

In an Australian first, the ACT may legally recognise animals' feelings

February 14 2019, by Bronwyn Orr



Happiness is a warm puppy. Credit: Joe Caione/Unsplash, CC BY-SA

Have you ever wondered what's going through your dog's mind when you say the word "walk"? And does your pup seem to show guilt when you ask them sternly "what have you done?" Their tail might drop between their legs, their ears droop down, and their eyes turn away.

We often attribute [human emotions](#) to [animals](#), in a practice called [anthropomorphism](#). It's frowned upon in scientific circles, because it can

lead us to incorrectly assume what [animals](#) are expressing. In the example of your naughty pet, you'd be right to think your dog displays some change in [emotional state](#) when you scold them. However, the emotion [isn't guilt](#): they're expressing confusion and occasionally anxiety.

The ACT is currently considering [legislation](#) that would enshrine animal "sentience" in the law, which means for the first time an Australian jurisdiction will consider animals' feelings as well as their physical well-being in animal protection laws.

The emotional lives of animals

Modern science has clearly demonstrated that animals experience [feelings, sensations and emotional states](#) (or as scientists like to call them, "[affective states](#)"). What owners and livestock attendants have known or suspected for a long time, we can now definitively prove.

Unfortunately, the idea that animals can experience emotions has only re-emerged fairly recently. We can blame thinkers during the [Renaissance](#) for the spread of the idea that animals weren't capable of experiencing emotions or feelings. They maintained that animals were like machines, unable to feel or perceive. Any animal which cried out when injured or beaten was thought to be showing an automatic response, [similar to a reflex](#), rather than a conscious response.

It wasn't until the 18th century that philosophers and scientists began recognising that animals were not only conscious, but they were actually [sentient and capable of suffering](#).

What is sentience?

Sentience can be defined simply as the ability to feel or perceive. Humans are obviously sentient, but many other animal species are also considered sentient. These are animals that respond to a sensory input such as heat, interpret that sensation as an emotion or feeling such as discomfort, then consider an [appropriate response to that feeling](#).

This goes beyond a simple reflex, as sentient animals may choose different responses based on their environment or internal state. For example, a sheep experiencing uncomfortable heat might not move and seek shade if a predator is nearby.

Most animals are sentient

All animals with spines, which includes all mammals, birds, amphibians, reptiles and fish, as well as some animals without spines such as octopus, squid, crabs and lobsters are generally [considered sentient](#). This means that essentially all the animals we use for food, entertainment, work and companionship have feelings, emotions and the ability to suffer.

Other animals like insects and some lower crustaceans haven't demonstrated sentience. However, as knowledge increases, and [experimental methods improve](#), it is possible that in the future we may reclassify these animals as sentient too.

Moral responsibility

With the knowledge that almost all animals are able to experience both positive and negative emotions such as fear, happiness, anxiety and excitement, how we deal with this information is underpinned by our morals and ethics.

Some people consider the [moral responsibility](#) of knowing our actions may cause pain and suffering towards animals too great and follow a

type of virtue ethics called "[animals rights](#)". People who believe in animals rights think that no amount of harm towards animals for human gain is worth the suffering it causes, and hence they seek to do no harm by not eating animals or using them for entertainment.

A more dominant ethical position is that of utilitarianism, a type of [consequentialist ethical theory](#) often associated with the saying "the end justifies the means". [Utilitarians](#) try to minimise the amount of harm done to the largest number of moral subjects.

As animals can suffer, they are considered moral subjects alongside humans. Therefore, it would be wrong to cause animals to suffer for no reason. However, if only a small number of animals suffered in order to feed or bring joy to a large number of people, that might be morally acceptable.

There are many other types of ethical theories which consider the idea of animal sentience, and in reality, most people are a mixture of a few different moral positions (it is really hard being a strict utilitarian: see the The Trolley Dilemma).

What the ACT is proposing

The ACT is proposing to become the first Australian state or territory to formally recognise the sentience of animals in animal welfare legislation. With public consultation closed, the ACT government will now consider public feedback on their proposed changes. This feedback will inform the final piece of legislation, to be debated by the Legislative Assembly later in the year.

If sentience is included in the amended law, the ACT won't be the first jurisdiction to have done so. [New Zealand](#), [Europe](#) and [Canada](#) have already included it in their animal welfare laws.

However, it is significant for Australia, as it commits the government to consider how the feelings of animals may impact their welfare. Far from giving animal's rights, it acknowledges that an animal can be physically healthy but mentally suffering, and this mental suffering can lead to poor welfare. With animal welfare an issue of growing importance to many Australians, recognising the inner lives of animals is an important step forward.

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