Philosophia (2022) 50:875–885
https://doi.org/10.1007/s11406-021-00421-8

Wild Animal Ethics: Well-Being, Agency, and Freedom

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Received: 2 August 2021 / Revised: 24 August 2021 / Accepted: 29 August 2021 /
Published online: 27 September 2021

Wild animal ethics (henceforth, WAE), as I understand it, concerns our ethical obligations to and regarding wild animals, understood as those animals who do not live immediately under our care, control or supervision, with a large (though, importantly, not exclusive) focus on those whose welfare is not directly affected by human agency. WAE, in other words, seeks to shift or expand our direct moral consideration to animals who do not depend on us, whom we haven't directly harmed, or for whom we have not (yet) incurred special responsibilities. WAE is typically welfarist (as opposed to pluralist): only welfare has intrinsic moral value; typically, about positive duties; and typically neutral between duties of beneficence and duties of justice, although Johannsen's primary concern leans toward beneficence and some priority of negative over positive duties.

What are we talking about when we talk about wild animal welfare? Until relatively recently, the focus of the community of scholars and advocates of WAE mostly centered around wild animal *suffering* (WAS) and its reduction. The focus has somewhat shifted to encompass well-being broadly construed, including positive well-being, non-hedonistic and maybe non-subjective components. Well-being specifies the content of our duties of beneficence and duties of justice.

Here I want to unpack what we should understand by wild animal well-being, and how different interpretations of what matters about it shape the sorts of interventions we endorse. I will not offer a theory of wild animal well-being or even take a stance on the best approach to theories of well-being as they pertain to wild animals. My aim is to bring into view a concern that WAE has largely overlooked: agency and freedom. To Johannsen's credit, the issue of liberties does feature in his *Wild Animal Ethics* (2020) (36–39, 41, 47). The interventions that he favors are those that, for a given amount of harm prevention, involve fewer liberty infringements. Liberties can act, to an extent, as constraints on permissible interventions. For all that, Johannsen's primary focus remains welfare in a sense that does not appear to give

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much consideration to agency. Fortunately, his approach is open-ended enough to accommodate some of my concerns. My hope is that he sees them as possible ways of specifying the duties of beneficence, if not justice, that he rightly argues we have to wild animals.

I will start by motivating the concern, showing why we might think that interventions to reduce WAS could affect agency (I). Then I'll offer a simple argument for the idea that agency pertains to well-being (II). I will conclude by dispelling two objections: that freedom's contribution is instrumental and therefore dispensable, and that the focus on freedom begets non-interventionism (III).

1 Interventions and agency

> As bad as WAS is, though, it's likely that many wild animals have lives worth living. After all, nature doesn't only contain suffering, it contains various sources of pleasure, too. For social animals, these pleasures include things like *playing games, grooming one another, caring for a family*, etc. And for any sentient animals, the pleasure of *finding and consuming food, or of successfully exercising one's talents and abilities*, will be significant. For wild animals that live long enough to enjoy an array of pleasures, then, it may very well be the case that the pleasant experiences they enjoy exceed the negative ones. Still, we should keep in mind that a life worth living is not necessarily a flourishing one. (Johannsen, 2020, 15-16; emphasis mine)

In this passage, Johannsen notes a few examples of animal behavior that are characteristic of animal agency. However, he only appears to consider the hedonic dimensions of animal agency rather than the value of agency itself. As I will argue, the exercise of agency has value (not always and not unlimitedly) independently of its contribution to hedonic value. Let me start by granting that predation, food scarcity, injury, stress are restrictions of freedom, something that, for instance, Martha Nussbaum's (2006) application of the Capabilities Approach to animals implies (Delon, 2021) (notably, Nussbaum advocates for some form of paternalistic intervention in the wild to secure capabilities). Whatever I say about the importance of freedom should not detract from the negative contribution of predation, hunger, stress, etc. to freedom and well-being.

