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Résumé de l'article

Dans Zoopolis, Donaldson et Kymlicka rejettent l'approche abolitionniste, ou extinctionniste, de la théorie du droit des animaux. Ils estiment que ses fondements théoriques sont insuffisants et que les mesures qu'elle promeut pour protéger les animaux domestiques des abus des humains sont disproportionnées. Leur contre-proposition – qui accorde la citoyenneté aux animaux domestiques – a plusieurs conséquences, parmi lesquelles un renforcement de la justification de toutes les formes d'ingérence dans la reproduction des animaux domestiques. Cet article tente de justifier pareille ingérence en raison de l'état particulier de vulnérabilité des animaux domestiques, mais tient également compte du fait que la société mixte a intérêt à éviter l'établissement d'obligations trop exigeantes. Cependant, les humains peuvent accorder aux animaux domestiques existant un statut de citoyen tout en s'avérant incapables de remplir pleinement leur obligation de protéger les plus dépendants d'entre eux. Ils pourraient par conséquent être justifiés de souscrire de manière conditionnelle à « l'extinctionnisme » et limiter la reproduction de ces animaux jusqu'à leur extinction. C'est pourquoi, au lieu de maintenir une opposition stricte entre l'extinctionnisme sous toutes ses formes et l'élaboration d'un cadre politique pour le droit des animaux, l'on devrait, par souci du bien-être des animaux domestiques dans les sociétés dans lesquelles ils vivent, insérer une approche extinctionniste conditionnelle dans le cadre politique élaboré dans Zoopolis.

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IN DEFENCE OF EXTINCTIONISM

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ABSTRACT:

In *Zoopolis*, Donaldson and Kymlicka dismiss the abolitionist, or *extinctionist* approach in animal rights theory as insufficient in its theoretical foundation and disproportional regarding the means it promotes to prevent domesticated animals from suffering abuse by humans. Among the consequences of their counterproposal—granting domesticated animals citizenship—is an increased pressure to justify any interference with domesticated animals’ reproductive activities. This paper attempts to give such justification with reference to domesticated animals’ specific state of vulnerability, but also takes into account the interest of the mixed society to prevent overly demanding obligations. Even while recognizing existing domesticated animals as citizens, humans might be unable to fully meet their obligation to protect the most dependent of them, and therefore might be justified in conditionally subscribing to “extinctionism” and limiting these animals’ reproduction to the point of their ultimate extinction. Therefore, rather than upholding a strict opposition between extinctionism in any form and a political framework for animal rights, out of reasonable concern for the well-being of domesticated animals in the societies they have been placed in, a qualified extinctionist approach should be incorporated into the political framework developed in *Zoopolis*.

RÉSUMÉ :

Dans *Zoopolis*, Donaldson et Kymlicka rejettent l’approche abolitionniste, ou extinctionniste, de la théorie du droit des animaux. Ils estiment que ses fondements théoriques sont insuffisants et que les mesures qu’elle promeut pour protéger les animaux domestiques des abus des humains sont disproportionnées. Leur contre-proposition – qui accorde la citoyenneté aux animaux domestiques – a plusieurs conséquences, parmi lesquelles un renforcement de la justification de toutes les formes d’ingérence dans la reproduction des animaux domestiques. Cet article tente de justifier pareille ingérence en raison de l’état particulier de vulnérabilité des animaux domestiques, mais tient également compte du fait que la société mixte a intérêt à éviter l’établissement d’obligations trop exigeantes. Cependant, les humains peuvent accorder aux animaux domestiques existant un statut de citoyen tout en s’avérant incapables de remplir pleinement leur obligation de protéger les plus dépendants d’entre eux. Ils pourraient par conséquent être justifiés de souscrire de manière conditionnelle à « l’extinctionnisme » et limiter la reproduction de ces animaux jusqu’à leur extinction. C’est pourquoi, au lieu de maintenir une opposition stricte entre l’extinctionnisme sous toutes ses formes et l’élaboration d’un cadre politique pour le droit des animaux, l’on devrait, par souci du bien-être des animaux domestiques dans les sociétés dans lesquelles ils vivent, insérer une approche extinctionniste conditionnelle dans le cadre politique élaboré dans *Zoopolis*.

CAMPAIGNING FOR ANIMAL RIGHTS

On the first pages of *Zoopolis*, Donaldson and Kymlicka describe the condition of the animal advocacy movement as their motivation for providing the underlying animal rights debate with a new perspective (Donaldson & Kymlicka, 2011, p. 1). They state that “the...movement is at an impasse” (Donaldson & Kymlicka, 2011, p. 1): it has achieved some minor improvements in the treatment of non-human animals in small isolated realms, but remains a failure when evaluated globally.¹ They identify the movement’s insufficient theoretical foundations as the cause for its “strategic disaster” (Donaldson & Kymlicka, 2011, p. 79). They discuss the shortcomings of welfarist, ecological, and other animal rights approaches, but the main target of their criticism throughout the book seems to be abolitionism or “extinctionism” that calls for an end to all relations between humans and non-humans.² Donaldson and Kymlicka claim to offer a superior alternative, which presents “a new moral framework, one that connects the treatment of animals more directly to fundamental principles of liberal-democratic justice and human rights” (Donaldson & Kymlicka, 2011, p. 3) and that “is more intellectually credible than the existing...approaches to human-animal justice, and...more politically viable” (p. 11).³

This paper aims to investigate one detail in the refinement of animal rights theory accomplished in *Zoopolis*: the call for better justifications for interference with animals’ reproduction. Donaldson and Kymlicka emphasize that “as citizens, domesticated animals have...rights not to have their sexual and reproductive activities unnecessarily curtailed, and the right to have their offspring cared for and protected by the larger, mixed human animal society” (Donaldson & Kymlicka, 2011, p. 146). On the other hand, they do not rule out limitations to the reproduction of domesticated animals (Donaldson & Kymlicka, 2011, p. 147). Here I will look at the question of how strong the right to have your “offspring cared for by...society” is and how desirable this is for domesticated animals in the first place.

