

Animal agency, captivity, and meaning

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Abstract

Can animals be agents? Do they want to be free? Can they have meaningful lives? If so, should we change the way we treat them? This paper offers an account of animal agency and of two continuums: between human and nonhuman agency, and between wildness and captivity. It describes how human activities impede on animals' freedom and argues that, in doing so, we deprive many animals of opportunities to exercise their agency in ways that can give meaning to their lives.

Introduction

Are nonhuman animals agents? This paper relies on a modest account of agency, on which many nonhuman animals count as agents, and draws some important implications regarding how we treat them. It argues, in particular, that animals, insofar as they are agents, are capable of living meaningful lives and that captivity, by restricting agency, compromises animals' ability to live meaningful lives. The paper then draws a further implication based on the observation of pervasive captivity: because we restrict animals' agency in ways that are largely under our control even though they are largely unintended, we are in a position to enhance the opportunities for meaningful animal lives widely.

¹ Ideas developed in this paper are indebted to discussions with Dale Jamieson. I also rely on work co-authored with Duncan Purves. While this paper owes him a great deal, its flaws are solely attributable to me.

The concept of animal agency has earned a lot of attention in recent years. I henceforth rely on recent work to make conceptual space for animal agency in the realm of meaning. This will bolster the first step of the argument: animals can be agents. I then draw on an account of meaning in life recently developed with Duncan Purves, where we argue that many animals can have meaningful lives.² This is the second step of the argument. The third step consists in an analysis of the concept of captivity, from which it emerges that captivity restricts agency and that captivity is pervasive. Since restricting agency limits opportunities for meaning, I conclude that humans pervasively restrict animal's abilities to have meaningful lives. The paper proceeds in three sections corresponding to the three steps of the argument.

1. Animal agency

Many animals have complex mental lives. But how much complexity is required to be an agent? We could show that animals' mental lives are much more sophisticated than we suspect, while holding to a robust view of agency that has traditionally excluded them. Preserving a robust view of agency is tempting, as it highlights some of the features that make human life distinctive. The worry is that such a view ignores the largely continuous space in which agents can be located, depending on their characteristics, including among

² Purves, Duncan and Nicolas Delon. 2018. "Meaning in the lives of humans and other animals."

human beings, and as a result, it rules out many human beings from the scope of agency.³ Avoiding the unwelcome conclusion that many humans are not agents commits us to revising our standards of agency—or to accepting several distinct categories of agency. And either solution, as many have now argued, leads to the recognition that many animals are agents of a kind.

Let's begin with the hallmark of agency: behaving intentionally. Note that a causal story—a story in terms of the causal relations obtaining between different objects or states of affairs and describable in natural scientific terms—is true at some level. Even agency that is characteristically intentional, and reflexively so, is also the product of subconscious processes and internal and external factors. We have only so much control over what we actually do. We all act as a result of such processes and perhaps our conscious mental states are merely epiphenomenal or parasitic on our actions. But whether or not intentions do primarily cause action, they typically coincide with action *experienced* as intentional. One could claim that this experience sets us, humans, apart from the rest of the natural world. But the causal story is something we have to accept for humans and nonhumans alike since we have little reason to suppose that, quite mysteriously, human beings should be exempt from the naturalistic outlook that allows us to account for behavior in general. Moreover, parity of reasoning across species is supported by a large body of evidence from cognitive science and social psychology, documenting the myriad ways in which our agency is more

³ While I will be concerned mainly with the agency of *individuals*, most relevant to meaning and captivity, I do not assume that groups cannot be agents, depending on their mental, physical and structural characteristics. It could be that populations or social groups of animals have agency in the relevant sense. I leave this question open.

often than not prone to error, biases, mindless habits, and involuntary situational influences — in sum, short of the ideal of rational autonomous agency that is meant to set us apart.

What is it for an agent to intentionally act? Scientists studying animals typically refrain from talk of action or agency, preferring the term “behavior.” Third-person accounts of animal behavior, cashed in evolutionary and ecological terms, do not require that we posit an agent for ethologists to answer Tinbergen’s (1963) “four questions” (or levels of analysis): proximate, functional, phylogenetic and developmental. Still, philosophers may have different concerns than ethologists. Following Dretske, we can assume that for a behavior to count as an action simply requires that we can explain it in terms of the content of the representational states causing it.⁴ What does such an explanation look like? Acting intentionally means acting in a goal-directed manner, where the relevant representational states are perceptions, beliefs, desires, memories and other states and dispositions. With this basic distinction in hand, we can start looking at what cognitive processes can be reasonably ascribed to other animals and ask whether they feature in the best explanations of their behavior, as opposed to, say, explanations merely in terms of environmental stimuli, perceptual input, and behavioral output.

Intentional agents pursue goals by combining means and ends, deliberately and flexibly, and learn by trial and error to adjust their behavior to variable environments. What would then count as evidence of intentional agency? Take a few examples, cited by David DeGrazia. He reviews examples of “sophisticated behaviors ... involving planning,

⁴ Dretske, “Minimal Rationality.”

complex problem-solving, and/or tool use planning” that provide strong evidence of intentional action by animals.⁵ Chimpanzees use natural objects in pursuing certain goals (e.g., moss as a sponge, rocks as nutcrackers, and stems to probe for insects). Dolphins engage in highly deliberate problem solving, some wearing cone-shaped sponges over their beaks when foraging along the ocean bottom. New Caledonian crows can solve complex problems and have been observed fashioning tools out of twigs and wires to obtain food. Many similar examples have been documented across mammals, birds, fish and probably even some invertebrates like cephalopods. Of course, as DeGrazia notes, “there are other ways of interpreting ... familiar behaviors [e.g. a dog heading to the kitchen for a meal] without attributing either desires or beliefs, much less intentional action. But these alternative interpretations seem strained in view of the evidence.”⁶ Denying that the complex behaviors of which animals are capable implies intentional agency leaves us in need of better explanations.⁷

⁵ DeGrazia, “Self-awareness in animals.”

