pet owners also purchased goods, services, and expertise that veterinarians offer. This was not simply the exercise of humanitarianism, i.e., it was not just to maintain the survival of the commercial animals, but also rather to maintain the affection and proper stewardship of a dependent creature (Jones, 2003).

Animals are also different from other forms of personal property in that the specific animal is the only one of such kind, and is inherently irreplaceable; interactions with the animal engage emotions, and require more sensitive treatment than standard trade items. Companion animals can benefit people and owners in a variety of aspects: they are representative of nature, social status symbols, proper teachers of children, loyal friends, and much more. By conducting surveys or experiments, Fitzgerald (1986), McNicholas, Gilbey, Rennie, Dono and Ormerod (2007), Beck and Katcher (1996), Duckler (2003), and Garrity, Stallones, Marx, and Johnson (1989) find that companion animals may alleviate depression, solace the lonely, facilitate psychotherapy, socialize criminals, lower blood pressure, facilitate therapy treatment, accelerate recovery from a disease, increase lifespan, and relieve the social pain of elders. Therefore, Duckler (2003) argues that the lack of a market replacement for companionship with a specific pet should not diminish the loss to the person whose pet has been killed; and animals’ market value is almost
irrelevant to their status as property, but everything about how we view and treat ourselves as social creatures.

HOW TO COMPENSATE NONECONOMIC VALUE OF PET TO THE OWNERS

Liuzzo (1999) proposes that the economic value of pets includes the replacement cost, training cost, the functional value that pets bring to the owner, and emotional value, and deducts the cost to maintain the pets for the remainder of its worklife. However, the article does not address an approach as to how to measure emotional value, or petness. The following are the approaches that this paper proposes to measure a pet’s emotional value:

Compensate for the Damage Related to the Loss of the Pet

Intuitively, compensatory damages should be of such amount so as to compensate the victim for his or her loss. The current practice of compensating the victim with an amount measured by the replacement cost of the pet reflects this practice. However, in the case of a pet, it is clear that the loss is greater than just losing the physical personal property. Damages also should include the loss of attachment with this pet. Many people suffer high blood pressure, depression, disanomia, etc. after they lose their long-term friends. If the expenses associated with these maladies were incorporated into the award for civil damages, the impact on tortuous behavior would be significant.

However, the causality between the deaths of pets and the attendant emotional suffering of their owners cannot be well established. Many factors can lead to physical problems, especially for many pet owners who are elders and singles, categories of individuals who are more likely to suffer from illness. For the above stated reasons, we should use ex ante information, rather than ex post medical bills to compensate victimized pet owners.

Compensate for Certain Characteristics

It is difficult to know what elements should be included in determining the concept of “loss of companionship,” whether for an animal or a human. The Gaudet case, in which the US Supreme Court established criteria for human losses, lists these as follows: the relationship of husband and wife, or of parent and child; the continuous living together of parties at and prior to time of wrongful death; lack of absence of the deceased or beneficiary for extended periods of time; harmonious marital or family relations; common interest in hobbies, scholarship, art, religion, or social activities; participation of the deceased in family activities; the disposition and habit of the deceased to tender aid, solace, and comfort when required; and the ability and habit of the deceased to render advice and assistance in financial matters, business activities, and the like. McCallister considers “qualities, characteristics, and pedigree,” including: physical attributes, such as demographic measurement; psychological attributes, such as personality, friendliness, demeanor; and personal history, such as lineage, breeding, and specialized training.

Comparing ex ante demographic data with the ex post jury awards for non-fatal injuries from lawsuits for nonfatal injuries, Smith (2000) concludes that juries are rational in their decisions, since the statistical models used to estimate the value of awards by juries’ verdicts were able to explain 35-50% of the variation in these awards. Schwartz, Troyer and Walker (2007) develop a model to study the household’s choice of expenditure allocation on children, pets, and other basic goods. They use over 20 years’ data to explain the spending on pets across different demographics, and find that retired persons, widowed persons, families with different numbers of children, and families with children of different ages, have different patterns of pet ownership and
expenditures on pets. Thus, a court can identify certain characteristics of pet owners that are related to the enjoyment or utility that they derive from their pets. However, the problem with this approach is that it will result in compensation to the owner based solely upon the category in which he or she is placed only according to stereotype. People behave differently in their bonding with animals, even if they are identical in other aspects. Their expenditures on pets, the time they spend with their pets, and their level of intimacy with their pets will vary—even if the owners fit into the same demographic categories.

