The “Right to Autonomous Agency” and the “Right to Exit/ Sever Relationships”: Theorizing our Obligations to Companion Animals in a Post-Animal Rights World

By

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Abstract

This thesis expands on the model presented in Sue Donaldson and Will Kymlicka’s *Zoopolis* for how companion animals might be treated as co-citizens in a post-Animal Rights world. I will attempt to clarify the distinct political obligations owed to companion animals throughout their lifetimes by individual caregivers and by the state. In particular, I argue that there is nothing in the genetic make-up of most companion animals that precludes them from being “autonomous agents” in adulthood, meaning that if allowed to develop their agency, most animals would be able to lead flourishing lives independent of human companions. I suggest that, for young companion animals, guardians have political obligations to develop the autonomous agency of their dependents, with help from the state. That said, for adult animals which develop autonomous agency, I argue that both a human caregiver and the animal have a right to sever their relationship with each other, just as we give adult children the right to leave their parents’ care and also give parents the “right to kick out” adult children who are capable of supporting themselves. However, while advocating for human caregivers’ rights to sever relationships with autonomous pets, I nonetheless maintain that the state will always retain obligations to its citizens to provide them with a basic level of welfare, and these obligations extend to companion animals as well. Thus, the thesis will consider ways that companion animals can flourish without human companionship. Questions I am concerned with are: Can companion animals lead worthwhile lives without human caregivers? What obligations do caregivers and states have to raise animal young? When and how can these obligations be terminated? And lastly, how might we restructure our public and political institutions to accommodate animals who voluntarily or involuntarily leave relationships with caregivers?
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Chapter I: Introduction

The ASPCA estimates that, each year, between five and seven million dogs and cats enter animal shelters in the United States, most of them “relinquished by owners” or “picked up by animal control” (ASPCA). Of those animals in shelters, over sixty percent are euthanized, even though most are healthy and adoptable (ASPCA). Countless other companion animals are left abandoned to fend for themselves as strays. To illustrate the magnitude of the problem of pet abandonment, a poll jointly conducted by the Associated Press and Petside.com revealed that roughly six in ten adults “have had to give up an animal at some point in their lives” (Karpusiewicz). Indeed, it is estimated that families on average keep their pets for only two years (Donaldson and Kymlicka 77). Stories of pet abandonment are shocking, not only because of the number of animals that are abandoned and their depressing prospects, but also because of reasons owners give for abandoning animals: some leave animals behind when moving, others find themselves financially unable to care for pets due to unforeseen circumstances, many outgrow the novelty of having a pet, and a few adopt young animals because of their “cuteness” but abandon them when older (Donaldson and Kymlicka 271, Note 5.5).

Why do these cases matter? I will discuss the obligations of human caregivers to their companion animals, and examine how a post-Animal Rights World should make sense of animals that are abandoned or that leave human guardians on their own accord. The thesis builds on the work of Sue Donaldson and Will Kymlicka in Zoopolis, where the authors imagine a just society sensitive to animal needs and interests, where humans have different obligations to different groups of animals, depending on an animal’s relationship with and proximity to humans. For instance, domesticated animals are considered members and co-citizens, as they have been bred over centuries to become part of human society and dependent on humankind. As such, Donaldson and Kymlicka afford domesticated animals not just negative rights not to be
killed, confined, tortured or used as commodities, but also positive rights to be protected from harm, have political representation, have access to medical care and have means to govern their own lives (122-54). Thus, where traditional Animal Rights models have not made distinctions between different groups of animals, Zoopolis argues humans owe domesticated animals special “duties of care” not applicable to wild or liminal animals. What the Zoopolis account misses, however, is a clarification of who has what duties of care to companion animals. Zoopolis indicates it is “we” or “humans” generally that have obligations to animals, but it is unclear if this refers to individual guardians or the state as a whole (101-55). Thus, Zoopolis does not distinguish between individual and collective responsibilities owed to these animals, and part of this thesis’s goals is to show how obligations of guardians towards companion animals differ from state obligations, especially as animals mature.

More specifically, the thesis contends that taking the rights of both companion animals and human guardians seriously will mean recognizing that young animals have rights to have their autonomous agency developed, which will involve giving them opportunities to flourish independently of their caregivers. Additionally, it will mean that both adult humans and pets have a mutual “right to exit” relationships with each other. While the animal rights movement often condemns pet-owners who abandon their companion animals, I argue that mandating state support to provide all animals with basic food and shelter requirements can allow adult companion animals to flourish as part of an integrated human-animal society, even when those animals have their relationships with caregivers severed. In sum, I suggest that our obligations to pets in a post-Animal Rights World will be similar to our obligations towards human children. Pet guardians, with the help of social institutions, should be legally responsible for caring for and developing the agency of young companion animals, until they are capable of lives independent of their guardians. However, similar to human children, upon a companion animal
reaching a state of self-sufficiency, both the animal and its guardian have rights to sever or “exit” relationships to each other, within certain constraints. At this point, parental obligations to a companion animal will end, though the state retains “duties of care” to all animals. Further, I envision how public institutions can be altered to allow companion animals to flourish in human society, even if an animal does not receive care from human guardians. It should be noted that the ideas in this thesis could be applied to farm animals as well, but I limit the thesis’s scope to only companion animal—especially cats and dogs—for the purposes of this thesis. Structurally, my thesis will divide into four further chapters: Chapter II describes why companion animals have a “right to an autonomous existence” and why they are genetically capable of an autonomous existence in the first place; Chapter III shows why autonomous animals and humans both have rights to exit relationships to each other, but why the same rights might not be applicable to disabled companion animals and their guardians; Chapter IV describes how to restructure human society in a post-Animal Rights World to allow companion animals to flourish with or without their guardians; and Chapter V addresses criticisms and limitations of the model of animal rights that the thesis advocates.

1.1: Key Assumptions that will go Unjustified in this Thesis

Before going further, it will be important to note certain assumptions this thesis makes about the kind of human-animal society it is theorizing about. I assume that the society we are deliberating has already recognized animals as rights-bearers, is a “welfare state” where citizens are guaranteed access to the basic requirements of life, and has a “moderate scarcity” of resources, meaning citizens can be guaranteed basic levels of welfare without undermining any one person’s individual well-being (Donaldson and Kymicka 41). It is recognized that
arguments for animal rights and welfare statism are controversial, and also that whether a society satisfies a condition of moderate scarcity depends largely on empirical facts. Yet, for the sake of brevity and focus, I will not discuss arguments for these conclusions in any more detail than has already been done, and will instead develop other arguments about animal domestication, assuming these suppositions were true. This also means that the thesis is perhaps most relevant to a Canadian context, where a welfare state is the status quo and where an abundance of resources means a condition of moderate scarcity can be met. Thus, the model of rights I propose should be put in a context of a post-Animal Rights welfare state with sufficient resources to meet all positive obligations to its citizens.

1.2: Defining Terms

To prevent confusion, it will also be useful to clarify some terms that will be used in the thesis. The term “companion animal,” abbreviated to “CA,” refers to a domesticated animal that lives alongside a human counterpart, usually bred with the primary intention of providing a human caregiver with companionship. Such animals can expect a high degree of personal attention from their caregivers, and often form close attachments with specific human beings; hence, they can be distinguished from most farm, wild or liminal animals.

An “autonomous existence,” used synonymously with a “human-guardian-independent (HGI) existence,” can be contrasted with a “human-guardian-dependent (HGD) existence.” I use the latter term to describe animals that are dependent on specific human companions for the necessities of life, which include everything from nourishment to social needs. Conversely, if an animal is “autonomous,” it is capable of a life independent of a particular human guardian. Like all creatures, its life may still depend on others, and indeed some HGI companion animals—
such as stray dogs or cats—may require non-specific human assistance to flourish. Being “autonomous” therefore will always entail a large degree of inter-dependence on a larger social network of both human and non-human agents. Similarly, “autonomous agency” refers to the capabilities that would allow animals to lead lives independent of specific caregivers, such as the capability to develop meaningful relationships with beings other than a guardian, the capability to sustain oneself without the help of their human companion, or the capability to successfully and safely navigate an area of habitation without human assistance.

“Pet or CA guardian” and “pet or CA caregiver” will be the preferred terms to refer to the human companion of a young companion animal that is not yet HGI, instead of “pet owner.” An additional category of “pet or CA partner” will refer to human companions that some adult animals may live with, despite being capable of a HGI existence.

Further, the term “age of maturity” refers to the age when an individual animal is capable of living a HGI life, and this can differ from a “breed-specific age of majority” when most individuals of a breed mature (some individuals mature at a different rate than their peers). This can be considered the age an animal reaches adulthood, where an “adult” refers to an animal that has “finished growing” and is “socially and structurally mature” (American Animal Hospital Association 3). The “age of maturity” will vary for different companion animals, likely being around three years for most dogs and a year for most cats. If an animal is unable to be HGI, either because of their biology or their upbringing, they will be considered “disabled.”

Lastly, when taking about “obligations,” I will generally be referring to political or legal obligations, not moral ones. Admittedly, many political/ legal obligations will be supported by moral arguments but distinctions between “legal” and “moral” obligations can matter at times. Just because one has a right to do something, does not mean it is morally right for them to do.
Chapter II: Why Companion Animals have a “Right to an Autonomous Existence” (RAE)

In this chapter, I argue that all companion animals have a right to an autonomous existence, meaning they have a right to develop the agency required to live human-guardian-independent (HGI) lives. Why does this matter? If companion animals (CA) do in fact have such a right, then human guardians have obligations to develop autonomous agency in those animals to the extent that it might be possible. Hence, if we grant CA the right to an autonomous existence, it would require human guardians to dramatically change the way most pets are raised. Further, if pets can become autonomous, it impacts obligations guardians have towards them in adulthood and requires caregivers to treat their adult pets differently.

With human children, it is widely accepted that parents should raise their offspring to become self-sufficient, in as much as this might be possible. Many even think that, for humans, the “goal of parenthood is to produce a healthy late adolescent who is capable of being autonomous and creating a successful, independent life as an adult” (Colarassu 5). With other animals as well, “growing up” in nature involves a process where young animals gradually move away from being completely dependent on their parents when newborn, to becoming relatively independent as they become sexually mature. However, I would argue that raising a young human or CA to be autonomous of their guardians is not just a good parenting strategy or something that is “natural,” but a political obligation of all parents and pet caregivers, in order that young humans or CA are not doomed to lives of perpetual dependency on their guardians. By this, I do not mean that an adult child being dependent on their parents is itself problematic or undesirable, but rather that all beings should be allowed to develop their autonomous agency where possible, so that they can flourish even if their relationship with a guardian is severed. To illustrate why a putative “right to an autonomous existence” (RAE) should be recognized, I will make three arguments: first, the denial of such a right can lead to coercion
and makes young companion animals and humans vulnerable to future exploitation & suffering; second, valuing the flourishing of animals in the spirit of the capabilities approach would imply believing in a right to an autonomous existence that should be applied to them; and third, recognizing that dependents have a “right to an open future” implies they also have a RAE.

