

# **What If They Were Humans? Non-Ideal Theory in the Shelter**

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It is a trivial observation that we treat animals in all sorts of ways in which we would never treat our conspecifics. Virtually everyone agrees that it would be wrong to raise and slaughter humans to eat their flesh, yet most people condone animal agriculture. Virtually everyone agrees that it would be wrong to subject humans to painful experiments without their consent, yet most people buy products that were tested on animals before being commercialized. Virtually everyone agrees that it would be wrong to confine and exhibit humans for the sake of entertainment, yet many people visit animal zoos and circuses. As far as conventional wisdom is concerned, humans and animals pertain to separate moral categories.

When someone asks what could justify such unequal treatment, the demand is often met with a blank stare. Why treat humans better than other animals? Well, they are humans. For millennia, most philosophers did not question this common attitude to animals, but this is no longer the case. In recent decades, this form of discrimination has been challenged. Many ethicists now consider the notion that being humans somehow grants us a superior moral status to be a prejudice akin to the view that being males or being white confers males and white people with a higher moral status. The property of being a human is just as ethically irrelevant as the properties of being a male and being white.

The latter claim has become a powerful tool to question the moral permissibility of certain widespread activities. Some have argued that, since we should not perform painful experiments on humans who are incapable of giving free and informed consent in order to gain scientific knowledge, we should not run such experiments on non-human animals to the same end. Similarly, it has been argued that, as we should not breed and kill humans to eat their flesh, we should not breed and kill animals for the same purpose. If the fact that we must be protected from being used in these ways has nothing to do with our being humans, then some non-humans should enjoy the same protections.

While the existence of slaughterhouses and animal labs rests entirely on the idea that we owe animals less than we do humans, other institutions initially appear less biased. A telling example is animal protection organizations, which are created for the very sake of non-humans and generally managed by people who truly care about animal welfare. It must be the case, one might think, that humane societies give animals their fair due. But this overlooks how deeply anthropocentrism is entrenched in our societies. Even people who dedicate their entire lives to animals are not spared the effects of this ideology. As a result, certain activities that are

commonplace within humane societies might well be objectionable. In this chapter, I discuss three such activities: killing healthy shelter animals for lack of resources, building partnerships with animal agriculture, and feeding meat to shelter animals.

The chapter includes six sections. In Section 1, I argue that the property of being a human is morally irrelevant. In Section 2, I explain how this claim can be leveraged to draw substantial ethical norms and principles and, more specifically, how it could be used to establish principles prohibiting management euthanasia, cooperation with animal agriculture, and meat-based pet food. In Section 3, I introduce the distinction between ideal and non-ideal theory—two ways of theorizing our moral duties that are respectively designed for ideal and non-ideal circumstances. In Sections 4 and 5, I argue that management euthanasia and cooperation with animal agriculture are unobjectionable as far as non-ideal theory is concerned, even though they would be condemned by ideal theory. Finally, in Section 6, I argue that meat-based pet food should be rejected even in non-ideal theory.

### **1. The ethical irrelevance of being a human**

Prevailing public attitudes presuppose that being a human is a morally relevant property, one that provides its bearers with certain moral rights or moral agents with certain moral duties towards them. Why do we have a right not to be killed that cows and chickens lack? On the face of it, it's because we are humans and they aren't. Why do scientists have a duty not to perform painful experiments on their colleagues while they have no such duties towards rats and monkeys? On the face of it, it's because their colleagues are humans, but rats and monkeys aren't.

The predicate “human” is notoriously ambiguous (Singer, 2011: 73-74). On the one hand, it expresses a biological concept when it refers to members of the species *Homo sapiens*. On the other hand, it expresses a psychological concept when it refers to those subjects who are both rational and self-conscious. While the two concepts are often confused due to this ambiguity in the predicate “human,” they are not co-extensive. Some members of the species *Homo sapiens* are not rational and self-conscious—for instance, babies and people with profound mental disabilities. And it may be that not all rational and self-conscious subjects belong to *Homo sapiens*—think about chimpanzees.

Once this distinction is in place, it should be clear that conventional wisdom appeals to the biological concept of human. Most people believe that it is wrong to kill and experiment on members of the species *Homo sapiens* regardless of their cognitive abilities. By contrast, they rarely object to the killings and experiments performed on non-human animals, whether or not these happen to be rational and self-conscious. Common-sense morality is thus committed to the view that all and only *biological* humans have certain rights and are owed certain duties. From now on, I will therefore use the word “human” to refer to *Homo sapiens*, setting aside its second meaning.

