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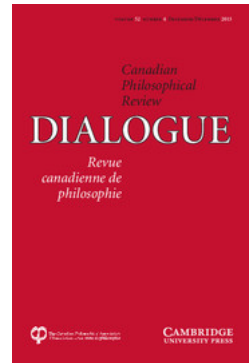
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Companion Cats as Co-Citizens?

Comments on Sue Donaldson's and Will Kymlicka's Zoopolis

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Introduction

In *Zoopolis*, Donaldson and Kymlicka argue that domesticated companion animals should be considered as *co-citizens*. As co-citizens, they not only possess basic rights (such as the right not to be killed) but they are also embedded in a broad and complex framework of duties and responsibilities that include factors such as medical treatment, diet, and political representation. In conceiving of companion animals as co-citizens, Donaldson and Kymlicka break new ground. They significantly develop animal rights theory, by moving beyond a focus on 'liberating' domesticated animals, and non-interference with wild animals, to explore appropriate ethical and political relationships with the animals alongside whom we live. But they do this from within a framework that emphasizes rights, responsibilities, and duties, thus distinguishing their position from existing welfarist approaches (both welfarism in the sense of permitting 'humane use' and philosophical welfarism understood as welfare-maximization). (260, Fn 8) So, the discussion of the co-citizenship of companion animals in *Zoopolis* is interesting, original, fruitful—and long overdue.

However, the idea of companion animals as co-citizens raises a number of tensions and difficulties. I don't mean to suggest by saying this that the co-citizen framework is unworkable. But I think it will need careful development

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to fit particular species and cases; the devil is likely to lie in the details. For this reason, (and due to the limited space available here), rather than engaging in a general discussion of the theoretical proposals in *Zoopolis*, I will focus on a much more specific issue: the difficulties presented by the co-citizen framework in the case of companion cats.

Donaldson and Kymlicka themselves recognize cats to be a “unique challenge” in a number of respects. (150) Cats are obligate carnivores. Most are skilled and enthusiastic predators. They breed readily from a young age, if not prevented from doing so, producing on average a litter of 4 kittens a year.¹ These facts about cats make them problematic citizens, and also make it difficult to respect certain of their co-citizen rights. Such difficulties lead Donaldson and Kymlicka to wonder whether cats *can* actually be “flourishing members of a mixed society” and to ask (but not directly answer) whether “we would be justified in bringing about their extinction.” (150)

Yet cats are, virtually everywhere, one of the most popular companion animal species. In Canada, for instance, it’s estimated that 36% of households contain a cat, contributing to an estimated total of 8.5 million cats living in Canadian homes, far outnumbering the 6 million dogs.² If Donaldson’s and Kymlicka’s framework can’t incorporate companion cats at all, or not in a way that’s generally manageable, that’s a significant problem for their argument. Aside from making the widespread acceptance of their position less likely, in the context of cats at least, Donaldson and Kymlicka would move closer to the abolitionist approaches to domesticated animals from which, elsewhere in *Zoopolis*, they distance themselves.

I’ll focus here on two particularly difficult issues about companion cats as co-citizens: *routine sterilization* and *outdoor access*. To narrow the context still further, I’ll only discuss cats actually living as companions—i.e., cats with homes—rather than feral and stray cats (though these raise many of the same issues, in some cases more acutely, particularly in the case of trap-neuter-return programs).

¹ J. A. Wallace and J. K. Levy, “Population characteristics of feral cats admitted to seven trap-neuter-return programs in the United States.” *Journal of Feline Medicine and Surgery* 8 (2006), 281. More precisely, their figures are 0.9 litters per year and 4.1 kittens per litter. These are conservative figures; other studies show a higher average number of litters varying from 1.1 to 2.1 per year. See, for instance, M. C. Anderson, B. J. Martin and G. W. Roemer, “Use of matrix population models to estimate the efficacy of euthanasia versus trap-neuter-return for management of free roaming cats”. *Journal of the American Veterinary Association* 225/12 (2004): 1871-1876.