⁶ Ibid, 204.

⁷ The account is not immune to objections. Many philosophers and scientists deny that animals can form beliefs and desires in the relevant sense because propositional attitudes require language, which animals lack. (Propositional attitudes are mental states whose content is a proposition, which can be (taken to be) true or false. Typically, a propositional attitude embeds a “that” clause. For instance, I can believe, desire, imagine or remember that there are cookies on the shelf. These express different attitudes toward the same proposition.) But even if animals cannot have full-blown beliefs and desires, they can have at least functionally similar, non-propositional “belief-like” and “desire-like” state. Against a background of continuity, there is no sharp cut-off that sets apart all the mental states of which all and only human beings are capable. In fact, much of the time, human beings do not act and think *purely* on the basis of propositional attitudes if they ever do. The overlap between humans and other animals is greater than the idea of a cut-off would suggest: belief- and desire-like states comprise the bulk of our actual behavior, and yet we don’t think of ourselves as non-agents. Whatever mental states explain action only need be functionally similar to

Now one may think that the agency displayed by animals is merely “purposive” and lacks a crucial feature of full-blown agency: conscious and rational autonomy, the ability to sidestep *reflectively* from one’s motives to ask normative questions about what one has reason to do.⁸ Distinctively human agency involves higher-order capacities for deliberation and consideration of one’s first-order intentional states. Because they are capable of higher-order thinking, full-blown agents can engage in sophisticated planning and coordination and take themselves and others to be answerable for the reasons on which they act.

Nonhuman animals, let’s assume, are not capable of *propositional agency*.⁹ Many people deny animals agency because, they claim, animals cannot hold propositional attitudes, which, many claim, require language.¹⁰ Claims about animals’ linguistic capacities would be a shaky foundation for claims about their agency. Of course, there is some dispute as to whether propositional thought requires conceptual content and language. Fortunately, we need not settle the dispute here.

But why think that the exercise of “propositional agency” is necessary for agency? Human beings perform many intentional actions without first reflecting on their reasons but by being simply responsive to their reasons. Consider an example of automatic behavior: you

beliefs and desires. And so, ascribing non-propositional states to animals can be sufficient for ascribing them the sort of agency we’re looking for.

⁸ Korsgaard, *Self-constitution: Agency, identity, and integrity*; Korsgaard, “Morality and the Distinctiveness of Human Action,” 98-99.

⁹ Sebo, “Agency and Moral Status.”

¹⁰ See footnote 7 above.

hear a child crying for help, run in their direction and pull them out of water. You acted purposefully, with a goal “in mind” (as it were). Yet had you reflected on what to do, you might have been more cautious, slower, or simply less effective (adapted from Levy and Bayne, 2004: 210). It would be inaccurate to characterize automatic and absent-minded behavior as not done for a reason and therefore as not cases of intentional action, but rather as what Caroline Arruda and Daniel Povinelli call “reason-devoid” actions.¹¹ While automatic in some sense, such acts are not just reflexes, compulsive behavior, or accidents; they are responsive to reasons, only ones that are not, at the time of action, explicitly taken into consideration. The sort of cases I’m considering falls within what Arruda and Povinelli call the “grey area” of “actions that are neither reason-considered nor reason-devoid”—another example familiar to most drivers is automatic driving.¹² Much of the time, we humans do not engage in “reason-considered” action, and yet most of that time we are engaging in intentional action. Similarly, walking in the park, dodging pedestrians on the sidewalk, singing, (skillfully) playing an instrument, or running a marathon are not paradigm examples of deliberative, reflective agency. And yet they are examples of agency. “Reason-directed” actions—in contrast to both reason-devoid and reason-considered ones—are “done with the relevant belief/desire pair ‘in mind’ (so to speak) but without the second-order, explicit relationship to those reasons”.

In “Agency and Moral Status”, Jeff Sebo contrasts *propositional* and *perceptual* agency, and argues both that animals are capable of, and that humans also routinely engage in, the

¹¹ Arruda and Povinelli, “Chimps as secret agents,” 2139.

¹² Ibid, 2140.

latter. What is perceptual agency? Roughly, it involves acting on what Sebo calls *normative perceptual experiences*:

Our memories, anticipations, beliefs, desires, and other psychological dispositions shape our perceptual experiences, with the result that we perceive at least some of the objects in our perceptual field as “calling out” to be treated in certain ways, and we thereby feel motivated to treat those objects in those ways.¹³

Examples include perceiving an infant as to-be-nursed, a paper as to-be-written, or a drowning child as to-be-saved. Perceptual agency explains automatic behavior better than propositional agency and allows us to act promptly when stepping back to reflect on our reasons could be disastrous. But perceptual agency does not just allow for automatic acts, on Sebo’s account. He further argues that it includes the capacity to deliberate (non-propositionally) about what to do, using e.g. trial-and-error experiments, cognitive maps, and proto-conditionals.¹⁴

In “Chimps as Secret Agents”, Arruda and Povinelli (2016) provide an account of chimpanzee-specific agency that doesn’t rely on propositional thinking either. Chimpanzees (and very likely many other species) are capable of *reason-directed action*, even though

¹³ Sebo, “Agency and Moral Status,” 6.