Most animal ethicists agree that, so understood, the property of being a human is ethically irrelevant in the sense that it makes no difference to how we should treat individuals. This conclusion can be reached via three different arguments. The first argument rests on the observation that being a human is a merely biological property (Jaquet, 2020; McMahan, 2005; Rachels, 1990). What does it take for a property to be merely biological? Some properties are psychological in the sense that we can

instantiate them inasmuch as we have a mind. One could cite being generous, having a good memory, or being in pain. Other properties are biological in the sense that we can instantiate them inasmuch as we have a body. Examples include being bald, being tall, and being a female. According to identity theorists in the philosophy of mind, all psychological properties reduce to biological properties. For instance, being in pain might be identical to having one's C-fibres firing. Should that be the case, the property of having one's C-fibres firing would be both psychological and biological—it would not be *merely* biological. Be that as it may, most biological properties are merely biological. They may be statistically correlated with psychological properties, but that is another matter.

Being a human is a merely biological property in this sense. Admittedly, it is correlated with psychological properties. For the most part, humans are rational, self-conscious, and capable of language. They make long-term plans and remember the distant past. Other animals, not so much. But there are exceptions; while it may be true that these differences distinguish most humans from most non-humans, they do not distinguish all humans from all non-humans. For one thing, many animals possess at least some of the abilities just listed—pigs and crows are self-conscious, and dolphins have impressive memories. What's more, some humans lack these abilities altogether, either because they are too young or due to a mental disability. At the end of the day, these features are only statistically correlated with being a human. Being a human is a merely biological property.

The worry is that merely biological properties do not seem to matter morally. In and of itself, the fact that someone is tall or has white skin does not provide us with more stringent moral duties towards him. In and of itself, the fact that someone is a female or has only one arm does not provide her with more constraining moral rights. For sure, women might well have rights that men lack (e.g., a right to abortion or a right to ovarian cancer screening). And we might well owe duties to the physically disabled that we don't owe to the physically abled (e.g., a duty to provide them with adapted access to public facilities). But these special rights and duties are not due to the mere fact that these people are female or disabled. They're due to the fact that these people often possess interests that others lack. And having these interests is certainly not a biological property. Merely biological properties are morally irrelevant, and this applies in particular to the property *being a human*.

The second argument has to do with the evolution of humanity (Dawkins, 1993; Ebert, 2020; Rachels, 1990). Evolutionary theory entails that there is no objective boundary between humans and non-humans. Imagine a chain of individuals holding hands: at one end is a woman, next to her mother, next to her own mother, and so on; at the other end is a female chimpanzee, next to her mother, next to her own mother, and so on; more or less in the middle stands the last ancestor shared by humans and chimpanzees. Where does the human species end? One could cut the chain between two links and declare, "Here it does." But this boundary would be arbitrary. There is absolutely no reason to draw the line between a given individual and her mother rather than between the latter and her mother. By contrast, the boundary surrounding those to whom one owes strong moral duties cannot be arbitrary in this way. It has to be an objective feature of reality. Membership in the human species can therefore not be morally relevant.

The third argument rests on the following thought experiment:

Due to a series of accidents involving genetic mutations and natural selection, a new species emerged from *Homo sapiens*: *Almost sapiens*. As its name suggests, members of this new species are like us in every possible respect except their species. As a matter of fact, they resemble us much more than white people resemble Black people or men resemble women.

This scenario suggests the following lesson. Since the boundaries of race and gender are morally irrelevant, it is very unlikely that the difference between *Homo sapiens* and *Almost sapiens* is morally relevant. But this difference consists in the property of being a human. Accordingly, it is very unlikely that the property of being a human matters morally.

On second thought, then, we should reject the intuitive suggestion that this property confers on its bearers a higher moral status, for it has three unwelcome implications. It implies that some merely biological properties are morally relevant, that some arbitrary properties are morally relevant, and that members of *Homo sapiens* have rights that members of *Almost sapiens* lack. From now on, I will therefore assume that whether or not a subject is a human is morally irrelevant. In the next section, we will see how this conclusion can be put to work in the selection of moral principles.

## **2. The selection of moral principles**

The irrelevance of *being a human* has a significant methodological implication. It provides us with a test we can use to identify the moral principles governing our treatment of non-human animals. Whenever we consider a certain moral principle specifying that we should treat some animals in a certain way, we should ask, “What if these animals were humans?” If the principle is plausible when applied to this counterfactual scenario, we can accept it; if it’s implausible when applied to this counterfactual scenario, we must reject it.

This test must be handled with care, or misuses will be all too frequent. Suppose I wonder whether dogs should be granted the right to vote and I decide to address this issue by asking, “What if they were humans?” I might then think: since humans should be granted the right to vote, so should dogs. Obviously, something’s wrong with this piece of reasoning. The mistake, I want to suggest, is to think that dogs should have the right to vote if they were humans. And it rests on a misunderstanding of the counterfactual in which we’re interested. We are not interested in what should happen if dogs were humans with typically human mental abilities and interests. We’re interested in what should happen if dogs were humans and yet kept (as far as is conceivable) their actual mental abilities and interests. If dogs were humans in this sense, they would be more similar to young children than they would be to normal adults. Accordingly, they should not be granted the right to vote.