² T. Perrin, “The Business of Urban Animals Survey: The facts and statistics on companion animals in Canada”. *Canadian Veterinary Journal* 50/1 (2009), 48-52.

Routine Sterilization

The overwhelming majority of animal welfare organizations argue that, with the possible exception of cats involved in pedigree breeding programs, cat sterilization should be routine. Sterilization, it's maintained, (a) prevents the production of unwanted kittens that will likely have short and miserable lives, (b) makes cats into better human companions, and (c) improves the health, and therefore the welfare, of cats themselves. However, sterilization looks problematic, at least at first sight, if we start from the perspective of cats as co-citizens. After all, policies of routine coercive sterilization, if proposed for human citizens, would be regarded as ethically and politically impermissible. So, if Donaldson and Kymlicka take cat co-citizenship seriously, must they reject routine sterilization of cats? If so, how should cats' robust fertility be managed? Or are there ways of adjusting the co-citizenship view to make routine sterilization permissible?

Donaldson and Kymlicka rightly point out that, even among human beings, reproduction is not unregulated, though this regulation is largely internalized and driven by social pressures. (145) But humans, they suggest, are to a significant degree able to 'self-regulate' with regard to reproduction. And wild animals usually have regulated populations; in some species, such as wolves, social structures regulate reproduction; in other species, natural factors regulate reproduction, or at least the numbers of offspring that survive. However, domesticated animals aren't in either situation: they are both "removed from the [natural] mechanisms of population control" and "vary considerably as to whether they are self-regulating with regard to sex or reproduction". Donaldson and Kymlicka suggest that "part of what it means to recognize them as citizens is to experiment and learn what animals would do if given greater control over their lives." (146)

However, this experimental observation is unnecessary in the case of cats. We already know what cats do about reproduction, given the freedom to do it, because millions of feral cats are already doing it: they have sex, produce many offspring, and their populations grow. That is, they are *not* reproductively self-regulating. Donaldson and Kymlicka say of non-self-regulating domestic species that, while they "have rights, including not to have their sexual and reproductive activities unnecessarily curtailed", these rights should be exercised "in ways that do not impose unfair or unreasonable costs on others, and that do not create unsustainable burdens on the scheme of cooperation." (147)

But unregulated reproduction by cats, given Donaldson's and Kymlicka's framework, *does* impose burdens on the scheme of cooperation. One principal cost, they note, is that of caring for large numbers of (in this case, feline) offspring. If not cared for, the already high numbers of stray and feral cats will grow (it's roughly estimated that there are already 100,000 such cats in Toronto alone). And (as I'll note later) the more cats with outdoor access, the more there are predatory threats to what Donaldson and Kymlicka call "liminal"

animals (garden birds, squirrels, mice, rats and so on). The exercise of cats' reproductive rights may, therefore, be seen as imposing "unfair or unreasonable costs" on others. Yet the response of animal welfare organizations in arguing for routine spaying and neutering of kittens, on Donaldson's and Kymlicka's view, still looks like a systematic violation (not merely a *justified constraining*) of cats' sexual and reproductive rights; it's "denying them the opportunity *ever* to mate and have a family." (80)³

The welfare organizations concerned, of course, do not accept Donaldson's and Kymlicka's premise that cats *have* reproductive rights. Their arguments flow from a kind of welfarist, not a rights, view: the welfare of cats, other animals, and people overall is increased by routine cat sterilization. But Donaldson and Kymlicka reject welfarism: a rights-holder's interests may not be sacrificed for the greater good of others (23), presumably including both that individual's own potential offspring, and the convenience of an owner who may not want to deal with a companion animal's sexually-related behaviour. The only arguments Donaldson and Kymlicka directly accept as grounds for sterilization (or other forms of preventing conception) are those that "appeal to the interests of the animal whose reproduction is being curtailed", (81) that is, paternalistic arguments appealing only to the animal's *own* welfare, not the *general* welfare.