Admittedly, this detail has a huge impact: if humans were justified in preventing domesticated animals from reproducing, the whole project of *Zoopolis* would seem to be undermined, since domesticated animals would ultimately go extinct and the opposition against a supposedly crude abolitionism would be eliminated. But even if the framework developed by Donaldson and Kymlicka is indeed superior to previous approaches to animal rights, the question remains whether it should immediately replace all previously held assumptions about *which* animal rights to pursue, or whether some of the ideas that have hitherto guided the movement must be retained. “The abolitionist call for universal birth control/sterilization leading to extinction” (Donaldson & Kymlicka, 2011, p. 147) seems to be in effect in campaigns for routinely spaying and neutering pets. If Donaldson and Kymlicka are right, practical success of this call would conflict with the hypothetical citizenship rights domesticated animals ought to have. So, when the account of animals as co-citizens is adopted by the animal rights movements, how will its justification for universally applied spay & neuter programs

have to change? In light of this problem, should the animal rights movement adopt the ideas argued for in *Zoopolis*? And if it should, how exactly are its strategies to be adjusted?

OUTLINE

In the following, I will shortly review a key aspect of Donaldson and Kymlicka's critique of the abolitionist, or extinctionist, approach to animal rights, and then indicate how this approach's problematic arguments might form a more serious obstacle for an ongoing relationship between humans and certain non-human animals.⁴ I will for that purpose take a closer look at some sketches *Zoopolis* gives of relations between humans and non-humans and point out practical and conceptual problems with satisfying domesticated animals' interests in reproduction. The argument will amount to the claim that even within the political framework of animal rights provided by *Zoopolis*, one can adopt a refined version of extinctionism with respect to those domesticated animals who remain significantly dependent on humans even when they are provided with better opportunities for agency. Finally, I will suggest drawing a distinction between the concepts of abolitionism and extinctionism, in order to refine the technical terms as instruments for dealing with several alternative approaches to animal rights.

MATTERS OF CONCERN

Among the shortcomings of traditional abolitionist approaches to animal rights advocacy that are uncovered throughout *Zoopolis*, the fundamental assumption that dependency is an unnatural and undignified condition is a central point of divergence for Donaldson and Kymlicka. On Donaldson and Kymlicka's account, abolitionists claim that humans should end all relations with domesticated animals (Donaldson & Kymlicka, 2011, p. 77) in order to terminate the inherent evils of the dependency that characterizes domesticated animals (p. 82). Donaldson and Kymlicka contest the idea that dependency is inherently bad, insisting that the ideal of independence has already been unmasked as biased and misguided with respect to humans (Donaldson & Kymlicka, 2011, p. 83 f.). Hence, domesticated animals' dependency should not be treated as an a priori reason to deny them the right to continued existence.

Claims about what is natural and about dignity seem, indeed, to be unhelpful from the start. There is the obvious risk of the naturalistic fallacy, but also uncertainty about the very distinction between natural and artificial (Birnbacher, 2006). As far as the concept of dignity is concerned, it is simply unclear what it is and what it should be about. But arguments for abolitionism do not entirely rely on these vague concepts. The abolitionist claim is that dependency is bad for the dependent. This may still be true even if the argument from dignity or naturalness is not sound.

Vulnerability

A fundamental concern that supports abolitionist intuitions is the supposedly unique vulnerability of domesticated animals. It supports skepticism about

whether even the citizenship model can adequately protect them. This may resemble some criticism Donaldson and Kymlicka have addressed elsewhere: arguments about citizenship being bad for domesticated animals. Rather than assuming it would be *bad*, I want to consider whether it may, at least for some domesticated animals, still not be “enough.”

Two notions of “vulnerability” should be distinguished here. In *Zoopolis*, the term is used to paraphrase what makes sentient beings morally relevant in the first place: “the vulnerability of selfhood or individual consciousness” (Donaldson & Kymlicka, 2011, p. 32). Taking sentience as the sole precondition for moral rights is where *Zoopolis* stays in line with classic animal rights theory.

Another connotation of vulnerability concerns the degree to which an individual is indeed at risk of being harmed. It is a commonplace in the animal advocacy movement that animals are vulnerable in a unique way, one that demands humans to put special efforts into protecting them. Donaldson and Kymlicka put it this way:

DAs [domesticated animals] after all cannot vote, or engage in rational debate, or collectively mobilize or rebel. The reality is that DAs are highly vulnerable, dependent on humans, unable to effectively resist us, and unable to articulate their subjective interests in human language. (Kymlicka & Donaldson, 2014, p. 208)

The fact that animals cannot “voice their interests in propositional form” (Donaldson & Kymlicka, 2011, p. 207) is an obstacle for doing them justice in two respects: First of all, it can hinder protection of most basic negative rights—protection from abuse, neglect, and cruelty. Since non-human animals cannot bear witness in case of crimes against themselves, the burden of proof is relatively heavy on anybody trying to show that an animal has been harmed or is suffering in a given situation. Animals are exposed to neglect and abuse (which may leave no physical traces) without the chance to ever *tell* on their abuser.

Second, the language barrier is a severe problem for taking their interests into account, because we often can only approximately assess these interests. The challenge that the lack of access to human language raises for participation is addressed by Donaldson and Kymlicka through the mode of dependent agency. But the willingness to offer dependent beings assistance does not solve the problem of uncertainty about the individuals’ interests that are to be represented. Furthermore, this is a problem not only on the level of political participation, but on the level of daily care as well. Even well-meaning caregivers can get domesticated animals’ interests wrong or overlook certain ones entirely. The interest in reproduction is possibly the best example itself for this difficulty: we cannot tell whether domesticated animals have any interest in reproduction or maybe simply in pursuing “pleasure and connection” (Donaldson & Kymlicka, 2011, p. 273), companionship, and closeness. Those interests might be satisfiable even when reproduction is prevented.⁵

The evaluation of dependency as a paraphrase for vulnerability seems to be at the heart of the disagreement between abolitionists and Donaldson & Kymlicka. While *Zoopolis* explores ways to accommodate the needs of domesticated animals as dependent parties in the continued relationship with humans, abolitionists emphasize the degree of vulnerability that comes with depending on others for securing basic needs. For instance, Francione calls the situation of domesticated animals a “netherland of vulnerability” (Francione, 2007). Regardless of the fact that he also focuses on the relationship between humans and domesticated animals as unnatural and abnormal, his abolitionist or “extinctionist” position seems to rely largely on his perception of domesticated animals’ state of vulnerability.

To insist that the language barrier causes severe problems for granting animals what they are due is not to deny that animals have elaborated modes of communication themselves. They may have languages of their own, but in a world where humans set the terms of conduct, lack of access to any human language makes for a quantum leap in vulnerability. The kind of exposure they experience is rarely found in humans throughout their entire life, and, if it is, we think of it as a deplorable, precarious situation, no matter how well-meaning their assistants or caregivers are. For domesticated animals, this situation is usual and permanent.