In that case, our test results in a rather intuitive principle—most people have the intuition that dogs should not be allowed to vote. However, some of its outcomes will be much less intuitive. Suppose I wonder whether it is okay to farm and slaughter pigs for food, and I decide to address this issue by asking, “What if they were humans?” In light of the above, I should not wonder whether it is okay to farm paradigmatic humans. Instead, I should wonder whether it would be okay to farm humans with mental abilities and interests similar to those of a pig. But, in this case,

this qualification changes nothing. The answer is the same: it is wrong to farm and slaughter human beings for food regardless of their mental capacities.<sup>1</sup> Conclusion: farming and killing pigs for food is wrong.

Here is a possible objection to this test. Assuming that the property of being a human is morally irrelevant, there is another question one might ask, this time about humans: “What if they were not humans?” Asking this question instead would result in the selection of very different principles. For instance, the intuitive principle that human babies should not be farmed would not pass the test, for the intuitive answer to the question “What if they were not humans?” is that they could be killed. Thus, much hinges on whether we should test the principles governing our treatment of animals with the question “What if they were humans?” or rather test our principles governing our treatment of humans with the question “What if they were not humans?” Why go for the first option rather than the second?

This is because we have independent reasons to distrust the widespread intuition that animals do not count much. This intuition is epistemically defective because it is due to a mixture of two irrelevant influences. On the one hand, it is largely a reaction to the cognitive dissonance that we experience as a result of the “meat paradox.” Most people love animals, don’t want to harm them, yet harm them by consuming meat. As is now well documented, this practical paradox generates a state of dissonance, which is unpleasant. To ward off this unpleasantness, people form all sorts of beliefs whose only function is to resolve the paradox. For instance, they start to believe that humans need to eat meat or that animals do not suffer that much (Loughnan et al., 2014). Another belief they adopt is the belief that animals do not count a lot from the ethical point of view (Jaquet, 2021a).

On the other hand, this belief very much appears to be shaped by our tribalistic psychology. Roughly, tribalism is a sort of group-level selfishness. It proceeds in three steps (Machery, 2020). First, we scan our environment to detect those social groups that are most salient. Then, we classify individuals in our environment into ingroup members and outgroup members. Finally, we discriminate against outgroup members and form the belief that they matter less than ingroup members. As it happens, most people seem to follow this pattern in their relationships with non-human animals (Jaquet, 2021b; Kasperbauer, 2017). Tribalism appears to shape not only the way we treat animals but also our intuitive understanding of what we owe to them.

Importantly, these explanations undermine the epistemic credentials of the widespread intuition that animals do not count much (Jaquet, 2021a, 2021b). As a general rule, we should not trust moral intuitions that we have because they are psychologically comfortable or because of our general tendency to discriminate against outgroup members. These belief-forming processes are unreliable in the sense that many of the beliefs they generate are false—e.g., the belief that meat is healthy and the belief that members of other races are lazy. But then, if we should distrust our intuitions about what we owe to animals, it looks like we should not assess the principles governing our duties to humans in light of our intuitive response to the question, “What if they were not humans?” On the contrary, we

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<sup>1</sup> If you don’t share this widespread intuition, then this line of argument isn’t for you.

should assess our principles governing our duties to animals in light of our intuitive response to the question, “What if they were humans?”

In the following, I will focus on three practices that are common within animal shelters and seem to fail this test. The first is euthanasia for lack of resources, which is sometimes called “management euthanasia.”<sup>2</sup> Millions of animals, mostly cats and dogs, are killed in shelters every year. Some are euthanized in their own interests narrowly construed, because an illness or an injury makes their life no longer worth living. This does not raise too serious moral issues. Others, however, are killed even though they are healthy because nobody wants to adopt them. Shelters work with highly limited resources in terms of time, space, and food. They cannot afford to keep animals on their premises indefinitely, as this would take away resources from others. When the animals in question cannot survive on their own, releasing them in the wild is simply not an option. All this presents shelters with a dilemma: either they accept all the animals that are brought to them, but then they have to kill those who cannot get adopted or be released, or they refuse to kill the animals they host, but then they have to close their doors to many others. It’s either open admission or no-kill, but not both.

To assess the practice of killing shelter animals for lack of resources, we need to ask, “What if they were humans?” What should we think of, say, an orphanage that, in order to be able to foster new children, would kill those who have been there for a long time and were not adopted? Intuitively, that would be terribly wrong. The orphanage should rather refuse entry to new kids as long as all the beds are occupied. As a first approximation, this suggests that animal shelters should adopt a no-kill policy even though that would mean giving up their open admission policy.

