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Why Animals have an Interest in Freedom

Andreas T. Schmidt [*]

Abstract: *»Warum Tiere ein Interesse an Freiheit haben«*. Do non-human animals have an interest in sociopolitical freedom? Cochrane has recently taken up this important yet largely neglected question. He argues that animal freedom is not a relevant moral concern in itself, because animals have a merely instrumental but not an intrinsic interest in freedom (Cochrane 2009a, 2012). This paper will argue that even if animals have a merely instrumental interest in freedom, animal freedom should nonetheless be an important goal for our relationships with animals. Drawing on recent work on the value of freedom, it will be argued that freedom is non-specifically instrumentally valuable. Accordingly, freedom is a means to other goods, but often it is not possible to identify those goods in advance or aim for them directly. Some of the reasons that make freedom non-specifically valuable for human relationships, it will be argued, also apply to relationships between humans and animals. Amongst other implications, it will be shown how this argument provides a response to those who fear that stricter animal protection policies might undermine people's freedom: A concern for freedom actually requires stricter protection policies rather than speak against them.

Keywords: Freedom, liberty, animal rights, animal ethics, abolitionism, liberalism.

1. Introduction[1]

Should animals be free? Alasdair Cochrane has recently taken up this important yet underresearched question and argued that while animals do have moral rights, a right to be free is not one of them (Cochrane 2009a, 2012). Cochrane thinks that animals have no intrinsic interest in freedom and that, therefore, freedom is not a value that should guide our relationships with animals. In this paper, I will argue that animal freedom does matter, even if freedom is not intrinsically valuable for animals. A critique of Cochrane's negative argument will serve as a backdrop for the new, positive proposal defended here.

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I also hope to show that connecting discussions about animal politics with recent work on the nature and value of socio-political freedom will help sharpen the debate on animal liberation. Specifically, a concern for animal freedom – as I will argue – cuts across some standard distinctions in animal ethics and politics. To tell a highly simplified story of the different sides in debates on animal ethics, we could distinguish between 'welfarists' and 'abolitionists.' Welfarists believe that human relationships with animals should be such that everyone's well-being is given equal consideration independent of their respective species-membership (Singer 1975). Welfarists typically also believe that instead of abolishing all uses of animals, we need stronger legal regulation to prevent that animals suffer in these practices. Abolitionists disagree. They – along with other animal rights theorists – hold that the use of animals is never morally permissible and our duties towards animals are negative: Animal liberation requires that we leave animals alone (Regan 1983, 357; Dunayer 2004, 117-9; Francione 2005, 132).[2] One might try to characterise this disagreement, and this is the line taken by Cochrane, as (amongst other things) a disagreement about whether animals should be free. Welfarists believe that animals have an interest in welfare but not freedom. Therefore, our duties towards animals do not include a duty to leave animals alone. Abolitionists, on the other hand, aim for animal liberation in the sense of *giving animals freedom*. I will take a different line and argue that while we do have moral reasons to be concerned with animal freedom, this does not commit us to the abolitionist position.

I will proceed as follows: To set the stage for my own argument, I will first outline Cochrane's argument against animal freedom (section 2) and distinguish between different concepts of freedom (section 3). In section 4, I will argue that even if freedom is only instrumentally valuable, it is a *social ideal* that has *non-specific* value. The reasons that make freedom non-specifically instrumentally valuable for humans in social contexts also apply to animals. Therefore, we have moral reason to be concerned with animal freedom. In section 5, I will discuss some of the implications of this argument for debates on animal politics.

[2] This characterisation is, as said above, in many ways simplified. For example, some prefer non-consequentialist views of animal ethics but still hold that our duties towards animals can be discharged through better regulation without abolishing all human uses of animals (Cochrane 2012). Conversely, some authors believe that animals should have personhood rights without believing that we need to abandon all interactions with animals (Donaldson and Kymlicka 2011, 3-10). See Francione and Garner (2010) for an example of the debate between regulationists and abolitionists and (Donaldson and Kymlicka 2011) for a characterisation of the debate between welfarists and, what they call, animal rights theorists. Also see (Sunstein and Nussbaum 2005) for a number of views on animal political theory that resist easy categorisation.