Frontiers of autonomy

One strategy of approaching the problem of animals’ vulnerability is to tackle the circumstances that further increase dependency—a strategy employed in *Zoopolis*. It calls for greater opportunities for domesticated animals to fully use their capacities for agency, in spite of their dependency in some realms. In this picture, humans change from owners to “enablers” (Donaldson & Kymlicka, 2011, p. 115) and “collaborators” (p. 153), whose task is to make the animals’ interests heard and considered, aside from providing basic care (p. 112).

Nevertheless, there are passages in *Zoopolis* where humans still resemble current pet owners with respect to their control over decisions concerning where, and with whom, companion animals may live. Discussing the specific difficulties that come with cat citizens, Donaldson and Kymlicka write: “Any individual contemplating having a companion cat is signing on for a great deal of responsibility” (Donaldson & Kymlicka, 2011, p. 152). And on the future of animals who are hitherto used in the food industry, they suspect that “there will always be people who want to have cow companions (or pig companions), but the reality is that since these animals are less “useful” (under non-exploitative conditions), fewer of them would be brought into the human-animal community” (Donaldson & Kymlicka, 2011, p. 139). In these statements, it seems Donaldson and Kymlicka accept that giving animal citizens a proper home is a matter of human demand for animal companions. In the case of significantly dependent humans, we do not think of them as being brought into the community, just as there is demand for their companionship. The relationship between humans and

domesticated animals that is sketched in these statements seems to resemble traditional pet ownership very much, where we are used to “set[ting] the terms of our relationships with our pets” (Bok, 2011, p. 771).

But elsewhere, Donaldson and Kymlicka speak of the risks that come with private caregivers as the “vagaries of individual guardians” (Donaldson & Kymlicka, 2013a, p. 149), and one very different vision for the future of domesticated animals articulated in *Zoopolis* is an existence similar to that of current feral animals. Donaldson and Kymlicka explicitly allow for animals to “shift categories”—they reserve the possibility that citizens may change their status and become denizens (Donaldson & Kymlicka, 2013b, p. 777). They discuss feral animals within the chapter on liminal animals, saying that “feral animals may provide... a possible future relationship between humans and domesticated animals in which animals exercise greater agency” (Donaldson & Kymlicka, 2011, p. 226).

One empirical question about this scenario concerns the quality of life for feral animals. In the case of cats, this is a contested issue, even with respect to “managed” colonies, and the view that life for a feral cat is at least close to not worth living is what drives campaigns to spay and neuter all free-roaming cats in principle.⁶ It is an open question for which animals a feral life might be an option, and the answer will vary with (among other criteria) environmental conditions and the resources that communities manage to invest in building mechanisms of protection. For some domesticated animals, a feral-like life might still turn out to be impossible or at least not desirable.

The important issue here is that the category of domesticated animals is introduced precisely to address the needs of animals who depend on support from humans in a specific way, who were “‘adapted’ to the conditions of continuous care” (Donaldson & Kymlicka, 2011, p. 75). Within the theory developed in *Zoopolis*, the category of domesticated animal citizens is supposed to capture exactly the kinds of problems that come with being in need of continuous care. Thinking of domesticated animal citizens as actually more like *potential liminal animal denizens* does not solve the problem of how to best serve the interests of those animals who match the definition of domesticated animals the best, in terms of dependency. The hope that virtually all of them will turn out to be adaptable to life outside the private sphere of individual human caregivers would undermine the conceptual set-up of the refined animal rights theory developed in *Zoopolis*. The class of domesticated animal citizens might turn out to be empty.

The possible but uncertain gain of autonomy that domesticated animals may achieve creates a conceptual tension. Either domesticated animal citizens are the ones who are specifically dependent on continuous care by humans (in which case it seems more difficult to reduce human control in the realm of reproduction, of all things). Or domesticated animals are to be envisioned as increasingly independent, in which case they resemble liminal animals more and more, and it becomes questionable whether they should not be assigned the status of

denizens instead of citizens—thus losing the right “to have their offspring cared for...by the...human animal society,” which Donaldson and Kymlicka base on citizen-status (Donaldson & Kymlicka, 2011, p. 146).

So, the frontiers of potential autonomy for domesticated animals must be kept in mind not only due to the empirical question of whether certain animals could ever achieve the amount of autonomy that would release them from the realm of rather intense human care, but also because the normative force of the category of domesticated animal citizens relies largely on these animals’ close continuous (and asymmetrical) interaction with humans.

Requirement of control and the problem of liability

If domesticated animals are to be thought of as remaining dependent on continuous human care, we will want to leave our fellow animal citizens with reliable, competent, friendly caregivers. But even if we are confident to have found people who match these criteria, animals should not be left “alone” with them. With domesticated animals’ state of vulnerability comes the requirement of control over those who get to assist them.

Donaldson and Kymlicka discuss measures of surveillance only in the context of preventing exploitation, where there is an interest to use animal labour or a product coming from animals (such as wool) (Donaldson & Kymlicka, 2011, p. 138; p. 139). Closer surveillance of the handling of animals in contexts where they are used commercially has been a long-standing claim of animal advocates. However, human interests that forward exploitation are not the only reason to call for close monitoring, neither in Zoopolis nor in the societies in the various stages on the way there. Companion animals are now used in ways that differ from the use of domesticated animals in the food industry, for experiments, for clothing, and the like. The human interest in their sheer companionship makes the relationship seem *prima facie* less harmful. People’s intentions towards their companion animals are sometimes thought of as “both generally benign and focused on nonhuman animals as individuals” (Bok, 2011, p. 770). What does not necessarily have to be a perfect description of the average pet owner, would hopefully be true of people who get to live with animal citizens.

Due to animals’ lack of competence to report abuse or neglect, their interactions with humans should be under effective control. Having the right to protection from cruelty and neglect does not make a difference in the life of the right-holder if it cannot be enforced. And a precondition of enforceability is to secure evidence of rights violations. Working towards just relations with animal co-citizens would require major changes in the way in which we think of human-animal cohabitation and of privacy.⁷ Really ensuring that domesticated animals are treated right would require round-the-clock surveillance, thus invading the privacy of human caregivers.

The fact that we do not normally exercise this kind of control over human parents should not be regarded as an argument against control in the non-human

case for two reasons: First, children sometimes *are* indisputably harmed in the absence of surveillance. Second, they normally do attain the capability to communicate their interests as well as report mistreatment to outsiders (and if they do not, this lack of progress should at last alert their community)—an opportunity that is closed off to animals throughout their lives.