Many humane societies are not concerned with companion animals only. They also aim to help farm animals. A second practice that is widespread among animal protection organizations is meant to do just that: cooperation with animal agriculture so as to improve the welfare of these animals. This kind of cooperation often takes the form of welfare certifications and labeling programs. The farmers who participate in the programs receive a certification insofar as they respect certain norms typically meant to foster the UK Farm Animal Welfare Council’s “five freedoms”: freedom from hunger and thirst, freedom from discomfort, freedom from pain, injury and disease, freedom from fear and distress, and freedom to express

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<sup>2</sup> The use of the name “euthanasia” is contested when it comes to animals who are killed for lack of resources. Here’s a common objection: euthanasia is best defined as killing an individual for his or her own good; yet animals who are killed for lack of resources are not killed for their own good; therefore, they are not euthanized. I am not convinced by this objection. As I see it, the important question concerns the available alternatives. If the alternative is freeing animals and letting them starve, then death is in their best interest. Of course, one might object that another available alternative is to dedicate more resources to them. However, the issue of resource allocation should be addressed separately. How to allocate resources is one question; whether to kill an animal for whom we lack resources is another. If we have previously decided that a certain animal will not receive resources, then giving her more resources is no longer an option. And if killing her is the best remaining available alternative, then death is in her best interest, and this will be a case of euthanasia.

normal behaviors. The corresponding labels are then used to help consumers make better-informed and less unethical choices. In addition, shelters recruit animal welfare experts who then negotiate with farmers to improve animal welfare legal codes.

To assess this kind of cooperation with animal farmers, we need to ask, “What if these farmers were exploiting human babies?” And the answer is straightforward: it would be plainly intolerable to cooperate with people who would raise and kill humans for food—even human babies, whose mental abilities do not exceed those of animals. The appropriate response to such an industry would be uncompromising struggle for its abolition rather than modest attempts to reform it. As a first approximation, this suggests that animal shelters should not cooperate with animal agriculture.

A third common practice concerns both farm animals and the animals who await a possible adoption at the shelter. Obviously, the latter animals must be fed. Given that some of them are obligate carnivores, they are often fed meat—that is, the flesh of dead animals. While this should come as no surprise, it is nonetheless paradoxical. How can an organization that is entirely dedicated to helping animals support an industry that routinely causes their suffering and death? In response, some will maintain that, to the extent that shelter animals need to eat meat to survive, animal shelters have no other option than to feed them meat. Although this is not true of dogs—who are flexible omnivores rather than obligate carnivores—it may be true of cats.

Again, the suggestion is that we approach this issue via the question, “What if they were humans?” Suppose an animal shelter ordered meat coming from a farm that raised and killed human babies to sell their flesh. Not only would it be blatantly immoral for the farmers to produce such food; it would also be clearly wrong for the shelter to buy it. And we would not be impressed should they reply that the cats who are waiting to be adopted are obligate carnivores. As a first approximation, this suggests that animal shelters should not feed meat to their animals.

### **3. Ideal and non-ideal theory**

The above seems to indicate that humane societies are doing three things wrong. They should not practice management euthanasia; they should not cooperate with animal farmers; they should not feed meat to the animals they shelter. And all this seems to follow from the ethical irrelevance of the property of being a human combined with common intuitions about our duties to human beings. In the rest of this chapter, I want to take a different look at these issues. While all these conclusions are compelling as long as we assume that humans and other animals face roughly similar circumstances, this assumption is false. The circumstances faced by humans and non-humans differ in a crucial respect: while the former are generally more or less ideal, the latter are by and large highly non-ideal. As a result, the principles that govern our treatment of fellow humans and those that govern our treatment of other animals pertain to different kinds of theory: respectively, ideal and non-ideal theory.

The distinction between ideal and non-ideal theory traces back to John Rawls’ *Theory of Justice* (1971). While it has been applied to the issue of moral demands (Murphy, 2003) and to the treatment of animals (Garner, 2013), to this day, it remains primarily used in political philosophy. In this area, an important debate

opposes those philosophers who favor ideal theory and those who favor non-ideal theory. In the first camp, authors such as Rawls himself are happy to theorize almost exclusively about idealized circumstances. Members of the second camp object that this makes their work too detached from the world as it is and, a fortiori, practically irrelevant. We will not be concerned with this debate, which I mention only to set it aside. Instead, I will side with a third group, according to which philosophers should investigate both ideal and non-ideal theory. This conciliatory view should provide an adequate framework for our discussion.