2. Cochrane's Argument against Animal Freedom

Let us start with Alasdair Cochrane's argument to the effect that animals do not have a right to be free – the best and most detailed argument for that claim to date. He argues as follows: For someone to have a moral right to *x* (e.g. freedom), one needs to have a sufficient intrinsic interest in *x*. This is a tenet associated with the so-called interest theory of rights. But not any old interest counts in this context. To have an intrinsic interest in the relevant sense, *x* needs to be relevant for one's wellbeing, for how well one's life goes. Cochrane then argues that humans do have an intrinsic interest in freedom.[3] He uses the example of Truman Burbank in the film *The Truman Show*. Truman leads a pleasurable yet *unfree* life. Because of his unfreedom, or so Cochrane argues, we would not consider Truman's life a good life. The Truman example seems to suggest that our interest in being free is not merely instrumental, it is freedom itself that determines, amongst other things, how well our lives go (Cochrane 2009a, 664). The reason for this is that humans are *autonomous* agents who are able to frame, revise and pursue their own conceptions of the good. In a next step, Cochrane then argues that this is *not* the case for animals:

> Fish, frogs, rats and cats may all have the capacity for conscious experience and may also possess desires, but there is little in their physiology or behaviour to suggest that they have the ability to reflect on their own thoughts and pursue their own considered goals. I think then that we are on reasonably safe ground when we say that the vast majority of sentient animals are not autonomous agents (Cochrane 2009a, 668).

According to Cochrane, animals are not autonomous agents. Therefore, freedom does not by itself contribute to animal welfare.[4] Accordingly, animals do not have an intrinsic interest in being free and thus no moral right to be free. To summarise, the argument runs as follows:

> P1: To have a moral right to freedom, one needs to have a sufficient intrinsic interest in freedom.
>
> P2: To have a sufficient and intrinsic interest in freedom implies that freedom by itself contributes to a person's wellbeing.
>
> P3: Only in case of autonomous persons does freedom contribute by itself to their wellbeing (because only for autonomous persons does unfreedom un-

[3] Cochrane mainly uses the term 'liberty,' whereas I will use the term 'freedom.' Jonathan Wolff provides a conceptual analysis of a distinction between the two (Wolff 1997). However, because this distinction has not caught on in the literature, I take 'freedom' and 'liberty' to be interchangeable.

[4] Cochrane remains somewhat agnostic about whether *some* non-human animals, such as great apes, might have the capacity for autonomy. He therefore suggests a precautionary principle in these cases (Cochrane 2009a, 667-8).

dermine the ability to 'frame and pursue *their own* conception of the good' (Cochrane 2009a, 666)).

P4: Non-human animals are not autonomous persons.

C1: Therefore, freedom does not by itself contribute to the wellbeing of non-human animals.

C2: Therefore, non-human animals do not have an intrinsic interest in freedom.

C3: Therefore, non-human animals do not have a moral right to freedom.

Note, however, that Cochrane holds that animals do have an *instrumental* interest in freedom. Being unfree usually, though not necessarily, comes with other bad things. Typically, lacking freedom implies being worse off in many ways such as being bored, being exposed to physical and psychological suffering and so on. We can improve an animal's situation in this context by tackling the causes of its suffering directly. This is possible without making that animal free. So, in cases in which animals are better off with more freedom, this relationship between freedom and wellbeing is merely contingent and not a result of animals having an intrinsic interest in freedom (Cochrane 2009a, 674).

Cochrane intends for this conclusion to invalidate the abolitionist position. Abolitionists like Francione argue that any use of animals for human purposes is impermissible. Therefore, our duties towards animals are negative and require the abolition of all human uses of animals (Francione and Garner 2010; Francione 2010, 2013). Cochrane disagrees. There are ways in which humans can permissibly use animals as long as we respect their rights not to suffer and not to be killed.[5] This does not stop Cochrane from being opposed to most *current* uses of animals. He does hold that we need to abandon most forms of animal experimentation, farming animals for food, keeping animals in circuses and so on (Cochrane 2012).

3. Different Concepts of Freedom

In the next section, I will argue against Cochrane's position and show that animal freedom should play an important role as a normative ideal to structure our relationships with animals. Before doing so, let us be clearer about what we mean by 'freedom.' Excluding the metaphysical notion of 'freedom of the will,' let us distinguish the following three concepts of freedom.

First, theories of *psychological* freedom typically try to answer questions like: Under what conditions are a person's preferences autonomous? Under which conditions does a person act according to her 'real self' (Berlin 1969)? Psycho-

[5] Garner objects to Cochrane's argument that a right not to suffer would by itself already go a long way towards the abolitionist position (Garner 2011).

logical freedom is, what Charles Taylor has called, an exercise-concept (Taylor 1979).

