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Citizen Canine: Agency for Domesticated Animals

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*Freedom*

*My two dogs  
tied to a tree  
by a ten-foot leash  
kept howling and whining for an hour  
till I let them off.*

*Now they are lying quietly on the grass  
a few feet further from the tree  
and they haven't moved at all since I let them go.*

*Freedom may be  
only an idea  
but it's a matter of principle  
even to a dog.*

-- Louis Dudek<sup>1</sup>

In our recent book *Zoopolis*, we proposed a political theory of animal rights based on the extension of citizenship theory to non-human animals. In part, our book was intended to overcome the limits of both traditional animal rights theory (ART) and alternative non-rights based theories of our duties towards animals (e.g. utilitarianism/welfarism, care theories, capability theories, ecological/ecofeminist theories). Traditional ART endorses firm protection of basic rights to life and liberty for animals, but (especially the dominant ‘abolitionist’ strand) has been deeply skeptical of the possibility of just and egalitarian cooperative relationships between humans and other animals. Because animals are too vulnerable to human power, humans will inevitably exercise domination in order to further our own interests. Thus, on this view, animal advocates should work, not towards reforming human-animal relationships, but towards minimizing them to the extent possible. We should ‘let animals be’ to get on with their own lives, separate from human society, and encourage the extinction of domesticated animal species who are unavoidably dependent on humans. Clare Palmer calls this the “laissez-faire intuition” in animal rights theory, with its ethos of non-interference and non-intervention (Palmer 2010). It is generally premised on the idea that physical separation of humans and

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<sup>1</sup>The Poetry of Louis Dudek: Definitive Edition (Dundurn Press, 1998), p. 165. Thanks to Ian Carter (University of Pavia) for sharing this poem with us.

animals is possible and desirable – a kind of “species apartheid” in Ralph Acampora’s apt phrase (Acampora 2004: 221).<sup>2</sup>

Alternative welfarist, care, post-humanist and capability-based approaches to animal ethics, by contrast, start from the premise that continued relations between humans and animals are inevitable, and hence that a central challenge is to reform these relationships in light of our ethical duties towards animals. Unfortunately, these approaches have largely borne out the fears of abolitionist animal rights theorists that humans can’t be trusted to safeguard animals’ basic rights. Typically they propose deeply circumscribed characterizations of animals’ interests (for example by emphasizing suffering while ignoring liberty, or by idealizing human-animal bonds based in love or mutual world-making while ignoring their oppressive or exploitative dimensions). Even the most ‘generous’ of such theories often deny that animals have vital interests in autonomy, self-determination, or even in continued life.<sup>3</sup> Whatever their intent, by failing to guarantee basic rights, these approaches end up opening the door to continued exploitation, and to the treatment of animals as a caste group to serve human interests.

In short, neither traditional ART nor its alternatives offer us an account of how we can have physically proximate and socially meaningful cooperative relations with animals while still protecting their basic rights. The challenge to developing non-exploitative cooperative relationships is most acutely posed by the case of domesticated animals who are significantly dependent on humans for basic care (food, shelter, medical attention for in-bred health conditions, and, in some cases, companionship). In *Zoopolis* we challenged the idea that domesticated animals, by virtue of this dependency on humans, are inherently demeaned, inauthentic, undignified, oppressed, or unacceptably vulnerable. We argued that dependency per se is not the issue (we are all, after all, dependent and interdependent in complex ways). The issue is how we respond to dependency, individually and as a society.

The facts of dependency raise risks that can only be remedied through the recognition of rights. And not just the familiar negative rights to life and liberty, but also rights of membership. Domesticated animals should be seen as members of a shared human-animal society (hereafter HAS). And, as in the human case, these rights of membership are best understood in terms of citizenship. To achieve justice for domesticated animals requires governing our mutual relations according to a conception of equal citizenship in which all are entitled to “life, liberty and the pursuit of happiness”. As citizens, domesticated animals must enjoy the same rights as we do to be full members of human-

<sup>2</sup>This general focus is clearly captured in this passage from Joan Dunayer:

Animal rights advocates want laws that will prohibit humans from exploiting and otherwise harming nonhumans. They don’t seek to protect nonhumans within human society. They seek to protect nonhumans *from* human society. The goal is an end to nonhumans’ ‘domestication’ and other forced ‘participation’ in human society. Nonhumans should be allowed to live free in natural environments, forming their own societies... We want them to be free and independent of humans. In some ways, that’s less threatening than giving rights to a new group of humans, who then share economic, social, and political power. Nonhumans wouldn’t share power. They would be shielded from *ours*. (Dunayer 2004: 117, 119)

<sup>3</sup>See for example Singer 1990 (utilitarianism), Nussbaum 2006 (capability theory), Haraway 2008 (posthumanist theory), Rudy 2011 (care theory). Ethics of care theorists vary as to whether their conceptions supplement or replace theories of basic rights. See Donovan and Adams 2007.

animal society, to enjoy their share of benefits of society, to have their interests fully considered in the governance of HAS, and to participate as co-creators of that society insofar as they are able.<sup>4</sup>

This citizenship approach, we believe, provides a basis for engaging in close relationships with domesticated animals while blocking the risks of exploitation. In the contemporary world, the vulnerability and dependency of domesticated animals are exploited to thoroughly dominate them, and to subjugate them as a caste group to serve our needs. In a just world, we argue, humans would respond to domestic animals' dependency by recognizing that all of our co-citizens, human and animal, are vulnerable and dependent in different ways and at different times, and that this vulnerability calls for heightened care and attention to ensure that the terms of full and equal membership are upheld.

In this paper, we wish to develop this citizenship model further by exploring some of the (many!) challenges it confronts. The key concern is whether citizenship really would be in the interest of domesticated animals (henceforth DAs), given their acute vulnerability to human domination, manipulation, and unjustified paternalism. Insofar as a citizenship model involves defining DAs as participants in a scheme of social cooperation, is it not inherently anthropocentric? Does it not fail to respect animals' essential differences from us, leading inevitably to manipulation, coercion, and diminishment of animals' opportunities for living flourishing and authentic lives? If citizenship for DAs is to be more than a symbol or a slogan, we need to give a robust account of how this citizenship is enacted, and of the practices of citizenship that give it life. We need to show that citizenship opens meaningful and effective avenues for ensuring that the norms governing human-animal relations are truly responsive to the subjective good of DAs, and is not just a veneer by which humans legitimate practices that serve our purposes.

In particular, we need an account of the agency of DAs which shows 1) how citizenship for domesticated animals can be structured as a choice (with a meaningful right of exit) rather than forced participation; 2) how the rights and responsibilities of citizenship can be jointly authored/negotiated by humans and animals, not simply imposed unilaterally and paternalistically by humans; and 3) how domesticated animals can exercise forms of dependent agency which can be meaningfully distinguished from adaptive preferences. That is our goal in this paper.<sup>5</sup>

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<sup>4</sup>For a detailed presentation of the moral case for citizenship, see Donaldson and Kymlicka 2011: chaps 4-5. The crux of the argument rests on three claims: (1) DAs are de facto members of our political communities – physically present, and subject to human governance, and obviously able to live in proximate and cooperative relationship with humans; (2) through the process of domestication, humans have exploited DAs and made them dependent on human care, foreclosing the option of a more independent existence outside of human communities; 3) within our political communities DAs form a dominated and exploited sub-class whose interests are systematically ignored by the political order. In other words, DAs are members of our communities; we have benefitted from, and enforced, their membership while systematically exploiting them. Justice demands that domination and hierarchy be replaced by relations of democratic citizenship, and its accompanying ethos of equality, participation, consent and cooperation.