¹⁴ Sebo cites “philosophers and scientists [who] have started to accept” the category of perceptual agency: e.g. Bermúdez (2003) (‘level 1 rationality’), Camp (2009) (maps and charts), Cussins (1992) (‘cognitive trails’), Gibson (1979) (‘affordances’), Millikan (2006) (‘pushmi-pullyu representations’), among others. They “are all describing the same basic kind of process, a process whereby we act on normative perceptual experiences rather than on normative propositional judgments.” (Sebo 2017: 6)

they may not be capable of more full-blown action, or *reason-considered action*. Chimpanzee agency is “evolutionarily responsive to its environment and overlaps considerably with our capacities. As such, it is an evolved set of capacities for goal-directed behavior” that equips chimpanzees to solve problems they naturally encounter. It is, therefore, not “a deficient instance of human agency” but “an evolutionary variant of agency,” whereas human agency is just “an elaborated or hypertrophied instance of agency.” (Arruda and Povinelli take chimpanzees as a case study but do not rule out that many other species can act on reasons in this sense.) If they are right, “the type of agency exhibited by chimpanzees is ubiquitous in the natural world. Human agency is an evolutionary recent, and highly unusual form of the capacity.”¹⁵ Arruda and Povinelli’s (2018) parallel distinction of two ways of relating to one’s reasons—acting in light of reasons one endorses (*endorsement* relationship) and acting as a result of reasons one does not endorse (*directed* relationship)—is also illuminating and roughly in line with Sebo’s distinction between propositional and perceptual agency.

These distinctions create conceptual space for our purposes. I will assume that the categories of reason-directed agency and perceptual agency largely overlap, and that the case for animal intentional agency is strong for a wide range of species. In the next section, I draw on this account of agency, and on co-authored work with Duncan Purves, to argue that animals can have meaningful lives—the second step of my argument that captivity deprives animals of meaning.

¹⁵ Arruda and Povinelli, “Chimps as secret agents,” 2132.

2. Meaning

In Purves and Delon (2018), we argue that an individual's life is meaningful if and to the extent that the individual contributes, through intentional agency, to some finally valuable state of affairs, that is, a way the world is that is valuable or good for its own sake rather than instrumentally. Pleasure, friendship or well-being, for instance, can be valuable for their own sake, whether they are good per se or good for conscious beings.¹⁶ We further argue that meaning can be a property of life parts, moments or discrete actions. On our account, animals that can be considered intentional agents can have meaningful lives, even if they lack a concept of meaning and cannot consciously strive for meaning or organize their whole life according to a plan. We brush aside these concerns, not as irrelevant to agency per se, but as irrelevant to the sort of agency that matters for meaning. On our view, many animals can have meaningful lives insofar as they can, through their own agency, contribute to some good.

Animals can act intentionally. But can they act intentionally in ways that contribute to some good? Anecdotes abound: a dog risking his own life to remove from the road a canine companion hit by a car on a busy Chilean highway; a female elephant distressed and trying to help the dying matriarch of another family; and a gorilla rescuing a small boy, who has fallen into her enclosure, handing him over to zookeepers.¹⁷ Or consider the case study of

¹⁶ We remain neutral on whether final value is objective or subjective and what constitutes it.

¹⁷ Rowlands, *Can Animals be Moral?*; Rowlands, "Moral Subjects".

chimpanzees, in the Bossou region, Guinea, where they must cross busy roads because of human encroachment on their territory. Hockings et al. (2006) have studied how they manage dangerous crossings, adult males flanking a line of chimps, protecting adult females and young in the middle, the position of dominant and bolder individuals depending on how risky the crossing is and the number of males in the group. Chimpanzees in this example engage in cooperative action to protect groupmates, at some risk to themselves.

Meaningful action need not be morally grandiose or involve some grand purpose. For example, infant-rearing is a way of contributing intentionally to well-being, something that matters for its own sake. In many species, parenting (or caretaking more generally) plausibly involves the perception of one's (or someone else's) offspring's well-being as mattering for its own sake, sometimes at great risk or cost to oneself. In other words, nonhuman parents or caretakers (predominantly though not exclusively mothers) engage in intentional nursing, play, and protection that are appropriately connected to value. The fact that we have a causal (evolutionary) explanation of the behavior tells us little about the supervening psychology and what it means for meaning.

In Purves and Delon (2018), we consider three challenges to our view. Each challenge identifies some further capacity, allegedly uniquely human, required for meaning: narrativity, propositional agency, and rationality. These challenges all contend that an exercise of agency must be more sophisticated than our modest account of agency allows. But, we argue, none of these capacities is necessary for meaning. Rehearsing these objections and our replies is beyond the scope of this paper. I simply want to emphasize the

appeal of a conception of meaning that doesn't require more than the sort of agency of which many animals are capable.

There are actions, I suggested earlier, that we consider meaningful even though they are performed "perceptually" rather than "propositionally." The unpremeditated act of rushing to save a child from drowning is one example. But many cases of skilled — and what Peter Railton (2009) calls "fluent" — agency can also be meaningful while not tapping into the sophisticated resources of full-blown agency: nursing a child, play, artistic performance, being here with and for a friend can also contribute to value without explicit deliberation and rational reflection. In fact, their success often depends on their *not* being objects of higher-order cognitive processes. Sure, there must be *some* appropriate connection between one's states and the good one contributes to. In Purves and Delon (2018), we suggest that *effort* (of the right kind) is the link, and that since nonhuman agents are capable of exerting effort (perceptually) in the pursuit of their goals, this allows for meaning in their lives, whether or not they can intend their ends under the description that captures their value. Hence, meaning doesn't presuppose autonomy understood as the rational capacity to determine one's own goals and principles, or to shape one's life in accordance with an overall plan (*pace* e.g., Frey 1987 and Nozick 1974: 50). Autonomy of this sort, we argue in the paper, is neither necessary nor sufficient. Autonomy may be necessary to shape one's life *with a view to* making it meaningful, but our concern is what makes a life meaningful, not what it takes to *pursue* a meaningful life.