Maximize utility under budget constraints

In our model, we assume that people are identical in their preference for all goods other than pets, and the utility derived from their pets, \( u_t \), depends upon their levels of intimacy and attachment with these pets. We further assume that, while the utility from goods and services is concave, such is not true for the utility from pets. People are rational in their choice of physical goods and services, and, as they consume additional quantities of the same goods and services, the additional enjoyment they derive decreases. However, it is different in the case of pets, since the utility analyzed herein is non-economic utility, for which the law of diminishing returns does not apply. For simplicity, let us assume the utility from spending on pets yields constant returns. This assumption allows us to study exhaustively the role of affection with pets in tort cases.

A representative consumer will allocate his or her income \( I \), to a variety of goods or services, including pets, \( X_t \), according to the following conditions:

\[
\begin{align*}
\text{Max } U &= u_1x_1 + u_2x_2 + ... + u_tx_t + ... + unx_n \\
\text{S.T.:} I &= p_1x_1 + p_2x_2 + ... + ptx_t + ... + pnx_n
\end{align*}
\]

\( U \) denotes the total utility that the consumer derives from spending all of his or her income \( I \). \( u_i \) is the utility that the consumer derives from good \( x_i \); \( p_i \) is the price of good \( X_i \); and \( x_i \) is the quantity of good \( X_i \) he or she consumes. Without loss of generality, we assume that the price of a unit standard pet-related consumption is $1, thus the dollar spending on a pet is equal to the amount of consumption. Using the first order condition, we get that the optimal consumption behavior follows:

\[
\begin{align*}
\frac{du_1}{dy_1} &= \frac{du_2}{dy_2} = ... = \frac{du_t}{dy_t} = ... = \frac{du_n}{dy_n} = k,
\end{align*}
\]

where \( y_i \) is the quantity of good \( X_i \) that the consumer can afford with one dollar, and \( k \) is a constant. For the optimal consumption bundle, the last dollar spent on each good can bring the same amount of utility to the consumer.

When an owner loses a pet due to negligence or an intentional tort, he or she can no longer experience the psychological utility from this unique animal. Although he or she can replace the lost pet with another one, the relationship established with the deceased one can never be regained. The emotional utility is tied to the specific pet. The following considers how to measure the attachment value, given that the owner can no longer enjoy the emotional happiness with the lost animal. To compensate properly for the loss, the court should make certain that the pecuniary compensation, \( C \), can make the victim whole, \textit{i.e.,} preserve the same amount of utility before and after the death of the pet.

\[
\text{Max } U' = u_1x_1 + u_2x_2 + ... + utx_t - 1 + tx_t + ... + unx_n
\]
wealth to those who are in less need of it. Thus, we suggest that for purposes of court decisions, rewards rich people more for the loss of pets, is inefficient in that it will result in transferring wealth to those who are in less need of it. Thus, we suggest that for purposes of court decisions.

Based on the model, we can derive the following two propositions:

**Proposition 1:** Pet owners who have higher income and greater expenditures on alternative goods and services should be compensated monetarily more for the loss of their pets, *ceteris paribus.*

Proof: The lost utility from the deceased pets is a fixed amount $u,$ and the compensation $C$ to the owner will be spent to make the owner as happy as he or she would be without the loss of the animal. Thus:

$$u' = u + C = p_1 (x_1 + \Delta x_1) + \ldots + pt - 1 (x_t - 1 + \Delta x_t - 1) + pt + 1 (x_t + 1 + \Delta x_t + 1) + \ldots + pn (x_n + \Delta x_n)$$

$u'$ is the utility the owner gets from the consumption after the loss of the pet, $\Delta x_i$ is the additional consumption for goods and services other than petness by spending the compensation for the loss of the pet. We assume that neither the income nor the price changes after the loss of the pet.

To be more precise, for more affluent people with higher levels of income, a unit of monetary compensation has a smaller marginal utility to the injured, more affluent people, who have very low utility from the compensation that they receive from the tortfeasor.