But this offers a possible way forward: if it could be argued that routine sterilization is in the interests of the animals being sterilized, then Donaldson's and Kymlicka's co-citizenship view could permit the practice; and this would, at the same time, have the effect of reducing or removing what they agree to be the problematic burden of caring for large numbers of cats. Could a paternalistic argument for routine sterilization succeed?

Closer scrutiny suggests not.⁴ One possible argument concerns cat health. Spaying reduces the risk of contracting mammary tumors and carcinomas in female cats (although the risk is not very high); and, if male cats have outdoor access, neutering reduces fighting and roaming behaviour, which may improve welfare and longevity (though this depends, as I'll note later, on what one thinks is 'good' for a cat). But sterilization also significantly increases the likelihood of feline obesity in both sexes (especially if combined with confinement indoors); and obesity carries significant health risks, in particular higher rates of diabetes.⁵ In addition, health risks from early sterilization are increasingly

³ Emphasis mine.

⁴ There's insufficient space to consider these arguments in detail here, but see C. Palmer, S. Corr, and P. Sandoe, "Inconvenient Desires: Should We Routinely Neuter Companion Animals?" *Anthrozoos* 25 (Supp) (2012): 153-172.

⁵ See T. M. McCann, K. E. Simpson, D. J. Shaw, J. A. Butt, and D. A. Gunn-Moore, "Feline diabetes mellitus in the UK: the prevalence within an insured cat population and questionnaire-based putative risk factor analysis." *Journal of Feline Medicine and Surgery* 9 (2007): 289-299.

being uncovered in other species, though they have not yet been closely investigated in cats. Given these multiple factors, it's unclear that *routine* sterilization of cats, at least, really is in the interests of those undergoing it—though there may be some individual cases where it could be justified. Equally, a second argument—that sterilized cats make better companions, so live better lives—looks problematic from a rights perspective. It relies on the claim that it's permissible for me to violate your rights if that means I will, generally, treat you better than if I did not violate them. But the kind of paternalistic claim that involves *unnecessarily* violating rights—where a similar welfare outcome *could* be achieved without the rights violation—is not one that has received much traction among rights theorists, even if it is acceptable from a welfarist perspective. So, the 'better health' arguments here are insufficiently clear-cut to justify routine sterilization, while 'better companionship' arguments require unnecessary rights violations; neither looks like they will support a plausible paternalistic case for routine sterilization of feline co-citizens.

Indeed, Donaldson and Kymlicka don't obviously *want* to defend an argument for routine sterilization, suggesting instead that where reproductive rates must be regulated, "relatively non-invasive ways" should be adopted, and that "we can impose birth control measures after animals have had a family, if they are inclined to do so." (147) However, cats don't present a very amenable case for either proposal. While there are forms of cat contraception, none are currently safe, effective, and reasonably easy to administer⁶ (and many of the issues coercive contraception raises differ only slightly from those raised by coercive sterilization). Allowing (female?) cats one reproductive cycle before preventing further reproduction would still substantially increase cat populations, given a litter size of four or more, creating a major human burden of care for offspring that would only increase over time (if humans were to accept the burden at all).

One possibility here is to adapt Donaldson's and Kymlicka's view to accept an argument such as Boonin's.⁷ Boonin suggests, in the context of spaying and neutering, that "it is permissible to impose relatively minor harms on animals (and relevantly analogous humans) in at least some cases where this produces great benefits for others, and that is not only consistent with the attribution of rights to animals, but is motivated by the same sorts of considerations that justify such attribution".⁸ So, since sterilization, on this view, is a relatively

⁶ See S. Goericke-Pesch, "Reproduction control in cats: new developments in non-surgical methods". *Journal of Feline Medicine and Surgery* 12 (2010): 539-546.

⁷ See D. Boonin, "Robbing PETA to Spay Paul: Do Animal Rights Include Reproductive Rights?" *Between the Species* III: (2003) 1-8. Donaldson and Kymlicka refer to Boonin in a footnote (p. 282 note 43) but neither endorse nor reject his argument.