But even if meaning required some form of autonomy, perceptual agency might be sufficient. Many authors in the feminist tradition have conceived of autonomy as relational

(Gruen 2011: 149-50). On this view, context (whether personal, social, or political) provides the conditions to express one's preferences, make choices and act in a self-directed way in light of the circumstances. Even when these include external constraints, over which we typically have at best imperfect control, the right context is sufficient for relational autonomy.¹⁸ If this form of autonomy is sufficient for the capacity to have a meaningful life, then many animals can have meaningful lives. Automatic behavior and other forms of "perceptual" or "reason-directed" agency are compatible with the expression of relational autonomy, whereby agents tacitly rely on inculcated dispositions, heuristics, social cues, and affordances to do what they or others may or may not count as rationally required. For instance, in the anecdotes used by Rowlands (2012) to argue that animals can be "moral subjects", the reasons justifying their actions need not be explicitly accessible to them. We, as "moral agents," are capable of assessing such reasons. But the act that has moral value is attributable to the animals themselves insofar as they are intentional agents.

At the same time, relational autonomy threatens common justifications of captivity according to which freedom does not matter to animals.¹⁹ The conditions needed for relational autonomy are sufficient to ground a form of agency that captivity can restrict and that matters for meaning, both across species and among human beings.

¹⁸ See Donaldson and Kymlicka's (2011: 104) model of "dependent agency", which is "exercised in and through relations with particular others in whom they trust, and who have the knowledge needed to recognize and assist the expression of agency."

¹⁹ Gruen, *Ethics and Animals*.

While hedonist and preference-satisfaction theories of well-being only leave room for meaning to the extent that it is instrumental to either hedonic states or preference satisfaction, so-called objective-list theories could include meaning. This is not the place to defend a view of well-being, but I want to entertain the possibility that a meaningful life is a good thing, something that it's reasonable to want for oneself and others, including for other animals. If so, because animals are capable of having meaningful lives, it matters morally that many of them are being deprived, on a massive scale, of the very possibility of meaning in their life.

I have argued that many animals have agency of the sort necessary and sufficient for having meaningful lives. The next section explicates the concept of captivity and argues that captivity is a potent source of deprivation of meaning in animal lives.

3. Captivity

Let us start by taking stock of the moral import of animal agency. Seeing animals as agents widens our perspective and shifts our attention from the principles on which agents act onto what they actually do. We know that many species engage in prosocial behavior²⁰ (e.g., cooperation, reconciliation or reciprocity) and exhibit some sense of fairness, empathy, and a range of emotions including morally laden emotions like grief. This makes some animals “moral subjects,” motivated by moral reasons (i.e. moral emotions), even though, because

²⁰ Bekoff and Pierce (2009) specifically limit their attention to observable *behavior*, the description of which, they suggest, is sufficient for talk of moral notion like justice.

they cannot scrutinize their reasons for action, they are not morally responsible agents.²¹ These behaviors count as agency insofar as it's the best explanation of how these animals can be motivated to act as they do—perhaps not on the basis of reasons they endorse, but still in response to reasons given by salient facts such as the suffering of a groupmate, the needs of a buddy, the loss of a family member, the bonds of a clan. If these are, furthermore, “building blocks of morality,”²² parsimony recommends that we consider agency as a matter of degree, across and within species. And because these building blocks also allow for meaning-producing agency, meaning in life is also a matter of degree, across and within species.

This shift of perspective has an important upshot. If only out of consistency, we ought to value agency of a given form in other species like we value it in humans (see e.g., Sebo 2017), other things being equal. But much of human agency is not full-blown rational agency. So, either we only have reason to value human agency in a limited range of circumstances, or we have reason to value agency that is not uniquely human.²³ But our freedom to live our own lives matters to us, not insofar as it expresses a higher form of agency, but rather as part of the basic experience of human agency. Seeing other animals as

²¹ Rowlands, *Can Animals be Moral?*

²² Flack and de Waal, “‘Any animal whatever’. Darwinian building blocks of morality in monkeys and apes.”

²³ One could value agency as an inherent species-wide endowment, regardless of its exercise in local circumstances, and thus draw lines between species based on their global characteristic agency. This would be in tension with the continuity framework, however. Even if we valued human agency as special, there would still be large swaths of what we do as agents that resonate strongly with what other animals do. Thanks to Alan Wayne for the objection.

capable of valuing freedom besides avoiding pain and seeking pleasure gives rise to new concerns, a multifaceted conception of animal well-being that involves more complex and varied forms of needs, desires, frustrations, cares and enjoyment than an thin assessment of welfare in terms of restricted preference testing, physiological indicators and basic biological health and integrity.²⁴ Keeping agents in captivity raises issues that bear directly on their agency. If freedom matters to animals, captivity harms them by restricting agency. By doing so, it also diminishes their capacity for meaning. So, if we think meaning is part of a good life, captivity diminishes an animal's capacity to live a good life.

The concept of captivity

What is captivity? As a first pass, captivity is a state of un-freedom. Being captive is, along some or multiple dimensions, being deprived of freedom—the freedom to move around, socialize, hide, forage, mate, make choices of one's own, etc.—and prevented from exercising one's autonomy. Captives are not just *unable* to do certain things but *deprived* of opportunities to do such things. Captivity therefore implies a source of deprivation—a captor—and is relational. How does a captor deprive one of freedom? One obvious way is through *confinement*.

What is confinement, and what is its relation to captivity? We are obviously restricted in many ways, both temporary and permanent, that do not make us captive. Physical boundaries prevent us from accessing a potentially infinite number of places. We are bounded by oceans, rivers, cliffs, mountain ranges, the atmosphere, as well as social and

²⁴ Bekoff and Pierce, *Wild Justice: The Moral Lives of Animals*.

legal barriers, and yet we do not think this makes us unfree. One may be prevented by external obstacles from accessing a number of places, or leaving a particular region, but this need not make one confined. Prisons, on the other hand, are smaller than the remaining subregion of the relevant area that prisoners are barred from accessing. Confinement is thus more than just exclusion.²⁵ But even confinement can be temporary — e.g., as a measure of protection or self-defense, as part of a game, or when on a plane stuck on the tarmac. Captivity involves a specific type of restriction, which explain why captivity frustrates particular interests. When restrictions involve domination, or egregiously asymmetric power, they frustrate one's interest in exercising one's agency.