2.1: Why accepting the RAE could prevent Future Exploitation and Suffering

When most animals are born, they are utterly helpless beings. A newborn animal is dependent on its parents for every aspect of their life: A human baby, puppy or kitten would stand little chance of survival if it did not have caregivers to satisfy their every need. This state of vulnerability means that young humans and nonhumans are easily susceptible to abuse, and one form of abuse is to raise a child in such a way that it becomes perpetually dependent on a guardian, even though it had a genetic disposition that did not preclude an autonomous existence. Why is this abuse? In part, to raise a human child or young CA in a manner where it cannot develop autonomous agency will result in its remaining in a state of perpetual dependence that makes it eternally vulnerable to future exploitation and suffering. A person in a dependent relationship will often be submissive to their caregivers, particularly when access to basic necessities depends on following the desires of guardians. This means that guardians can now exploit these relationships, by making their dependents do things they otherwise would not do. For instance, the dependency of circus animals on their “masters” is exploited when the animals are “starved to perform ‘tricks’ for our amusement” (Monson). Here, even if they could physically leave a circus, many circus animals would lack the knowledge or skills required to survive outside a circus, and hence are effectively unable to leave their guardian’s care. They are likely to die or at least suffer greatly if guardians ever leave them. This means that developing autonomous agency in human children and young animals is similar to giving them an “insurance policy” in the event that their relationship of dependency with a guardian is
ever terminated, to indemnify the risk of dependents being exploited or suffering in the future. This idea is articulated by Donaldson & Kymlicka when they say, “a chief protection against exploitation is that individuals have options and the freedom to exit exploitative situations” (135). When autonomous agency is not developed, individuals cannot be said to have the “freedom to exit exploitative situations” that Donaldson & Kymlicka advocate for (135). That said, as the Zoopolis authors note, “not all forms of dependency involve abuse or domination,” and pets who are loved and cared for by human guardians are not necessarily exploited (74).

In response then, could not one argue that pet guardians who maintain high levels of well-being for companion animals and avoid using their dominance for exploitative purposes should not be criticized for failing to develop autonomous agency in their companion animals? Perhaps, but even when given love and care, raising a young CA with the intention of having it be a household pet for its entire life, and hence not allowing it to develop autonomous agency, can be considered a form of coercion. How so? Coercion is a matter of “reducing the range of options there would otherwise be,” with “deliberate coercers” being those who “come and [intentionally] take away options until the best available is what they want [the coerced] to choose” (Janet R Richards 182; this useful definition of “coercion” is provided in the context of the live kidney sale debate, but can also be applied here). To raise CA to always be dependent on specific human guardians is to take away valuable life options from them, such as being able to live as liminal or wild animals, such that the only option they have left if they want to survive is to remain a pet. Therefore, the guardian in this situation can be said to deliberately be reducing life options of a CA by not assisting in the development of autonomous agency in young animals, such as when he/she denies the CA a chance to form meaningful relationships with other animals, prevents CA from exploring different life alternatives, or avoids showing CA means of acquiring sustenance outside of its relationship of dependency with its guardian.
Still, many pet caregivers may contend that their adult pets, though dependent on them, are nonetheless allowed to flourish and to live lives filled with less suffering than if they (the pets) were living in different circumstances. They may note for instance that the average life of a stray or wild animal is much harsher than that of a house-pet. Even here, specifically raising an animal to be dependent on a guardian for the rest of their lives should be considered unjust in an ART framework, despite any positive consequences that result from their upbringing. To illustrate why this is, let us consider the following hypothetical:

*The Child Raised to Become Disabled Case*: Jack and Jill are parents who “coddle” their child Jane by showing her much love and attention. They intentionally do not teach Jane any skills for leading an autonomous existence in the future, as they want Jane to live with them when she becomes an adult and find pleasure in her dependency. For instance, the parents give Jane all the necessities of life and a high degree of welfare, but make no effort to teach her language skills, provide her with an education, or give her opportunities to interact with other people. As a result, the adult Jane has defective linguistic, cognitive and social skills, and in essence becomes permanently “disabled” as an adult due to her upbringing. (The permanence arises because some kinds of autonomous agency can only be developed in one’s youth). Still, Jack and Jill continue to show Jane an immense amount of love, and Jane flourishes as a dependent adult. Have Jack and Jill wronged Jane in any way, provided she always has a high degree of welfare for the entirety of her upbringing? Intuitively, it seems that raising a human child in a way that avoidably leads them to become permanently disabled is unjust, if the child was genetically capable of having an autonomous existence in the first place. Jane’s upbringing means it is not viable for her to leave Jack and Jill, even if she so desires. It may be that it will, objectively speaking, always be better for her welfare if she stays with her parents, even if she could leave, but this does not change the fact that Jane has been wronged in some way by being denied the
chance to choose other life options. In a sense, Jane is “stuck” in a state of dependency on her parents over the course of her adulthood. She remains as vulnerable in adulthood as when she was young, and her parents’ upbringing increases the future risk of Jane’s being exploited. Further, the parents have deliberately coerced Jane into living with them in adulthood by taking away other life paths that she could have had, if raised differently.

2.2: A Capabilities Approach to Derive the “Right to an Autonomous Existence”

An additional argument for why human children can be said to have a “right to an autonomous existence” comes from the capabilities approach, in particular the version articulated by Martha Nussbaum. Nussbaum argues that a sentient being “should have the chance to flourish in its own way, provided it does not do harm to others” (Nussbaum 7). By “flourishing,” Nussbaum refers to a being’s living a life where it can address its “need for a rich plurality of life activities” (7). Marvelling at the “wonderful and wonder-inspiring” ways in which organisms survive, Nussbaum thinks that our wonder at sentient life is indicative of “the idea that it is good for a being to flourish as the kind of thing it is” (7). On this basis, she argues it is wrong for humans to prevent animals from flourishing and suggests that “no animal should be cut off from the chance at a flourishing life, [and that] all animals should enjoy certain positive opportunities to flourish” (Nussbaum 9). In essence, Nussbaum argues that human and nonhuman animals have a defacto “right to flourish,” provided they do not impede others’ abilities to flourish as well. Additionally, for Nussbaum, a “species norm” tells us if a member of certain species is flourishing or not (11). She means here that whether one is “flourishing” can be understood by comparing one with how other individuals in one’s species typically flourish. Therefore, in the human case, one could argue that a typical adult flourishes in contexts where they are independent from their childhood guardians. On this basis, it could be suggested that
an “autonomous existence” is a necessary part of flourishing for human beings. Indeed, when considering the lives of disabled humans, Nussbaum thinks there is something “tragic,” “blighted,” and “disharmonious” about their lives because they are “cut off from forms of flourishing that, but for the disability, [they] might have had” (11-12). Therefore, if part of what it means to “flourish as a human being” is being autonomous, we can say that a severely disabled child is likely unable to flourish as a human. This means that having a right to flourish for humans will imply recognizing their “right to an autonomous existence” as well. Therefore, when Jack and Jill raise Jane in a way that does not develop her autonomous agency in The Child Raised to Become Disabled Case, this is unjust because Jane has been denied a chance to flourish, as other humans do, as an autonomous being.

While this argument sounds attractive, I would be wary of using Nussbaum’s capabilities approach to ground the “right to an autonomous existence.” For one, adult humans who are dependent on their parents, including mentally incapacitated adults, are still capable of leading flourishing lives, provided the standard of a “flourishing life” is determined by the agents themselves and not by species-specific norms. For instance, a disabled person writes, “not everyone can take care of themselves independently with their disabilities, but that shouldn’t keep these people from seeking fulfillment,” and indeed, he claims that “disabled people have as good a shot as anyone to live a happy life” (Eyestone). Under the right conditions, people with disabilities can often lead, by their own accounts, happy and fulfilling lives. Further, we can imagine adult humans who are capable of autonomous existences, but who nonetheless choose to have flourishing lives with their childhood guardians, while enjoying a “rich plurality of life activities” (Nussbaum 7). Hence, living independent of guardians may be characteristic of an average human being’s flourishing, but this does not imply that all humans must flourish in this way. Therefore, going back to The Child Raised to Become Disabled Case, it would be wrong to
say that Jane’s non-biological disability precludes the possibility that she can lead a flourishing life. Rather, Jane may flourish in many ways as a dependent adult, but what Jack and Jill compromise is Jane’s ability to choose what kind of life she will lead in adulthood. Hence, Nussbaum’s capabilities approach does not seem to give enough grounding to show why “the right to an autonomous existence” exists or why Jack and Jill’s parenting in *The Child Raised to Become Disabled Case* is unjust. (In fairness to Nussbaum, she does not explicitly state what flourishing looks like for humans, but her thought that a severely disabled children cannot flourish seems to indicate that human flourishing will involve autonomy at some level.) Additionally, some species can flourish in a variety of ways that are not characteristic of the “species norm,” and this is particularly evident when we look at the lives of many domesticated animals outside human contexts. For instance, *Oryctolagus cuniculus*, the European rabbit, has flourished in forests, city parks and human homes alike (Clutton-Brock 180-81). Similarly, many parrots, aquarium species and rodents have wild, liminal and domesticated animal members (*Ecoist*). Hence, for companion animals, it is difficult to identify a single species-specific “kind of flourishing,” and it would be best to conclude that these animals can flourish in many ways.

### 2.3: How Raising Children to be Dependent in Adulthood hurts their Self-Determination

A more powerful objection to Jack and Jill’s parenting in *The Child Raised to Become Disabled Case* comes from Joel Feinberg’s claim that children have a putative “right to an open future” (ROF). Feinberg argues that children should have options for future opportunities of self-fulfillment kept “open” until they are “fully formed self-determining adults capable of choosing among [various life options]” (Feinberg 77). Here, Feinberg argues that “the making of ‘serious and final commitments’ [relating to the kind of life a child will lead in its future] is best
postponed until the child grows to maturity” (Lotz 539, paraphrasing Feinberg). Feinberg is insisting that a person’s future should not be determined by parenting choices, but instead be chosen by that person himself when he reaches adulthood (Feinberg 85). Therefore, the ROF stems from a value that is placed on self-determination, the ability of individuals to “control their own destinies as far as possible” (J R Richards 379). Of course, no one is completely “self-determined” in the sense that one’s trajectory in life will always depend on factors beyond one’s control, yet those valuing self-determination will insist that each individual should play the decisive role in shaping their own lives. For Feinberg, the dependency of a child on their parents will mean that their ability to be self-determining in adulthood can be greatly compromised by the actions a parent takes (Feinberg 85). What might constitute a violation of the ROF? To take an obvious case, imagine that a parent cuts off a child’s leg: such action would quite clearly limit the possibilities for future self-fulfillment that will be available to the child in adulthood (Feinberg 77). Similarly, Feinberg argues that Amish parents should not be exempt from sending children to state-accredited schools because having only an Amish education “renders a child fit for only one way of life: [the Amish way] and forecloses irrevocably the child’s other options” (82). In that same vein, we can criticize Jack and Jill in *The Child Raised to Become Disabled Case* for violating Jane’s ability to have an “open future” by not developing the linguistic, social and cognitive skills required for Jane to exercise many life options in adulthood. Therefore, a “right to an autonomous existence” can be considered derivate of Feinberg’s “right to an open future” (where the latter implies the former).