## 1. Enacting Animal Citizenship Through a Discovery Model of Agency

We start then, in Part 1, with the question of how DAs can enact citizenship to advance their subjective good. Traditional citizenship theory rests on the consent and participation of citizens as the basis for legitimate governance. On one minimalist reading, consent is manifested simply through the decision to stay put rather than exiting to join some other community. On a more robust reading, the governed must have an ongoing say in the creation of society's laws, norms, and institutions (what Habermas calls co-authoring of the laws). The practice of citizenship in the human case, therefore, requires creating the conditions that support, insofar as possible, meaningful forms of consent, allegiance, autonomy and participation.

What are the analogues of such citizenship practices in the case of domesticated animals? Animals cannot exercise a right of exit (e.g. withdrawal from mixed human-animal society) without human support and assistance. They cannot voice their political participation in the terms envisioned by traditional political theory (voting, free speech, right of petition, etc.), but rather, require that their participation be supported and interpreted by human trustees.<sup>6</sup> The question of trusteeship presents enormous challenges.

<sup>5</sup>In a companion paper we flip the question around, and ask whether domesticated animals are good for citizenship. Would extending citizen relations to include DAs make a mockery of the idea of citizenship, and erode a practice central to human flourishing and justice? Can we include “unruly beasts” in our practices of citizenship without abandoning, or at least radically weakening, fundamental norms of reciprocity, self-restraint and civility that make democratic self-rule possible and meaningful? Would a zoopolis model, as some commentators have argued, “render our political institutions dangerously formless and unjust in their affinity to and intimate relationship with tyrannical rule” (Planinc 2012: 3)? Would expanding citizenship to include animal forms of freedom and agency lead “to the freedom of all things beastly and tyrannical in ourselves” (Planinc 2012: 23). A full defense of animal citizenship must consider not just whether a citizenship model advances the interests of DAs, but also whether the resulting citizenship regime can effectively protect the fundamental values that humans have invested in democratic citizenship. We pursue this issue in “Unruly Beasts and the Threat to Democracy”.

<sup>6</sup>The exercise of political agency, for all citizens, is an interdependent social good, one that is enabled and fostered through the rule of law, public institutions, civil society, and interactions between citizens. However, citizens vary significantly in the kinds of obstacles impeding their political agency (e.g. youth, ill-health, minority or stigmatized identity, poverty, lack of education, physical or intellectual disability, etc.) Obstacles can arise both from individual capacity/incapacity and from structural factors (e.g. the way the physical structure of cities impedes participation by people with physical disabilities.) For domesticated animal citizens, the obstacles to political agency are significant. The history of domestication has made them highly dependent on humans to provide for basic needs such as food, shelter, and medical care. They are also dependent in terms of their physical security (although this varies considerably across species and amongst individuals). For example, they require human protection from predators (including human predators). They require human protection from natural disasters, and from hazards posed by the human built environment (e.g. cars, pollution). And finally, they require attentive, knowledgeable and conscientious guardians/trustees to support, interpret and advocate the expression of their needs, preferences and political agency. In other words, across most aspects of their lives they cannot take independent action to meet their needs, act on their preferences, or voice their views but rather, rely on assistance from humans to do so.

Humans must foster the circumstances and trusting relationships within which animals can exercise agency, and then interpret the signals that animals give regarding their subjective good, preferences, or choices. Humans can manipulate the circumstances in various ways, and our interpretation of animals' subjective good is subject to bias, self-interest, and well-intentioned error. Given these enormous challenges, it might be tempting to set aside the goal of enabling animals' agency in shaping and communicating their subjective good and to focus instead on more objective measures of welfare.<sup>7</sup>

Indeed, the discourse of animal agency can easily be coopted to justify their exploitation. A striking example is the claim of animal researchers that the animals they experiment on are “partners” in the research, as if they have consented or volunteered to be harmed or killed for human benefit.<sup>8</sup> This is a rather transparently insincere attempt to add the sheen of animal agency on top of a pre-existing relationship of exploitation defined by and for humans. But as we will see below, there are other, more subtle, but equally insidious ways in which the discourse of animal agency and consent can be coopted. If the citizenship model is to serve emancipatory goals, we need to clarify the sort of agency that is morally relevant, and the safeguards and preconditions that make it possible. This is not easy, but not impossible. In any event, we should not admit defeat before even trying to meet the challenge.

In that vein, we propose some initial thoughts towards a discovery model of agency for domesticated animals which we believe can underpin practices of animal citizenship. We have found it helpful to organize this model under three headings. First, if ideas of animal agency are not to be co-opted as justifications for exploitation, it is not enough that we create what we will call “micro agency” – that is, spaces for animals to make choices within relationships whose broader purposes have already been defined by and for humans. We must enable what we will call “macro agency” – that is, the opportunity for animals to decide whether or not they wish to be in a cooperative relationship with us at all, or for what purposes. Second, whether in relation to macro or micro-agency, we need some account of the legitimate ways in which humans structure the choices animals face, and how this structuring of choice can expand as well as constrain agency. These first two sections discuss the value of animal agency, both as a defensive or protective tool to enable animals to challenge relations of exploitation, and as a positive good that can enrich the flourishing of animal lives. In the third and final section, we conclude with a discussion of the dilemmas of interpreting these animal choices, and how a variety of

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<sup>7</sup>There are parallels to be drawn here with debates in disability theory. For example, some theorists are of the view that in the case of humans with disabilities so severe that the possibility of interpreting their subjective good is thrown into doubt we should rely instead on objective measures of the human good (Nussbaum 2006). In other words, these individuals are relegated to an exclusively paternalistic framework in which ideas of consent/assent or political agency are meaningless.

<sup>8</sup>See Birke, Arluke and Michael 2007: chapter 3 on how animals in labs are portrayed (especially in ads by animal suppliers aimed at researchers) as helpers, rescuers, research partners, workers, heroes and warriors. See also Janara 2012 for examples from a recent campaign defending animal experimentation at UBC.

expert observers, interpreters, supporters and trustees can play a role in helping to ensure we are listening to what our animal co-citizens are telling us.

### **The Importance of Macro Agency:**

The scope of agency is never unconstrained, for either humans or animals. Some dimensions of life are unalterable. The fact that I am human and an earthling. The identity of my biological parents. The time and location of my birth. This list of unalterable features has changed over time. Dimensions of life which used to be unalterable, like my biological sex, genetic make-up, and physical and mental functioning are increasingly open to alteration. But whatever the precise limits, it is widely assumed that in the case of human beings, we have a wide scope of agency, including the capacity (and the right) to determine the fundamental shape of our life. Matters such as our intimate partners, our political and religious allegiances, our work and activities, and our social networks, are seen as subject to our agency.<sup>9</sup> We have the right and the capacity to shape many dimensions of what we might call the “macro frame” of our lives.

When we turn to domesticated animals, by contrast, we tend to assume that they have no comparable agency regarding the fundamental shape of their lives. Their macro frame is assumed to be fixed by their evolutionary history and/or species nature, pre-determining a life of rigid dependence on humans and human society.

This static conception of the state of being a domesticated animal is reflected in a range of theoretical perspectives in the animal ethics literature, including both traditional ART and its welfarist alternatives. For example, most welfarist accounts of domesticated animals simply assume that domesticated animals are inevitably part of HAS. It makes sense to ask what duties we owe animals within these parameters, not to question the

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<sup>9</sup>By “agency” we are referring to self-willed, or initiated action which carries an expectation of efficacy. Sharon Krause defines agency as “the affirmation of one’s subjective existence, or identity, through concrete action in the world. To be an agent is to affect the world in ways that concretely manifest who you are, to see yourself and be seen by others in the effects you have, to recognize your deeds as being in some sense your own” (Krause 2012: 240). Agency requires not just that you can initiate action, but that your action can have the results you intend. As Wehmeyer and Garner put it, “being self-determined is not a function of how much you can do for yourself, behaviourally, but instead is a function of how much you make or cause things to happen” (2003: 263). In many contexts this requires that others respond to you as an agent. So, for example, if the cat jumps up on my computer keyboard and meows at me for her supper, and I respond by producing it, then she has exercised agency. If I ignore or misunderstand her requests and continually fail to respond appropriately – insisting on feeding her on my own preferred schedule – then her agency has been thwarted. See Smuts 2001 for a discussion of her research with baboons, and how her willingness to heed their command that she ‘get lost’ – i.e., her willingness to respond to them as effective agents – was the essential basis for an inter-subjective relationship. It confirmed to the baboons that attempting to communicate with her wasn’t pointless, and that, unlike most obtuse humans, she was capable of responding appropriately and thereby confirming their agency.

existence or nature of those parameters. According to some of these accounts, destiny was fixed at some distant historical moment of contract or covenant, in which domesticated animals are perceived to have made a choice, in the mists of historical time, to throw in their lot with humans (eg., Budiansky 1999, Calicott 1992). They now live in a symbiotic relationship with humans where they trade their labour and lives for food, shelter and protection from predators. We have inherited this relationship, and the parameters are no longer open to question.