Still, we can imagine ways to prevent predation, hunger, stress, etc. while also diminishing freedom. Consider, for example, the possibility of disenhancing animals to deprive them of the capacity for (at least negative) affective experience through analgesic gene drives (Johannsen, 2020, 71; cf. Shriver, 2009; Shriver & McConnachie, 2018). Were we to do that with wild strains of fish or reptile hatchlings, or with mammalian prey, we could, *ex hypothesi*, reduce large numbers of animals' negative experiences. We may, however, by knocking out non-target genes, also diminish their affective capacities, including their capacity for positive experiences and therefore their capacity for well-being (Johannsen, 2020, 74). Or, even if we preserve their capacity for affective experience, we may make positive experiences less salient or meaningful. But more importantly, we may curtail these animals' capacity

for agential control. This is likely if agency and sentience are interrelated, as some suggest (Jamieson, 2017; Wilcox, 2020a, 2020b). And this matters instrumentally, if agency leads to more fulfilling experiences, and intrinsically, if exercising agency matters on its own.

In sum, a concern with agency and freedom should feature more prominently in our efforts to calibrate our interventions to improve wild animal welfare. Even a hedonist should not adopt too narrow of a focus on hedonic states, if freedom can, in the appropriate circumstances, be conducive to more positive affects. With my central concern motivated, let's now move on to the relation between well-being and freedom.

2 Agency and well-being

First, though, a clarification. I will be talking about well-being in two related yet distinct senses. In one sense of well-being, more often called 'welfare', it consists in what is prudentially good for an individual, typically subjectively (i.e., based on the subject's mental states). This is what I call the *narrow* sense of well-being (narrow WB for short). (Note that narrow WB can be pluralistic: i.e., the kinds of goods for welfare subjects are not homogeneous or reducible to a single kind. Hedonism is a monistic theory but objective-lists theories are pluralistic.)

Sometimes well-being is seen as just one aspect of the good life, happiness, alongside nonprudential values such as autonomy, virtue, and meaning (Haybron, 2013; Wolf, 1997, 2010). According to *broad* WB, what is good for someone includes both prudential good and things that may detract from prudential good. This is well-being in the sense of flourishing or 'good life'. This kind of pluralism faces several issues (Sumner, 1996, 200–217), but it's attractive enough to keep it on the table. I will bracket the issue, however, as my argument doesn't hang on it. Instead, I will simply note that, even if we were to count autonomy, virtue or meaning as elements of an individual's good life only insofar as they are good for the individual, a broader conception of well-being allows us to make sense of cases when someone *rationally* cares about doing things that may not be strictly prudentially good for them but in some sense makes their life better for them. According to that non-welfarist position, a good life still involves reasons to do things that may not be best for oneself. They are nonetheless rational and, in some loose sense, make one better off by making one's life better (see Kagan, 1994).

Johannsen's theory is welfarist about value and experientialist about welfare. If agency doesn't make a difference to experience, it cannot have positive or negative moral value. To make things simpler, I take the implications of my argument to apply to both narrow and broad WB. I distinguished them to make it clear that one need not endorse freedom as an independent value or a separate determinant of well-being to accept my argument.

2.1 Why Agency Matters

I assume that many animals are agents, perhaps all sentient animals, in at least the following thin sense: they register information about the world, encapsulated in representations on the basis of which they respond to the world, and they do so flexibly and reliably by ways of cognitive, affective and motivational mechanisms that are functionally similar to the mechanisms responsible for agency across a wide range of species, including human beings in many ordinary cases of non-reflective, non-deliberative agency. I also assume that agency can be a matter of degree, across and within species, so that whatever importance it has in the life of certain animals may not generalize. Still, I'm assuming that agency is widespread among nonhuman animals and does not require propositional thinking, linguistic competence, higher-order representations, evaluative reflectiveness, or other metacognitive capacities necessary for what Christine Korsgaard (2006) calls "self-government". The sort of autonomy I have in mind is not *that* sort of (Kantian) autonomy, but rather the capacity to determine matters of one's own concern, by oneself, often done without metacognitive reflection or deliberation.

This shift of perspective has an important upshot. If and to the extent that we value certain forms of our agency, we ought to give moral consideration to comparable forms of agency in other animals. And since not all our agency, and not all the agency in us that we value, is propositional, linguistic, reflective, and so on, we ought to give moral consideration to agency in other animals of the ("perceptual") sort that we share in common with them (Delon, 2018; Sebo, 2017). Much of our agency is not full-blown rational agency. So, either we only have reason to value human agency in a limited range of circumstances, or we have reason to value agency that is not uniquely human. Since the former has tremendous costs, nonhuman agency can also be valuable and is a source of moral reasons.

A being is an agent in virtue of being capable of reliably exercising some control over their choices and behaviors, which *matters* to them, possibly independently of the experiential effects of control. It matters at least instrumentally (Cochrane, 2009; Rachels, 1976) but possibly constitutively (Gruen, 2011) or intrinsically (Giroux, 2016; Wilcox, 2020a, 2020b).