All this said, some reject the premise that children have a “right to an open future” in the first place. For instance, Claudia Mills argues that “it is both impossible and undesirable to try to provide children with an ‘open’ future in any meaningful sense” (499). Mills notes that it is impossible to “count and differentiate open options,” and she argues that an inevitable fact
of parenting is that options for future self-fulfillment “close everyday” no matter how a child is raised (499). Further, parents who take too seriously their children’s putative right to an open future may overburden their offspring with too many activities in attempts to encourage their future lifestyle or vocational choices, for instance by having their children play multiple sports or instruments just in case the child might become an athlete or a musician in later life. For Mills, such “frenetic scheduling” is undesirable and shows how thinking children have a ROF can in fact be damaging to their well-being (508).

How might one respond to these objections? Mills’s arguments reveal a need to clarify what Feinberg means by a “right to an open future,” but they do not give enough reason to deny that such a right exists. To understand what duties are involved in Feinberg’s ROF, we can refer to Kenneth Henley’s related arguments in “The Authority to Educate.” Henley argues that parents have a (negative) duty “not to isolate children intentionally from other ways of life” and a (positive) duty “to make sure their children learn of the variety of [different] ways of life” (Henley 254-64). In the same vein, we might say that the “right to an open future” entails both negative and positive obligations for a parent: it involves a negative obligation not to prevent children from exploring future life options, and a positive obligation to provide them the means to know of and explore life possibilities that are available to them. The latter positive obligation does not require that parents directly expose children to various life experiences. For instance, one can teach a child about the Amish without visiting an Amish community: giving a child basic knowledge of the Amish and access to resources that discuss Amish culture (like a library or the internet) may be enough to satisfy positive obligations that come from respecting the ROF of a child. However, to intentionally prevent a child from researching Amish culture can be considered a violation of a parent’s negative obligations to a child.
Further, saying a child deserves an “open future” does not imply that they must have a “maximally open future.” We can concede Mills’s point that “future options” are impossible to count in practice and accept that even good parenting will inevitably “close off” future possibilities for children. For instance, a child who grows to be seven feet tall and whose parents could not afford horse-riding lessons will find it almost impossible to become a jockey, but the parents here have not violated the child’s ROF in any meaningful way. Similarly, a severely disabled child may lack the genetic disposition that allows for a HGI existence, so parents cannot be expected to develop the autonomous agency of such children to the extent that autonomous agency can be developed in other children. Hence, “the right to an open future” is not as demanding as Mills imagines, and it may require only that a child’s range of future life options not be unduly restricted by the intentional actions of a parent.

Additionally, the word “open” is best understood as a *comparative* term where different sets of possible life options are being related to each other. Such comparisons are not based on the numerical quantity of life options in different possible “futures,” but rather on a conceptual judgement about how different sets of life options compare to each other. For instance, the future options of a high school graduate can be said to be more “open” than the options of a high school dropout, because the graduate has all the life options of the dropout, plus certain additional options such as being eligible for university or working at some higher-paying jobs. Similarly, in *The Child Raised to Become Disabled Case*, Jane’s future can be understood as being less “open” than that of her peers, as she is incapable of exercising a large range of life options that would have been available to her and that is available to many of her peers, if she had been raised to develop her autonomous agency.

When we consider how most pets are raised, it is not difficult to see how a putative “right to an open future” is violated when pets are not given opportunities to develop their
autonomous agency. While many accounts of domestication hold that CA will always be predisposed to human-guardian-dependent (HGD) lives, regardless of how they may be raised, what is suggested here is a more feasible account that the perpetual dependency of most companion animals results more from their upbringing than their biological nature. (Evidence to further justify this claim about the nature of pet dependency is given in Chapter 2.4). Put another way, like Jane in The Child Raised to Become Disabled Case, I will argue that most companion animals have the genetic make-up that would allow them to be HGI, but they are essentially raised to become “disabled,” in violation of their RAE. Hence, if we accept that Jack and Jill’s treatment of Jane in The Child Raised to Become Disabled Case is unjust, we should also accept that the ways most companion animals are raised in present contexts are unjust.

2.4: Can Pets Even be Autonomous?

Many people disagree with the claim that most companion animals are genetically capable of lives independent of human companions. In fact, the dominant trend in Animal Rights literature has been to view domesticated species as wholly and inescapably dependent on human beings: For instance, Gary Francione writes, “domesticated animals are dependent on us for everything that is important in their lives: when and whether they eat or drink, when and where they sleep or relieve themselves, whether they get any affection or exercise, etc.” (Francione). He contrasts domesticated animal lives with human children, saying the “overwhelming number of human children mature to become autonomous, independent beings,” while domesticated animals “remain forever in a netherworld of vulnerability, dependent in us for everything that is of relevance to them” (Francione, 4). There is a tendency to see animals as being enduringly immature, or “to view domesticated animals as permanent
domesticated animals have likely lost some abilities to live in the wild, but this does not imply that domesticated animals are incapable of any kind of autonomous life, as the biology of most CA would still make them suited for an autonomous liminal lifestyle (Donaldson and Kymlicka 62). In truth, whether there is anything in the genetic make-up of domesticated animals that might suggest they are capable of HGI lives is an open empirical question, about which there has been little study. Referencing the lack of research about how dogs live outside human contexts, Elizabeth Marshal Thomas writes that “despite a vast array of publications [on dog domestication], virtually nobody, either scientist or layman, had ever bothered to ask what dogs do when left to themselves” (Thomas 3). To this end, as Donaldson and Kymlicka indicate, respecting the autonomy of animals will require us “to experiment and learn about what animals would do if given greater control over their lives” and to also “act in their interests” to help those animals “exercise meaningful agency” (146). Still, as a working hypothesis, I argue that most companion animals are not predisposed to lives of continual dependency, though many are raised to become permanently dependent on human guardians even in adulthood.

### 2.4.1: Do the Genes of Companion Animals preclude them from an Autonomous Existence?

In this chapter, we will ask what the genetic differences between domesticated animals and their wild ancestors are, and further, if there is anything in the genetic make-up of domesticated animals that prevents them from being HGI. Selective breeding has certainly changed the genetic make-up of many CA, but rarely to a considerable extent. For instance, the domesticated rabbit is genetically identical to the wild European rabbit (Clutton-Brock, 180), the domesticated dog shares 99.8% of its DNA with its gray wolf ancestors (Deshpande), and
domestic cats have very similar genes to those of some species of wildcats (Perez-Magarinos, *City of the Wildcats*). Still, despite their genetic similarities, one trait that distinguishes CA breeds from their wild counterparts is a temperament for being social and unafraid of other species. In fact, Juliet Clutton-Brock describes how “to have the potential for domestication, the animal must be placid by temperament which means it must be submissive but [not] overly fearful” (51). The BBC Documentary, *The Secret Life of the Dog*, further illustrates how this temperament for tolerating human beings was critical to the process of domestication. It discusses, for instance, how small numbers of gray wolves with a “placid” temperament were able to approach human settlements to become successful scavengers of human refuse several thousand years ago, and how the most sociable of these wolves were bred over millennia to create the domesticated dog. For cats, a similar account of domestication can be presented. It is believed that a sociable population of wildcats flourished as liminal animals on farms near the Mediterranean, and people took into their homes and bred the most gregarious of these animals to give rise to our current set of domesticated cat breeds (*City of the Wildcats*).

An experiment by Russian scientists gives further evidence that a disposition for placidity is what distinguishes wild and domesticated animals. In 1959, an attempt was made to rapidly domesticate the silver fox (Trut, 160-69). To do this, scientists selectively bred only those foxes in each generation that showed a propensity to tolerate humans, characteristics indicative of a trait for “tamability” (Trut, 160). At first, only 1% of silver foxes were deemed “tame” enough to breed, but as only the tamest of foxes were bred in successive generations, traits of aggression slowly disappeared and newer generations of silver foxes became increasingly tolerant of humans. The experiment has continued to this day, and the newest silver foxes behave in ways almost identical to a dog, just fifty years after the process of domestication began (*Secret Life of the Dog*). Later generations of “tame” foxes even exhibited
physical traits that are rarely found in wild fox populations, but are common in domestic dogs, such as de-pigmented coats, floppy ears, curly or short tails, smaller skulls and shorter snouts (Trut 167-68). Such traits were not controlled for in the breeding process, and this suggests that the genes responsible for “tamability” are also responsible for physical variations that set dogs apart from wolves. The breeding also shows evidence of pedomorphosis (more specifically neoteny), which involves “the retention of [behavioral and physical] juvenile traits by adults” (Trut 160). Thus, companion animals, though genetically similar to their wild cousins, differ from them in having a genetic propensity to be tolerant of and sociable with other species, and a tendency to display more “juvenile” traits than their wild counterparts.

Does a genetic predisposition for a submissive, sociable and unafraid temperament, or for the variety of other traits that make domesticated animals distinct, preclude companion animals from a HGI existence? Perhaps: It could be argued that the sociable and submissive nature of CA indicates a need for human companionship and leadership to flourish. Further, some physical traits found in companion animals, such as a reduced size, thinner coats, shorter snouts leading to breathing difficulties, and risks for congenital disease, pose irresolvable challenges to many specific cases of CA maintaining a HGI existence. Indeed, it is difficult to imagine a Chihuahua surviving amongst German Shepherds as liminal animals, or to imagine a liminal Sphynx living through a Canadian winter without a coat! Additionally, it could be suggested that domesticated animals are in fact “permanent children” because of their neotenization, and perhaps should be treated as such (phrase from Donaldson & Kymlicka 125).