Capability theorists like Martha Nussbaum acknowledge that the existing terms of domestication may thwart animals' flourishing by undermining certain key "capabilities", but she too views these capabilities as essentially fixed, in this case by species characteristics. Capability theory defines the key parameters for the lives of domesticated animals in terms of a species-based conception of nature and flourishing that leaves little room for individual animals to shape their own lives (Nussbaum 2006).

Abolitionist ART, as noted earlier, views domesticated animals as inherently and irredeemably deformed versions of their wild animal ancestors. We do not need to consult them about how to frame the possibilities for their lives with or without humans. We already know that they don't belong in society with us, and would never consent to 'forced participation' (Dunayer 2004: 17; Francione 2007: 4). If they can't live without us, then we should seek their extinction.

All of these models perceive the question of domesticated animals' relationship to human society in static terms – fixed by genetics, species nature, histories of evolution and domestication. None acknowledge the need for, or even the possibility of, consulting individual animals regarding their relationship to human society, about whether, or on what terms, they might opt to participate in, or to exit from, HAS.

In reality, however, there are many possible lives for domesticated animals. Countless domesticated animals have escaped human management to become part of feral populations either on the fringes of HAS or as part of more remote 'rewilded' communities, like mustangs on the Great Plains, or camels in the Australian outback.<sup>10</sup> Some lucky domesticated animals have escaped from intensive human (mis)management and dependency to more self-determining situations. Consider a lucky cow or pig who flees en route to slaughter and ends up at a farm sanctuary where she controls many more aspects of her daily life – feeding herself, or making her own decisions about shelter. Or a horse who retires from a dressage school where his most intensive relationships are with trainers and riders to a free-roaming sanctuary herd where he joins a community of horses with their own social structures and hierarchy, and ability to meet their own needs for food, shelter, and security. This animal may still have contact with humans (vets, friends), but he has effectively become part of horse society as much as mixed human-animal society.

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<sup>10</sup>Indeed, recent genetic analysis reveals that certain animal populations long thought to have been truly wild, are in fact re-wilded former domestics (Clutton-Brock 2012).

Of course, there are many domesticated animals who could not function, or might choose not to function, with this level of independence from humans, even given the opportunity. Breeding has left them so physically vulnerable (to predators, exposure, illness) and/or psychologically attached that intensive involvement with humans is inescapable. Nevertheless, the example of escapees, resisters and the lucky few demonstrates that even under current practices of extreme domination, a significant range of possibilities for different animals is apparent. These options would presumably be vastly greater if society collectively committed itself to enabling domesticated animals to explore different possibilities concerning their relationship to human society and to the society of other animals.

So we have no grounds to rule out the possibility of enabling the macro agency of domesticated animals. In practice this means providing a range of options for domesticated animals along the participation-withdrawal spectrum. This range of options will vary for different species and breeds (and will alter over time as humans cease to engage in selective breeding). For example, horses, pigs and goats might be more adaptable to life with minimal human management or contact (if that's what they want) than dogs or domesticated mice. Traditional hunting breeds of dogs might be more inclined to a partial withdrawal arrangement than those traditionally bred for guard duties or companionship. And most importantly, individual differences will mean that some German shepherds want to hang out with humans, and others will prefer to join a more independent dog community. These are decisions to be made by individual animals, not predetermined by DNA or species membership. This means that different institutional options must be available for animals (e.g. a range of options for mobility and association within HAS, different kinds of sanctuary options, programs to support feral animals, and a re-think of land-use and zoning in order to structure different kinds of opportunities for domesticated animals). Insofar as domesticated animals can explore meaningful options concerning the fundamental shape of their lives, it is tyranny to deny them opportunities to do so.

It is important to emphasize that this commitment to enabling domesticated animals to redefine their relationship to HAS must start from a baseline of full and equal membership. Having brought domesticated animals into our society, we must acknowledge their right to membership, and we must therefore welcome them from birth as full citizens of HAS. They must have the same basic rights as other citizens – to life, freedom and security of the person, to social opportunities, to economic resources, to political representation, to basic species and inter-species socialization (to ensure that they have a meaningful option for flourishing as members of HAS), and so on. Their eventual trajectory may be to opt for partial or full withdrawal from HAS, but we have no right to deny them the option of retaining full membership. Put another way, while we can offer opportunities for domesticated animals to withdraw from HAS, we have no right to expel them.

In this respect, our proposal radically differs from the Dutch Heck cattle “de-domestication” or “rewilding” project in Oostvaardersplassen. In this project, cows are left to fend for themselves, with no human help in providing protection from predators or

from food shortages, no veterinary care, and so on, in the hope of re-establishing populations of wild cows and “approximating the paleoecology of a Pleistocene Europe”.<sup>11</sup> Far from challenging the instrumentalization of domesticated animals, this is yet another project that sacrifices them to advance a project designed solely in response to human purposes. In no sense is this project a response to the communicated wishes of the animals themselves. There are many such cases where the basic rights of domesticated animals are sacrificed to serve human fantasies of “the wild” (Shelton 2004). To repeat, our model starts from the premise that domesticated animals are, and have the right to remain, equal members of society, with full respect for their basic rights and their membership rights. Any move away from this status of membership must be done in response to their expressed wishes.

In this way, decisions about the macro framing of domesticated animals’ lives are not contemplated from the void, as a set of abstract options, but explored in actual and ongoing relationships and environments. Domesticated animals are (currently) born into HAS, embedded in a complex web of biological and social facts, some fixed, some more malleable. They are also uniquely endowed individuals, with temperaments, talents, impulses and desires, who will therefore differ markedly in their inclination to explore different alternatives. For all social animals it is the nature of our development that we can only explore and question the parameters of our lives in the course of living those lives.

This then is the conception of macro agency that we propose. From within their current situation as members of HAS, domesticated animals have a right to question the continuation of, and terms of, their citizenship. This conception stands in marked contrast to certain abolitionist and ecological traditions which have no hesitation in forcibly imposing on domesticated animals their preferred goal of extinction or rewilding.

But our conception also differs markedly from many mainstream welfarist approaches to animal agency which are much more modest, and which focus exclusively on what we would call “micro” agency. On these views, animal agency should indeed be respected and upheld, but this agency is not seen as including the power to exit HAS, or to alter the terms of membership in it. Rather, animal agency is understood as securing the cooperation of domesticated animals within relationships whose goals and purposes are already defined by humans. The almost inevitable result of this impoverished idea of agency is to undermine, rather than respond to, animals’ subjective good.