Agents are free in this basic sense: they can settle the output of their agential engagement with the world. They are free along two dimensions: (i) to the extent that they have a suitably large range of options over which to exercise their control, and (ii) to the extent that their control over such options is unimpeded. The exercise of agency thus implies freedom. At the same time, being an agent is compatible with un-freedom since agents don't cease to be agents when their freedom is restricted.

We, as agents, recognize that our freedom to live our own lives matters. We want to be settling matters that concern us, and we want to be free at least in part because we, explicitly or implicitly, believe it is part of a good life for us. These are platitudes one may want to dispute or refine, but they all point to something that is hard to deny: at some level of generality, and in some sense to be unpacked, our lives are *better* when they involve some degree of freedom, and other things being equal, the freer we are, the better our lives. If you grant me this point and the foregoing, and if freedom is part of the package of animal agency, then it follows that we ought to

consider animal freedom as a part of what makes their lives good. You do *not* have to accept this conclusion if you think that freedom only matters in connection to the uniquely human part of our agency—rational autonomy, self-governance, or the like. However, the idea that animal freedom matters is implied by ethical arguments about the harms of captivity and domination (DeGrazia, 1996, 269; Delon, 2018; 2020; Giroux, 2016; Gruen, 2011; Jamieson, 2002; Rachels, 1976; Wilcox, 2020b). Offering a complete argument for this claim is beyond the scope of this commentary but let me say a few things in defence—even if we agree that other animals are incapable of the mental sophistication required to be autonomous in the sense relevant to human agency.

First, note that much of the behavioral evidence for animal minds, including sentience and the possession of desires and preferences, stems from observing animal responses to stimuli, or solving problems, that pertain in one way or another to things that are good or bad for the animal—things that occupy some place in the web of pertinent features of their world, many of which trigger flexible responses, learning, and affects, in virtue of their relation to the creature's well-being. We infer that, say, fish experience pain or anxiety based on their apparent *choice* to withdraw from or avoid painful or anxiety-inducing situations. Many theories of animal welfare appeal to "what animals want" as a central criterion (Dawkins, 2021). And we often assume that animals, insofar as they are thin agents, freely pursue (avoid) things that they perceive as *good* (*bad*) for them. In sum, our claims about animal well-being often presuppose a basic capacity for intentional behaviour reliably and internally oriented by animals behaving prudentially rationally, and the fact that such behaviour appears to be deployed with some freedom suggests that animals exercise their freedom in the pursuit of their good. If only for that, animal freedom matters: it is, as far as we can tell, just how they secure their prudential good.

Moreover, *control* matters. Animals often appear to seek to exercise control over how to obtain what's prudentially good for them; they will often trade off some degree of pleasure or information for some degree of control (and vice versa). Human beings restrict the agency of very large numbers of these animals, in factory farms, laboratories, sites of entertainment like zoos, parks and circuses, but also in more latent ways through habitat destruction and fragmentation. Such restrictions impede the control animals can have over their activities. Even the utilitarian Peter Singer recognizes the significance of such restrictions:

> The need for purpose lies deep in our nature. We can observe it in other animals, especially those who, like us, are social mammals. ... When you provide a sow with food and a warm dry place to lie down, you have not provided her with everything she needs. Such animals exhibit what ethologists call 'stereotypical behaviour' ... They are trying to make up for the absence of purposive activity in their lives. (Singer, 1995, 198)

Confined animals do not merely suffer, physically and psychologically, from pain, stress, and anxiety. They're also deprived of the opportunity to exert their agency. Singer's remarks suggest that something like the capacity to exercise choice and control in goal-directed, purposeful activities is part of an animal's well-being. The thought is backed up by some recent research at the intersection of psychology and

animal welfare (Franks and Higgins, 2012; Cornwell et al., 2014; Higgins et al., 2014). According to the Effectiveness Theory of Motivation, *truth*, *control*, and *value* motives must work together effectively to promote well-being. Animals have motivations for adequate nutrition and safety ("value motivation"), but they are also motivated to manage their environment ("control motivation") and to learn about it ("truth motivation"). Recent research has also emphasized the importance of agency, exploration, and control in positive welfare (Fife-Cook & Franks, 2019; Graham et al., 2018; Špinka, 2019).