However, the retention of juvenile traits does not imply a CA is itself undeveloped: a dog is not some kind of “premature wolf.” Supporting this notion, Donaldson and Kymlicka write that “neotenization is a perfectly natural form of evolution, [whereby] if juvenile traits are the most adaptive in a particular environment, then they will be selected for” (85). This means that
the retention of “juvenil e” traits can be adaptive in some circumstances, and this explains why some species like Bonobo chimpanzees and even humans have evolved to retain their juvenile traits much later in adulthood than other animals (Donaldson and Kymlicka 85). For instance, one “juvenil e trait” of dogs important to the history of their domestication is a delay in the development of fear when compared to the development of fear in their gray wolf ancestors. This delay can be beneficial for dog socialization, as it allows dogs more time to adjust to the intricacies of human society. Furthermore, the tendency of some CA (like dogs) to be sociable or want leadership from others can be satisfied by fellow CA as well as humans. For example, Elizabeth Marshall Thomas writes about how dogs left to their own devices will often jostle for “rank” within dog packs, like their gray wolf ancestors, until certain dogs are seen as the dominant of a pack (48). This is further illustrated by Bill Marin’s Street Dogs of South Central, a documentary about liminal dogs in Los Angeles. The documentary reveals that “with no human owner to guide them, canines instinctively join together for survival; [and] in any pack… there is always a leader” (Street Dogs). Most companion dogs isolated from humans will form social groups with hierarchies, and any perceived social need for dogs to be sociable or submissive to others can be fulfilled by the dogs themselves. Indeed, feral CA will often create social groups outside domestic contexts: feral dogs form packs, cats form colonies, rabbits form warrens, and pigeons arrange themselves in flocks. For the most part, the physical traits that are bred into domesticated animals will usually not prevent them from having a HGI life. In fact, there may even be some selectively bred traits, like faster running speeds, thick coats, or muscle strength that can be advantageous for autonomous survival. Even small feral animals like Chihuahuas and terriers can use their size as an advantage over feral competitors to scavenge for food in areas often inaccessible to other animals (Street Dogs; interestingly, smaller animals usually are the most successful feral breeds). Furthermore, some companion animals, notably dogs, have seemingly innate abilities to recognize human emotions and signals, and such skills are
advantageous to liminal animals wary of human threats (Child, *Secret Life of Dogs*). That said, not all selectively bred traits are advantageous, and there may be cases where a companion animal has medical or developmental disorders that will require pervasive care from guardians. For instance, bulldogs often have difficulty breathing because of their short snouts, and some require continuous medical attention to ensure they do not suffer a premature death. Hence, while recognizing that autonomous agency is possible for most CA, there are cases of “genuinely disabled” CA who will be HGD, no matter how they are raised.

### 2.4.2: How can Companion Animal Species flourish as Liminal Animals?

Arguably the most compelling evidence that companion animals, or at least a large portion of them, are capable of HGI lives is the documented ability of many to flourish in non-traditional settings away from human guardians. For one, many domesticated species of rodents, rabbits, birds, reptiles and fish have had success as wild or feral animals, and some of these domesticated animals have gained worldwide notoriety for their liminal animal lives: the feeding of feral pigeons in Trafalgar Square has been a source of controversy for ART (Palmer 74); previously domesticated European rabbits have spread in Australia to become one of the continent’s “most widely distributed and abundant mammals” (Australian Government 1); feral parrot populations have thrived in the parks of Brooklyn and Chicago (*Ecoist*); Burmese pythons that were once household pets are now successful predators in the Everglades deserving of their own television series (Dell’Amore); and feral cat populations are seen as menaces in cities the world over. However, when thinking about the possibility of CA being able to live independent of human guardians, the more interesting cases to consider are those of *domestic dogs*, as dogs have undergone the most prolonged domestication of any CA species.
Elizabeth Marshall Thomas’s *The Hidden Life of Dogs* and Bill Marin’s *Street Dogs of South Central* are valuable resources when pondering if dogs are capable of autonomous agency, as they show real-life cases of pets that lead rich lives without pervasive human companionship. In Thomas’s case, she conducts an informal “experiment” to observe the behaviour of a group of eleven of her companion dogs. Thomas limits her own interactions with the animals to the provision of food, water, shelter and medical care, and allows her dogs the opportunity to “plan their own time and make their own decisions” and to “live together, free to do more or less as they please” (xix). She describes how, given the choice between human and dog companions, most of her dogs preferred bonding with members of their own species. In fact, she concludes from her observations that humans are seen by dogs as only a mere “cynomorphic substitute” (Thomas 134). When asked “What do dogs want?” Thomas’s answer is simple: “They want each other” (134). Hence, not only does Thomas think dogs flourish without humans, but she thinks dogs actually flourish best when a human companion is not their chief source of social interaction. Further, Thomas describes how her untrained dogs would often demonstrate remarkable capacities for autonomous agency: she talks about how some of her dogs secretly built a den to stay warm and raise their young (116-17); how one dog learned to safely navigate areas hundreds of miles across with no human supervision (2); and how a few dogs learned to use mowed lawns as a food source because of the prevalence of insects that get killed when mowing (131-32). These incidents show how Thomas’s dogs discovered means of acquiring food, building shelters and navigating through urban areas with no human guidance. In short, Thomas allowed her dogs to develop autonomous agency, and the skills they acquired in such development helped them to lead largely HGI lives.

Even greater levels of autonomous agency can be seen in stray and feral dogs, as depicted in the documentary, *Street Dogs of South Central*. The documentary describes how
street dogs discover ways to survive and flourish as liminal animals, by arranging themselves into packs of two or more members to scavenge for food. These animals fulfill all their social needs by “[relying] on no one but each other... for companionship and affection” (Marin, *Street Dogs*). For example, the documentary follows “Elsie” as she raises her family of four young cubs, and it shows how dogs in family units can form close bonds that many pet dogs never get to experience (Marin, *Street Dogs*). Of course, this does not mean that we should romanticize the lives of the street dogs, as they are faced with constant threats of starvation, disease and human threats. In fact, thousands of dogs die on the street each year struggling to meet their basic needs, with abandoned dogs having the greatest difficulty adjusting to a liminal lifestyle (*Street Dogs*). Still, with state assistance, the external threats street dogs face can be neutralized to some extent, such as by implementing policies that provide food, shelter and medical care to dogs in need. If humans allow their companion dogs to develop the survival and social skills needed to live independent of them, and if we implement policies that promote the welfare of liminal dogs, I would contend that there is no reason to think that even dogs, the most domesticated of our CA, will not be able to flourish independent of human guardians.

2.5: Concluding Remarks for the Chapter

So far, I hope to have shown that there is likely nothing inherent in the genetic disposition of *most* companion animals that would doom them to a life of dependency. Admittedly, many current CA will struggle to live independent of their human guardians, but this is most likely not because of their biological make-up or the results of a process of domestication, but rather (in most cases) because of the way caregivers raise companion animals. I have also suggested that both humans and animals have a “right to an autonomous
existence,” and that with assistance from human guardians, many young animals will be able to live a HGI life by the time they reach adulthood, even if some animals are “genuinely disabled” and have biological or genetic factors that could prevent them from being fully autonomous.

Before moving to the next chapter, I should address an objection to establishing an animal’s “right to an autonomous existence.” It could be said that even if humans have this right, the same would not necessarily hold for CA. In other words, where I argue that the RAE in the nonhuman animal case follows from recognizing the same right in humans, there may be objections that human and nonhuman animal rights are largely distinct concepts. While I make an implicit assumption in the previous chapter that the treatment of young companion animals should be analogous to our treatment of children, as illustrated by my use of The Child Raised to be Disabled Case, one can ask: is this assumption of analogousness even justified?

I think it is: Inherent in the framework of ART is a normative value placed on a kind of fairness, which from the standpoint of justice, should require citizens in certain circumstances to be treated similarly to other citizens in similar circumstances. This conception of justice makes many think that a citizen should be given the same rights and owed the same obligations as other citizens, unless there are relevant facts of a situation or relevant characteristics of the citizens that justify a different distribution of rights. For example, if we give someone critical of an opposition party the right to express their views, it seems that justice will require us to afford the same protections to the speech of someone critical of the government.

Using this logic, it seems reasonable that if domesticated animals are treated as co-citizens, and they are similar to humans in important ways, the rights of those CA may be similar to human rights, except in those cases where differences between animal and human co-citizens would make it unfeasible for rights of one group to be attributed to another group.
For example, a system of justice that creates societal obligations to give starving humans in my neighborhood access to affordable food should also create similar obligations to give starving animal co-citizens access to food, insofar as food is an essential need for both humans and animals. If we argue that human citizens should have access to affordable housing, the normative value of fairness would require us to also say that companion animal co-citizens should have accessible shelter and habitation. However, where freedom for religious persecution may be accorded to human co-citizens, the apparent lack of religion in animal conceptions makes it unnecessary to accord the same rights to animals.

The idea here is that citizens should be treated fairly and equitably compared to other citizens, a concept that is central to almost any conception of justice, and the only time different treatment can be justified is if there is a relevant characteristic of one citizen that can be used as a basis to treat them differently. When talking about a RAE, then, the only relevant characteristic that might justify giving one citizen the right but not another would be an inability for a citizen to be autonomous. Merely being an animal cannot justify different treatment. However, I have provided evidence that suggests most companion animals have the genetic disposition that allows for an autonomous existence, even if their kind of HGI agency is quite different from a human’s HGI agency. Thus, if we grant humans the RAE, there seems to me to be no basis to deny the majority of animals the same right. And even for disabled humans and animals, we should still recognize the RAE during their childhood development, so that they may be allowed to exercise and develop their agency to the extent that it is possible.
Chapter III: Why Most Adult Guardians and Companion Animals have a Mutual “Right to Exit/Sever Relationships”

The basic intuition behind a “right to exit relationships” (RER) is the thought that adults should be free to enter or exit relationships with each other, except in cases where there are contractual obligations that bind two parties. We think for example that romantic partners should be allowed to separate from one other, that workers should be allowed to leave their employment, and that adult children should be able to move away from their childhood homes. By “exiting a relationship,” I do not mean that the obligations one party has to another will necessarily end, but rather that the relationship itself is not legally mandated to exist. For instance, a divorce may require the payment of alimony to an ex-spouse, but does not require that ex-spouses remain married. An employment contract can usually be terminated, but the party that initiates the termination may face financial penalties as a result. Similarly, parents are usually allowed to “kick out” children from their homes when they reach adulthood, though some parental obligations to children remain, such as the payment of university fees (see “Justice for Children and Youth” 1-6). In this chapter, I argue that the RER can be justified in the human case on the basis of valuing the self-determination of autonomous beings. I further show how recognizing this mutual “right to exit relationships,” of both companion animals and their guardians, will imply that adult CA can leave their guardians and that human guardians can “kick out” HGI-capable companion animals. However, we will also show that the “right to exit relationships” might not be wholly applicable to disabled human and animal dependents, and I will end the chapter by addressing some objections to the “right to exit relationships.”
3.1: How Valuing Self-Determination Explains the “Right to Exit Relationships” (RER)

The philosophical justification for a “right to exit relationships” rests on the value that liberal political theory gives to individual self-determination, discussed in Chapter 2.3. For individuals to be self-determining requires them to regulate the circumstances of their own lives. For social beings like humans or companion animals, a circumstance that is of critical importance to one’s life is who the individual has relationships with, and hence, being self-determining implies being given control of the relationships one partakes in. Of course, a person simply desiring to be in a relationship with another is not enough: simply wanting to marry another person is not enough to get married, and simply wanting a job will not be enough to get it. What is needed for a relationship to materialize, at least when dealing with adults, is a mutual desire of two parties to enter into a relationship. This said, the dependent-guardian relationship is somewhat different, in that a young dependent is unable to give consent to their guardians to be cared for, but the dependents will still require the care of guardians to flourish. In such cases, guardians who choose to have biological offspring, or who adopt, can be said to enter into implicit (at times explicit) “contracts” to care for their dependents, one that will last until the child or CA is self-sufficient. However, even here, parents are not “stuck” in a parenthood contract they did not desire, as procreative choices like abortion or giving one’s biological children up for adoption allow parents to decide whether or not they will take on those parental obligations in the first place.