This problem is manifest in the work of Vicki Hearne, Donna Haraway and other defenders of advanced and intensive training for dogs and horses. These authors focus extensively of the (alleged) agency of animals within these human-animal relationships (Hearne 2007, Haraway 2008). They speak of how mastery of skills (e.g. agility, jumping, etc.) enables animals’ agency because it enlarges their world of possible action, a world

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<sup>11</sup>For details on this project see the "Wild Experiments: New Natures for the Anthropocene" website of Clemens Driessen and Jamie Lorimer of the King's College London Return to the Wild project, posted at: <http://wildexperiments.com/biopolitics/>.

in which they can make some of the choices and decisions, initiate actions and engagement, and derive a sense of satisfaction from successfully accomplishing what they set out to do (Patton 2003). For example, they speak of how the horse (or dog) and trainer take turns in initiating action or decision-making, and they speak of a level of trust and mutual respect that provides a space in which either horse or rider can deviate from the training script to address the unanticipated challenges of a particular competition and expect to be supported in this decision by their partner.

These are, indeed, examples of ‘micro’ agency, and we will discuss the value of such micro agency below. However, if we focus on micro agency without considering the larger framing question, there is potential for great mischief. The focus on micro agency serves as a rationalization for a relationship in which domesticated animals are presumed to exist to serve the needs, interests and desires of humans.<sup>12</sup> Animal trainers unapologetically acknowledge that the animals’ micro agency is being trained in pursuit of goals that humans value: the explicit aim is to get animals to cooperate in the pursuit of conceptions of showmanship or mastery that humans value and cherish.<sup>13</sup> These trainers may disavow traditional forms of training that involve outright violence – “breaking” horses and beating dogs into submission – but their own methods involve extensive coercion or manipulation to achieve “absolute obedience” in response to human commands (Hearne 2007: 43; Patton 2003: 90). Joe Camp describes this process as offering horses the choice between complying or being “uncomfortable” (Camp 2008: 171). Monty Roberts (the ‘horse-whisperer’) advises: “Always work to cause your horse to follow the path of least resistance. Then place an opening for him to pass through so that the path of least resistance becomes the direction you want him to go in” (Roberts 2000: xxi). Here we are still talking about molding horses to human uses and preferences, not about enabling horses to exit from, or to redefine the goals of, their relations to humans.

Since these authors start from the premise that animals can be manipulated into cooperative practices that serve human ends, it is not surprising that the same authors go on to defend other forms of animal exploitation. And thus we enter a strange world in which human-animal partnership, communication, love, and cooperation is celebrated side-by-side with unquestioned acceptance of the human exploitation and killing of these animals for food, clothing, labour, entertainment, sport, or scientific knowledge (Hearne 2007, Haraway 2008, Rudy 2011).

As J.J.Clark notes, valorizing micro agency in the horse/trainer relationship can blind us to the absence of macro agency:

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<sup>12</sup>See Weisberg (2009) for a critique Haraway’s use of ideas of agency.

<sup>13</sup>As Patton notes, despite the rhetoric of two-way communication, negotiation and partnership, “the conversation between horse and rider in the arena takes place entirely in respect of tasks that are set by the rider. The primary purpose of the communication between them is the transmission of orders” (Patton 2003: 90).

Humans must constantly bear in mind that the horse was never given the opportunity to decline to participate in the human/horse relationship, nor does the horse possess the capacity to exit the relationship. Suggesting that the horse does possess this sort of agency is to suggest that it is within the control of the horse to defend itself against abuses through a termination of the human/horse relationship. The implication is that by not exiting the relationships, the horse is satisfied with its treatment at the hands of the human, which in turn gives humanity permission to overlook any exploitation of the horse. (Clark 2009: 179)

As Clark notes, the possibility of exit is one of the key ways for ensuring that members of a potentially exploitative relationship are in fact assenting to that relationship. The focus on micro agency gives the veneer of consent, but in fact horses have not been offered any opportunity to explore alternative relationships, or to pursue their own macro-framing. Under these circumstances, the veneer of agency and consent simply becomes a recipe for legitimating domination.<sup>14</sup>

So our conception of animal agency is fundamentally different from fashionable calls for 'more communication and less coercion' in our relations with horses or dogs or other domesticated animals. Our conception starts from the premise that domesticated animals have the right, not to humane treatment within relations that we define for our purposes, but the right to explore whether they want to relate to humans at all, or for what purposes. We need to know what kinds of relationships they want to have with us, in pursuit of what shared goals. The key questions are: Do domesticated animals have the opportunity to opt in or out of the human-animal relationship, or to redefine the underlying purposes of cooperation? What range of options do they have both individually and in more institutional and communal terms?

If we were to create space to raise these macro questions, it is likely that many domesticated animals would want to maintain some sort of ongoing relationship with humans, at least for now, due both to their dependence on us and also in some cases out of a desire for companionship. But this is not fixed. Over time, we can set up graduated options so that a broader range of domesticated animals can start to explore various degrees of withdrawal from HAS. We should not expect the answers to this macro question to remain the same over time, or across individuals. The answer is always provisional as new generations are born into shifting circumstances and different opportunities. For each individual the question must be asked about what life they seem to be suited to, what life they seem to want.

### **The Structuring of Choice:**

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<sup>14</sup>In fact, all relations, even the most exploitative, are likely to involve moments of micro-agency, including both cooperation and resistance. See Hribal 2007, 2010 for accounts of resistance by working horses and captive zoo animals, and Warkentin 2009 for resistance by captive whales. We can also agency at work in the resistance by wild animals whose territory has been colonized (Palmer 2003).

So far, we have been talking in an admittedly loose and vague way about creating space for domesticated animals to explore alternatives to the continued structure and goal of human-animal relations, on the assumption that their response to these alternatives can inform us about their own preferences. But this hides a nest of problems. Why should we suppose that animals' behaviour in the relevant circumstances is indicative of their subjective good, rather than simply arbitrary movement or instinctive fear/flight responses to something new in the environment? One can easily imagine circumstances in which exposure to "alternatives", if presented in a void, would be a recipe for paralysis or anguish, not agency.<sup>15</sup>

This challenge is not unique to domesticated animals: the same is true for humans (or for the members of social species of wild animals). Choice, to be meaningful, needs to be socially structured. It requires that individuals be socialized into particular rules and relationships which help to define the familiar and the trustworthy, and which provide a benchmark from which incremental alternatives become meaningful.

To enable animal (or human) agency, therefore, we must step back and think about the structuring or "scaffolding" of meaningful choice, beginning with basic patterns of socialization. Consider then a domesticated animal born into HAS. On our model, she is seen as a full member of a mixed human-animal society, and as such has the right to be socialized into the rules that enable members of society the opportunity to flourish together. For example, domesticated animals learn to control their strength and bite, where to find food/water/shelter, where to relieve themselves, how to interact with conspecifics and humans, how to negotiate their environment and monitor dangers such as cars or trip hazards, how to respond to requests to stop/come and so on.

Some abolitionists view this sort of socialization of domesticated animals as already an exercise in domination. And of course it's true that the rules of HAS to date have been massively one-sided. We tightly prohibit and regulate any animal activity that we find inconvenient or unattractive, while entirely ignoring the many ways our activities inconvenience or discomfort animals. The current rules are in no sense equally committed to the mutual flourishing of all members of society.

However, it's important to remember that basic socialization is a precondition for the offspring of any social species to be able to survive and successfully integrate into their society, whether that is a society made up only of other members of their own species, or HAS. We socialize young humans, just as wolves socialize their young. Indeed, we can say that basic socialization in this sense is a right of membership, which is needed to ensure the safety of the individual and others, and because successful social integration for social beings is an essential precondition of future flourishing. No meaningful agency is possible without some form of basic socialization.

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<sup>15</sup>Consider the claim from some farmers that they have tried 'free ranging' their battery hens, but the birds just don't want to be outside. You can cut a door in the side of the barn and fence an outdoor pen but they will just stay put in their cages.

Of course, the case of domesticated animals is different because the society they are being socialized into is a mixed or inter-species society, and this creates the risk of a caste society, in which domesticated animals are treated as a subordinate caste to serve human interests. But as we will see below, the fact that domesticated animals are part of an inter-species society also creates some distinctive opportunities for enhancing animal agency.