Second, freedom can be understood as an opportunity-concept (Taylor 1979). Freedom on this reading is not about a person's psychological states. It is about her range of opportunities. Within this type of theory, we can broadly distinguish two classes. Some theories hold that one is free, if and only if one is free from external interpersonal restraints (Steiner 1974, 1994; Carter 1999; Berlin 1969). An ability to do something is not a necessary component of freedom. Of course, there is great variety within this class of theories, because there is disagreement about what differentiates constraints on freedom from those that merely make one unable but not unfree (Miller 1983; Kristjánsson 1996; Shnayderman 2013; Steiner 1994; Carter 1999, chap. 8). Other theories – such as Amartya Sen's capability approach – hold that freedom requires more than being free from external constraints. Instead, freedom requires being actually able to do things, which in turn requires having relevant external resources as well as being free from external and internal constraints (Sen 1988, 1991, 1999; Parijs 1997; Kramer 2003).[6]

Lastly, 'freedom' can also refer to the social and legal status of a person (Pettit 2003, 2007). Being a free person on this reading is not the same as being free in the psychological sense, nor is it the same as having a certain range of opportunities. Instead, it means having a social status with respect to others and having those freedoms respected that one is owed. An obvious example of a theory of status freedom is *republicanism*. What matters for republicans like Pettit is not the range of a person's options as such. Instead, being a free person means not being subjected to other people's arbitrary power with respect to one's basic liberties (Pettit 1997, 2012, 2014).[7] Another person's capacity to arbitrarily interfere with my life makes me unfree even if that person never exercises her capacity.

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[6] Kramer's view is a mix of the two views, because he equates specific freedom with ability but does not equate inability with unfreedom. Only if one is subject to interpersonally imposed constraints – in Kramer's case constraints that have been caused by another human being – is one unfree rather than merely unable to do something (Kramer 2003, chap. 4).

[7] Pettit himself identifies his own theory as being about freedom in the status sense (Pettit 2003, 2007). I think the category of 'status freedom' might plausibly include other views of socio-political freedom. Though somewhat contentious, I think Rawls' theory of freedom also falls into this category. Rawls defends an inherently relational account of freedom according to which a person is free only if she has access to a fully adequate scheme of equal basic liberties (such that one's freedoms are compatible with the same scheme of liberties for all others). According to Rawls, "[f]reedom is a certain pattern of social forms" (Rawls 1971, 63). Larmore argues that Rawls' conception of freedom bears much more resemblance to Pettit's republican theory than one might think and is not adequately categorised as a purely Berlin-style theory of 'negative' freedom (Larmore 2003). Moreover, I think that libertarian views of freedom – rather than being theories of freedom as an opportunity-concept – also fit more naturally into the status freedom group. For they are inherently moralised and relational theories of freedom and thus best described as being about a certain social status, i.e. having the status as a bearer of moral and legal rights (Nozick 1974).

Here, I will not discuss how far psychological freedom and status freedom apply to non-human animals. I argue elsewhere that the reasons humans have for valuing these notions as political values do not apply to non-human animals (Schmidt 2015). There I argue that freedom as an opportunity-concept is the *only* notion that plausibly applies to non-human animals. In this paper, in contrast, I will argue that freedom as an opportunity-concept *is* a value that should apply to non-human animals without saying anything about the other concepts of freedom. But it is worth pointing out that some of the reasons we have for being sceptical about 'animal freedom' apply more to psychological freedom and status freedom and much less so to freedom as an opportunity-concept. Why should animals care about their status? Should they care about other people's power to interfere with their lives even if such power is never exercised? Also, should we be concerned with whether a dog acts according to its authentic or 'real self'? These are interesting questions that suggest it is difficult to move from human freedom to animal freedom.[8] But these difficulties pertain much more to psychological and status freedom and much less so to freedom as an opportunity-concept. The latter seems to apply quite naturally to human *and* non-human animals. When we think about animal freedom, we might think of a free bird or a lion running around freely in the wild. Saying that animals can be free in this sense is not meant metaphorically (Smith 2012, 51-2; Taylor 2011, 109). It seems a perfectly natural way to talk about animals having more or less freedom in the opportunity-sense.[9] However, that it is natural to talk about animal freedom in the opportunity-sense does not imply that animals have an interest in freedom in this sense. I will now argue in which sense freedom in the opportunity-sense is indeed valuable for non-human animals.

4. The Value of Animal Freedom: A Defence

Remember one of Cochrane's conclusions:

C2: Non-human animals do not have an intrinsic interest in being free.

From this, Cochrane concluded that animals do not have a right to be free. But I will now argue that freedom should be an important value in shaping our rela-

[8] Paul Taylor suggests a different version of animal 'positive' freedom, such that animals ought to be free to live according to their natural functionings and biological ends. Cochrane presents some strong objections to this view. See (Taylor 2011, 108; Cochrane 2009a, 672).