People with altruistic motives for living with animals are not immune to (involuntarily) violating the rights of animals for whom they are responsible. This is true of private caregivers as well as staff in sanctuaries. Highly dependent animals (humans and non-humans) are not only at risk of being exploited, but also at risk of facing the failure of well-meaning assistants. Assistants can fail to meet their obligations towards domesticated animals deliberately, carelessly, or through no fault of their own. They may, for example, neglect their duties due to time pressure or any other sort of stress or overstraining. So, when we take on the task of caring for an animal citizen, it always comes with a double responsibility: we not only have to find them caregivers, but we also have to install measures of control over these caregivers.

Another source of failure is yet a more challenging problem for justice towards animal citizens. Caregivers cannot be assigned duties of assistance that they cannot actually perform. Caregivers for non-human animals have to be able to understand the interests of the animals for whom they are responsible correctly. But as Donaldson and Kymlicka point out themselves, domesticated animals' opportunities to communicate their subjective interests are dangerously limited. Their interests might not be met even by the most conscientious caregivers and under the most effective measures of control. For example, to get closer surveillance of the circumstances under which animals live without completely invading their caregivers' privacy, animals could someday be fitted with a chip that transmits data on their vital functions to the proper authorities.⁸ If these authorities observed signs of stress, illness, anxiety, thirst, pain, or the like, they could initiate intervention whenever the responsible caregiver did not respond to the situation that was affecting the animal adversely.

In any event, such data could at best provide some indication about (physical) well-being. It would not solve the problem of assessing the quality of life. Envisioning the availability of data with that kind of informative value would have to be categorized as science fiction and does not contribute to settling the problem of ensuring that the life of a significantly dependent being goes well. So, even with advanced methods for monitoring physical conditions, there will not be reliable control over another being's quality of life, human or non-human. What benefits life's quality will probably always be a contested issue, and we can only approximately assess someone else's well-being.

But even if we assume, for the sake of the argument, that this problem could be solved, requirements of protection for domesticated animals are quite demanding. This leads to the question of liability. It is not self-evident that the recognition of the effects the injustice of domestication has had on animals must come

with assigning them all the specific rights that Donaldson and Kymlicka discuss, especially with respect to reproduction. This is also where the analogy to the case of slavery (that is used in *Zoopolis* to point out the weaknesses of abolitionism) seems to break down: while overcoming the original injustice and compensating its long-term effects was difficult and costly, it was never to be expected that former slaves might *normally* need the kind of assistance domesticated animals are likely to rely on throughout their lives. The more effort future humans actually put into just relations with non-humans, the less force there seems to be for the claim that their inherited responsibility for domesticated animals can require them to compensate unlimited generations for mistakes of the past by investing into continued intense care.⁹

Social sustainability

Acknowledging not only domesticated animals as citizens but also liminal animals as denizens will increase the population of formerly “purely human” societies severely. Problems of distributive justice are exponentiated when non-human animals “enter” the community; this affects the allocation of funds, volunteers, staff, emergency response resources, and much more. Within the class of companion animals, the allocation of caregivers currently is a disaster in terms of distributive justice. This problem is usually described as “overpopulation” of pets. In some countries, unwanted “pets” are killed by the millions in shelters each year. For owners who want to let their pet have children, this means that the commitment to find “good homes” for all of them may be a necessary condition for going along with their pet’s reproduction (Bok, 2011, p. 782), but meeting it comes at a cost for existing homeless animals, who are already in competition for new homes (Leigh & Geyer, 2011, p. 580). The practice of killing domesticated animals because there is no caregiver available obviously would be incompatible with the rights of animal citizens. The dramatic consequences of the pet overpopulation for individual animals are the most obvious reasons in the animal advocacy movement to call for routine spay-and-neuter practices. As PETA puts it: “‘No-Birth’ Is the Solution. The only real, sustainable, and humane way for communities to end the euthanasia of healthy animals at shelters is by cutting off the supply of homeless animals”.¹⁰

The focus of the discussion of reproductive rights in *Zoopolis* is not on obvious problems such as “pet overpopulation,” but social sustainability seems to be the most promising candidate for a justification to drastically limit reproduction (in humans and non-humans) for Donaldson and Kymlicka as well. For example, they argue that the population of cats would have to be controlled in order to match the criterion of being socially sustainable (Donaldson & Kymlicka, 2013b, p. 780). And with respect to humans, they point to our obligation towards wild animals not to destroy their habitats—thus violating their sovereignty—by expanding human population further (Donaldson & Kymlicka, 2013a, p. 148). Their views on this issue lead Janara to judge *Zoopolis* as the groundwork for “a political mechanism...by which to hold *homo sapiens* politically accountable for their grotesque self-reproduction” (Janara, 2013, p. 744).

However, it is most unclear how the need to decrease population size could be mapped onto justifications for interference with individual interests in reproduction. Despite their stance on the disastrous effects that human reproduction has on other animals, Donaldson and Kymlicka acknowledge the fact that humans would find strict regulations of their own reproductive activities “outrageous” (Donaldson & Kymlicka, 2011, p. 144) and use it to make the point that interests in reproduction should be regarded as valid and morally relevant ones.

But the fact that people would be outraged if authorities were to intervene (more) intensely in their reproductive activities does not say anything about them having good reasons to react this way. Some people are outraged by the idea of gun control, while others find it absurd to allow people to have as much weaponry as they feel comfortable with. The “outrageous”-reaction to intensive reproduction limitation stems from the idea of procreation as a completely private endeavour. *Zoopolis* challenges this idea and, accordingly, instead of evaluating possible limitations on the reproductive activities of animals by comparing them with the human case, we should reevaluate both cases on the basis of various kinds of sustainability criteria.¹¹

Why exactly should domesticated animals, of all involved, be the unlucky ones who get their “overpopulation” problem solved for them by others who hinder their natural behaviour, suspend a certain way of life for them, and subject them to invasive procedures? Given the history of injustice and violence suffered by animals, one might be tempted to embrace the idea that their interests should be favoured over the interests of humans for a change. With respect to reproduction, this could mean limiting that of humans first, making room for the flourishing of animals belonging in any of the three categories established in *Zoopolis*. One problem with that is that domesticated animals are to be thought of as dependent on people. The fact that there are not enough homes for them already might even call for human population growth, in order to provide more potential caregivers. Yet domesticated animals’ own numbers are not going to decline by themselves. As matters stand, large-scale regulations are needed in any event, and this is perfectly in line with the view on reproduction expressed in *Zoopolis*. At the very least, reducing domesticated animal population seems to be a requirement of approaching fair terms for our relations with them.