To recap, we value our capacity for and the exercise of agency, and not just as expressed in its higher forms. Part of what we value in agency, including its not-uniquely human dimension, implies freedom. It also appears that animals themselves value the exercise of their own agency. So, if agency contributes to well-being, then our assessment of wild animal well-being must go beyond hedonic states and health to include a richer range of needs, desires, frustrations, cares, and motivations. Freedom is valuable for them in allowing them to have positive experiences, but it would not cease to matter if we could guarantee them positive experiences. Access to territory, resources, mates, and companions to opportunities for play and exploration matter to animals at least in part insofar as they are the ones choosing to access them and are thereby exercising their agency in doing so.

I can now formulate the argument for taking the agency and freedom of wild animals seriously.

2.2 Simple Argument

A. A minimum degree of freedom is constitutive of and/or a non-substitutable means to well-being. It is a necessary basic condition of well-being.
B. We owe bearers of moral status the basic conditions of well-being
    a. By refraining from undermining such conditions, and
    b. By securing such conditions where it does not conflict with (a) or other significant obligations.
    c. If an intervention undermines the basic conditions of well-being, then it is impermissible.
    d. If non-intervention undermines the basic conditions of well-being, then it is impermissible.

C. Many wild animals have moral status.
D. Therefore, we owe many wild animals the set of interventions and non-interventions that is consistent with the basic conditions of their well-being.
E. Therefore, we ought not to engage in interventions or non-interventions that compromise their minimum degree of freedom required by the basic conditions of well-being.

Each premise would require lengthy discussion. I have, so far, mostly motivated premise A. The crux of premise B is the claim that non-intervention can be morally significant (B.b and B.d). Since it is a central tenet of much of WAE, I will not try

to defend it. It is independently plausible if one is skeptical of the doing-allowing distinction, but it gains additional plausibility from empirical claims about the scope and magnitude of WAS. At the same time, the premise is compatible with the idea that it is morally worse to commit harm than to let it happen, especially in large-scale interventions involving great uncertainty. I take C to be uncontroversial.

A central motivation for the argument is as follows. Just as we should recognize that agency matters to other animals (a least in some of the respects in which it matters to us), so we should recognize that our duties to guarantee others' agency extend beyond human beings. And to the extent that they do, there is no reason to stop at the porous wild/domesticated boundary. The implications become revisionary if our duties involve positive duties and these are not always trumped by negative duties or restricted to special relationships or acquired responsibilities (*pace* Palmer, 2010). Those are important assumptions which I'll grant for the sake of the present argument. Here's how Dale Jamieson spells out the thought (without endorsing it):

> Some may think that protective custody is not such a bad idea. Just as the agent/patient distinction is increasingly breaking down with respect to humans and animals, so is the idea that culture is for humans and nature is for animals. When it comes to preventable disease and the depredations of others, we don't let "nature take its course" among humans. The same case can be made with respect to animals. If humans have reason to escape the ravages of nature, so do other animals. (2017, 465)

The conclusions of the *Simple argument* should be interpreted as generating *pro tanto* obligations, whose strength will depend on whether we ground them on duties of beneficence or justice, and what other obligations we concurrently have. If the set of permissible interventions is limited to vaccinations and veterinary care, so be it. It likely goes further to include ecosystem engineering and urban design (Delon, 2020; 2021; Apfelbeck et al., 2020; Capozzelli et al., 2020). But the key point is this: one is right to worry about severe restrictions of prey and/or predators' freedom, but one should also not think that interventions per se necessarily curtail agency.

These implications are friendly to WAE. But they presuppose that we take seriously agency as an element of wild animal well-being. In that respect, they might have revisionary implications for scholars and advocates of reducing WAS.

A clarification is in order. I do not hold the view that interfering with the lives of wild animals *entails* reducing their freedom. It sometimes does, sometimes doesn't. Refraining from interfering can likewise undermine wild animals' freedom. It could be that, by failing to intervene, we are wrongly omitting to secure the basic conditions of well-being of quintillions of subjects of justice (Paez, 2021; Sebo, 2021). Intervention and unfreedom are orthogonal. There can be agency-enhancing interventions and non-interventions as well agency-diminishing interventions and non-interventions. My claim is that agency should be among our considerations when we weigh the reasons that count for or against interventions as well as non-interventions. If interventions aim at reducing negative well-being or increasing positive well-being, then they must consider all the basic conditions of well-being, including minimal freedom.