[9] I will remain neutral about which of the two aforementioned classes of theories of opportunity-freedom – freedom as non-interference vs. freedom as ability – we should apply. I find the latter independently more plausible and think it is also the adequate framework to think about animal freedom. However, the argument in this paper does not depend on this question.

tionships with animals, *even if* we lack an argument to the effect that animal freedom is *intrinsically* valuable. The central disagreement between Cochrane's and my view concerns this proposition:

> *Elimination*: if animal freedom is only instrumentally valuable – that is, as a means to other valuable ends – but not intrinsically valuable, then we can achieve these good ends directly without being concerned with animal freedom at all.

If Cochrane is right about *Elimination* and C2, we would have to conclude that freedom is not a normative ideal that should guide our relationships with non-human animals. I will show that *Elimination* is false. I will not argue against C2, that is, I will remain *neutral* regarding the question as to whether animal freedom is or is not intrinsically valuable. Instead, I will argue, first, that freedom has *non-specific* value and, second, is a *social* ideal. This being so, even if freedom is merely instrumentally valuable, we cannot directly achieve (all of) the good things to which freedom is a means. The conditional – i.e. *Elimination* – is false. Again, this is meant not merely as a criticism of Cochrane's position but also as a positive argument to guide our efforts in the theory and practice of animal ethics and politics.

One caveat before I start: I will not argue for the stronger position that animals have a moral *right* to be free (nor am I arguing against it). This might be surprising given that Cochrane presents his arguments as being about a right to be free. The reason I do not talk about moral rights is that I do not think all relevant moral reasons we have with respect to animals are covered by rights. So, methodologically, I think it is preferable to start with a list of all moral reasons that apply to animals and then, in a next step, discuss which ones of these are so central as to be covered by a right. I will here only take the first step in such an argument. This will also allow us to be neutral about some fundamental questions in moral theory. The argument I make in this paper is thus in principle available to both non-consequentialists and consequentialists.

4.1 Freedom's Non-Specific Value

Ian Carter distinguishes between freedom's *specific* and *non-specific* value:

> A phenomenon, *x*, has non-specific value (is valuable as such) if the value of *x* cannot be described wholly in terms of a good brought about or contributed to by a specific instance of *x* or set of specific instances of *x* (Carter 1999, 35).

Freedom can of course be *specifically* instrumentally valuable (Hees 2010). For example, having a specific choice-set at a specific time might make a person very happy, because she loves the best option of the choice-set. But for freedom to be non-specifically valuable, something different needs to be the case. Consider:

> a situation in which one person has ten feasible career options, including those of becoming a teacher, lawyer, politician, or accountant, and in which another

> person only has the choice of becoming a teacher or doing nothing. And imagine that both of them prefer teaching to any other occupation (Carter 1999, 42).

If freedom has non-specific instrumental value in this situation, then the choice-set {teacher, lawyer, politician, accountant, …, doing nothing} should be more valuable than the choice-set {teacher, doing nothing} *even if* 'teacher' turns out to be the best option. In general, freedom is non-specifically valuable only if its value is not reducible to the good brought about by specific instances of it.

The problem with *Elimination* is that it assumes that animal freedom has merely *specific* instrumental value. If animal freedom has non-specific instrumental value, we cannot eliminate freedom as one of our goals and, therefore, *Elimination* would be false. I will now supply a few arguments to the effect that freedom does indeed have non-specific instrumental value for *humans* (I do not mean for this list to be comprehensive). Below in section 4.3, I will then return to animal freedom and show that these reasons to value freedom non-specifically in the human case apply to animals too.

First, what people desire and what they enjoy changes over time. Having freedom in the opportunity-sense ensures that options are available beyond those that one is enjoying at the moment. While you might be perfectly content with the options you have now, your preferences and likings might change drastically over time. Having the freedom to choose increases the probability that one will be content or get what one will want in the future (Carter 1999, 45). The importance of personality change for freedom is easily underestimated. While we typically acknowledge that we changed drastically in the past, we falsely tend to think that the way we currently are is how we will be for the rest of our lives. In a recent psychology study, this phenomenon has been dubbed the 'end of history illusion' (Quoidbach, Gilbert and Wilson 2013). So, even if we think freedom is only instrumentally valuable in making other goods possible in the future, we very often do not yet know what these other goods are. Let us call this reason to value freedom the *Changing Personality Reason.*