**Proposition 2:** Pet owners who have lower income, and lower expenditures on alternative goods and services should be compensated utilitarianly more for the loss of their pets, *ceteris paribus.*

Proof: According to the assumption that the utility from petness has constant returns, then the lost utility from the pet is $u = x t - 1 + \Delta x t - 1 u t - 1 x t - 1 d x t - 1 + x t + 1 + \Delta x t + 1 u t + 1 x t + 1 d x t + 1 + \ldots + x n \Delta x n u n x n d x n.$

Intuitively, for more affluent people with higher levels of income, the marginal utility per dollar from other goods and services $k'$ is smaller; thus they need to consume additional quantities of these goods in order to recover the utility they have lost from pets. This proposition is consistent with the “puzzle” brought forward by Friedman (1982). He argues that this “full compensation” transfers the income from the tortfeasor, who may have a higher marginal utility to the injured, more affluent people, who have very low utility from the compensation that they receive from the tortfeasors.

On its face, it would appear that proposition 2 conflicts with proposition 1, but it does not. A greater amount of monetary compensation does not necessarily imply higher utility compensation, since less affluent people have higher satisfaction from consuming additional goods and services, and they do not necessarily require a large amount of money to buy additional goods for restoring the utility they derived prior to the time of their pets’ demise. The question of which type of person (more or less affluent) should be compensated more money depends upon the concavity of the utility function for consuming other goods and services. If the marginal utility decreases very rapidly, more affluent people need to be compensated more financially; if the concavity of utility function is not very obvious, the less affluent people need to be compensated with more money.

In practice, economists do not know exactly the utility function for each good’s consumption, since it is satisfaction that cannot be measured quantitatively. Proposition 1, which rewards rich people more for the loss of pets, is inefficient in that it will result in transferring wealth to those who are in less need of it. Thus, we suggest that for purposes of court decisions,
we should assume the utility increases with consumption quantity proportionally, and there is no concavity. The diminished utility that results from the loss of the pet each year is $kx_t$. Thus the victim should be paid $x_t$ every year for the expected lifetime of the pet, in order to recover from the loss. One item that requires clarification is that the lost utility from the pet is an emotional one, thus this utility, proxied by the expenditure, should exclude the cost to maintain this pet. In particular, $x_t$ should refer to the owner’s cost on food, toys, services, other, while not including the minimum cost to keep this animal alive.

Owners also incur expenses associated with veterinarians. According to the U.S. Census Bureau, Americans spent over $8 billion on veterinary services in 2006. Moreover, health care costs for animals continue to rise. For example, dog-owning households that spent $1,000 or more in a year jumped from 2.2 percent in 1996 to 8.4 percent in 2006. Jevring (1994) investigates the value of preventive health care in small animal practice, and concludes that animals under the veterinary surgeon's care benefit both from an improved quality of life and longevity. Moreover, the longevity range for dogs is between three and twenty, as wild dogs’ average life span is only three years, and well-maintained ones can live one-fifth of a century. We may approximately calculate the expected longevity of the pet by:

$$\text{Expected longevity} = T_{\text{max}} - T_{\text{min}} + \text{the owner's veterinary cost} \times \text{veterinary cost at the high range}$$

Where $T_{\text{max}}$ is the long range end a certain type of species can live, and $T_{\text{min}}$ is the start of the range that it can live without any medical care. Therefore, we suggest the amount of compensation for emotional loss should be

$$C = x_t \times \text{the expected longevity of the pet} - \text{age at death}$$

In some circumstances, the pets involved are very sick, and the owners paid a great deal for medical services. However, these pets are not expected to live very long, and the proposed relationship between the medical cost and longevity does not exist. We suggest that the owners should be compensated for how much they pay to treat their pets.

**CONCLUSION**

As the value of companionship is becoming more and more important in a model society, we advocate that the affection with pets should be recognized in court cases. Our paper contributes to extant literature by bringing forward several approaches to quantifying the companionship, while emphasizing the utility maximization approach. By establishing an economic model that describes a rational consumer’s behavior, we find that the more affluent pet owner should be compensated monetarily more, while the less affluent pet owner should be compensated utilitarianly more for the loss of his or her pet, ceteris paribus. From the equality perspective of the law, we suggest using expenditures on the pet’s food, toys, servicing, and other items to proxy the annual emotional utility the owner receives from the pet. To calculate the total lost utility, we use the annual utility times the pet’s longevity expectancy, which is the length of the period that the owner can enjoy the companionship with this pet, and which is also a variable dependent upon the veterinary cost.

**REFERENCES**