If domesticated animals’ numbers have to adjust to availability of caregivers, the interests of many individual animals in reproducing have to be sacrificed. Considering the current scenario of “pet overpopulation”, this is most plausible. But envisioning domesticated animals as citizens brings up difficult questions of justice. How might withholding the chance to raise a family from *many* domesticated animals in order to ensure sustainability be justified? Since many companion animals such as cats and dogs usually have several children at a time, only a few of them could ever be given the chance to raise a family. How would the individual animals who get to reproduce be chosen? This might not be such a problem with other animals, like horses, who usually only give birth to one child. Many more would get to reproduce at least once. But even for them, in their whole life span reproduction would be the exception.

A CHOICE BETWEEN TWO KINDS OF PATERNALISM

Once we accept domesticated animals as citizens, we accept responsibility also for the effects of their reproductive activities. We are forced to make a decision, because refraining from it would result in the same consequences as deliberately allowing reproduction. If we think we should take responsibility, we must figure out which form it will have to take.

We can limit our interference with the reproduction of domesticated animals to a minimum (that will have to be defined with regard for individual interests as well as the criterion of social sustainability). In this picture, domesticated animals would get to reproduce, which would leave us with a continuing need for assistance in new generations of domesticated animal citizens. I will call this option *charitable paternalism*.

Alternatively, we can avoid this long-term responsibility and get our hands dirty by withholding from animals the chance to reproduce, thus choosing *extinctionism*. I assume that proponents of extinctionism usually do think of this option as complying with the animals' own best interests and not just avoiding demanding obligations for humans (although the interests of both should be taken into account). In the following, I will therefore try to characterize a version of the extinctionist approach as *paternalistic* by indicating in what sense the animals' own interests are protected by preventing them from reproducing.

Charitable paternalism

Above I have argued that we should think of domesticated animal citizens as remaining dependent on a significant level of assistance provided by humans throughout their lives. Humans would be in charge of providing for all the needs that domesticated animals cannot secure for themselves, whatever those may turn out to be. The charitable work that we will have to do for them will rely on our judgments of what might promote their subjective good. If we choose to minimize our interference with domesticated animals' reproduction, we agree to provide their children with the care they are going to require. We also accept the uncertainty that comes with this task—that we can never get the same kind of consent from an animal that we may usually hope to get from humans (at least for large parts of their lives). All of the measures that we take to assist animals and to protect their subjective good remain to some extent paternalistic.

So, in deciding against extinctionism, we accept the continued need for *charitable paternalism* towards new generations of domesticated animal citizens. On the one hand, the obvious advantage of this choice is that we can let domesticated animals fulfill their interest in sex and reproduction. On the other hand, we do not know how strong the interest in reproduction (when seen as separable from the interest in having sex) actually is in anyone who cannot articulate this interest. Additionally, as long as we accept that concerns about sustainability should motivate restraints on (human as well as non-human) reproduction, the satisfaction of the interest in reproduction would actually be very rare. The final

problem with the decision to let domesticated animals reproduce is that we thereby create new need for paternalistic intervention, accepting the risk that our best guesses about animals' interests are wrong and that we frustrate their interests.

Extinctionist paternalism

While uninvited interference with an individual's life even with good intentions is something that we try to avoid, the paternalistic *motivation* behind it can be valued in its own right, because, unlike appeals to sustainability or to harms to others, it relates to the affected individuals' own interests. When we place limitations on an individual's activities in order to prevent others from being harmed or to secure sustainability, this might become even more acceptable if it can be shown that the limitation also complies with the individual's own best interests—that is, if it also involves some paternalistic motivation.

The pool of possible paternalistic reasons to radically interfere with domesticated animals' reproductive activities seems very limited. In the context of routine sterilization of cats, Palmer discusses two paternalistic arguments—an appeal to health (Palmer, 2013, p. 762) and another to an improvement in the relationship between the pet owner and a spayed or neutered cat (p. 763)—but dismisses both as incompatible with the animal rights approach that is argued for in *Zoopolis*. Because they allow for quite extensive limitations on the reproductive activities of cats, Palmer holds that “Donaldson and Kymlicka would move closer to the abolitionist approaches to domesticated animals from which, elsewhere in *Zoopolis*, they distance themselves” (Palmer, 2013, p. 760). They are actually very ready to accept limitations on reproduction, but oppose *universal* regulations and hold their own arguments in favour of limitations on reproduction to the “very high” “threshold of justification” that they think applies in the human case (Palmer, 2013, p. 781). Here I suggest that this can be met in the case of many domesticated animals.

Above I have argued that one could propose universal regulations on reproduction in light of the threats domesticated animals face in the world as it is: the lack of protection under the law, of caregivers, as well as of control over existing caregivers, and so forth. *A provisory extinctionism* seeks to prevent reproduction of domesticated animals in order to prevent exposing their offspring to an actually harmful environment. It is the kind of position that might be reflected in (some) current spay & neuter campaigns, and it is committed to promoting the wise thing to do, given the actual prospects for animals in the world as it will be in the foreseeable future.

There are many instances in the human case as well where we can consider potential parents' precarious situation as a reason to refrain from procreation—for example, in the case of refugees in a camp. Here people might have escaped a dangerous situation, but still have no clue of how long they will be accommodated in the place where they are now, where they and their potential children will end up, or how the prospects for flourishing (or even survival) will be there.

If these people contemplated their preference to raise a family, they might very well come to the conclusion that, under the given conditions, they should not give in to their wish to have children—even if it may be too late once their situation is more stable. The fact that children are nevertheless born and raised in refugee camps does not speak for itself. Reproduction often just happens and it is not always intensely deliberated, and, even if it is, people might not adequately assess their situation. The fact that we do not actively prevent humans from reproducing should not be seen as forbidding such intervention in the case of domesticated animals. With humans, we can give them advice and strong recommendations to refrain from reproducing, and provide them with information about the prospects for themselves and their potential children (as we routinely do in the case of teenagers). Furthermore, in many cases where we would not recommend starting a family, there is an option that the prospects of an individual person might change for the better.

