

Chapter 4

A Companion Animal's Worth: The Only 'Family Member' Still Regarded as Legal Property

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The concept of 'property' can be manipulated so as to become a means to reach goals instead of being a goal itself. To put breathing, sentient property born of nature into a group along with commodities born of craft defies understanding, unless, of course, it is a subterfuge to reach other policy. Dogs, cats, horses, and such simply do not fit with refrigerators, photographs, jewelry, and blankets. There was a time when human beings themselves were considered property and were listed as inventory as a means to reach odious ends.¹

This chapter examines the continuing legal status of companion animals² as the 'property' of their human 'owners' in Australasia. It explores and critiques how this prevailing 'pets-as-property' paradigm operates to obfuscate the intrinsic worth and inherent value of companion animals as individual beings and sentient subjects, leaving them as disposable human objects or household commodities. This property paradigm ultimately has the effect of placing the interests of human owners above companion animal needs and interests, despite the overwhelming number of Australasians who assign 'family' status to their companion animals. The strict classification of companion animals as property can also be very problematic for some companion animal owners, and the property paradigm is examined in two

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1 Lansing, RB (2011) 'The Animal Companion Puzzle: A Worth Unknown Though Height Taken' 18(1) *Animal Law* 105 at 115 (footnote omitted).

2 The term 'companion animal' is used in this chapter to indicate 'primarily [but not limited to] a household cat or dog not kept for a "working" purpose, since the ability to form an emotional relationship with these animals has made them the most popular and the most companionable of all animals': White, S (2010) 'Regulation of the Treatment of Companion Animals' in Cao, D, *Animal Law in Australia and New Zealand*, Thomson Reuters, Sydney, p 157.

This is a preview. Not all pages are shown.