Now add a condition of *control*. A captor confines and controls a captive, thus diminishing not just the captive's spatial mobility but also the captive's agency—their autonomous ability to determine how to behave, act and live. Robert Streiffer puts the distinction as follows,

Confinement and captivity both seem to involve external limitations on the individual's freedom of movement. Confinement seems to involve external limitations on the individual's freedom to move from one place to another. Captivity seems to involve confinement along with the additional exercise of dominion over the individual.²⁶

²⁵ Streiffer, "The Confinement of Animals Used in Laboratory Research."

²⁶ My account of captivity has two revisionist features. Firstly, Streiffer goes on to question the validity of the confinement/captivity distinction based on counterexamples: babies and prisoners meet the criteria, yet only the latter are captive. But I have two replies: one, babies are controlled

“Confinement and exclusion,” he goes on, “are both species of a larger metaphysical genus, which I will refer to simply as *restrictions*.”²⁷ However, Streiffer writes, restrictions “are not necessarily incompatible with the exercise of autonomy and so have only instrumental relationships to an autonomous individual’s interest in autonomy.”²⁸ It’s the *type* of restrictions that matters. I suggest that captivity occurs when a member of a particular kind is subject to significant restrictions of their *options* (i.e. of their agency) relative to the relevant standard of well-being for members of that kind (more on this shortly). The concept of restriction is more fundamental than the concept of confinement, and what matters ethically are the particular facts about the kinds of restrictions one is subjected to. On the option-based account of freedom that I favor (one is more or less free depending on one’s options),²⁹ captivity can be bad for us and other animals at least in this respect. On this account, prisoners, slaves, hostages, some refugees, but also many animals kept for entertainment are clearly captive.

not so much to impede as to foster their future autonomy; two, my analysis bites the bullet: babies are captive. More generally, I accept the implication of my account that many more sorts of individuals are captive than previously thought, including refugees, exploited workers and homeless people. The claim that these cases involve abnormal restrictions of freedom is not outlandish (see e.g. Waldron 1991). Secondly, Rivera claims that captivity is a “condition of powerlessness over one’s options” (Rivera, 249). She suggests that, almost always, the captive is harmed and the captor benefitted by this control. Captivity, in my view, need not benefit or be intended by the captor or harm the captive. Captivity is usually harmful, but our *concept* of it need not reflect this fact. For quote see Streiffer, “The Confinement of Animals Used in Laboratory Research,” 180.

²⁷ Streiffer, “The Confinement of Animals Used in Laboratory Research,” 180.

²⁸ Ibid, 188.

²⁹ Not all conceptions of freedom (e.g. libertarian or republican) can account for animal freedom and its value. Following Schmidt (2015; 2017), I endorse an option- or opportunity-based conception of freedom that is neither psychological nor status-based.

I understand “significant” here in reference to a relevant standard—e.g., a species-specific norm, a set of intrinsic abilities, a temporal baseline set prior to the restrictions, or any other appropriate comparison class depending on context. For instance, whether animals still have viable counterpart populations in other habitats or whether their biology has been irreversibly altered are factors that matter to how we choose the relevant standard. One plausible baseline for evaluating the freedom of animals whose habitats are destroyed or fragmented is how members of the closest corresponding population fared prior to urbanization, combined with knowledge of their natural range of species-typical behaviors and facts about the current population. The assessment is compatible with urbanized populations having evolved or developed adaptations (cognitive, behavioral or physiological) that distinguish them from their rural counterparts. The point is, those facts circumscribe a standard of flourishing that could be realistically achieved without altering the kinds of creature they are. A comparative assessment — assuming a non-arbitrary comparison class can be constructed — helps to explain why we resist the intuition that children are captive: because their freedom is not abnormally restricted relative to the expected or standard developmental path of humans. On the other hand, one could introduce a qualification such that captivity typically (but not always) involves significant restrictions. For babies there are no realistic alternatives under which they could do something that is limited by their captivity, while for many adult humans and animals there are. The difference then accounts for our different *evaluative* judgments about such restrictions. Either way, a meaningful account of captivity must not be so broad that any restriction of the exercise of autonomy (e.g., legal coercion) makes one captive. Nor should

it be so narrow as to preclude *a priori* the captivity of those who lack an intrinsic interest in autonomy (e.g., children, nonhuman animals).

Lori Gruen's following attempt to define captivity captures the key features we have picked out so far. She writes:

To hold someone captive is to deny her a variety of goods and to frustrate her interests in a variety of ways. Though conditions of captivity vary considerably, I think it is most useful to think of captivity as a condition in which a being is confined and controlled and is reliant on those in control to satisfy her basic needs.³⁰

On this account, captivity consists in three joint conditions: *confinement*, *control*, and *dependence*. One may wonder whether the third feature (reliance or dependence) is a necessary condition. As I see it, it's both a consequence of captivity and an enforcement mechanism. Captivity typically makes a captive dependent on those that control them (how would they eat, drink and sleep were it not for them?). At the same time, it's in the captor's interest to make one dependent as a way to limit the ability or desire to escape. Conversely, dependency can lead to control and confinement—dependent people are vulnerable to the control of those under whose care they are and often have to live in relatively confined environments such as houses, hospitals, and hospices.

³⁰ Gruen, *Ethics and Animals*, 133. In a footnote, Gruen also specifies that the captive must be a "normally functioning adult" to avoid the implication that adults with severe cognitive disabilities and children are captive. As just mentioned, I am willing to bite the bullet. In other words, it does not follow from the fact that, arguably, it is not wrong to keep such beings confined, controlled and dependent, that they are not captive.