It is different with domesticated animals. Giving them advice when it comes to reproduction and reasoning with them are simply pointless. If we are to assist them in this realm of lifestyle choices, we have to act on what we would recommend. As long as the most basic interests of domesticated animals cannot adequately be protected, we are obliged to deny them the fulfillment of their interest in having a family, and it may very well be that domesticated animals go extinct before we can effectively protect them. Proponents of this kind of extinctionism do not want to allow a life to be created that will go very badly even at the expense of a potential life that would go well. Withholding from currently existing domesticated animals the right to start a family is seen as opting for caution and as being the lesser of two evils here. Taking care of the necessary restrictions in the animals' lives is not supposed to be merely a right assigned to humans in light of their own interests, but an obligation towards the animals themselves.

However, it is not an obligation towards the not-to-be-parents, but toward their potential children, since they are the ones whom we want to spare harm. This seems to involve the difficult claim that their lives would not be worth living. This is a bold statement and it drastically exceeds the theoretical framework laid out in *Zoopolis*. Donaldson and Kymlicka exclude the topic of valuing existence and non-existence from their discussion of animal rights to reproduction (Donaldson & Kymlicka, 2011, p. 273). But this may not be possible after all, because any defence of reproductive interests as morally valid implies that the lives of individuals in the offspring generation will at least not be not worth living. Pessimistic judgments about whether it is worthwhile to bring about a life seem to lead onto a slippery slope towards antinatalism, and it is obvious that an antinatalist point of view would quickly end the project of animal citizenship in favour of universal extinctionism. But there are reasons to doubt whether it is permissible to let more domesticated animals come into existence, even for those who do not subscribe to antinatalism overall. These reasons might even coincide with the own best interests of those animals who are directly affected by extinctionist measures—that is, the animals whom we prevent from having chil-

dren. With respect to the animals in the given context (domesticated, social mammals and birds such as dogs, cats, pigs, chickens), it is obvious that they care (in what may to us seem like varying degrees) about their children, nurturing them and defending them against danger. They cannot, though, defend them against their inherited dependency on humans.

In *Zoopolis*, an animal's subjective good is described as his or her "interests, preferences, and desires," where the provided examples of its elements—such as food choices, interests in activities, or preferences relating to companionship (Donaldson & Kymlicka, 2011, p. 108)—suggest that the subjective good is only affected by immediate experiences, not abstract evaluations of the state of the world. Animals might not be affected by the fate of one of their children and they will hardly reflect on it before procreating. But if we—as the ones supposed to "conceptualize the 'big picture' of their interests" and to base our paternalistic decisions on that (Donaldson & Kymlicka, 2013b, p. 783)—take this information into account, we cannot expect the suffering of a child to fit into this bigger picture.¹² If domesticated animals could understand the uncertainty of their offspring's well-being and the risk of their children becoming victims of neglect, abandonment, or cruelty, and if they could take this into account when contemplating their (hypothetical) interests in reproduction, they might sacrifice their own interests in having a family in order to prevent a state of the world in which one of their children is being subjected to suffering.

So, if universal regulation of domesticated animals' reproduction may be understood not only as a precautionary measure to prevent harm in potential new generations of animals but also in line with actual animals' hypothetical own best interests, then this sort of extinctionism may be characterized as paternalistic (even if only with respect to a more sophisticated sense of the animals' respective "good"). If this argument is persuasive so long as the environment is usually harmful for domesticated animals, does it lose its force when we make improvements in the system of care provided for domesticated animals (for example via citizenship)? Not if the situation of regular domesticated animals is still significantly precarious even as citizens. I argue that it is, due to the combination of their dependency on assistance and the language barrier between the assistants and the assisted, which accounts for their significant level of vulnerability.

Donaldson and Kymlicka themselves speak of dependency as something that is being "suffered" (Donaldson & Kymlicka, 2011, p. 273) and say "it is wrong...to induce dependency (as has been done through the history of domestication and selective breeding)" (Donaldson & Kymlicka, 2013a, p. 155). The contrast between abolitionism and the citizenship approach to animal rights stems from the question of whether worries about continued paternalism towards domesticated animals rely on an exaggeration or on an apt evaluation of their dependency. It may be true that we cannot refrain from "exerting power over domesticated animals (and other humans!)" (Donaldson & Kymlicka, 2013b, p. 770). But that does not rule out preventing some need for paternalistic actions from becoming a matter of fact. Paternalism seems more acceptable when it is a temporary so-

lution (Donaldson & Kymlicka, 2013a, p. 156). Affirming a right of domesticated animals to reproduce would imply that we accept continued need for ongoing care for generation after generation of beings who are in some meaningful way dependent and therefore significantly vulnerable.

It is worth noting that arguments about the distinction between disvalue for a condition and disvalue for a person with that condition apply here. In the debate about reproductive genetic technologies, it has been argued that “the choice to avoid creating a life with disability may reflect a negative view of the disability itself, but not of persons who have it” (Malek, 2010, p. 221). Accordingly, we must not discriminate against anyone who is in a state of dependency, but we are right in valuing independence nonetheless. In a way, we are right to hold on to an ideal of the rational, independent, eloquent moral agent—not as a privileged moral patient (based on her additional status as a moral agent), but as the best possible means to an end: making all interests that are relevant to the situation accessible to the moral agents who have to take them into account. When it comes to guessing whether someone’s interests have been (1) correctly understood and (2) adequately recognized, this is an obstacle for bringing about justice.

Dependency may not be uncommon for humans or non-domesticated non-human animals either, but since dependency and autonomy, respectively, only ever come in degrees, the degree to which an individual suffers (or can achieve) is all that matters in determining how this might affect the rights that can be ascribed to him or her. So we might not have to enter a slippery slope toward universal antinatalism by insisting that dependency can, to a certain degree, be a reason to withhold from an individual the right to have children.

The paternalistic part of the motivation to opt for extinctionism may be particularly bold—involving the assumption that an entire life is best prevented. But it is also a very parsimonious option regarding the individuals that might be affected by the error-proneness that comes with any of the paternalistic options: if the decision against reproduction that is made on behalf of the animals is wrong, then only the domesticated animals whose interests in reproduction have been (unjustly) sacrificed are harmed. By granting animals the chance to reproduce and by accepting the resulting need for continued acts of charitable paternalism towards future generations, we would also accept the risk to harm far more individuals in these future generations.