But what happens when a child reaches adulthood? Deciphering obligations for adult children is a difficult task and has been the subject of recent legal debate. In the United States, a few states mandate parental support for adult children (Bala 1). However, the legal trend in Canada has been towards obligating parents to provide support when it will “help adult children achieve self-sufficiency” (Bala 1). For instance, the Canadian Divorce Act indicates that
those children who are unable “to obtain the necessities of life” will be eligible for parental support (Bala 3). Here, the precedent is that legal parental obligations are terminated whenever a child reaches what we had previously called an “age of maturity” (defined as the age when an *individual* is HGI-capable, though the term itself is not used in law). In the Ontario *Family Act*, parents are also obligated to provide partial funding for post-secondary education, but even here the legal justification given is that a university education is needed to make people self-sufficient in the current job market (Bala 3). But how might we justify these legal practices philosophically, at least in the case of human parents?

Firstly, let us ask why it is that parents have “duties of care” to their children in the first place. It seems these duties arise from two facts: one, an inevitability that all children will need to be dependent on someone, and two, the fact that particular parents have indicated a willingness at the start of the parenthood process to be that “someone” who takes care of the child. What do I mean? Children, and also young companion animals as well, are in a position where they are utterly incapable of surviving by themselves, which is why they need assistance from guardians to guide and support them in the interim, until they can one day become “autonomous.” Hence, when someone decides to parent, they take on the “duties of care” involved in raising a child until that child reaches adulthood. For this reason, parents are not allowed to neglect their child when he or she is young. To do so would be to hurt the child’s ability to survive, and a lack of care can likely result in great suffering or even death for the child. In this way, the “implicit contract” to provide “duties of care” in parenthood arises out of necessity, from the vulnerability of young children who cannot support themselves.

However, when children become autonomous adults, there is no longer a need for parental care, as the children can now flourish and survive without parental assistance. The corollary of establishing this “right to exit relationships” in the human case is that, provided the
right to have their autonomous agency developed is respected, companion animals and their
guardians have a similar “right to exit relationships” with each other: companion animals that
are autonomous ought to be allowed to leave their guardians, and as the animals in question
are HGI-capable, we should have no qualms in allowing guardians to sever their relationships
with adult CA’s. As Donaldson & Kymlicka write, domesticated animals should be allowed to
exercise their rights, but only as long as they “do not impose unfair or unreasonable costs on
others” (147). Mandating that human guardians stay in relationships with HGI-capable CA for
the duration of those animal’s lives is an “unreasonable cost,” especially when they no longer
want to be a part of the relationship or when there is no need for the relationship to exist.

Of course, situations may arise where some adult children or animals continue to live
with or depend on former guardians for their needs, but even here, an important distinction is
that guardians are not legally obligated to support such living arrangements. In fact, the
permissibility of such arrangements can be judged by the same standard of any other
relationship amongst adults: a relationship is only allowable if both a guardian and a former
dependent mutually agree to a relationship of dependency continuing. Once a child or CA
reaches adulthood, as long as they have had their autonomous agency developed, the
severance of the parent-child or guardian-CA relationship will not prevent them (the child or
CA) from flourishing. In fact, even if some parental obligations remain, such as one to defray
university costs, these obligations do not necessarily require parents and children to interact
socially or to maintain any sort of relationship. Hence, parents have the legal authority to “kick
out” an adult child who lives off them, if they want, and the same reasoning applies to human
guardians also being allowed to “kick out” their autonomous pets. And similarly, an adult child
has the legal authority to exit their parent’s home, if they so want, with the same reasoning
also justifying why there is a RER for autonomous companion animals. That said, there may still
be moral or familial reasons to maintain a relationship that extends past an age of maturity, but in the context of valuing the self-determination of autonomous adults, it is unjust from a political or legal standpoint to force two human or nonhuman autonomous adults to remain bound in a relationship that either of them is unwilling to partake in.

3.2: Do the same Arguments apply to the Disabled?

When dealing with human beings with severe cognitive disabilities (SCD), or companion animals that I have labeled “disabled” by virtue of their inability to lead HGI lives, the arguments we have given for a “right to exit” may no longer be applicable. I indicated that the fact that makes it possible for the “right to exit” to be exercised is that the dependency of an animal or a child is no longer a necessity when an adult CA or human child is capable of leading a HGI life. However, when rights-bearers have SCD, this will not be the case. Such people will, in most cases, need the pervasive attention of a caregiver to survive throughout their entire lifetime. Here, adult dependents would not have the authority to leave relationships with guardians if they are incapable of making such a decision, and it also would not follow that guardians can simply “kick out” a disabled person as they might an autonomous adult. In such cases, the severely disabled are given similar rights as young children. We do not ordinarily allow a very young child to run away from their parents, meaning we deny them any “right to exit.” The reasoning for this is that a young child is as yet incapable of making genuine, autonomous and informed choices about terminating parental relationships, especially since they are unable to survive without a guardian. Similarly, we do not allow parents to neglect the duties of care for their children or to arbitrarily end relationships with them without making alternative care arrangements, meaning parents too are denied the “right to sever
relationships” when it comes to a dependent child. When dealing with humans with SCD and the disabled members of CA populations, similar ideas apply, as the individuals in question are unable to lead a life independent of guardians. For CA, this will mean the disabled amongst them do not have the ability and should not be given the legal authority to completely extricate themselves from relationship with guardians, though they should still be allowed to develop and express their autonomous agency to the extent that it might be possible. It also means that human guardians do not have a corresponding “right to kick out” disabled companion animals.

However, we may need to qualify this a little further. A problem with unilaterally denying the “right to sever relationships” for the disabled and their guardians is that it implies a parent is “liable for the potentially lifelong maintenance of such a child,” an obligation that seems to be “distinctly burdensome” for parents (Moore, 186). In fact, while Canadian law is unclear about obligations owed to adult dependents, the precedent set by legal cases has been to terminate parental obligations when the disabled adult child is around their mid-twenties (Bala 1). In part, what allows for this arrangement to be made without compromising the welfare of the disabled are government disability benefits that are given to the SCD and the accessibility of long-term care facilities to them. Hence, in Canada at least, there is a precedent that, when a parent is unwilling to support a disabled adult child, there will come a point where duties of care shift from an individual guardian to the state. Might this be applicable to disabled animals? In cases where an animal’s disability does not arise from the way it was raised, it seems reasonable that parental obligations to provide resources or to maintain a relationship can be terminable, though perhaps much later than with autonomous CA, if and only if the state has institutions in place that can provide the CA with personalized care through their adult years. However, such reasoning should not be applicable when a disability arises because of a companion animal’s upbringing, such as when the CA is not allowed to develop its
autonomous agency in its youth, similar to *The Child Raised to be Disabled Case*. In such cases, given that parents *caused* the disability, it seems reasonable that they ought to be obligated to continue providing duties of care to the young CA.

Hence, accepting my position does not mean we condone the immediate abandonment of companion animals in the present context: rather, the vast majority of present caregivers have pets that may already have been raised to *become* permanently disabled (insofar as they cannot lead HGI lives), and they should not be allowed to “kick out” their animals. Further, we could even suggest that parents who *knowingly* adopt pets or human children who are severely disabled have taken on an implicit obligation not to “kick out” their adopted human or nonhuman animal, especially if the potential of future severance of a parental/guardian relationship at the time the CA or child was adopted would seem worse for the adoptee than not entering into any relationship of dependency in the first place.

### 3.3: Two Arguments against the “Right to Kick Out”

Few, I think, will argue that adult, HGI-capable children should not be afforded the right to leave their guardians, but the argument that guardians can “kick out” their adult children is more controversial. In fact, many will suggest that the “right to exit relationships” should properly be seen as a one-way right applicable only to companion animals leaving their guardians. There is some precedence for this: late adolescents in Ontario above the age of sixteen are legally allowed to “withdraw from [a] parent’s control (i.e. leave home)” (JCY 3). If leaving voluntarily and at no fault of the parents, legal obligations of care owed to such children end. Hence, sixteen-year-olds are given rights to exit their parents’ guardianship, while parents do not retain any equivalent “right to kick out” their teenage child. In a similar vein, we might
argue that the RER can only be exercised by companion animals, but not by their guardians. Intuitively, this attempt to establish an asymmetrical RER sounds appealing, but it is difficult to justify why even the oldest adult CA should properly be treated as sixteen-year-olds in the human case and not as regular, fully autonomous adults. In this chapter, I explore these worries by critiquing two arguments for denying guardians the right to kick out former dependents.

Firstly, it could be contended that parental obligations do not arise from any fact of dependency, but rather from the fact that one has created a life. For instance, Lindsey Porter argues that “causing a child to exist generates obligation towards that child,” clarifying that “birth mothers and fathers remain obliged, life-long, to their birth children even when the child is adopted out” (63; italics mine). Using this argument, we might suggest that a biological parent will retain a continuous and interminable obligation to his or her adult children, as the most salient factor for determining whether one has parental obligations is not the child’s dependency on a guardian (as I earlier suggested), but rather the extent to which a guardian might be responsible for their dependent’s existence. Hence, it could be argued that the “right to exit relationships” is reserved only for human children and not their parents, because biological parents will always be the cause of a human child’s existence. On the surface, this is a reasonable approach: causing one to exist does seem to endow the “maker” with certain obligations (Porter 70). In fact, Clare Palmer grounds the basis of human obligation to different groups of animals on not just their “degree of material dependence on humans” but also on whether humans are “causally responsible” for an animal’s existence in human society (68). Using this argument, she establishes, for instance, that humans have greater obligations to domesticated dogs than to feral mice, as we are causally responsible for only the former’s existence in human society (Palmer 72). However, such principles to base parental obligations, even if they were justified, cannot be applied to most guardians who adopt young CA. At most,
they indicate that humans have interminable *collective* obligations to domesticated animals and their descendants, by virtue of the process of domestication that causes CA to exist in the first place. However, at the level of *individual* responsibility, most pet guardians cannot be blamed for their CA’s existence (unless the guardian played a role in actively breeding the animal). Therefore, for our purposes, the relevant factor for deciding an individual guardian’s obligations will be the extent to which a CA is dependent on that human guardian.