This account handles the standard cases—prisons, unregulated sweatshops, zoos, circuses, farms, sanctuaries, shelters, houses and laboratories. Below, I suggest that it entails that captivity occurs well beyond the standard cases. The account also explains why captivity can be harmful, by depriving one of opportunities to access, enjoy or do certain things, and to do so by oneself.

Crucial to Gruen's account is a relational dimension to each of the three conditions. Captivity is not intrinsic. Even though it relies on intrinsic individual features, it is a relation between a captor—individuals or collectives—and captives, regardless of their respective mental states. Captivity is also not reducible to inability or incapacity. Andreas Schmidt captures this distinction well:

Sources of unfreedoms are typically considered 'man-made' or 'interpersonal'. If someone locks me into her basement, for example, I am subjected to a constraint imposed by another person. Compare this with mere disabilities: the constraints that make me unable to fly to Mars or unable to run one hundred meters in under ten seconds do not seem attributable to another person.³¹

By the same token, not every external constraint is a source of unfreedom, if it is under no one's control to remove or prevent it.³² Captivity, as a deprivation of freedom, consists of restrictions on options imposed by a captor (or that a captor fails to lift or prevent), whether

³¹ Schmidt, "Abilities and the sources of unfreedom," 181.

³² See discussion by Schmidt, "Abilities and the sources of unfreedom," 188-189: some obstacles are mere ability constraints; others are unfreedom-producing constraints.

voluntarily, negligently or recklessly. Because it is relational, captivity therefore comes in many shapes and shades depending on captors' and captives' features.

With this account in hand, I argue below that animal captivity is pervasive, and induced—voluntarily, negligently or recklessly—by human encroachment.

Pervasive captivity

As we extend the scope of agency across a wide range of habitats and species, we also realize that our actions have consequences that permeate all spheres of animal life and end up restricting, to some extent, the agency of many animals. We live, many say, in the human age or epoch, or the Anthropocene. Whether or not this is an accurate or fruitful phrase, human production, consumption and development do have a pervasive impact, locally and globally, on species, habitats, ecosystems, landscapes, climate and the biosphere. We restrict animals' agency by keeping them confined in tight cages, crates and enclosures, but we also do so by limiting the scope of what they can freely do outside of visible captivity. Habitat destruction and fragmentation, unfettered development and consumption, and climate change, together impact globally the conditions under which animals had long evolved to thrive. Since even protected areas like natural reserves are heavily monitored and regulated, and obviously spatially bounded, there are few tracts of land, air or sea where animals are not in some way and to some extent confined, controlled and dependent on human agency. That is to say, they are in some way and to some extent

captive. Just as human/nonhuman boundaries collapse along the agency spectrum, so does the captive/wild boundary.³³

One objection to the idea of pervasive captivity is that many populations appear to thrive in their altered environment. Winners replace losers, opportunistic and generalist species adapt to new circumstances, and in many ways urbanized environments and milder temperatures make at least some of these animals better off than they were or would have been. In other words, if this is captivity, then what's wrong with it?

Here we can appeal to the notion of *adaptive preferences*,³⁴ that is, preferences formed or changed, typically subconsciously, under bad or unjust conditions such as profoundly limited sets of options. If we assume that many “wild” animals have formed or changed preferences under such conditions, having preferences that track their situation provides little evidence that they would otherwise maintain them. Instead, animals accustomed to anthropogenic alterations of their habitat may have adjusted their preferences toward something suboptimal. In fact, their preferences and their restricted agency may be co-constitutive. They could be seen as suffering from a sort of Stockholm syndrome, when hostages and victims of kidnapping come to prefer their captivity to their previous state of freedom.³⁵ Because they see no possible escape, in order to cope, victims modify their set

³³ Jamieson (2017) and Bekoff and Pierce (2017) also acknowledge the collapse of the boundaries of captivity in the Anthropocene.

³⁴ See e.g., Nussbaum (2006, 343-344).

³⁵ My treatment of this example is indebted to Barnes, *The Minority Body: A Theory of Disability*, 127.

of preferences. While coping mechanisms are effective ways to compensate for welfare loss under unfavorable conditions (e.g. pacing in response to stress, anxiety, and boredom in zoos), they are not reliable indicators of welfare. In fact, as adaptive preferences, they signal impaired autonomy. An adaptive preference for captivity does not make it valuable. Classical “preference testing” would not help infer how well animals are doing under the circumstances since their range of options is limited. In brief, what they prefer under the circumstances is at best a partial indicator of the expression of their agency.

Let’s concede for a moment that such animals are better off in some respects than their wilder or rural counterparts or ancestors. Cognitive differences aside, a mountain gorilla kept in a zoo and a cougar stuck in a narrow swath of the Santa Monica mountains are not captive in similar ways. For sure, zoo and urban animals lead very different lives depending on their side of the enclosure. Arguably, captive gorillas suffer from more severe deprivations of freedom than free-roaming cougars. As noted, captivity is a matter of both degree and kind of restrictions. Even so, the cougar’s life in Griffith Park, Los Angeles, is not obviously better *overall*. But more importantly, how these animals fare overall is orthogonal to whether they are captive. For one thing, not every instance of captivity has to be harmful overall, even if it is harmful with respect to freedom. On the other hand, even when captivity is harmful, liberation may not be an option because there is no alternative in which the captives would be better off. Just like captive-bred chimps would not benefit

from being returned to the wild, animals may face a “dilemma of captivity,” especially when they have been altered physically and behaviorally.³⁶

Dog cognition specialist Alexandra Horowitz (2014) argues that dogs are “*constitutionally captive*.” “Their brain structure, and, as a correlate, cognition, has been altered. They no longer have the perceptual acuity to survive outside of human civilization.”³⁷ What it means to be and flourish as a domestic dog (*Canis familiaris*), as opposed to their wolf ancestors (*Canis lupus*), entails captivity. For sure, pet keeping practices can be harmful, like artificially selecting for certain breed-specific traits or not providing adequate space, exercise or freedom to do “doggy” things that we may find unpleasant. Maybe dogs would be better off had they not co-evolved with us to flourish in the domestic environment and could, in a different world, flourish in the wild. But in the actual world, as “a species who was selected to be kept” dogs are too “dependent on humans for food, territory, and protection.” A dog’s captivity is therefore compatible with the most freedom possible “within the constraints of his speciesdom.”³⁸ Horowitz writes, “within a domesticated captivity, there may be levels of confinement and restriction for the *individual* animal ... These captivities may be physical, social, or sexual; the limitations sensory and dietary.”³⁹ Freedom can therefore be enhanced within constitutional captivity. Similarly, forms of captivity could be compatible with the most freedom possible for other animals, and not

³⁶ Gruen, *Ethics and Animals*.