Second, often we do not know what we want or what might be good for us. Freedom ensures that we have enough to choose from when we do not exactly know what it is we want. Even more important, when we influence how much choice *other* people have, we often do not know what they want or enjoy. Having more freedom rather than less will often lead to better outcomes given our limited knowledge about ourselves and other people (Carter 1999, 45). Let us call this the *Epistemic Reason.*

Third, another reason for valuing freedom is *personal control.* We can understand personal control, roughly, as the ability to be in control over one's surroundings, particularly being able to change adverse circumstances. Personal control is not only relevant in the sense that one actually has external opportunities to exercise control, it is also important to *perceive* oneself as being in control. The opposite of personal control is *helplessness*, that is, having a sense that one is helpless in the face of adverse circumstances. Helplessness is often

causally related to depression, so the advantages of its opposite, personal control, should be immediately apparent (Peterson and Seligman 1984; Seligman 1992). Freedom comes into the picture, because agents can develop attitudes of helplessness – learned helplessness – if they have been in situations in which they lacked adequate control over sources of stress in their surroundings (Seligman and Maier 1967). Let us call this the *Personal Control Reason.*

The reasons surveyed so far support the view that freedom is non-specifically valuable without assuming that freedom has intrinsic value and without assuming any specific theory of the good life. To show that *Elimination* is false, I will below argue that these reasons to value freedom non-specifically do in fact apply also to animals.

4.2 Freedom as a Social Ideal

There is a second, and related, consideration that speaks against *Elimination*. Freedom is not merely a private value but also, what I will call, a *social ideal*. What I mean by this is that freedom is not merely a goal that we set ourselves – as a private goal – but also functions as an important goal for the way we set up our social, legal, political and economic relations (I will continue referring to these as 'social relations'). Consider a situation in which you can decide whether you will have choice-set *A* or choice-set *B* in ten seconds' time. *A* only contains option *a*, your favourite option. Choice-set *B* contains *a* as well as further, mutually exclusive options *b*, *c* and *d*. Is there any reason why you should not be indifferent between the two choice-sets *A* and *B* given that you are sure you just want *a*? Absent any preferences over choice-situations, it is indeed hard to find a good instrumental reason for you to value freedom non-specifically in this case. However, one should be wary of moving from such individual, one-off choices to freedom in social contexts. We should distinguish two questions: First, do I have reason to non-specifically value a larger choice-set in a one-off choice in which I know exactly what my preferences over the different options are? Second, is there reason – in the sense of adding non-specific value – to provide people with more rather than less choice as part of the way we set up our social relations? Even if the answer to the former question is negative, there is very good reason why the answer to the second question is in the affirmative. Such 'social contexts' differ from a one-off individual choice in at least three respects.

First, instead of the person choosing between choice-sets for herself, it is often someone *else* who decides which choice-set a person should have in social contexts. For example, consider the question as to whether it is permissible to keep horses in stables. Clearly, someone takes that decision for the horses rather than the horses for themselves. Above I mentioned the *Epistemic Reason* to value freedom non-specifically: Freedom is important as an ideal to structure our relationships with others, because, amongst other things, we often simply do not

know what others want or what is good for them. It is clear that freedom as a *social ideal* has great non-specific value: If we often choose what options other people should have, we have good reason to allow them to have greater choice-sets, because we are uncertain about what they prefer or what is good for them.

Second, the social and institutional contexts under consideration here are usually not *one-off* situations but *repeated* and rule-governed interactions. Most social interactions involve rules in one way or another. One feature of these rules is that they usually extend temporally into the future. Including freedom as one of the ideals shaping our social relationships means that the rules and terms of our interactions will provide people with a greater rather than a smaller range of opportunity now and *in the future*. This *intertemporal* dimension of freedom as a social ideal connects naturally with the *Changing Personality Reason*. Persons change over time. I do not perfectly know what I will be like in the future much less do I know what you will be like in the future. This gives us reason to value more choice over less *across time*.

Finally, the rules underlying our social and institutional contexts usually do not apply to merely one person. For example, when we discuss whether we should grant individuals the freedom to wear the clothes they want, we are not interested exclusively in the question as to whether some specific individual should have that freedom or not. Most social rules carry some level of generality. This aspect of the social context links up with the *Epistemic Reason* again: People require different things at different times to lead a good life. Given interpersonal differences in preferences and requirements for a good life, we simply lack the knowledge and ability to provide everyone with exactly the options they require to lead a good life. Therefore, we have good reason to give people more rather than less freedom.

The two considerations put together give us the following conclusion. Even if freedom is only instrumentally valuable as a means to other goods, we cannot aim for these other goods directly. Freedom has *non-specific* value particularly in its role as a *social* ideal. Therefore, freedom cannot be eliminated and should be one of the social ideals shaping our social, inter-human relations.