Ideal theory applies to ideal circumstances, whereas non-ideal theory applies to non-ideal circumstances.<sup>3</sup> This raises a question: what is the difference between ideal and non-ideal circumstances? Ideal circumstances are generally understood to meet two criteria: full compliance (all or most agents comply with their duties) and favorable conditions (the economic and social conditions necessary for justice are in place). Non-ideal circumstances, by contrast, are taken to fail to meet at least one of these criteria (Valentini, 2012: 655). For the sake of argument, I will follow a long tradition of focusing on the first criterion and distinguish ideal from non-ideal circumstances in terms of whether most agents do or do not comply with their duties. In the sense in which I will use these labels, then, ideal theory tells us what we should do if most others did what they should, whereas non-ideal theory tells us what we should do if most others fail to do what they should.

Following Rawls (1999: 89), many philosophers (e.g., Garner, 2013; Simmons, 2010) accept three desiderata for non-ideal theories. First, a non-ideal theory must be feasible in the sense that it can be achieved under current, non-ideal circumstances. Second, it must be permissible, which it is if its achievement would reduce what the related ideal theory identifies as the most serious and urgent injustices in the current circumstances.<sup>4</sup> Finally, it must be effective, such that its achievement would move society from the current, non-ideal circumstances towards the ideal circumstances in which the related ideal theory can be implemented. This is the model we will work with. I will therefore assume that a satisfactory non-ideal theory of our duties to non-human animals must be feasible, permissible (in this specific sense), and effective.

Before applying this model to the issues raised in Section 2, three points are worth dwelling on. First, as indicated by the third desideratum, non-ideal theory is supposed to be transitional; it must take us, step by step, from the current situation all the way to the circumstances that are more hospitable to the ideal theory. Second, non-ideal theory does not amount to second-best theory. The suggestion is not that, because our ideal is currently unfeasible, we should settle for a close approximation. For a state of affairs that most resembles our ideal might take us astray. Sometimes,

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<sup>3</sup> Ideal theory's focus on idealized circumstances is not to say that it is utopian, for the idealized circumstances it deals with must remain consistent with the constraints imposed by the laws of nature and human psychology. Ideal theory must be achievable in principle even though, by definition, it cannot be achieved in the short run.

<sup>4</sup> I'm following Robert Garner's interpretation of Rawls: "The moral permissibility of a course of action, for Rawls, is a function of the degree to which it removes the most grievous or most urgent injustice, the one that departs the most from the ideal theory" (2013: 13).



picking a third- or fourth-best option leads us more effectively to our destination. Third, any non-ideal theory should build on an ideal theory. This follows from the second and third desiderata. We need at least a vague idea of the principles that would apply in ideal circumstances to identify both the most serious current injustices and the most effective way to get there (Simmons, 2010: 33-34).

Having said that, I will not take a stand for a specific ideal theory concerning our duties to animals. Rather, my argument will rest on a formal principle that all ideal theories ought to accommodate: we should treat animals as well as we would if they were humans. As we have seen, this formal principle is well established and can be used to support many stringent duties to animals. Now, it should be clear that most people do not comply with these duties and are unlikely to do so anywhere in the near future. Insofar as animals are concerned, then, the current circumstances are *highly* non-ideal. By comparison, we are much more advanced on the way to our ideal when it comes to humans. This is not to say that all humans face ideal circumstances—one only has to look at global statistics for child trafficking, domestic violence, and extreme poverty to see that many face miserable conditions. But the fact remains that humans are not killed for food by tens of billions each year.

In saying all that, I take it that the opposition between ideal and non-ideal circumstances is a continuum rather than a dichotomy. People can comply with their duties to various degrees and, as a matter of fact, they comply with their duties to humans way more than they do with their duties to other animals. Accordingly, humans are by and large in much more ideal circumstances than other animals. This fact has crucial importance for the present questions. For it means that we should not test the moral principles governing our duties to animals by wondering how we should treat them if they were humans *in typically human circumstances*; we should test these principles by wondering how we should treat animals if they were humans *in typically animal circumstances*.

Accordingly, these principles ought to be assessed in light of the three desiderata mentioned above. First, they should be feasible, meaning that it should be possible to realize them under current circumstances, where most people do not comply with their duties to animals. Second, they should be morally permissible, meaning that they should remove what our vague ideal theory identifies as the most serious injustices done to animals, those that disadvantage animals most significantly as compared to humans. Finally, they should be effective, meaning that they should move society towards the ideal position vaguely described by our ideal theory, where animals are treated as well as humans. What does such a non-ideal theory have to say about management euthanasia, collaborations with animal agriculture, and meat-based pet food?