³⁷ Horowitz 2014: 13.

³⁸ Ibid, 18.

³⁹ Ibid, 13.

compromise, as DeGrazia puts it, “their ability to live well”.⁴⁰ For those animals whose well-being is contingent on the confines of captivity it can be *locally* bad with respect to freedom yet *globally* good.⁴¹ The value of captivity can be neutral.

There is a commonly held presumption against detaining humans or animals without adequate justification.⁴² But one virtue of a value-neutral account of captivity is to make sense of justified captivity. Maximal freedom may sometimes not be best and restrictions may be necessary. Freedom may be traded off for other goods such as health or safety or curtailed for lack of viable alternatives.⁴³ Captivity is value-neutral because it is, at least in principle, compatible with some degree of freedom. Yet captivity is typically harmful in at least some respect (if not overall) because it restricts agency. One way in which captivity can harm is by depriving one of opportunities to have a meaningful life, as I explain in the next section.

⁴⁰ Some nuanced perspectives include Donaldson and Kymlicka (2011) on domestication and Gruen (2011) on “dilemmas of captivity”. DeGrazia (2011: 740-41) claims that restrictions of liberty are not always harmful (e.g., infant and dogs benefit from it), only when “external constraints on movement ... significantly interfere with an individual’s ability to live well.”

⁴¹ See Barnes (2016) for a similar point about the value-neutral, “mere-difference” view of disability.

⁴² See in particular chapters 11 (“Against zoos”) and 12 (“Zoos revisited”) of Jamieson (2003) and Rachels (1976). But note that it’s just that—a presumption since captivity is in and by itself value-neutral. Also note that the presumption is distinct from a presumption against interference, which may be overridden, but for different reasons. Interference can enhance freedom by increasing one’s options through interventions such as vaccines, medical treatment or evacuation; likewise, the power of law can restrict freedom through force or coercion, but in order to guarantee the equal liberty of citizens and their protected rights, e.g., to life, integrity, and property.

⁴³ In “Against zoos”, Dale Jamieson argues that the four main arguments for zoos (entertainment, education, research, conservation) are at best weakly supported by the evidence.

4. The boundaries of meaning

Most animals lack the metacognitive ability to reflect on their desires and frame and revise their own conception of the good life, an ability taken to ground the intrinsic interest in liberty.⁴⁴ However, there are several reasons to doubt this threatens the significance of animal captivity. For one thing, as Lisa Rivera notes, “the existence of captive children and animals makes it clear that the denial of autonomy as it is usually understood is not a condition for captivity.”⁴⁵ Furthermore, as previously discussed, animals do exercise some (relational) autonomy in making choices about what to do, when, where and with whom to do it, when allowed to. Maybe this freedom is constitutive of a good life for them⁴⁶; maybe it’s only a means to other goods. Either way, captivity significantly interferes with it. Finally, having options matters to them, as perceptual agents, even though they cannot form higher-order representations of what options are available to them. To be sure, having the latter ability, as humans and perhaps apes, elephants or cetaceans do, makes restrictions worse, but options themselves are valuable with respect to being free, independently of whether they are plenty or limited. Captivity deprives humans or animals of many goods and opportunities, prevents them from having, doing, and experiencing a number of things.

⁴⁴ Cochrane, *Animal Rights Without Liberation*.

⁴⁵ Rivera, “Coercion and captivity,” 248.

⁴⁶ Gruen, *Ethics and Animals*, 148-9.

Fortunately, we need not solve the vexed question of whether freedom is intrinsically or merely instrumentally valuable for animals. Sufficient to undergird a moral evaluation of captivity is the claim that freedom matters *non-instrumentally*, even though it may not matter intrinsically (i.e. for its own sake).⁴⁷ For instance, we can allow for what Gruen calls “intermediate” forms of valuing, and count among those the valuing of freedom as *constitutive of a good life*.⁴⁸ Money is instrumentally valuable. Freedom is also valuable in that it allows us to do things, but it would still matter to us even if such things could be done for us. We value a good life in part in virtue of its being a free life.

Captivity, when it significantly restricts agency, undermines the material conditions constitutive of a good life. Such conditions include the physical and social environment central to flourishing, ranging from access to territory, resources, mates and companions to opportunities for play and exploration. If I’m also correct about meaning, it does so partly by undermining the material conditions constitutive of a meaningful life. Even if we could provide captive animals with all the goods that freedom is instrumentally conducive to, and even if animals did not value freedom for its own sake, captivity would still undermine the materials conditions of a meaningful life, simply by impairing one’s ability to do things that matter by oneself. So, if meaning is part of a good life, and meaning requires agency, impaired agency only allows for a restricted set of opportunities to live a good life. When

⁴⁷ Schmidt (2015) sidesteps the question and argues that freedom is “non-specifically instrumentally valuable,” a means to other goods that cannot always be identified in advance, hence is not easily substitutable.

⁴⁸ Gruen, “Refocusing environmental ethics: From intrinsic value to endorsable valuations.”

control is pervasive, such that animals depend heavily on their captors for meeting their basic needs, whatever remainder of agency is left to them is likely insufficient for meaning.