So we begin by socializing a newborn domesticated animal into the rules of HAS. But as we emphasized in the previous section, to address the risks of exploitation, we must enable her to contest the terms of membership, or indeed even the fact of membership. How do we support meaningful agency for her in deciding the macro framing questions about what kind of life she wants to lead, in what kind of society?

The only way to begin to answer these questions, as well as countless more particular questions about her subjective good, is to expose her to different opportunities, environments, activities and associates. We need to structure these opportunities so that she can make meaningful choices, and then we need to respond to those choices in ways which confirm her agency and set the stage for further opportunities, and further choices.

Some kinds of choice opportunities are fairly straightforward, because the horse already knows what she wants. You simply present meaningful options and allow her to choose between them. Over time, by monitoring these choices you can assess patterns and come to a judgment about whether her choices are random, or genuine exercises of agency reflecting personal preferences or desires, i.e. “the affirmation of one’s subjective existence, or identity, through concrete action in the world” (Krause 2012: 240). For example, compare the situation of a solitary horse who spends most of her day in the stall, eating the food that is on offer, alone except when her human comes to the barn to groom her, or take her for a ride. Compare this to a horse on a large sanctuary with a herd of horses and other animals. This horse is not confined, but can roam over a vast range or choose from a variety of forms of shelter. She can form friendships with other horses (or animals of other species) or not, as she chooses. She can submit to the herd hierarchy, or challenge it. She can welcome mating with the stallion or flee. She can sample from a variety of foods at feeding stations, or graze on the natural vegetation. She can swim in the river or stay on dry ground. When a human appears at the fence she can trot over for a visit, or not.

In the case of the first horse, given no room to exercise meaningful agency, it is impossible for her to indicate preferences. (The one form of agency left her is resistance - biting the hand that feeds her, bucking at the gate of her stall, or throwing her rider.) In the second case, a range of choices allows the horse to indicate a great deal about how she wants to live. The choices are meaningful. This does not require that the horse ‘knows’ she is making choices, or understands the full range of her options at any given moment. But it does mean that at a given moment -- as she experiences a subjective desire, impulse, need, intention, curiosity, or whim -- she is able to satisfy this state rather than being constantly thwarted (or reduced to a state of numb subjection). Over time, as patterns of preferences are revealed, it becomes possible for those who know her and observe her carefully to learn about some important dimensions of her subjective good (the kind of individual she is, who her friends are, what activities she enjoys, etc.).

Up to this point we have considered choices over areas of life which the horse will naturally engage, activities related to basic needs for food, shelter, companionship, and

social structure. Some would say that we don't need a theory of supported agency to justify reduced restrictiveness and increased opportunity over such choices. All we need is a conception of species nature, and animals' right not to be restricted from exercising so-called instinctive behaviors.<sup>16</sup>

But let us turn now to a more difficult case: namely, activities that require learning and training with the participation of a human partner. These are not activities which domesticated animals will engage in as an exploration of their species nature. In the case of horses, consider trail riding, show jumping, or rounding up cows. In the case of dogs, consider advanced tracking, agility training, or sheep herding. You can't simply take a dog to an agility course, or give him a toddler's t-shirt to sniff, and expect him to 'choose' whether or not to undertake the activity. The activity must be taught and learned.

So how should we think about the process of exposing a dog to these activities, and engaging in the necessary training for him to learn how to accomplish them? And if these are activities which domesticated animals might not be able to perform on their own, without human encouragement, training, and support, then why engage in them at all?

Here again, many abolitionists jump to the conclusion that all forms of training are unjust, an illegitimate attempt to compel domesticated animals to engage in unnatural acts that serve human purposes. However, we would argue that this prematurely excludes the possibility that inter-species activities can be an important realm of animal agency.

If a dog or horse or pig is part of HAS, then it is her right to be enabled to participate in that society to her full potential. The world of opportunity for her is HAS, not dog species society, or horse species society, or pig species society. For any individual animal, we must allow that her good might be realized, at least in part, through relationship with a human who facilitates her participation in activities which she would otherwise be unable to engage in. As Leslie Irvine argues, opportunities to engage in appropriately structured interaction (i.e. interactions which challenge our skills "*just enough*") expand the self, and the scope for agency, for both humans and animals (Irvine 2004:8).<sup>17</sup>

Why might such activities be part of her good? As noted earlier, a dog might be able to develop specific skills (how to gauge the frisbee direction on a windy day, how to activate a lever to turn on the TV or generate fresh water, how to signal when a scent trail has been broken and she needs a refresher, how to take the subway), and exercising these skills might lead to pleasure, to satisfaction, to confidence, perhaps to a sense of accomplishment. She might develop certain kinds of knowledge (the structure of her human companion's social network, or daily routines, the strange ways of cats) which enlarge her mental realm in meaningful and satisfying ways.<sup>18</sup> And she might develop a

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<sup>16</sup>See Nurse and Ryland 2012 for the claim that allowing instinctive behaviours is sufficient to accommodate animal agency, without the need for, or risks of, a citizenship model.

<sup>17</sup>See Hillsburg 2010: 34 for a similar analysis.

<sup>18</sup>See Porcher and Schmitt 2011 for a discussion of dairy cows negotiating the crossover of cow world and farmer world. See also Young 2003 for a related discussion of cows.

range of social bonds and friendships which provide greater experience and satisfaction than species specific friendships. Just as humans enjoy the frisson of cross-species friendship – the strange combination of connection and mystery, the mental challenge of communication, the opportunities for surprise, respect, and humour - these satisfactions may be meaningful to some domesticated animals.<sup>19</sup>

An animal who lives solely amongst con-specifics in an exclusively cow world or horse world experiences one kind of social world with its unique opportunities for friendship, caring, leadership, competition, and so on. An animal who lives in a multi-species world experiences different and overlapping social worlds. These overlapping worlds allow her a greater range of choices and opportunities. Consider a chicken, for example, who is low on the pecking order and often ostracized by her flock-mates. If this is her only social world, then she has no real alternatives. Imagine, on the other hand, that her chicken flock is embedded in HAS, and she also has interaction with humans (or other animals). Rather than languishing on the margins of the chicken flock, she might choose to befriend a human or the family dog or pig. Thus living in HAS can increase animals' agency by enlarging their social world. Consider how dogs enjoy dog world at the off leash park, in addition to their interspecies life at home. A lot of interesting studies are now being done on this creative dimension of interspecies life (Alger and Alger 2005; Feuerstein and Terkel 2008; Porcher and Schmitt 2011). And so, by multiplying the domains in which domesticated animals live (socially, geographically and functionally), and by helping them to develop the skills for negotiating those domains, we literally enlarge their world, and their opportunities for agency.

This potential of inter-species activities connects to a broader point about how we should understand animal well-being. In much of the literature – including many forms of ART – the focus is overwhelmingly on the elimination of pain and suffering, without any serious attempt to understand the sources of positive well-being for animals.<sup>20</sup> As a result, we have not seriously considered how a mixed human-animal society can provide the preconditions for moving out into the world as a self-determining agent. This is not just about meeting bodily needs, but about creating mental space for thinking about life beyond basic survival needs.

In her recent book on the history of domestication, Juliet Clutton-Brock (2012) notes that one reason reindeer were attracted to human settlements was that the smoke from human fires helped keep pests at bay. Reindeer are tormented by mosquitoes and other insects – herds are constantly on the move to try to outrun pests. Human control of these pests, whether through smoke or more modern techniques, is arguably vital for creating a realm of agency in which reindeer can focus on something other than immediate physical torment.

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<sup>19</sup>Cross species interaction offers “new information – incongruities, interruptions of expectations, challenges – in the context of familiar otherness” (Gene Myers 1998:78 cited in Irvine 2004).

<sup>20</sup>For a more extended discussion of this point, and how it has narrowed the vision of ART, see Donaldson and Kymlicka 2012.