Even if the characterization of extinctionism as motivated partially by paternalistic reasons fails (because one might refuse to acknowledge that worries about their offspring’s future have any meaning to animals, and therefore claim that an appeal to the offspring’s fate cannot coincide with the parents’ own “best interests”), the intention to prevent harm to others (future domesticated animals) and to pursue what is socially sustainable still weigh against the alternative of subjecting more animals to the state of vulnerability that existence for the most dependent domesticated animals would be even in a Zoopolis-like society. The

problem of interpreting their interests correctly remains an obstacle for fulfilling (positive) duties towards domesticated animals, especially in the fine-grained sphere of rights and obligations that is created by citizenship.

The continuance of such a situation is both hazardous for domesticated animals and unlikely to match the criterion of social sustainability. After all, it is hard to see why any citizen—human or non-human—should hold “the right to have their offspring cared for by society.” Attending to a child in need is nothing that any member of society owes to the parents, but something owed to the child alone. The right of an existing domesticated animal to be taken care of does not necessarily involve the right to receive assistance even in producing further dependent beings who will need care. While Donaldson and Kymlicka reject strong reproductive rights for humans and non-humans (Donaldson & Kymlicka, 2013b, p. 781), it seems that assigning individuals a right to assistance not only for themselves but to their offspring as well amounts to just such a strong reproductive right.

A TERMINOLOGICAL PROPOSAL

When discussing the abolitionist approach to animal rights, Donaldson and Kymlicka refer to Francione’s account and also coin the term “extinctionism” for his particular view—a term that is to be used synonymously with “abolitionism” (Donaldson & Kymlicka, 2011, p. 272).

Contrary to the synonymous use in *Zoopolis*, I think it would be useful to distinguish between abolitionism and extinctionism because the former need not entail the latter. When discussing parallels between the exploitation of animals and slavery, Donaldson and Kymlicka note that the notion of “abolitionism” once used to include the idea of “turn[ing] back the clock” and making former slaves disappear from the places they have been brought to against their will (Donaldson & Kymlicka, 2011, p. 89), but a different concept of abolitionism eventually prevailed: ending slavery without trying to make the former slaves go “extinct” (p. 79). So, the term abolitionism that is familiar from this context does not usually imply that the group of people who used to suffer the “abolished” practice should not continue to exist. Abolitionism does say less than extinctionism about the state of affairs that should be brought about. For conceptual as well as strategic reasons it is helpful to maintain this difference.

In line with that, *abolitionism* should refer to the normative assumption that a given social practice should be declared illegal; *extinctionism* should be understood as the view that humans have the right (or even the obligation) to take measures to routinely prevent certain animals from reproducing, ultimately resulting in the extinction of this group of animals.

Since an obvious worry about extinctionism concerns its possible speciesism, it is worth noting that “group of animals” is not equated with “species” here. The definition of extinctionism only specifies humans as addressees of the command

to limit reproduction, but is unspecific about the group of animals whose continuance is to be prevented. Humans themselves could very well also fall into its scope of application. The definition of domestication, the components of which Donaldson and Kymlicka employ to theorize animal citizenship, does not include a reference to “species,” either. Furthermore, the meaning of *species* itself, and therefore also that of *speciesism*, is not so clear after all—different biological definitions, different common usages compete (Albersmeier, 2013). Extinctionism needs to be justified, but there is no *prima facie* reason to suspect that it comes with an inherent speciesist bias.

Keeping apart abolitionism and extinctionism would make it possible to say that, for example, Francione’s abolitionism amounts to extinctionism, whereas Donaldson and Kymlicka’s abolitionist views do not. I think that it is helpful to label the ideas in *Zoopolis* abolitionist, because Donaldson and Kymlicka do seek to end unjust, exploitative use of animals—thus *abolishing* “domesticated animal slavery” (Donaldson & Kymlicka, 2011, p. 273). The conceptual difference is important when it comes to determining whether any form of extinctionism could be justified.

PUTTING EXTINCTIONISM INTO PERSPECTIVE

If my claim that domesticated animals’ state of vulnerability even as citizens in a better (more Zoopolis-like world) is still so bad for them as to make it undesirable to pass this state on to future generations is not persuasive, then I still think that the argument for a provisory extinctionism in light of severe risks that persist in the foreseeable future can hope to meet more acceptance. I would argue that even if such extinctionist efforts succeeded before efforts to accord animals citizen-status, this would have to be accepted in order to prevent animals from being harmed. At the same time, the project of citizenship for domesticated animals is not fundamentally challenged by arguments in favour of a provisory extinctionism. This leads to the seemingly inconsistent advice to animal advocates to pursue both—citizenship for domesticated animals, as well as universal reproduction limitations while animals are still suffering injustice and risks of severe harm. However, the more successful the endeavour of animal citizenship will turn out to be, the less urgent pursuing extinctionism seems to get, as the risks that animals face are diminished.

None of the issues addressed here speak out against our obligations to increase our understanding of the interests of domesticated animals, to foster their capacities for agency, and to politically represent the preferences they communicate to us. Neither is this supposed to challenge any of the claims of justice that apply towards liminal and wild animals. But it supports the view that there are reasons regarding the animals’ own best interests for withholding from them a right to reproduce, and these reasons focus on problems with domesticated animals’ remaining dependency. Citizenship can cure some of the negative effects of significant dependency but it is not in itself an argument for allowing dependent beings to be brought into existence. The original injustice of domestication that created this need is not compensable in every respect.

This does not, however, undermine the whole project of refining animal rights theory with the help of political concepts. The idea of non-human citizenship is not obsolete even if it can be argued that the ones for whom it was originally developed should eventually go extinct. With respect to liminal animals, denizenship is the least we should grant them, and Donaldson and Kymlicka themselves indicate that at least some individual liminal animals' interests might best be met by granting them citizenship. Liminal animals vary greatly in their closeness to humans and their degree of dependency on the structures of human settlements as well as on individual assistance. There are some liminal animals (such as pigeons) who live relatively close to humans and who are visible in the public sphere, so that we routinely become aware of individual instances of clear (non-permanent) need for (mostly medical) assistance—although we may usually not act on this perception. Based on their close proximity to individual humans and their frequent need for individual acts of assistance, these animals might turn out be “new” candidates for co-citizenship.

CONCLUSION

Zoopolis emphasizes the yet-unknown possibilities of domesticated animals to gain more control over their own lives. It is one central idea of the book that humans are obligated to enhance this kind of independence wherever possible. The insight into animals' capacities that *Zoopolis* provides could lead to immediate improvement of existing relations between humans and other animals. Despite this, I have argued that the focus on the possible gain of autonomy might undermine the relevance of the category of domesticated animal citizens, because it is conceptualized to accommodate the needs of those animals who are dependent on humans to a significant degree and therefore objects of some paternalistic measures of care.