⁸ Boonin, 7.

minor harm, it produces great benefits in the sense of reducing the numbers of suffering kittens and cats⁹ and it's motivated by what's owed to sentient animals in the same way that rights are, then sterilization could be permissible. Since Boonin's proposal extends to include "relevantly analogous humans", it also does not have the effect of placing a wedge between human and animal co-citizens. However, Donaldson and Kymlicka may still consider the compromise of cats' reproductive rights suggested in Boonin's argument unacceptable; violation of reproductive rights is not a 'minor harm'. In addition, adopting a view like Boonin's, which accepts a claim about overall benefits to *others*, would move Donaldson's and Kymlicka's position closer to the kind of welfarist view that their co-citizenship position generally rejects.

An alternative possibility might be to keep cats confined indoors, away from potential mates. But from some perspectives, including Donaldson's and Kymlicka's own (as I'll shortly suggest), confinement is itself problematic. And even if it were acceptable, preventing mating opportunities does not seem to respect cats' sexual and reproductive rights either! Indeed, although we know little of cats' desires in this respect, there's a risk of adding frustration, too; sterilized cats, at least, are not likely to actively want or miss sex or reproduction, even if they are deprived of any positive experiences it might have given them.

No doubt there are other alternatives that a co-citizenship framework could consider in terms of cats' reproductive rights (even, perhaps, the possibility of denying that co-citizenship for cats includes reproductive rights). Further development is surely needed here; cat reproduction is problematic even within a co-citizen framework, given the potential for heavy caring burdens on humans; and from outside the co-citizenship framework, the spectre of creating large feral cat populations with low average welfare is raised. And these concerns about cat population are enhanced in the context of predation and outdoor access, to which I'll now turn.

3. Outdoor Access

Although there's less overwhelming agreement about confinement than sterilization, especially in Europe, many animal welfare organizations (and, in this case, conservation organizations) argue that cats should be confined indoors. Confinement is claimed to be both in cats' own interests (since outdoor cats, it's argued, face risks from cars, dogs, other cats, and disease) and in the interests of others (the cats' potential prey), as well as promoting ecological conservation. Yet—rather like routine sterilization of kittens—the lifelong confinement of cats appears to run counter to their co-citizen rights. Donaldson and Kymlicka maintain that confinement is a serious rights violation, and that animal co-citizens have both a negative right not to be restrained or confined, and a positive right to mobility.

⁹ Though this may be a problematic claim, since the main effect of sterilization is that beings don't exist that otherwise would have existed; so no being that actually exists benefits.

However, paternalistic arguments might, again, be important here. If cats' welfare was to be significantly improved by confinement, and this welfare improvement could only be achieved by infringing on their rights, perhaps confinement could be paternalistically justified.

First, it's worth noting that Donaldson and Kymlicka are (rightly) suspicious of similar paternalistic claims that have been made about people: "Historically, people with disabilities or mental illness have been confined in ways that far exceed an acceptable paternalism. This should make us wary of calls for confinement/restraint that are alleged to be in the interests of the person being subject to restriction". (127) Should we be equally wary of paternalistic claims for cat confinement? This question is particularly difficult to answer because of the unsettled nature of claims about what's actually *in* cats' interests. Cats are probably the most "liminal" (to use Donaldson's and Kymlicka's term) of domesticated animals; we are not clear where they 'fit'. On some views, the indoor life, where cats won't be hit by cars, chased by dogs, or exposed to infectious disease is the best life for cats (though it's worth noting that some studies indicate that indoor environments have increased "stealth" risks, such as diabetes, urinary tract disease, and hyperthyroidism).¹⁰ But on other views, cats are interpreted as 'wild at heart'; being outdoors is what's 'natural' for them, and is (in different possible senses) in their interests, even if the outdoors brings enhanced risks and, potentially, a shorter life. So, there are deep disagreements about what constitutes a 'good life' for a cat: safety and risk avoidance, or 'naturalness' and 'liberty'?