#### **4. Management euthanasia**

Consider management euthanasia first, and remember the dilemma faced by animal shelters. On the one hand, they can endorse an open admission policy, but they will then have to euthanize the many animals whom no one wants to adopt. On the other hand, they can endorse a no-kill policy, but then they will have to close their doors to many animals in need. In short, they must choose between two unappealing combinations: open-admission plus management euthanasia (OAME) or no-kill plus limited access (NKLA). I will defend the first option. If I am correct, the situation faced by animal shelters is not an ethical dilemma in the philosophical

sense of the phrase—it's not that, no matter which alternative they opt for, animal shelters will do something wrong. In my opinion, there is nothing wrong with management euthanasia in this situation. All the wrongness there is lies within the series of acts that resulted in this situation.

At first glance, there is a case to be made to the contrary. Consider again an orphanage that would endorse a policy of open admission and consequently had to kill healthy children on a regular basis. That would be morally awful. Everyone will agree that this orphanage should rather endorse a no-kill policy, even though that meant restricting access to further children in need. Assuming that we should treat animals as we should treat them if they were humans, we are led to the conclusion that OAME is wrong and that animal shelters should rather opt for NKLA. I want to suggest that this argument by analogy is misguided because it ignores a crucial difference: while the situation of the orphans in this thought experiment is far from enviable, it would be quite exceptional. In our societies, children's circumstances are incomparably more ideal than those of animals.

No plausible ideal theory would favor OAME. But this is beside the point. What we face here is a choice between two non-ideal theories: one favoring OAME, the other favoring NKLA. Ultimately, we should therefore choose that which best satisfies our three desiderata for non-ideal theories. Which one is that? For a start, it should be clear that both theories are feasible, as indicated by the observation that both OAME and NKLA are already in place in many shelters. Turning to the second desideratum, permissibility, the issue is which policy would best contribute to remedying the most egregious injustices suffered by shelter animals. And I maintain that it is OAME. While NKLA would satisfy the interest in continued existence of the few animals that were lucky enough to access a shelter, OAME would satisfy the stronger interest of many more animals not to die of hunger, diseases, and injuries alone on the streets. Finally, the issue of effectiveness is more complicated. While neither policy would clearly hinder independent efforts to reach our ideal, it is unclear that either would help us get there. Still, it seems to me that OAME would be slightly more likely to do so than NKLA. Indeed, the greater availability of adoptable animals together with publicity of the necessity to kill some of them when resources are scarce might reduce abandonment rates.<sup>5</sup> Of course, this policy is compatible with the deployment of other efforts mobilized to get people to comply with their duties to animals. In any case, it is highly unlikely that it would prevent the advent of a society free of abandonments.

All in all, OAME is feasible, permissible, and effective. By contrast, while feasible, NKLA is neither permissible nor effective. Our non-ideal theory should therefore favor management euthanasia. If one carefully distinguishes the act of killing from the series of events that led to this predicament, there is nothing wrong with such a practice in the highly non-ideal circumstances faced by animals. Of course, something is wrong in the whole process ending with the killing of these animals. What's wrong is the behaviors that lead to this situation—namely, the

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<sup>5</sup> In July 1980, the French magazine *Paris Match* published a picture of the dead bodies of 140 dead dogs deposited on a road. These dogs had been collected in only two days by the *Société Protectrice des Animaux* (SPA), the French equivalent to the SPCA. Such campaigns can be powerful in raising public awareness of the tragedy represented by animal abandonment.

numerous acts of agents who violate their duties to animals, be they individual dog or cat owners who abandon their pets or political institutions that failed to protect these animals' fundamental interests. Although management euthanasia would be wrong under more or less ideal circumstances, it isn't under the current highly non-ideal circumstances faced by shelter animals.

### **5. Cooperation with animal agriculture**

Consider next the practice of cooperation with animal agriculture. In order to improve the welfare of animals who are raised and killed for food, some humane societies set up welfare certifications and labels, which farmers receive insofar as they respect certain norms. Because these certifications and labels help consumers choose products that were created more ethically, they provide an incentive for farmers to meet higher welfare standards. There is no denying that these standards are insufficient. Animal suffering is arguably inherent to animal agriculture—whether or not milk cows are allowed to roam free, they are separated from their calves. Nevertheless, it should be acknowledged that these standards have the potential to reduce the amount of animal suffering drastically, provided that they are implemented strictly.

Yet, there is a *prima facie* case to be made that humane societies should not collaborate with animal agriculture, a case based on the question “What if they were humans?” If these farmers exploited human beings—even human beings comparable to farm animals in terms of their interests and mental abilities—it would be manifestly wrong to cooperate with them and give them any kind of formal endorsement. We should not help them exploit humans more humanely; instead, we should get them to stop exploiting humans at all. At the very least, we ought to publicly condemn these practices. This suggests that animal shelters should not cooperate with animal agriculture. I want to suggest that this argument is misguided because it ignores the extent to which the circumstances of farm animals are non-ideal.