An important point regarding the argument is that the nature and scope of permissible interventions varies depending on one's theory of well-being; hence the importance of bringing agency into focus, unless one can establish a near-perfect relation between narrow experiential welfare and agency. The simple argument may be attractive to anyone who does not hold a hedonistic theory of well-being, or whose hedonism takes restrictions on freedom as potentially detracting from prudential good. One question it does not address is whether, when, and to what extent *trade-offs* across different dimensions of well-being are permissible. If one can show that interventions that curtail agency are significantly beneficial in terms of other dimensions, then such benefits, the thought goes, not only offset the loss in freedom but provide (or prevent) enough extra benefits (or harms) that the intervention is *pro tanto* justifiable. Barring an implausible absolutism about the value of freedom, we should be open to such trade-offs. This concession notwithstanding, the point stands that many interventions are not cost-free with respect to central dimensions of well-being. In other words, the benefits of interventions must be weighed against other potential harms in terms of broad WB (or narrow WB if freedom is one if its determinants). If one is to allow trade-offs, marginal benefits in non-agential well-being, whether narrow or broad, must sufficiently outweigh losses in agential well-being.

3 Objections

3.1 Instrumental Yet Essential

According to prominent theories of wellbeing, however, we could claim that WAS interventions which reduce wild animals' freedom nonetheless benefit them, so long as,

(i) on objective-list theories, animals fare well enough, or better, along other dimensions of well-being, such as health, integrity, pleasure, and satisfaction;
(ii) on hedonism, their balance of pleasant experiences is net positive and higher than prior to the intervention;
(iii) on desire-fulfilment theories, a majority of the animals' desires or preferences are satisfied, and more of them are satisfied than prior to the intervention.

Similarly, on this view, we could argue that wild animals, while they are in some respects negatively affected by urbanization, need not be worse off for it all things considered. Interference with wild animals per se is compatible with net increases in positive welfare. Increased freedom is compatible with lower welfare; higher welfare is compatible with decreased freedom. This seems to support the idea that freedom matters *only instrumentally*:

> Freedom is generally valuable to sentient animals due to its instrumental role in allowing lives that (1) are satisfying (on subjective views) or (2) permit the animal to exercise her natural capacities (on objective views). Confinement, then, generally harms sentient animals to the extent that it interferes with their

living a good life (in the prudential sense). (DeGrazia, 1996, 269; also see Cochrane, 2009)

On the other hand, on a conception of well-being according to which minimal freedom is among the *basic* constituents of well-being, and trade-offs among basic constituents are either disallowed or require special justification, loss of freedom normally detracts from well-being—perhaps in ways that allow for compensation, still the loss remains significant. Even if freedom is only instrumental to well-being, compensation may be difficult, if freedom is *non-specifically instrumentally valuable*: a means to other goods that cannot always be identified in advance and is therefore not easily substitutable (Schmidt, 2015). We need not argue that it matters intrinsically to establish that is practically essential to animal well-being.

If freedom is essential to flourishing (instrumentally, intrinsically, or constitutively), then reductions in freedom that improve animals' subjective welfare, health, etc., won't necessarily make them better off. This is not to say that any curtailment of freedom always makes one worse off; rather, below a certain threshold of agential control, one falls short of the basic conditions of well-being. This might not make a creature's life *not worth living*, if the bar for basic flourishing is higher than the bar for a life worth living (see Johannsen, 2020, 15–17), but this means that a life radically devoid of freedom falls short of a flourishing life.

3.2 Intervening or Not Intervening

For all that, promoting wild animals' freedom should not be conflated with preserving wildness or the elimination of human encroachment. Even when we are not causally responsible for their situation, our duties of beneficence may require that we secure the basic conditions of well-being of wild animals, and such conditions include freedom (Paez, 2021). My thesis has been that such duties require consideration of freedom as an ineliminable factor, not that we should not intervene because intervening would curtail freedom. Reframing the debate this way allows us to move beyond the objection from paternalism (see Johannsen, 2020, 36–39 on Regan, 2004; also see Everett, 2001; Jamieson, 1990). By intervening for the sake of wild animals we can in fact promote their good *while* promoting their agency. Interventions could seek to secure animals' "competence", to use Regan's term. The fact that this requires interference and is done for the animal's own good doesn't make it paternalistic, or if it does, doesn't make it wrongfully so.

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