In this context, a *general* paternalistic argument in favour of overriding cats' rights to mobility and to freedom from confinement can't clearly be justified (although there may be *individual* cases where confinement is justified, or where cats can get 'sufficient mobility' indoors). But this brings us to the second problem: cats' predation on other, "liminal" animals. Donaldson and Kymlicka specifically mention this worry: we need to "impose regulation on members who are unable to self-regulate when it comes to respecting the basic liberties of others (e.g., by putting bells on cats to warn mice and birds that they are approaching, and supervising them out of doors)." (150)

Studies do suggest that belling cats reduces predation (one small-scale study found that predation nearly halved if the cats wore bells and another found that bells reduced the number of mammals, but not birds, that cats caught).¹¹ However, even with bells, cats remain successful predators, and violate the 'basic liberties' of other animals. Supervision of cats outdoors either involves keeping

¹⁰ See I. Rochlitz, "A review of the housing requirements of domestic cats (*Felis sylvestris catus*) kept in the home." *Applied Animal Behaviour Science* 93 (2005): 97-109.

¹¹ See G. D. Ruxton, S. Thomas, S. and J. W. Wright, "Bells reduce predation by domestic cats (*Felis catus*)" *Journal of Zoology* 256/1 (2002): 81-83; and M. Woods, R. A. McDonald and S. Harris, "Predation of wildlife by domestic cats *Felis catus* in Great Britain." *Mammal Review* 33/2 (2003): 174-188 respectively.

cats penned within high fencing or on a leash, since controlling their roaming (and therefore their hunting) is otherwise virtually impossible (as those who have tried it will know)! Yet these alternatives are normally either impractical or so restrictive that the cat would not gain the liberty that outdoor access is supposed to provide. So, these suggestions don't really resolve the tension between cats' mobility rights and the protection of the basic liberties of other animals.

Given this difficulty—along with those presented by cats' reproductive rights—three possibilities present themselves. One is to give up on companion cats, and to answer the question “Does it mean that we would be justified in bringing about their extinction?” with a ‘Yes!’ (This would mean accepting the violation of the reproductive rights of the remaining domestic cats by preventing them from breeding.)

A second possibility is to accept that cats should be kept indoors, and to work on ways of providing them with ‘sufficient mobility’ and other forms of environmental stimulation. This also probably means sterilizing them; at least, sterilizing male cats (since living in confined spaces with unsterilized adult male cats is unlikely to persist as a form of companionship). This possibility appears to violate cats' reproductive and probably their mobility rights, though many cats would probably still have good welfare (depending on how one interpreted ‘welfare’), and the liberties of other potential prey animals would not be impacted. However, accepting a version of this view might come close to collapsing the co-citizenship approach into a form of welfarism, and therefore Donaldson and Kymlicka may not accept it.

A third possibility would be to routinely sterilize cats but to allow some outdoor access (perhaps not at night, and with a bell) thus violating cats' reproductive rights but not their liberty rights. This, though, would allow cats to hunt animals that Donaldson and Kymlicka argue that we have a duty to protect. However, while Donaldson and Kymlicka are strongly negative about cat predation—allowing cats to hunt is “not much better than killing the birds and mice ourselves” (150)—a position like theirs might support a weaker view. After all, cats are not moral agents, and neither, by hunting, are they acting directly on our behalf. And Donaldson and Kymlicka are not opposed to humans enabling predation in cases where liminal animal populations become high; here, they suggest, we may “foster habitat conditions allowing for population dispersal and the re-emergence of predators or competitors.” (245) But if this is permissible, it's not clear why cat predation could not—in some cases, at least—also be seen as permissibly controlling populations of liminal animals. Of course, there will be some cases where cat predation threatens rare and wild, not liminal, animals and thus raises significant conservation questions; so this could not be a universal prescription.

4. Conclusion

However you look at it, companion cats are a challenge for the co-citizenship framework. It seems impossible for humans, companion cats, and liminal

animals/wildlife to co-exist without the systematic violation either of cats' rights or our duties to other animals, or in some cases, both. Yet given the overwhelming popularity of cats as companions, there's a real problem if cats can't be made to fit the co-citizenship framework. So, there's a lot of devil's work ahead in sorting out the details.

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