The same goes for providing other basic needs for food and security. Consider horses, who live in herd social structures. Herds are hierarchical, depending on a leader to maintain the security of the herd, and make decisions for its safety. Where there is insecurity, horses can be in a constant state of fear and flight response (Camp 2008). It can be argued that a herd of horses, by developing a trusting relationship with a human leader who provides a predictable routine, and takes care of basic security issues (e.g. keeping predators out of the sanctuary, providing shelter during extreme weather, and food stores during drought), can spend more time on what Joe Camp calls the thinking side of their brains, rather than in panic or flight mode.<sup>21</sup>

A more challenging example is raised by issues of sexuality and reproduction. In her thoughtful discussion of the ethics of living with rescued domesticated rabbits, Julie Ann Smith argues that rabbits who have not been spayed or neutered exist in a whirlwind of procreative pressure – marking, competing, having sex, giving birth, etc. – which essentially crowds out the possibility of any other kind of behaviour. Relations between rabbits become more stable and peaceful if rabbits are fixed. She concludes that “spaying and neutering affords the animals a chance to express potentialities that would not otherwise come into play” (Smith 2003: 94). As she notes, there are many ethical complexities to regulating reproduction, but the more general point stands that there can be realms of freedom for animals beyond the meeting of basic needs, or species nature flourishing.

Undoubtedly there are risks to the pursuit of such realms of freedom. Freedom can be dangerous. For example, expanded mobility and freedom for animals such as chickens, rabbits, sheep or cows may only be possible with some increase in their vulnerability to predators (Smith 2003). Greater mobility and opportunity for dogs and cats may only be possible with increased vulnerability to cars or other hazards.<sup>22</sup> But as Jonathan Balcombe notes, a safer life isn't a better life (Balcombe 2009). In the human context we recognize the importance of self-determination in making choices regarding risk/opportunity tradeoffs, and the fact that different individuals will make very different choices (Donaldson & Kymlicka 2011). So too, we argue, with respect to domesticated animals. Some animals will be timid and risk-averse; others will be intensely curious and adventurous. A mixed HAS that took animal agency seriously would seek to provide each animal a secure platform from which he or she can explore the kind of life she wants to lead.

In short, we see animal agency as being structured by basic socialization, leading to incremental options that challenge “just enough”. Some of these options will involve lesser interaction with humans and greater interaction instead with con-specifics, while

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<sup>21</sup>“The horse is a flight animal. Engaging his brain could be even more important to his ability to focus and reason than ours. It helps him control his own reactive side” (Camp 2008:174).

<sup>22</sup>See Thomas 1993 for a compelling description of how her dog companions learned to negotiate these increased risks associated with freedom. See Donaldson & Kymlicka 2011: chapter 5 for a discussion of some of the unique challenges posed by free roaming cats.

other options will involve more intense cross-species interactions that allow the pursuit of interests beyond the meeting of basic needs.

None of this should be surprising, since it restates familiar themes from the disability literature. For years, people with intellectual disabilities (ID) and their advocates have been fighting to replace the old perniciously paternalistic model (which emphasized safety, and provision of basic needs according to objectively defined criteria) with models of self-determination and agency.<sup>23</sup> They emphasize the same issues that we have been raising here – the importance of moving to less restrictive environments which expose people with ID to a range of social sites and activities; scaffold their opportunities for learning and making choices within these broadened environments; while expanding their social networks and mental worlds.<sup>24</sup>

Indeed, ID theorists have created a variety of instruments and models for assessing well-being of people with ID in various settings (Lohrmann-O'Rourke & Browder 1998, Liu et al 2007, Flores et al 2010). They have also developed sophisticated models of social ecology which triangulate analyses of environment, agency, and wellbeing. They can now draw on a wide range of evidence to trace the connections between expanded opportunity/access, increased agency, and greater wellbeing for people with ID.<sup>25</sup>

In animal studies we have less systematic evidence of the link between agency and well-being. We have lots of research that focuses on domesticated animal welfare within intensely restricted environments (e.g. the impact of enlarging a cage, or adding more bedding material). But we won't be in a position to study the impact of opportunity and freedom on their wellbeing until we actually provide some opportunity and freedom. We now have a variety of anecdotal accounts supporting the move to less restrictive environments for domesticated animals (Elizabeth Marshall Thomas 1993, Camp 2008, Smith 2003, Smuts 2007). We also can learn from the long history of human cases where

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<sup>23</sup>Walker et al discuss a small but telling example of a developmental centre which didn't allow residents (adults with ID) to order pizza from a delivery service. The rationale was safety – fear that the pizza would be too hot (burning risk) or too cold (contamination risk). The result was a restriction of meaningful agency. Add up a series of such instances, and the result is severe restriction in the scope for self-determination (Walker et al 2011:13-14).

<sup>24</sup>“This may take the form of structuring decision tasks, observing carefully what activities people enjoy and providing them, or simply providing opportunities” (Ward and Stewart 2008: 301).

<sup>25</sup>As Wehmeyer and Garner note, "with regard to promoting and enhancing self-determination, it seems that providing choice opportunities, and thus increasing personal perception of choice opportunity, is the most important step to take" (2003: 264). See also Reinders 2002, Ward and Stewart 2008, Wehmeyer et al 2008, Callahan, Griffin and Hammis 2011, and Walker et al 2011 for discussion of these issues in relation to people with intellectual disabilities. In various ways these authors consider the role of supported agency/self-determination in creating opportunities for people with ID not just to integrate into mainstream society, but to achieve meaningful opportunities to transform that society. In other words, the task is not simply to create access, but to structure choice, learning and growth opportunities in a way that creates meaningful agency – both for people with ID and for their co-citizens without ID.

denial of the agency and autonomy of particular groups has led to pernicious paternalism and domination.

So there is a *prima facie* case for broadening the horizons for domesticated animals – removing arbitrary restrictions on their mobility, creating access to more locations, social structures and networks, creating structured learning opportunities for the expansion of selfhood and mental worlds, and the fostering of genuine choice and agency. But this will inevitably be an exploratory process as we learn to listen to what animals tell us about their wants and preferences, to create conditions under which they can develop and communicate wants and preferences, and to respond appropriately so that they can gain some confidence in the efficacy of trying to communicate with us. This brings us to the crucial role of interpretation.

### **Interpretation:**

So far, we have made a case for the importance of macro agency as a way of contesting potentially exploitative relationships, and of expanding choice as a positive component of animal wellbeing. But readers might understandably feel that we have ignored the central problem: namely, that all of these forms of animal agency are ultimately dependent on human interpretation. Whether animal agency operates as an effective protection against exploitation or a positive component of well-being will ultimately depend on whether or how humans “read” animal agency, and in particular whether we are able to read their agency as an expression of their subjective good. But is this realistic? As Jennifer Wolch asks, “What do animals want and can we ever really know?” (Wolch 2002: 734).

There are really two separate questions here. One concerns our capacity to interpret animal agency successfully. Assuming we have a good-faith intention to read animal behaviours as an expression of their subjective good, are we able to do so? The second concerns our motivation to do so. How do we provide effective checks and safeguards to ensure that trustees are indeed motivated by the wellbeing of the animals, and not their own self-interest?

In the rest of this paper, we will focus on the first question, leaving the second more institutional question for a later date. Before we can start designing effective legal and political structures to protect and safeguard animal agency, we need first to make sure that the goal is a coherent one. Our goal here, therefore, is the modest but important one of showing that there is no insurmountable epistemological obstacle to reading animal minds.