Many animals are capable of meaningful lives. At the same time, humans restrict the agency of very large numbers of these animals, in factory farms, laboratories, sites of entertainment like zoos, parks and circuses, but also in more latent ways through habitat destruction and fragmentation. Farms and labs are easy cases. Animals on factory farms are tightly confined in barren environments, cannot roam freely and have little to no control over what to eat, where to rest, or when and with whom to mate. Peter Singer writes,

The need for purpose lies deep in our nature. We can observe it in other animals, especially those who, like us, are social mammals. ... When you provide a sow with food and a warm dry place to lie down, you have not provided her with everything she needs. Such animals exhibit what ethologists call ‘stereotypical behaviour’ ... They are trying to make up for the absence of purposive activity in their lives.⁴⁹

Confined animals do not merely suffer, physically and psychologically, from pain, stress and anxiety. They’re also deprived from the opportunity to exert their agency. Singer’s remarks indicate that meaning is something that matters to an animal’s well-being beyond the bare satisfaction of basic needs. Indeed, recent research in motivation psychology argues for a richer model of the “good life” — the “Effective Organization of Motives” or “Effectiveness Theory of Motivation” — as requiring *truth*, *control*, and *value* motives to

⁴⁹ Singer, *How Are We to Live?* 235-236.

work together effectively.⁵⁰ Animals are motivated to act “beyond a motivation for adequate nutrition and safety (value motivation).” They are “also motivated to manage their environment (control motivation) and to learn about it (truth motivation)”⁵¹ These features contribute to meaning in their lives and, Franks, Higgins and colleagues argue, are relevant common ground to answer questions of human and animal well-being. The authors provide wide-ranging evidence that both humans and other animals are motivated to succeed in each of the three domains.

As reviewed in Graham et al. (2018), there is evidence that under-stimulating captive environments can induce boredom and other “mental states that are indicative of frustration or aversion”, “for example intensive confinement systems on farms or barren laboratory environments in research facilities.”⁵² Graham et al.’s studies involve zebrafish, not chimpanzees. Zebrafish are a widely used species in scientific research. The authors write, “like other animals in their desire for cognitive stimulation, it is possible that situations where zebrafish are denied the opportunity to explore may negatively influence their welfare. The typical laboratory housing for zebrafish consists of small and barren tanks that greatly contrast their wild habitats.”⁵³ In contrast, “zebrafish living in semi-natural environments readily engage in free-choice exploration and ... such opportunities do not

⁵⁰ Franks and Higgins, “Effectiveness in Humans and Other Animals: A Common Basis for Well-being and Welfare”; Higgins et al. “‘Happiness’ and ‘The Good Life’.”

⁵¹ Ibid, 165.

⁵² Graham et al. “Free-choice exploration increases affiliative behaviour in zebrafish,” 1.

⁵³ Franks, “Cognition as a cause, consequence, and component of welfare”; Franks and Higgins, “Effectiveness in Humans and Other Animals: A Common Basis for Well-being and Welfare,” 6.

induce anxiety behaviour. Moreover, these opportunities increased affiliative behaviour". These findings thus suggest avenues for welfare but also meaning-enhancement since the behaviors induced by free-choice exploration (i.e. enhanced agency) also happen to be of value, potentially contributing to the welfare of groupmates.

The case of pervasive captivity is subtler. For one thing, wild animals are less clearly and severely confined and have more room to express their agency. Moreover, their agency is restrained by natural forces — predation, parasites, competition, weather, scarce resources — independently of human agency. Should we be concerned? I doubt that natural forces can be captors in a meaningful sense, even when the agency of some animals is placing constraints on the agency of other animals. The reason is not that captivity must be intended (and entertained propositionally as an end or a means); rather, captivity is something we cause through our intentional agency, whether or not we intend it or could have foreseen it. It is something that is under our control and we could have prevented. Similarly, freedom is something we can strive to enhance in others. So, our pervasive impact on wild animals is qualitatively different from the impact that other animals have on one another. Of course, if nonhuman agents keep other animals captive like we do, then they might be liable to some form of moral evaluation. And perhaps we should be concerned, if we believe that omissions can be morally significant and we fail to prevent animals from keeping each other captive. But this is a question of scope. It might mean our responsibility extends even further than I'm arguing; it's not a *reductio*.

It bears repeating that captivity, like agency, falls along a spectrum. Likewise, the material conditions of a meaningful life vary according to the relevant range of options that could be

open to an animal. To the extent that pervasive captivity curtails animal agency—by preventing animals from engaging in the exploratory and social behaviors that can contribute to value—it curtails opportunities for meaning. If this is correct, we can imagine conditions under which animals would be more free to engage in the sort of agency constitutive of a meaningful life.

Conclusion

I have argued that animals can be agents, can have meaningful lives, and can be harmed by captivity. I have also described the neglected phenomenon of pervasive captivity, which has the potential to curtail wild animals' ability to have meaningful lives. Recognizing that captivity need not be bad overall does not itself entail that captivity does not curtail freedom and thereby impair an animal's opportunity to live a meaningful life. We are not, therefore, facing a forced choice between the end of human-animal relationships in contexts of relative captivity and necessarily harmful forms of such relationships. Rather, we are starting to see that the well-being of many creatures and the meaning of their lives are partly dependent on human-animal coexistence. The real question is how much freedom is possible within these confines. It's hardly a coincidence that in recent years many authors have challenged both the view that animals lack agency and the view that living with humans is necessarily a bad thing such that no good life is open to them. Enhancing the

freedom of many animals entails coming to terms with the myriad ways in which we are, as Lori Gruen puts it, “already entangled” with the lives of other animals.⁵⁴

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⁵⁴ Gruen, *Entangled Empathy: An Alternative Ethic for Our Relationships with Animals*.

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