4.3 Animal Freedom

To show that *Elimination* is false, let us now apply the two considerations above specifically to animal freedom.

The question I am concerned with is whether animal freedom is valuable as a *social* ideal. Again, this is different from asking whether it is valuable for a specific animal to have freedom in a specific instance at a specific time. When we are interested in human-animal relationships, we are interested in relationships that, first, extend across time and are not simply one-off interactions, second, usually apply to a multitude of animals rather than one specific animal and in which, third, humans influence how much freedom animals have (rather

than animals determining this for themselves). I shall now discuss how far the three reasons that made freedom non-specifically valuable for humans apply to animals too. In this discussion, it will become clear why animal freedom is particularly valuable, if it is understood as a social ideal.

The first reason – the *Changing Personality Reason* – applies to animals too. We might think, for example, that piglets have different desires and needs than fully grown pigs. What an animal wants or needs to lead a good life can and will change across time. Admittedly, this reason might be somewhat less weighty for animals than for humans. So, the other two reasons carry most of the weight in making animal freedom non-specifically valuable.[10]

Second, the *Epistemic Reason* clearly applies to animals. In fact, it might even be stronger for human-non-human relationships than for inter-human relationships. Knowing what animals enjoy and want is usually more difficult than knowing what humans want or need, because we cannot *ask* them. Given that humans and animals do not share a language, one often has to rely on educated guesswork (though such guesswork can of course be improved through empirical studies and first-hand experience). So, our epistemic constraints with respect to animals give us a very strong reason to value the freedom of animals (even more so than in the human case). Here, the role of animal freedom as a social ideal is particularly clear. In theory, it might be the case that a specific animal needs very little choice to lead a perfectly happy life and might thus lack good instrumental reason to strongly prefer larger choice-sets. However, when we are confronted with influencing the choices of animals – that is, *their* choices – our best bet is usually to give them more rather than less freedom.[11] Moreover, when considering whether freedom should shape our relationships with animals, we should remember that even animals of the same species might have very different needs and preferences. For example, a specific domestic cat might not value the freedom to leave the house very highly and prefer to spend all its days inside. However, this in no way justifies keeping all domestic cats locked inside houses without the option to leave.

Third, the *Personal Control Reason* is relevant for both human and non-human animals. Learned helplessness is not an exclusively human phenomenon. In fact, many studies on the subject are done with non-human animals. For

[10] The ideal content and size of a choice-set will vary between species of course. An eagle will require more freedom than a cow, for example. We should therefore also expect the corresponding difference between the optimal choice-set for younger and older members of these respective species to vary.

[11] It is often held that freedom restrictions are typically not problematic in the human case, if they have been incurred voluntarily. If a human voluntarily restricts her own choice-set by entering a monastery, for example, this might not be a problem from the perspective of freedom. An additional problem with restricting animal freedom is that we cannot straightforwardly apply this idea of voluntary freedom restrictions. For it is much more difficult to maintain in individual instances that an animal voluntarily agrees to specific restrictions.

example, in a classic study, Martin Seligman and Steve Maier showed how exposing dogs to uncontrolled stressors can alter their future behaviour and lead to learned helplessness (Seligman and Maier 1967). To show this, they subjected dogs to electric shocks. One group of dogs were in a position to end those shocks for both groups by pressing a panel. Though both groups of dogs were subjected to the same shocks, those dogs that could end these shocks for both groups of dogs – those that had control over the stressor – recovered quickly from such experiences. Those dogs that had no control over the stressor later showed signs of learned helplessness. It is important to distinguish two aspects in this case. Subjecting animals to stress will be bad in directly lowering animal welfare at the time. But subjection to uncontrolled stressors can also have longer-term effects on animal behaviour in later situations very different from the one in which stress was first administered (so-called 'trans-situationality') (Maier and Watkins 2005).

Reflecting upon personal control also gives us additional reasons to err on the side of caution when restricting animal freedom. Remember Cochrane's argument against animal freedom was that animals lack the necessary higher-order capacities to be autonomous. Being made unfree by human interference will not per se lower their well-being. This is different for humans: Because (most) humans are autonomous and understand and care about the social contexts within which their freedom can be restricted, unfreedom lowers human well-being in ways that it does not for animals. Note, however, that this consideration can also be invoked, conversely, to argue that we should be particularly careful about restricting animal freedom. Because animals lack certain cognitive capacities to understand the nature of some social interactions, animal unfreedom might sometimes be particularly (and non-specifically) harmful to animals. Restrictions of one's freedom might be experienced as *more stressful* and as a greater loss of control by animals than humans, when they do not understand their purpose and context. For example, while we understand the necessity of sometimes undergoing uncomfortable medical procedures or of travelling in very restrictive conditions in public transport, animals will perceive such situations very differently. Animals are often not cognizant of the purpose behind them nor is there usually a way in which they meaningfully consent to such procedures. As Andrew Linzey writes:

> Consider the case of wild animals, for example, non-human primates who are captured, taken from the wild, and then subjected to captivity in zoos and laboratories. The animals concerned do not know why they have been captured, why they are being transported, and what will happen to them. They experience the raw terror of not knowing. And since the implication of the arguments is that animals live closer to their bodily senses than we do, the frustration of their natural freedoms may well induce more suffering than we allow. Human suffering, on the other hand, can be softened by an intellectual comprehension of the circumstance [...] No such consolations are available to animals who are denied their liberty (Linzey 2009, 17).

I conclude that we have very good reason to uphold animal freedom as a non-specifically valuable social ideal. To make the rather abstract ideas somewhat more palpable and to offer a positive example of how freedom can be integrated in our relationships with companion animals, consider the case of *Tommy.* During my exchange semester as a student in Santiago de Chile I lived on a street that was also home to a dog named 'Tommy.' Tommy had a family that provided him with food but, unlike most other dogs, he was not *their* dog. Though he stayed in their house more often than not, he only did so when he chose to. Tommy would spend a significant portion of his day walking up and down the street barking at cars that drove by. On some days, he would meet me at the top of the street when I came back from university and escort me to my house. Tommy was also friends with other dogs that lived on the street. He would also spend time with other neighbours, often popping round our house for company, for example. I think the social relationships between Tommy and the humans that lived on this street provided him with comparatively better conditions for a good life than those had by companion dogs that lack Tommy's level of freedom. Tommy's interactions with most humans seemed voluntary as he was not dependent on them for food or shelter. Tommy could interact with people and other dogs when he chose to and had the freedom to roam around 'his street' if he so wished. I believe Tommy's comparatively high level of freedom and the control he had over where and how to spend his days were non-specifically valuable for him.

The suggestion is of course not that the example of Tommy can be easily extrapolated to all animals. Our relationships with animals differ strongly between species and different species will value some freedoms more highly than others. Human animals clearly need different types of freedom than non-human animals, so it should come as no surprise that there will be differences between non-human species too.[12] Also, the suggestion is not that animal freedom's non-specific value implies that it is always best *all things considered* to maximise an animal's freedom. First, sometimes freedom needs to be traded off with other goods, such as happiness or a sense of security (more on this below). Second, that freedom is non-specifically valuable does not imply that its expected marginal contribution in terms of value is always constant. Accordingly, increasing an animal's freedom when it has very little freedom might some-

[12] One might object that this would require using *evaluative weighting factors* for determining the freedom of different species and that this would be incompatible with seeing freedom as an opportunity-concept. However, while some theorists do believe that we can measure freedom without invoking *any* evaluative considerations (Steiner 1974, 1994; Carter 1999), most theorists of opportunity-freedom believe that we need to invoke evaluative considerations in our conceptualisations of freedom (Sen 1988, 1991; Pattanaik and Xu 1998; Kramer 2003; Sugden 2003). If we accept the latter view, we can say that an animal's freedom depends on species-specific needs. Moreover, Kramer also convincingly argues that invoking evaluative considerations does not undermine freedom's *non-specific* value (Kramer 2003, chap. 5.2).

times expectably improve its life more than increasing its freedom by the 'same amount' when it already is very free.[13]

5. (Practical) Conclusions

Cochrane's argument that animal freedom does not matter, because animals do not have an intrinsic interest in freedom, was shown to be false. I have remained neutral with regard to the question as to whether animal freedom is intrinsically valuable or not. My line of argument has been that even if animals only have an instrumental interest in freedom, freedom's *non-specific* instrumental value for animals and it being characteristically a *social ideal* make it an important ideal to shape our relationships with non-human animals.

Note again that I have argued that freedom is an important but not the only ideal that should morally guide us in how we interact with animals. I have merely argued for a *presumption* of animal freedom. For example, if alleviating suffering might require restricting an animal's freedom, then this might often be something we ought morally to do. I have here not attempted to outline a comprehensive moral and political theory of animals nor have I argued that animals have a right to freedom that trumps all other moral considerations. Despite the limitations of this argument, let me nonetheless mention some of its implications.