A second argument against the putative “right to kick out” rests on the perceived breach of trust that occurs when a guardian severs its relationship with a companion animal. For instance, Clare Palmer argues that, wild or domestic, providing for any animal over a long period of time creates an expectation from the animal that you will continue providing for them (74). She indicates that the “sudden cessation of provisions” would be “morally problematic” if we have been providing for those animals for an extended time (Palmer 74). In her words, “once one has established a relationship of dependence with an animal there can never be an end to the commitment,” unless “alternative arrangements which honor the commitment” are made (75). Even in the human case, Norvin Richards argues parents who have regularly helped their children in certain ways have an “underlying commitment” to continue to help their children in those particular ways, because of the expectation that is created by the parent always helping the child (N Richards 220-21). To illustrate, Richards argues that a mother who drives her minor child to work every day should not cease to drive her adult child to work (221).

How might we respond to this line of argument? Firstly, I question if habitually helping another in a regular manner does in fact lead to an automatic commitment to continually help that person in any supererogatory way. For instance, I might give a large annual donation to a charity for several years, and they may come to “expect” this donation each year. However, that the charity “expects” a donation does not give me any automatic obligation to continue to
give to that charity. If there are any obligations to give, they would arise from the charity’s reliance on contributions to function, and not my prior history of giving. Similarly, if a HGI-capable companion animal grew to expect their guardian’s continued support in adulthood, this would not in itself commit the guardian to interminable duties of care. What will be relevant is the ability of a CA to flourish without that continued support, i.e. whether it is HGI-capable.

Still, we might think parents and guardians should avoid the “sudden cessation” of particular provisions, perhaps entailing guardians with “transitory obligations” so that those who intend to “kick out” an animal are mandated to make the transition to being kicked out in the animal’s life as gradual and painless as possible (Palmer 74). What do I mean? If focusing on a companion animal’s need for socialization, a parent can move from having a lot of social contact with younger animals to slowly removing themselves from the social lives of their animals, as Thomas had done with her dogs. Over time, this may involve a guardian spending less and less time with pets while they are “growing up,” similar to how human children experience a gradual social “distancing” from their parents as they grow up. Such a process, if done carefully so as not to deny any CA the personal care it needs to flourish at various points in their lives, will minimize the suffering of companion animals when they get “kicked out” and ensure that the actions of guardians are in line with the expectations of the CA. Therefore, the arguments Palmer makes should make us wary of how it is that parental relationships or obligations are terminated, but they do not provide a reason for thinking it would always be wrong to “kick out” companion animals.
Chapter IV: Reshaping Human Society to Accommodate these Obligations

A worry for recognizing the “right to an autonomous existence” or the “right to exit relationships” is a lack of institutions in current social systems to make the exercise of such rights possible, in particular for companion animals. In the same way that a “right to education” cannot be properly exercised without schools, or a “right to free speech” cannot be exercised without avenues for citizens to articulate their opinions (e.g., newspapers), recognizing the RAE and RER will demand a change in how future societies get organized. In this chapter, I will present a list of some of the institutional changes that would facilitate the exercise of rights that I have advocated in the thesis. A society that is restructured using these suggestions will make it viable for adult companion animals to flourish with or without their guardians:

1- **Changing the Way We Acquire Guardianship of Companion Animals:** The for-profit breeding of CA should be outlawed, on the grounds that it treats animals as commodities and forces animal mothers to be separated from their young. When a CA gives birth, there should be a presumption that the mother will be allowed to raise its offspring, unless there are grounds to suggest that the animal will be an unsuitable parent, even with state assistance. For instance, there may be a precedent to remove a young CA from its mother when it has been neglected by or becomes unattached from her, as is often the case with some CA. For instance, the weakest of any dog litter will often be ignored by dog mothers, and feral animals will often “lose” some of their young (*Street Dogs*). In such cases, it may be permissible for a state agency that identifies neglected or abused CA to remove young CA from biological mothers and to make them available for human adoption, but breeding programs to expressly create CA should no longer be allowed. This will mean the “supply” of animals available for adoptions will likely be quite limited. Further, similar to how prospective parents of adoptees are
vetted for their suitability, a process to check the suitability to be a CA caregiver will be undertaken for prospective guardians of young CA, that is not everyone will qualify to be a pet guardian. Those selected as guardians would enter into explicit contracts about the obligations they have towards their CA, especially to develop their agency.

2- Creating Animal “Schools”: Donaldson and Kymlicka note that many companion animals have lives of “solitude,” as they are left alone for several hours daily while their owners are at work or away (75). However, for young companion animals, this is time that can be spent developing autonomous agency and interacting with other animals. Hence, states should create institutions to allow CA to interact with their peers and to become socialized to human society, much like “schools.” In terms of learning, this can involve exposing young animals to other species so they view them as friendly in adulthood, teaching animals skills to safely navigate city streets, and allowing the animals to play with their peers so they can form meaningful, long-term social bonds with them. Such “schooling” can be critical to the development of autonomous agency in companion animals, as is the case with humans. Further, CA in these schools can be monitored to see if any are likely to be incapable of being HGI, and to determine when or if CA and their guardians can exercise the RER in individual cases.

3- Creating Public Spaces for Companion Animals: Just as we have community housing and public parks for humans, there should be public spaces that are designed specifically for CA, large enough to satisfy their needs for territory, mobility, socialization and exercise, and also to provide those animals with shelter. In practice, this might involve “large fenced ranges and pastures and parks,” which could include sheltered areas that protect animals from harsh weather conditions (e.g., heated kennels) (Donaldson and Kymlicka 130). Such spaces allow CA to lead flourishing lives, and specific spaces may be
designed for specific animal species or breeds. CA living in these spaces should also have access to publicly funded food and medical resources, if there is ever a need for it.

4- Mandating Transitory Obligations for Pet Guardians Intending to “Kick Out” an Animal: To address Palmer’s worry about the violation of trust that results from the “sudden cessation” of provisions when an animal is “kicked out” (Palmer 74), we can mandate transitory obligations for pet guardians who intend to “kick out” their CA in the future. For instance, a pet might indicate a preference for remaining in a human household when they mature, even though they are HGI-capable. If this happens, and there is reason to think a pet will not want their relationship with a guardian severed, guardians can explore alternative care options for their adult CA by looking for prospective “pet partners” wanting animal companions (the idea being that the CA should ideally be able to live with humans if they want to). Given the large number of animals that are likely to leave guardian relationships of their own accord, and the lack of adoptable pets, it is likely that new homes will be found for these “kicked out” pets.

5- Putting in Cat/Dog Doors for Households with Older CA: Companion animal co-citizens have “rights of mobility,” meaning that they should be allowed access to public spaces without being unduly restrained (Donaldson and Kymlicka 103). With young animals, as with young children, it is reasonable to “use forms of restraint and confinement... until they can safely negotiate their environment” (Donaldson and Kymlicka 126). However, once animals can safely navigate their neighborhoods at little risk to others, such restraint is unwarranted, and autonomous animals should be given opportunities to freely move in and out of their homes. Hence, it should be compulsory to install cat/dog doors in homes of companion animals that are able to “negotiate their environment.” The same reasoning means leashes should also be illegal for older pets, if a CA does not pose dangers to itself or others when allowed to roam freely.
6- **Recognizing Collective Obligations to Domesticated Animal Descendants:** It could be contended that autonomous companion animals that leave their human guardians should not be considered “citizens,” because they have become liminal animals. However, even Donaldson and Kymlicka indicate that co-citizenship is feasible for “species that have been bred for domestication,” meaning that humans have collective responsibilities to provide care to liminal animals who were once domesticated animals themselves or the descendants of domesticated animals (Donaldson and Kymlicka 228).

7- **Implementing Pet Tax Benefits:** Many animals are abandoned because caregivers are simply unable to financially provide for their continued care. Given this, just as “child tax benefits” in many nations provide the impoverished with help to provide for their children, states can create similar “pet tax benefits” for pet guardians in financial need to ensure the necessities of young CA can be met.

8- **Socializing Feral Young:** To minimize the risk of harmful altercations between feral animals and human beings, we can socialize young feral animals in limited capacities by having park rangers or designated government workers interact with young feral animals in a friendly manner, in order that the feral animals view humans favorably as they mature, reducing the number of feral animal attacks on humans.

9- **Feeding Animals in Creative Ways:** To address worries that governments providing food for companion animals will have to kill other sentient beings, we can imagine coming up with creative ways to feed animals that do not involve killing. Carnivorous animals like dogs and cats are mostly able to live on vegan diets that are supplemented with proteins and minerals (Donaldson & Kymlicka 149). We can even imagine combining vegan food with interactive toys in CA-designated public spaces to allow animals to mimic some natural processes like “hunting.” For instance, we might create mechanical
mice, which release food to companion animals when caught, which would allow cats to hone their predatory instincts without having any sentient animals be killed.

10- Funding More Research on Companion Animal Capacities: Research on companion animal capacities and their agency needs to be given greater priority in scholarly work, and there should be a particular effort to provide public funding for research on the lives of CA in nondomestic settings. Right now, there is an unfortunate lack of academic research on various aspects of CA agency, and exploring these needs to be a priority.

11- Banning Practices that Prevent CA from expressing their Agency: Companion animals are able to express their agency in several ways, such as through bodily or facial expressions, voice and most importantly movement (animals “talk with their feet” as they move away from things they do not like and towards things they like.) This expression of agency is critical to the development of autonomy and the ability of animals to express themselves to others. Hence, certain practices like de-barking, de-clawing or cosmetic changing of an animal’s body should be banned.

The list above gives intuitively plausible and practical guidelines for a post-Animal Rights world that is sensitive to the autonomous agency of companion animals. No claim is made that these strategies here are either necessary or sufficient as constituent parts of a best-of-all-worlds post-ART society, and it is possible to agree with the RAE and the RER while disagreeing with the guidelines proposed. However, they show how a society that develops autonomous agency in animals and gives autonomous CA the chance to flourish is in theory possible.
Chapter V: Prevailing Criticisms

Already, I have considered many objections to the more specific claims the thesis makes, and the last chapter in the thesis will briefly address some other pressing concerns about the model of animal rights that has been presented. In particular, I will consider the suffering of animals that have HGI lives in our model, the practical challenges the model faces before it can be applied, and the worry that I anthropomorphize CA lives.