How then can we interpret what animals tell us about their preferences and desires – their subjective good? They can’t, for the most part, use human language to directly tell us about their dietary preferences, their shelter and environment likes, their deepest fears and desires, their best friends, their favourite activities, whether they experience work satisfaction (e.g. from tracking lost children, visiting shut-ins, guarding sheep, carrying riders, performing cognitive tests, etc.), whether they enjoy sex, whether they want to have offspring, whether they mind giving up some of their eggs, whether they are

traumatized by being shorn, or milked, or leashed, or fitted with a tracking device, and so on.<sup>26</sup>

How then can we read their minds? At one level, this shouldn't be a mystery. Anyone who has any experience with domesticated animals knows that they are constantly trying to communicate with us their preferences, and that they often have strong views about how their relationship to us should be structured. In popular culture, we sometimes talk about "dog whisperers" or "horse whisperers" who are seen to have some sort of magical or mystical ability to understand domesticated animals' subjective good.<sup>27</sup> But this is not a mystical power: the sad truth is that many humans simply do not take the time and effort to engage with domesticated animals and understand what they are communicating (and, as a result, at some point, the animals give up trying to communicate).<sup>28</sup>

We need to get away from the idea that understanding the subjective experience of animals is a mystical or mysterious power, and to think more systematically about the forms of knowledge that are available regarding how animals express their subjective good in their relations to us.

In fact, we can bring several different kinds of knowledge to bear on the task of interpreting domesticated animals' behaviour and preferences. As a start, we could broadly distinguish three types of knowledge: expert knowledge, lay knowledge or folk knowledge, and personal knowledge. All three are relevant, and each can help fill in the gaps left by the others.

Expert knowledge can tell us what to expect, in general terms, for an individual member of a particular species. For example, dogs qua dogs have certain predictable psychological needs in terms of sociality, play and stimulation. They have dietary

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<sup>26</sup>Some animals, like Alex the African Grey Parrot, can communicate using elements of human speech. Some great apes have learned sign language (and use it to communicate amongst themselves, as well as with humans). And with the advent of computer tablets and icons they are able to communicate basic preferences regarding food, for example. However, the physiology of most domesticated animals means that human-like speech or manual dexterity aren't possible. Therefore we have to become better at reading the body language and vocalizations that they can employ.

<sup>27</sup>In his book The Elephant Whisperer, Lawrence Anthony tries to combat this perception, emphasizing that "there are no deep secrets, no special abilities, and definitely no psychic powers" to communication with animals, but rather "all it takes to make progress is an open-minded attitude... a bit of patience and persistence" (Anthony 2009: 196)

<sup>28</sup>Smith suggests that this is actually a learned incompetence: as humans grow up and are taught their mastery over animals, they are taught they do not need to listen to animals, and so lose their natural ability to do so. Far from being a difficult skill that needs to be nurtured, the ability to listen to animals is actually a natural skill that is suppressed through socialization into practices of human supremacy. Therefore, "animals' inability to communicate with us is not a natural fact; it is an artefact of our domination over them" (Smith 2012: 124). See Pallotta 2008 for a similar analysis.

requirements, health needs and susceptibilities. Moreover, experts understand enough about animals' physiology to identify objective indicators (e.g. blood cortisol levels or tail biting) of elevated stress, fear, pain, excitement and other states relevant to subjective wellbeing. Experts on dogs' social world know what to expect in terms of dogs' social development, as well as how to 'read' specific dog behaviours, such as tail positions, play bows, or warning growls. And there are predictable dimensions to how dogs typically interact with humans and other species. Thus expert knowledge allows us to predict the basic needs of individuals, and to assess their wellbeing over time along a range of parameters.<sup>29</sup>

Of course anyone who spends time with dogs learns some of these things. Expert knowledge needn't be scientific, or even conscious. It can take the form of folk knowledge. The more time I spend with dogs, the more I start to recognize certain behaviours and pick up on certain signals, and this knowledge, implicit or explicit, becomes embedded in my future interactions. I walk down the street and encounter a dog, and I sense whether she will welcome an extended hand or snap at it. I may not understand tail and ear positions the way an expert does, or be able to articulate my knowledge, or even to know that I know. I may simply respond to certain signs from the dog with an intuitive sense that the dog is friendly or fearful. This knowledge may be limited, partial, and sometimes misguided, but it provides a useful frame of reference. Each time I approach a new dog she is not a completely unknown entity, but an instance of a type about whom I make certain assumptions.<sup>30</sup>

Personal knowledge is knowledge of an actual individual, her personality and temperament, her idiosyncratic behaviours and habits, her likes and needs as revealed over time, her individual communication repertoire, and our shared history of interaction, social codes, and systems for mutual understanding. Eva Feder Kittay describes how, in the case of a person with severe multiple disabilities, a mere glint in the eye, or a slight upturn of the lip, can be interpretable signs for an intimate caregiver (Kittay 2001: 568). Parents of young infants learn to recognize their own child's repertoire of cries and other vocalizations and to attach these to specific needs and wants. Humans with dog companions learn to recognize their dog's repertoire for requesting a walk, a tummy rub, or a special treat. A rider recognizes when his horse is having an off day – her eyes don't look right, or she's hanging her head a little, or moving more slowly than usual, or shying from objects that normally don't faze her. Some of these behaviours will be more

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<sup>29</sup>A nice example is reported in a recent newspaper article on runner's high (Hutchinson 2012). The study measured pre- and post-exercise levels of anandamide, a chemical which reduces pain and anxiety and promotes sense of wellbeing, in humans, ferrets and dogs. Human runners increased their levels of anandamide by 2.6 times their pre-running levels, whereas ferrets had no significant increase. It is dogs, however, who get the biggest runner's high – their anandamide increased by 3.3 times the pre-run level. In this case, our folk knowledge that dogs running in a big field are happy is amply confirmed by objective measures of anandamide that they are happy.

<sup>30</sup>See Andrews (2011) for the role of folk knowledge as a precondition, as well as a guide, to interpreting animals' good.

generalized dog or baby or horse behaviours. Some will be unique to the individual. Personal knowledge, like folk knowledge, is often implicit. A parent ‘just knows’ when her child is upset or happy or teething, without necessarily being able to articulate how or why she knows.

We can bring all of these levels of knowledge and skill to the task of interpreting the subjective well-being of domesticated animals – from personal knowledge to expert knowledge, from intuitive understanding to objective measures. They are complementary, building on one another, or serving as mutual correctives. For example, some animals tend to disguise pain (so as not to give an advantage to potential predators on one evolutionary explanation). A non-expert, lacking this knowledge, might interpret her dog’s lack of whimpering or flinching to mean that he is not in pain. She may mistakenly attribute his reduced activity to aging rather than to a treatable medical condition which could be readily revealed by a blood test or imaging. On the other hand, when a cat flinches a certain way on the vet’s examining table, he may suspect an injury, whereas the cat’s human companion immediately recognizes that the cat is playing a game from their idiosyncratic repertoire.

In these delicate judgments, there is great room for error in our interpretation of what animals are trying to communicate to us, and our interpretations of their wellbeing and interests. In some of the examples discussed in the previous section - e.g. a horse trapped in panic mode by perceived dangers, or a reindeer compelled to constant movement by tormenting bugs - it is impossible not to project our own sense of these deeply unpleasant states of mind. But we are not restricted to our own projections. We can observe animals’ behaviour (e.g. the way that reindeer will seek out smoke or other repellents, the way that horses give clear body signals indicating that they are relaxed in the presence of a trusted leader). We can also use a variety of objective measures (e.g. cortisol levels or the presence of parasites) to assist in our assessments of an individual animal’s state of wellbeing.