First, remember that I invoked a specific concept of freedom, i.e. freedom as an opportunity-concept. This notion of freedom means that this argument resists straightforward categorisation into one of the 'standard views' in animal ethics. The argument is compatible with a consequentialist approach that focuses on animal wellbeing (Singer 1975). But unlike approaches in which animal welfare is understood very narrowly – for example as the absence of obvious forms of suffering – the argument here holds that freedom is necessary for animal welfare in a more expansive sense, because of freedom's non-specific value. This would require quite drastic changes to the way we interact with non-human animals and go much further than the currently scanty provisions to protect animal welfare. Above all, it would admonish us to be much more cautious in restricting animal freedoms, because we simply lack the knowledge to ensure that animals lead a good life in very restricted settings. Conversely, thinking that animal freedom matters non-specifically does not commit us to the *abolitionist* conclusion either. We can care about animal freedom in the opportunity-sense without abolishing all forms of interactions with and uses of animals. We can often respect animal freedom without 'leaving them alone.' In the case of Tommy, we saw that we can take animal free-

[13] See (Dworkin 1988, chap. 5) for a critical philosophical and (Schwartz 2009) for a psychological discussion of whether it is better to have more rather than less choice. See (Carter 1999, 43, 61-3) for a good response to Dworkin.

dom seriously whilst also having ongoing and involved relationships with companion animals. A concern for animal freedom would imply, however, that we need to greatly reshape or even abandon many of our current forms of interacting with animals. Intensive factory farming is the obvious example. But also keeping horses in stables, using greyhounds for dog races or animals in circuses are restrictions of animal freedom that should be abandoned in light of their strong specific and non-specific disvalue.[14]

Second, the argument provided here also does not rule out interfering with the lives of animals in their natural habitat to make them better off ('policing nature' as it sometimes called). It is sometimes argued that wild animals living in their natural habitat often lead stressful, and usually very short, lives in very harsh surroundings. If humans are in a position to improve those conditions, there is good moral reason, at least in principle, to do so (Cowen 2003; Horta 2012). As I said above, if one cares about animal freedom, there will always be a *presumption* against interference. But this presumption does not make interference per se impermissible. If such interference greatly improves the conditions of animals, or if it allows them to lead a life with *more freedom*, then the presumption against interference can be overridden. Of course, whether one will have sufficient moral reason to do so depends on empirical questions about the *efficacy* of such interventions. Quite often, such interventions might make matters worse rather than better. I am not qualified to assess these empirical issues here. My point is merely that while animal freedom in the opportunity-sense raises the stakes for the justification of such interventions, it does not make them impermissible as such.

Third, that we have moral reason to care about animal freedom gives us additional resources to defend stronger Animal Protection Policies (APPs). Admittedly, given all the other moral reasons against our current forms of animal exploitation – such as animal suffering for example – it seems the case for much stricter APPs is strong enough already. However, as an exercise in non-ideal theory, invoking animal freedom gives us a good reply to objections often voiced in actual political discourse. Some people object to stronger APPs and efforts to effect a change on how we interact with non-human animals on the grounds that they manifest infringements of people's freedom. The following story is instructive. In one of their manifestoes, the German Green Party recommended the introduction of a Veggie Day during which public canteens in Germany would serve exclusively vegetarian food one day per week (on a voluntary

[14] The current argument is also not conceptually committed to a specific view on how animals should be seen as a *legal* category. Unlike status freedom, freedom as an opportunity-concept is not conceptually committed to a specific legalistic view of 'free persons' (or 'free animals'). I take up these issues elsewhere (Schmidt 2015). Also see (Donaldson and Kymlicka 2011; Sunstein 2004a, 2004b; Favre 2004; Wise 2004; Francione and Garner 2010; Francione 2013; Cochrane 2009b) for normative discussions of animal law.

basis). Other parties dug up this idea from the Green Party's manifesto in the run-up to the federal elections and suggested the Green Party was out to undermine personal freedom. Vegetarianism should be a personal choice and enforcing it by restricting people's freedom would be illiberal – or so the argument (Hawley 2013, see also Ahlhaus and Niesen 2015, ch. 2.1, in this HSR Forum). However, if we care not only about *human* but also *animal freedom*, then we have a response to such objections within the normative framework set out by those making them: While stronger APPs might indeed reduce consumer freedom by making it more difficult to eat cheap meat at every meal, they might at the same time increase *animal* freedom. The freedom not to live in the torturous conditions of today's factory farms should plausibly be considered a more significant freedom than the freedom to consume cheap meat at every meal. Contrary to the assertions put forth by the main political parties in Germany then, rather than speaking against them, caring about freedom in fact calls for much stricter APPs.

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