5.1: The Worry that Allowing Animals to Lead HGI Lives will Lead to Suffering

An immediate objection to allowing companion animals to lead autonomous lives is to point out the immense suffering that many supposedly “autonomous” CA face. In fact, many think abandoned or feral animals suffer so greatly that it is better for them to be “euthanized” than to be allowed to live without guardians (Feral Cat Project). However, as has been argued in this thesis, the suffering of most abandoned animals is more a product of their individual upbringing, than the result of domestication itself. Of course, we can admit that in some ways, liminal animals often have a significantly reduced quality of life compared to their HGD counterparts, but whether this should worry us is a different question. For instance, statistics indicate feral cats live on average just three years, compared to fifteen years for most domesticated cats, and they are often at greater risk for automobile accidents, injury from predators, certain diseases, cold climates and starvation (Companion Animal Initiative of Tennessee/ CAIT). Yet, none of this gives us a justification to violate the rights of kittens to have an autonomous existence or the rights of adult cats and their guardians to exit relationships with each other. The lives of liminal animals may be tough, but they can still flourish under the right conditions. Already, we have discussed how liminal animals may be able to pursue life
pleasures that household pets cannot pursue, such as being able to raise a family or to live in large social groups with their fellow species members. It seems plausible that many liminal animals may even prefer the HGI life, if given a choice. Therefore, what I have proposed is that we give animals the same chance in life that we give most human children: raise CA to have an “open future” where they can flourish both with and without their human guardians and let them choose for themselves what kind of lives they want to lead as autonomous adults, provided and only provided they can find willing human or animal partners for those lives.

Still, it could be claimed that the psychological suffering of CA’s that results from the termination of a guardian-CA relationship is an overriding consideration: perhaps allowing a former caregiver to “kick out” an animal, autonomous or not, inflicts too great a trauma on the non-human animal. For instance, Savage-Rumbuagh reports that Bonobos in research laboratories, who form strong relationships between researchers and their fellow apes, find it difficult to adjust to new or constantly changing environmental situations, preferring to maintain “lifelong contact with individuals whom they love” (16-18). Based on these facts, she thinks researchers should make providing stable environments to Bonobos a priority. While such conclusions may at first seem inapplicable to the CA case, Jean Harvey argues in a similar vein that frequently moving CA’s from one family to another, let alone moving CA’s from a domesticated to a feral existence, is “emotionally painful” to the animals (166). She argues that the “close relationship between dog [or other CA] and handler [or other human companion] is at the center of what is morally owed to [the non-human animal]” (173). On this basis, she thinks there are moral obligations to provide stable environments to CA, and this would imply that “kicking out” CA’s would be immoral in many circumstances. Further supporting this idea, Donaldson & Kymlicka write that “animals routinely go through the experience of having their entire lives shattered” with changes to their environment, and they claim that “protection of a
basic right to (reasonable) stability and continuity may underlie any exploration of domesticated animals’ participation in society” (“Citizen Canine” 14-15).

How do we respond to these worries about a CA’s psychological harm from separation, particularly in cases where humans “kick out” the animal? First, we should recognize that suffering is characteristic of the termination of all close social relationships, but that the risk of suffering in itself does not mandate that relationships cannot be legally terminated. Almost always, there will be some parties within a terminated relationship who struggle to make psychological sense of why a separation has occurred or who feel they were wronged by a separation. Additionally, most separated persons have difficulty adjusting to new lives after their long-time personal relationships are significantly altered. However, just because a separation causes psychological harm does not mean that autonomous adults, animal or human, should be denied legal rights to separate from each other. At most, there may be a reasonable moral claim, perhaps on utilitarian grounds, that a separation is “wrong,” but this is in itself insufficient to say that the separation should be illegal, or that a forced relationship between a CA and its former human caregiver is better. Consider, for instance, a boyfriend leaving his devoted girlfriend of many years to pursue another relationship. In such a circumstance, the girlfriend may be distressed by the separation, but the presence of her psychological harm itself does not justify denying the man a right to leave his partner. Here, the notion of mutuality is important: as Chapter 2.1 argued, recognizing self-determination involves recognizing the freedom of autonomous agents to mutually enter and exit relationships with other agents. This means that if we grant rights of exit to one party in a relationship, a similar right of exit should be extended to other parties in a relationship: If we respect the right to exit a relationship for CA, on the basis of their ability to lead HGI-lives, then human companions should, in the spirit of fairness mentioned in 2.5, also be given a RER. Hence, recognizing the
legal “right of exit” for a CA requires accepting that humans also have mutual “rights of exit.” If we deny humans a RER with autonomous CA’s, we would to be consistent also have to deny autonomous CA’s their right to leave human guardians on the basis that the human companion may suffer great psychological pain from a separation. Given this putative dichotomy between granting the RER to both autonomous human and non-human animals, and denying both groups a RER, I argue that recognizing a mutual RER for both parties is preferable.

Second, the temporary trauma that some companion animals may face from separation from their guardians (if there is any) is usually less psychologically damaging than when human relationships are similarly terminated. Why might I say this? Companion animals often have the ability to adjust to multiple shifts in the conditions of their lives, as some are passed from one caregiver to another throughout their lives (e.g., rescue dogs) or forced to adjust to lives as strays (e.g. some of the animals in Street Dogs). In such cases, we see real-life instances of CA adjusting to new social environments without their initial human guardians. For instance, in a piece talking about the challenges of dog adoption, Richmond claims that “over the course of a few weeks or months, most [adopted] dogs settle in and become wonderful companions (Whole-Dog-Journal). My model additionally places an importance on recognizing that human guardians who intend to “kick out” human or animal companions may have “transitory obligations” to ensure that a CA’s transition from a life with particular human companions to one without is as smooth as possible for the animal. This could, as aforementioned, include obligations to look for other humans who may be looking for an animal companion.

Additionally, arguing that guardians can “kick out” their adult CA does not mean society as a whole has any right to kick out these animals. When talking about collective responsibilities, I have already argued that a state always has an interminable responsibility to its citizens, and in a welfare state, this will mean ensuring animal co-citizens are able to access
resources for food, medicine and shelter when in need. Such measures are likely to significantly improve life conditions of liminal animals, as exemplified by some feral cats that live up to fifteen years when given assistance for medical and sustenance needs (Feral Cat Project). In sum, while we can concede that letting some companion animals lead autonomous lives could result in more animal suffering, that suffering can be outweighed by gains in other liberties, and the struggles those animals face can be alleviated with collective human help.

5.2: Is the Proposed Model Practical?

It could be argued that my model of a post-Animal Rights world is simply too impractical. Certainly, it is idealistic and utopian in nature, and there will be many pragmatic difficulties that will make some aspects of the model difficult to translate into official policy. However, as I will argue in this chapter, these worries should not undermine the core arguments of this thesis.

Still, it could be objected that the “right to exit” is only applicable to certain companion animals and cannot be applied many animals, notably exotic pets. To illustrate, it is imprudent to suggest that poisonous snakes or domestic elephants should be allowed to roam urban areas freely in the same way dogs and cats might be allowed to do so. In fact, when some exotic animals have been released, such as when domestic Burmese pythons found their way into the Everglades or when European rabbits (not “exotic” per se) were released in Australia, it has resulted in massive ecological problems, as the animals become invasive species that severely undermined the ability of native species to flourish. What do we make of such worries? These cases emphasize a need to phase out the ownership of exotic pets, or at least a need to limit ownership to places where those animals are native. For instance, it may be permissible to allow pet cobras in rural Indian villages but not in the United States, because cobras are
naturally found in India and would not be invasive species. Hence, the RAE and RER can still be recognized most of the time, and worries about exotic pets should not bother us too greatly.

There are also safety concerns that arise from liminal companion animals populations living in human settlements. For instance, a reason that is often cited for euthanizing feral populations (other than their perceived suffering) is the putative threat they impose on human beings. Feral animals, particularly those that are not raised to be human-friendly, are responsible for thousands of attacks on humans each year, and some of these are deadly. However, even if these safety hazards should worry us, they do not give us sufficient grounds to deny rights-bearers their freedom to mobility. Imagine if we said that the risk of muggings was enough to make it illegal to walk on city streets! While these safety concerns exist, a post-Animal Rights world would view these liminal CA populations as having as much right to live in human settlements as humans themselves, particularly in light of their domestication. That said, safety risks should still be taken seriously, which is why attempts to partially socialize feral puppies and kittens in limited capacities will be important. Additionally, we might create fenced areas to house animals that have a history of aggressiveness against humans or other companion animals, somewhat similar to “prisons,” but with a goal of rehabilitating those animals where possible so that they can be socialized not to attack human beings in the future. We can also educate human pedestrians about safety measures that reduce the risk of getting hurt by feral animal attacks, such as carrying pepper spray, avoiding large groups of animals, and learning how to react when faced with aggressive animals (Roberts). In sum, the safety risks of allowing feral populations to flourish are not impossible to overcome.

A further worry many will have concerns overpopulation. It could be contended that the only way that my proposed model will have any practical viability is if strict population control measures are implemented. This could impose moral challenges, as even the most humane of
population control measures, such as the Trap-Neuter-Return Programs popular in many cities to control feral cat populations, could involve violating some rights of an animal (CAIT). Some level of human population control may be necessary if we allow liminal populations to survive in human society, but I will not discuss the complex ethical dynamics that might be involved if implementing such policy. As a starting point, Donaldson and Kymlicka suggest we may need to give CA the freedom to self-regulate population sizes in the initial years of implementing an AR model, reacting with stricter population control measures if necessary (Zoopolis 146).

In sum, there are numerous pragmatic concerns that will need to be deliberated before we can put my proposed model of a post-Animal Rights world into practice. Chapter 3 in part tried to address some of these worries, but even when the outlined measures are insufficient to address practical concerns, there may be creative ways to redefine our relationships with companion animals to make them less problematic.

5.2.1: Are There enough Resources to Go Around? A Proposal for a Resource-Based Concentric Circle Approach (RBCCA) to Prioritizing Animal Obligations

An additional, more serious pragmatic challenge for accepting the domesticated AR model proposed in this thesis is the immense strain on financial resources it could put on governments to satisfy positive obligations to CA. I have suggested that governments in a post-Animal Rights world should pay for domesticated animal “schools,” create public spaces for CA and pay for the food and healthcare of CA in need. Given this, worries about affordability are very reasonable: The number of citizens that are eligible for state assistance would have to increase dramatically to now include companion animals, while the tax base for governments in
a post-AR world will not increase in proportion. If we cannot pay for the positive obligations this thesis says are owed to CA, does it even make sense to adopt the proposed model?