No plausible ideal theory would favor cooperation with an industry that exploits and kills sentient beings. But this is beside the point. What we face is another choice between two non-ideal theories: one favoring cooperation with animal agriculture, the other opposing such cooperation. We should therefore choose that which best meets our three desiderata. For a start, both policies would be feasible: cooperation is already in place between humane societies and animal agriculture, and non-cooperation has to be feasible since doing nothing is always an option. (Of course, proponents of this policy do not advocate doing nothing; they advocate demanding the end of human agriculture. But this recommendation is *prima facie* compatible with the cooperation policy. What's distinctive about their position is that it supports not doing something, and *that* is always an option.)

Turning to the second desideratum, permissibility, the issue is really which policy would most reduce the worst injustices suffered by farm animals. And I surmise it is cooperation. Few things can be worse than living on a factory farm, with insufficient space to walk, let alone access to the outside. The cooperation policy promises to reduce these harms, whereas the no-cooperation policy promises no such thing. This is contested territory, of course. No doubt some will deny that cooperation with animal agriculture has such positive effects in the short run. Gary Francione (2010), for instance, argues that the animal industry would improve its

practices even in the absence of legal reforms because the new practices involve lesser costs. He might press the same argument against welfare labels. But this argument is weak. Although some new practices are less expensive, this observation cannot be generalized (Balluch, 2008; Garner, 2010; Sentience Institute, 2020). Farmers only adopt higher welfare standards that are in their best economic interest. In many cases, however, the new practices are more costly and make economic sense only because farmers expect to sell their products better or at a higher price thanks to the label. They would stick to their old habits without the incentive of a label.

Finally, the cooperation policy would be effective and increase the likelihood that animal exploitation will one day be abolished. This is for two main reasons (Sentience Institute, 2020). First, reforms contribute to raising public interest for the ethical and legal status of animals. As they are widely publicized, they place the animal question at the heart of the public discussion. Second, welfare reforms tend to raise the production costs and the market prices of animal products. Reforms after reforms, these are less and less competitive on the food market, hopefully up to a point where they will be unable to compete with alternatives such as plant-based substitutes and cultured meat. Of course, this process is gradual and slow to a point that can be frustrating. But it is much more likely than purist abolitionism to lead us to a world devoid of animal exploitation.

Some will inevitably deny these effects. Thus, Francione (2010) maintains that welfare reforms and labels allow people to consume animal products with a clear conscience by conveying the idea that using animals is morally okay. Most extant evidence goes in the other direction (Sentience Institute, 2020). Three facts in particular must be highlighted. First, countries with stringent welfare standards have higher levels of vegetarianism. Second, empirical studies suggest that people who read about welfare reforms are more likely to reduce their consumption of animal products. Third, meat consumption was negatively associated with media coverage of farmed animal welfare in the US from 1982 to 2008. While these facts constitute only defeasible evidence, they are hard to reconcile with the claim that welfare reforms allow people to consume animal products by giving this habit an air of moral respectability. Further research is needed before we can judge the issue with any confidence, but a significant majority of experts on animal advocacy believe that welfare reforms are effective (Reese Anthis, 2017).

Importantly, humane societies that choose to cooperate with the animal industry need not renounce issuing an abolitionist message for all that. The concession that some forms of exploitation are less immoral than others is perfectly consistent with the denunciation of all forms of animal exploitation. Some will worry that, while all this is logically consistent, it makes little psychological sense. Looking at an SPCA label on a pack of meat, aren't consumers likely to believe that the Society condones this product and that everything must therefore be fine with it? I doubt that. Some organizations that implement a reformist strategy in the short run have met significant success in conveying an abolitionist message for the longer run. L214 is a good example. This French organization supports higher welfare standards and promotes producers who have adopted these standards as well as distributors who require that from their suppliers (L214, 2021). Yet, it is well known to oppose all animal use on grounds of principle.

All in all, a cooperation policy appears to be feasible, permissible, and effective. By contrast, while non-cooperation is feasible, it is unlikely to be permissible or effective. Accordingly, although cooperating with animal farmers would be wrong under more or less ideal circumstances, it seems to be the way to go under the current highly non-ideal circumstances faced by farm animals.

## **6. Meat-based pet food**

Let's finally turn to the policy of feeding meat to shelter animals. While this issue arises for companion animals generally and is therefore by no means marginal, it has received only little philosophical attention (Donaldson & Kymlicka, 2011: 149-153; Milburn, 2016, 2017, 2019). What should we make of it within our methodological framework?