This paper not only argued for a provisory extinctionism in light of the risks that domesticated animals face in the world as it is, but also considered the chance that the vision *Zoopolis* unfolds for a just human-animal society is realized. I have claimed that, even then, extinctionism is the preferable option. In light of domesticated animals' delicate state of vulnerability, their reproduction perpetuates severe moral problems quite apart from notions of dignity or naturalness. In addition to the risk of failure on the part of caregivers, the problem of uncertainty of domesticated animals' interests persists. Our options for doing them justice are significantly limited, due to empirical facts that we cannot change. Faced with a choice between two routes of paternalistic interference, we may very well, with reference to interests shared by us and domesticated animals, opt for the shorter one.

NOTES

- ¹ Similar things could probably be said with respect to the project of human rights, and yet in *Zoopolis*, this project is taken as a starting point for theorizing about animal rights. Taking into consideration that the use of animals has been interwoven with the history of mankind for millennia, the animal advocacy movement's failure to show a more significant global impact may at least not yet be a reason for deeming it overall unsuccessful.
- ² Donaldson and Kymlicka call attention to the fact that affection for companion animals is an important source for sympathy with animal rights (Donaldson & Kymlicka, 2011, p. 79). While it may be true that many animal rights activists have a history of owning and cherishing pets, many relations between pet owners and their animals are poor starters for animal rights activism, while other routes to it may be at least equally important—first of all, concern for animals used in the food industry (Lowe & Ginsberg, 2002, p. 207). Many companion animals are exposed to neglect, misunderstanding, abuse, or inadequate care—they are stuck in deeply unjust relations with their supposed caregivers.
- ³ It is worth noting that the citizenship account, with its commitment to animal rights, is not a potential replacement for all of the animal advocacy movement, which includes ecological and welfare approaches, too, but could only be a refinement of the branch of this movement that subscribes to the claim of inviolable animal rights. Viewed this way, it is questionable whether a political account of animal rights does really have better chances for faster global success than existing approaches, as Donaldson and Kymlicka claim, since it faces the same challenge as traditional animal rights theory in convincing anthropocentrists—and that might even be more difficult, seeing how granting animals citizenship is far more demanding of humans than the abolitionist claim to “leave animals alone.”
- ⁴ I wish to thank two anonymous reviewers for the Ethics Forum for their very helpful criticism and comments.
- ⁵ In determining the “threshold of justification” (Donaldson & Kymlicka, 2013b, p. 13), it would be most helpful to know how important the chance to reproduce really was for individual animals. Donaldson and Kymlicka take animals' potential interests in reproduction very seriously, avoiding a form of speciesism that has forever affected debates about animal welfare and animal rights—respectively, the assumption that a certain capacity is not as fully developed or that a certain interest is not as strong in other animals as in humans. The mistake of simply denying an interest that is inconvenient to consider is assigned to abolitionists, who state that there is no injustice in denying animals the chance to have a family (Donaldson & Kymlicka, 2011, p. 80). However, we simply do not know whether other animals have interests in raising a family. Even with humans, pregnancy often just happens—in a number of cases not only unwished for, but actually unwelcome. Some people will take on a lot to be able to start a family, but whether there are any similar preferences in other animals remains completely unclear. Since we have to balance our duties towards domesticated animals with obligations towards liminal, wild, and human animals, this uncertainty is a serious problem in terms of distributive justice.
- ⁶ For example, while the ASPCA recommends trap-neuter-release programs as the “the most efficient and humane way of stabilizing feral cat populations” (ASPCA: Feral Cats FAQ), PETA rates the quality of life for cats as feral animals extremely poor, saying that the organization “cannot in good conscience advocate trapping, altering, and releasing as a humane way to deal with overpopulation and homelessness” (PETA: Animal Rights Uncompromised: Feral Cats). In Germany, for instance, campaigning for mandatory sterilization of cats with outdoor access has been intensified over the last years, with the result that some cities have implemented regulations regarding this issue into their administrative law. Animal advocates have been primarily interested in preventing the further growth of the population of feral cats, but have, for strategic reasons, also pointed to the threat that the animals pose for public safety (for example, with regard to traffic safety). The predominant view, put forward, for example, by the umbrella organization for shelters in Germany, DTB (Deutscher Tierschutzbund), is that the quality of life for feral cats is usually very poor, with especially bad prospects for kittens, who often die of starvation or infections (Deutscher Tierschutzbund, 2014). On this view, it

is neither desirable to let the competition for resources within the population increase further, nor to let individual cats even be born into life as a feral animal as it is.

- ⁷ At this point, animals in the hands of private citizens are usually unknown to the authorities who are supposed to guarantee their well-being and step in when they are being neglected, abandoned, or abused. (One implication of the citizenship model seems to be that citizens would be known to the state they are citizens of: they would have passports and a registered address.) Companion animals trapped in abusive situations so far rely on “whistleblowers”—that is, the lucky circumstance that someone eventually notices them and evaluates their situation correctly. But if abuse happens in the private realm of a supposed caregiver’s house, that is not likely to happen. Companion animals do become victims of domestic violence; in the U.S., for example, the Humane Society estimates that this affects nearly one million animals per year (The Humane Society of the United States: Animal Cruelty Facts and Statistics).
- ⁸ Thanks to Alexander Christian for coming up with this example, as well as for helpful criticism.
- ⁹ Besides this “prospective worry” about liability there is a “retrospective” one: in his review of *Zoopolis*, Rogers mentions a problem with the argument from the historical injustice of domestication. He states that domestication “presumably took place at a time when human survival did depend on domesticated animals, that is, when the circumstances of justice did not apply” (Rogers, 2012, p. 510). This difficulty might not be severe after all, since the process of domestication endures even today, when the use of animals is to many people not longer of literally vital, but only economical importance.
- ¹⁰ See PETA, 2014.
- ¹¹ Regulations of human reproduction might, on closer inspection, fall prey only to the argument from futility (Benatar, 2006, p. 105). The same could not be said about regulations of domesticated animals’ reproduction, even if it were true that universal sterilization of domesticated animals is impossible (Donaldson & Kymlicka, 2011, p. 80).
- ¹² Donaldson and Kymlicka even seem to allow for such a more abstract sense of an animal’s good, since they are ready to take the “interests in being part of a mixed society” into consideration (Donaldson & Kymlicka, 2013b, p. 781)—an interest that is at most slightly less theoretical than benevolence towards potential children.

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