One response is to note that arguments about resource scarcity can be bracketed for the purposes of this thesis, insofar as the thesis assumed in Section 1.1 that there was a “moderate scarcity” of resources in the societies we would be concerned with, so that even if there is a strain on resources, there would still be enough to “go around” without any one person’s welfare being significantly compromised by investments in a CA welfare system. Second, the average cost of sustaining a companion animal is far less than the same cost for a human: The ASPCA estimates one needs just six to nine hundred dollars annually to feed and care for the average cat or dog. Given the amount of resources states pledge to care for human citizens, it seems reasonable for governments to expend lesser resources for animal co-citizens. To illustrate, there are an estimated 170 million household cats and dogs and 100 million feral cats and dogs in the United States; if we presuppose that each animal will cost the government $1,000 to feed (higher than the ASPCA figure), the total expense to take all the CA in the US would be around 270 billion dollars for the US government, which amounts to 5% of the United States’ total expected revenue in 2013 (statistics from ASPCA, Wilkes, and Chantrill). While the figure does not account for government obligations other than providing food, it seems that meeting positive obligations to animal co-citizens will be expensive, but still very affordable.

However, such defenses for the practicality of the proposed AR model seem to me insufficient. While we can certainly bracket or minimize cost considerations and make assumptions of moderate scarcity when developing an initial framework of AR, we ought to be careful about this tactic. If ever AR becomes established as a status quo for political systems, perceived financial burdens of meeting putative obligations for CA will I think present the biggest worry for politicians recognizing any legal obligations to CA.
Given this reality, it is important that we theorize ways to prioritize our obligations to different groups and also provide means to resolve conflicts that could arise between satisfying human and nonhuman positive obligations that we may have. In many ways, this is precisely what Zoopolis tries to do, along with other AR models that have been proposed, by demonstrating how different groups of nonhuman animals (domesticated, liminal and wild) are owed different obligations by virtue of the nature of their relationships to humans. Another model, more useful to the question of which obligations are most important to satisfy for governments, is given by Eric Wenz, who constructs a “Concentric Circle Theory” for prioritizing and arranging obligations. Wenz correctly notes that individual human beings tend to feel much stronger obligations to those with whom they have established personal relationships, such as family members, friends or colleagues, than to those with whom no such relationship has been establish. For example, a father would usually feel that obligations to his son are greater and more important to satisfy than obligations to an unknown child across town (Wenz 318). This will be the case even when an unknown child is more desperate for assistance than the son whose obligations are being prioritized. Similarly, for governments, Wenz argues that obligations to humans are generally greater than obligations to all or most nonhuman animals. Amongst animals, Wenz makes a further distinction between obligations owed to domesticated animals and obligations owed to wild animals, with him theorizing that obligations to CA are stronger, more numerous and important to satisfy than any minimal positive obligations one might have to other non-human animals, such as those in the wild (328).

Going back to the question at hand, in light of Wenz’s arguments, how do we prioritize conflicting obligations towards humans and animals in a post-ART world? I would argue that the way to understand our obligations is in fact to construct a Wenz-like Concentric Circle Model of Obligations, but one that is more sensitive to resource scarcity. Adopting such a model would
then require governments to identify the large set of potential obligations that they might owe to human and nonhuman animal groups within their boundaries, if they in fact had a surplus of resources to satisfy all positive obligations that can be imagined. However, it is unrealistic to suppose that all potential obligations one could theorize as being owed to animals could ever be satisfied. Rather, once we accept that resources are in fact scarce, we can set priorities for which obligations to animals should be satisfied first. To illustrate, this Resource-Based Concentric Circle Approach (RBCCA), as I would envision it, would identify potential obligations of governments to human, (nonhuman) wild, (nonhuman) liminal and animals (nonhuman) domesticated alike, but it would indicate that positive obligations owed to human citizens should usually be satisfied before positive obligations to the latter groups of animals in the list. This does not mean that obligations to humans always outweigh obligations to non-humans: obligations to citizens should be satisfied before any obligations to non-citizens, such as those governed by other jurisdictions. This allows that obligations to feral animals within a society with whom we may have a close historical relationship to may (and should) often be given priority over relationships to humans not within a society, on the basis that a government may have a “closer” relationship with the feral animals, on the basis of their historical dependency or their presence in shared environments.

Let us consider the following example to further understand how this would work, in the limited context of asking about obligations a government owes to its own citizens and fellow CA’s: There is a hypothetical deadly disease that is currently ravaging human and nonhuman populations. Government and healthcare services develop a vaccine that saves potential victims from contracting this disease. However, a strain on healthcare resources means than only 5,000 units of the vaccine can be produced, with each animal requiring one unit of the vaccine to be assured not to contract the disease. The numbers of animals living in our hypothetical world are
as follows: There are 2,000 human co-citizens, 1,000 nonhuman companion animals living with the humans, 2,000 farm animals, 2,000 liminal animals and 3,000 wild animals. Given these numbers, do we have obligations to vaccinate everyone? And if we cannot vaccinate everyone, who ought to be given first priority to be vaccinated? The RBBCA would suggest that there would in fact be potential healthcare obligations to all the animals in question. For example, if there were 10,000 units of the vaccine available to healthcare services, the government in question would have an obligation to vaccinate every animal in its hypothetical world. However, since there are just 5,000 units of the vaccine, the RBBCA tells us that the government’s positive obligations to provide healthcare to human animals will take priority over obligations to other nonhuman animal. Amongst nonhuman animals, providing domesticated animals (companion or farm) would next take priority, and since there would be no vaccines remaining at this point, liminal and wild animals would not be owed any actual obligation from the government to be given a vaccine.

As one can see in the example of my last paragraph, the RBCCA is unique in tying our actual obligations to the resources we have available to satisfy those obligations. Using this conception, the worry that nonhuman animal rights would result in humans not having their positive obligations met would no longer be a worry, since positive obligations for humans would always take priority over those of other nonhuman animals. Unlike Wenz, the RBCCA also does not require one to say that we cease having obligations to nonhuman animals if they are sufficiently unrelated to us, and similarly, one is not committed to positive obligations to animals unrelated to us if meeting those obligations would significantly diminish the resources available to meet our positive obligations to animals that form part of our societies.
5.3: The Worry of Anthropomorphism

Many will object that my analysis is based on an erroneous anthropomorphizing of CA agency. For instance, many believe that animals are unable to express their “desires, goals, intentions, pain, suffering, and happiness,” or are at least unable to express such states in a manner understandable to humans (Savage-Rambaugh et al. 10). There is truth to this, and the inability of animals to communicate in human language poses serious limitations on the extent to which we may understand them. However, while we should be wary of assigning CA with human characteristics to CA, it is also too rash to think that animals do not have thoughts, emotions or other morally significant mental states (Thomas viii-ix). Indeed, an inability to understand animals is too often used to diminish the importance of their experiences and to then commit atrocities against them. However, even if our comprehension of animal mental states is very limited, there is still a moral imperative to understand animals to the extent possible, just as there is a moral imperative to understand the mental states of humans who cannot express themselves fully to us, for example children and the mentally incapacitated. Simply, just because one animal’s mental states cannot be adequately understood does not mean it does not have them or that humans should not try at least to understand it.

As Donaldson and Kymlicka write, our understandings of human minds can guide our understandings of animal minds, and they can also be significant in trying to determine obligations to different groups of animals (278-9, Note 21; see also Savage-Rambaugh 10-12). Indeed, asking for an equitable treatment of all citizens will mean seeing the membership rights of humans and animals as complementary, by seeing “pets as creatures who have rights that are evaluated alongside those of humans,” while recognizing that the same rights might be expressed in different ways (Hillsburg 36). That being said, we will always be limited in our ability to understand animals, because we cannot communicate with them in the same way we
might communicate to humans, but this does not mean that animals cannot or do not communicate with us. When a cat claws at the door, is it not saying it “wants” to go outside? When a dog whines after being tied outside a store, is it not indicating a “desire” to be let free?

Admittedly, there is a risk of anthropomorphism whenever we try to make sense of the subjective experiences of animals, particularly because the only subjective experiences we directly know of are our own. Because of this, we should be careful in how we interpret the agency of animals: When a feral dog “smiles” to bare its teeth, it means something different than a human smile, as this will often indicate aggression and not friendliness (Roberts). When many animals urinate, they will use it as means to demarcate their perceived territories, making the urination much more significant in animals than it is for humans (Thomas 1-62). Still, to recognize animals as rights-bearers will require us to try to come up with the best possible interpretations for the agency animals express and to act in ways that respect the perceived interests of these CA. In the process of trying to understand animal cues, our knowledge of humans can be a useful tool to understand animals, and our “aversion to the [anthropocentric] label is misplaced” (Thomas, xv). Taking companion animals seriously as rights-bearing citizens capable of their own interests and desires will mean giving them the chance to express themselves. As humans, we will need to make the best interpretations of what their expressions mean, and in this regard, a careful anthropocentrism to help understand animal agency can be a potent means to guide our treatment of animals.
Chapter VI: A Summary and Concluding Remarks

To summarize the thesis, I have argued that both human and companion animal co-citizens have a set of complimentary rights that affect the way a post-ART human-animal society should be organized: a “right to an autonomous existence” (RAE) and a “right (for autonomous adults) to exit/sever relationships” (RER). I have argued that recognition of a RAE will involve changing the way animals are raised by human guardians. In advocating for the RAE, I also established that even thoroughly domesticated companion animals are, for the most part, genetically capable of an autonomous existence, meaning that they are able to lead lives that are independent of their human guardians. The thesis also argued that “rights to exit” relationships of dependency exist for both a human guardian and a CA, meaning adult companion animals can leave guardians once they are autonomous, and guardians can also “kick out” companion animals that are capable of an autonomous existence. Further, I proposed a set of institutional changes which should accompany the recognition of these rights, aimed at allowing companion animals to flourish as both dependent and autonomous agents. And lastly, I considered some general objections to establishing the RAE and the RER, but found none of them gave sufficient grounds to undermine the core ideas of the thesis.

To end, I am reminded of Donaldson and Kymlicka’s words when they say, “we have a responsibility to try to understand what animals are able to communicate to us about their needs and preferences, and to facilitate their realization of their own life prospects” (135). Domestication has resulted in companion animals that are increasingly capable of understanding humans, but humans have made little effort to understand those CA and ask the critical question, “What do they want?” (Thomas 134). Too often, we impose our own expectations on animals and are unwilling to see the rich and meaningful ways that animals can flourish in different contexts. We look at domesticated animals as “helpless” creatures,
incapable of autonomous agency or lives independent of their guardians. This thesis hopes to have dispelled some of those beliefs, to above all impart the recognition that companion animals are much more capable than humans give them credit for, and a post-ART world should help develop the various capabilities of our domesticated counterparts.
Works Cited