As was the case with management euthanasia and cooperation with animal agriculture, a *prima facie* case can be made that animal shelters should not feed meat to the animals they host. Suppose that, in the neighborhood of a shelter is a farm in which human babies are farmed and killed early enough that they do not get to develop mental capacities above those of typical farm animals. Their flesh is then used to make perfectly nutritious pet food and sold to the shelter. Intuitively, it would be horribly wrong both for the farmers to produce that meat and for the shelter to buy it. If pets needed to eat human meat, we would not hesitate one second before saying, "too bad for them!" But then, assuming that we should treat farm animals as well as we should treat humans with similar interests, this seems to entail that animal shelters should not feed meat to their animals. Once again: this reasoning is misleading in that it leans on the way we should treat animals if they were humans in more or less ideal circumstances. What we need to ask instead is whether it is okay for animal shelters to feed meat to their protégés in the highly non-ideal circumstances that non-human animals currently face.

Before answering this question, one might want to consider possible alternatives. The most obvious one is to feed shelter animals a plant-based diet. But this suggestion has its limits. As far as meat consumption is concerned, it is customary to distinguish two types of animals: flexible omnivores and obligate carnivores. Dogs exemplify the first type: they sure can eat meat, but all their nutritional needs will easily be met on a plant-based diet. Cats, on the other hand, are different beasts. Though they do not need meat *per se* (Knight & Leitsberger, 2016, 3-4), some of the nutrients on which their survival depends are naturally present only in meat.<sup>6</sup> For the sake of argument, let's assume that cats cannot do without meat. Sue Donaldson and Will Kymlicka discuss other solutions: letting cats hunt or feeding them eggs, scavenged corpses, or cultured meat (2011: 149-153). And Josh Milburn adds a couple more: modifying cats genetically so that they no longer need meat to survive (2017: 197) or feeding them with the flesh of non-

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<sup>6</sup> The main example is taurine, whose deficiency in cats can result in serious digestive issues, blindness, cardiomyopathy, and ultimately death. While certain plant-based preparations for cats are expressly supplemented in taurine, many veterinarians advise cat guardians not to restrict their animals' diet in this way. As the American Society for the Prevention of Cruelty to Animals puts it on its website, "meat absolutely needs to be on the table when you are feeding a cat" (retrieved from: <https://www.aspca.org/news/why-cant-my-cat-be-vegan>).

sentient animals (2016: 455-458). These authors also consider the extinction of cats, but only as a last resort.

As my aim is not to defend any one of these alternatives but only to argue that animal shelters should not feed meat to the animals they have under their care, let's work with the worst-case scenario: the only feasible alternative is eliminating the cats. On this assumption, we face another choice between two non-ideal theories: one favoring the policy of feeding cats meat, the other favoring the policy of killing them. Let's then see how these policies fare in terms of our three desiderata.

Considering the first desideratum, we've already established that both policies would be feasible. Meat-based pet food is already in place, and the extermination of cats is by assumption the only feasible alternative. Turning to the second desideratum, only the latter policy is permissible. While the interests of companion animals are neglected in many ways, there is no denying that by far the worst injustices are inflicted on farm animals. At least, eliminating shelter cats would contribute somewhat to alleviating these injustices. And, while it would frustrate their interests in continued existence, this harm would be negligible in comparison to that inflicted on farm animals.<sup>7</sup> Finally, only the policy of killing cats is effective in the sense that is relevant to our third desideratum. Remember that we are not looking for a second-best theory but for an approach that is most likely to lead us to our ideal—in this case, a society devoid of animal exploitation. By feeding meat to cats, animal shelters would jeopardize the advent of this ideal.

Again, this is all on the worst-case assumption that cats can be fed only with the flesh of other sentient animals. It is quite possible that cats could be fed cultured meat or the flesh of non-sentient animals. However, this would not undermine my claim that they should not be fed the flesh of sentient animals raised and killed to produce meat. All in all, then, feeding meat to shelter animals is feasible, but it is neither permissible nor effective. Our non-ideal theory should therefore condemn such a policy. Not only would feeding meat to shelter animals be wrong under more or less ideal circumstances; it is wrong under the current highly non-ideal circumstances faced by farm animals.

## **Conclusion**

We have considered the ethics of three practices that are widespread within humane societies and animal shelters: management euthanasia, cooperation with animal agriculture, and meat-based pet food. All three practices would be wrong should they involve human beings instead of non-human animals, so all are wrong in ideal theory. Under actual circumstances, which are far from ideal for animals, things are different. Management euthanasia and cooperation with agriculture are morally okay because they are feasible, permissible, and effective. As for feeding meat to shelter animals, it is neither permissible nor effective, which makes it just as wrong in non-ideal circumstances as it is in ideal circumstances.

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<sup>7</sup> Pet food is often made from the waste products of meat intended for humans. One might therefore object that refraining from feeding cats with meat would not reduce the worst injustice done to farm animals. However, whether or not meat-based pet food is made from waste, the money that is spent on it supports the meat industry more generally and gets further invested in animal exploitation (Milburn, 2019: 1972).

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