Abolitionists worry that this process of interpretation will be corrupted by the self-interest of humans and our desire to preserve relations of domination and exploitation. But it’s worth noting that interpretation can also be distorted by powerful impulses to help and to improve the lives of those we love. A highly instructive discussion of this challenge arises in Jennifer Johannesen’s memoir of the life and death of her son Owen Turney (Johannesen 2011). Owen suffered multiple and severe disabilities from birth. He couldn’t speak, and he couldn’t hear, and had severely limited motor control. Therefore he couldn’t sign, and, while his caregivers tried to set up pointing and trigger devices for him to express or respond to basic choices these efforts were never successful. With such limited opportunity for outward expression, it was impossible to know very much about Owen’s mental world. His family and caregivers could certainly tell when he was happy or content or distressed or miserable, and could discover various needs and desires through trial and error. But his interior world remained largely mysterious. Johannesen’s book is instructive on many dimensions, and one of these is the temptation to project into the unknown – to confidently assert claims about Owen’s mental world without any real evidence for doing so. This was particularly problematic in some of the schools Owen

attended, in which caregivers clearly felt compelled to justify their teaching role by making unfounded claims about Owen's daily experiences – his favourite songs or activities, his helpfulness, or leadership qualities, learning opportunities and progress on developmental tasks.<sup>31</sup> Gradually, Johannesen came to realize that many of these claims were baseless projections – projections that enabled caregivers to take satisfaction in their work, or justify their efforts, either to themselves or to others, or to prompt and encourage others to keep making an effort to reach Owen, or help him to develop capacities to enlarge his world.

There is a great danger here – a tyranny of focus on learning, normalization, and development of functioning that threatens to crowd out other dimensions of existence. We lose sight of the freedom to simply be who you already are, instead of who you might become. Put another way, there is a danger of sacrificing wellbeing in the moment in the name of an elusive future in which agency might be enlarged by the right therapy, learning opportunity, or activity. This relentless goal-oriented mindset can present an onslaught against which the vulnerable have little power to say “Stop!” “Enough!”

It is easy to imagine how this kind of rationalization could work in the case of advanced training for domesticated animals. On the one hand, learning how to carry riders, or complete an agility course, or guide a person with visual impairment, might enlarge an animal's mental world – providing an expanded realm in which they can exercise judgment, make choices, or solve problems. But this assessment can only be made in the context of the animal's overall life, and individual temperament and inclinations. When does training focus become too intensive – crowding out other activities which make life worthwhile? For any particular individual, how do we know when learning and developing self-discipline are a source of satisfaction, and when they are a source of stress? What is the right balance between attention to wellbeing in the moment, and potential wellbeing in the future?

We can imagine some general rules-of-thumb. Before being introduced to advanced training, there should be a justificatory stage relating to the inclinations, preferences, and temperament of the individual animal as already revealed during infancy and early socialization. At this stage, a horse may already indicate an antipathy for human company, for example. A dog may already indicate an unusual predilection for intense

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<sup>31</sup>Note that false projections are not necessarily pernicious. One can imagine instances in which Owen's caregivers project a false interpretation – for example that Owen loves a particular song (see Johannesen 2011: 61-2). This might in fact be meaningless to Owen, without being harmful. In fact, if it helps sustain his caregiver's desire to interact with him, then it might be positively beneficial. Julie Ann Smith describes a related situation with her rescue rabbits, and the role of her imaginative construction of their shared life as a kind of relationship glue. It sustains her interest in interacting with the rabbits, and her curiosity in exploring new ways of living with them. She describes this as performance ethics: “I think of what we each do separately as a performance between us, even though I have used my human imagination to see it that way” (Smith 2003:96). See also Kimberly Smith for a discussion of creative projection as a positive dimension of political representation (Smith 2012: Chapter 5).

physical activity, problem solving, or pleasure in learning. In other words, it's not sufficient justification for attempting riding, or agility training, for there to be a particular human who wants a riding or agility partner, and a dog or horse who just happens to be their companion. There should be some indication that this particular dog, or this particular horse, shows some talent or inclination that makes them a plausible candidate.

Even the most benign training will involve some manipulation, such as use of treats or affection rewards for positive reinforcement, at least initially. One way to guard against purely adaptive/shaped/manipulated preferences is to limit the use of such inducements. For example, while treats might be justifiable during initial lessons to encourage a dog to try out an activity, they should be withdrawn at a certain stage to assess whether the activity has developed intrinsic interest for him. (And such rewards must be generally available, not tied to a specific kind of activity.) Also, once he has experienced a basic introduction to an activity, he will eventually reach a stage in which he can make a meaningful choice between it and an alternative activity. Paternalistic encouragement and persuasion to try out an activity in the initial stages must give way to a genuine choice opportunity – i.e. an opportunity for the dog to engage in another preferred task or activity, without sacrifice, if he desires. (Think of a parent who coaxes her child to try out piano lessons – “just try 6 more lessons dear, and then, if you still want to play the drums instead, you can.”)

And there must be a variety of checks in place to ensure that training and associated activities can only occupy a certain percentage of an animal's overall life activities. Training and work must be placed in the context of an overall life plan and appropriate work/life balance. Opportunities for play, rest, exploration, species-typical behaviours like nest building or burrowing, scavenging or running, having sex, raising young, or just hanging out with chosen companions – cannot be sacrificed in the name of advanced training.<sup>32</sup> Since the primary justification for advanced training is that it satisfies the inclination of a particular individual for challenge, learning, self-discipline and accomplishment – the justification becomes self-defeating if the intensity of training crowds out other preferences and desires of the individual.

We have obviously just scratched the surface here in thinking about how to interpret animal agency. But we hope to have said enough to show that we are not operating in an epistemological void when it comes to domesticated animals. Domesticated animals are constantly trying to communicate with us, and we already have some well-developed

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<sup>32</sup>It is remarkable how we fail, even with domesticated animal companions, to give serious consideration to ideas of stability, balance and coherence across the span of life. Animals routinely go through the experience of having their entire lives shattered. They may be surrendered by their human 'family' to a shelter and adopted out to a new family. In the course of days, everything in their lives is upended – their home and environment, their friends and family, their food, their toys, their activities. Even their name might be changed. Protection of a basic right to (reasonable) stability and continuity must underlie any exploration of domesticated animals' participation in work or other activities with human companions. See Harvey 2008 for a discussion of some of these issues in relation to assistance animals.

bodies of knowledge that help us understand this communication. We also have ample opportunities for expanding our knowledge.

## **Conclusion**

Discussions about domesticated animals often seem to jump from the most general kind of question (Are we ever justified in living with, or benefitting from, domesticated animals?) to the most specific kinds of question (Is it okay to take some of a chicken's eggs for human use? Is it okay to introduce dogs to tracking work or disability assistance training?), without visiting any of the territory in between. The standard way of posing these questions assumes that they can be answered at a group or species level, and that they can be answered at one point in time, for all time. But this very way of posing the question betrays our impoverished, indeed non-existent, consideration for domesticated animals as self-determining agents, as subjects of their own good, and as potential co-creators of HAS. In this paper we have proposed a model for exploring this vast unexamined country, a discovery model of agency for domesticated animals within a context of egalitarian co-citizenship. In our view, it is premature to try to answer either the big general question or the little specific questions. We humans don't have the answers to those questions. We can only learn the answers by addressing the question to individual animals, in ways that are meaningful to them. Then we have to listen to, and interpret what they say in good faith. And then we have to respond in ways that confirm to them that we have listened, and understood.

We hope to have shown that this is a coherent idea, around which we could try to build practices of animal citizenship. Of course, even if coherent it will strike many readers as utopian. Most humans have shown little interest or inclination to listen to domesticated animals, particularly when this might put into question the continuation of existing relations of domination and exploitation. Any feasible model of animal citizenship will need to develop strong legal and political safeguards to compel greater attention to animal agency, even in the face of such human indifference. Given the enormous self interest that humans have in benefitting from the company, work and participation of animals in HAS, we would need to find ways of ensuring we don't project onto animals answers that rationalize our use of them. That is a daunting political task, but if our arguments in this paper are correct, we cannot shy away from that task by claiming either that animals lack agency, or that we lack the capacity to interpret and support that agency. Our aim here has been to describe what we might call the ethos of animal co-citizenship. In future work, we hope to say more about its institutional embodiment.

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