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DISCUSSION PAPER

Discussion of Josh Milburn's *Just Fodder: The Ethics of Feeding Animals*

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Abstract
In *Just Fodder: The Ethics of Feeding Animals*, Josh Milburn thinks through the implications of feeding animals by focusing on the relationships between humans and three different groups of animals: (1) animal companions; (2) animal neighbours; and (3) wild animals. In my comments, I concentrate on how the actions and agency interests of these animals problematise some of Milburn's assumptions and normative prescriptions. My overall aim is to show how giving animal agency more prominence in our thinking about what we owe to them has significant implications. It is my view that current theorising about other animals focuses too heavily on their experiential welfare and not enough on what animals do and the normative significance of what they do. Though I agree with Milburn that all animals have a right against being killed and made to suffer, a full ethical analysis of our relations with other animals must also consider their (equally weighty) interest in self-determination.

Keywords Agency · Self-determination · Animal companions · Animal rights · Wild animals · Just Fodder

Introduction

In *Just Fodder: The Ethics of Feeding Animals*, Josh Milburn works through the ethical implications of humans feeding animals in a variety of contexts, including what we feed animal companions, whether we're permitted to feed (or refuse to feed) free-living animals in our gardens, and whether we have duties to feed wilderness animals or prevent them from feeding off one another. The framework developed by Milburn is a *rights*-based view that defends *relationship*-based positive duties towards animals. According to this picture, though all sentient animals have a basic right not to be killed or made to suffer by humans, the positive duties that we have towards particular animals are conditioned by the nature of

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our relationship with them. This means that while all animals may have a negative right not to be killed *by us* or made to suffer *by us*, we do not have a positive duty to feed all animals. Indeed, according to Milburn, we only have positive duties to feed those animals whom we have knowingly made dependent upon us and thus for whom our not feeding them would involve the infliction of suffering on them by us. Consequently, we have no general positive duty to feed animals (or protect them from being food for other free-living animals) who are not dependent on us for food because those animals have no moral claim against us: it might be good for us to feed wild animals in need, but insofar as we are not the cause of their inability to feed themselves, we are under no moral duty to assist.

Milburn thinks through the implications of feeding animals by focusing on the relationships between humans and three different groups of animals: (1) animal companions; (2) animal neighbours; and (3) wild animals. In my comments, I will concentrate on how the actions and agency interests of these animals problematise some of Milburn's assumptions and normative prescriptions. My overall aim is to show how giving animal agency more prominence in our thinking about what we owe to them has significant implications. It is my view that our current theorising about other animals focuses too heavily on their experiential welfare and not enough on what animals do and the normative significance of what they do. Though I agree with Milburn that all animals have a right against being killed and made to suffer, a full ethical analysis of our relations with other animals must also consider their (equally weighty) interest in self-determination.

Companion Animals

Some animal rights advocates have argued that justice demands we abolish animal exploitation and bring an end to domestication (e.g., Francione and Charlton 2015). Early in his book, Milburn appears to accept recent rejections of this abolitionist position because "a commitment to ending human 'use' of animals leads to bizarre and unsavoury conclusions about the extinction of domesticated animals and the end of mutually beneficial human-animal relationships" (2022, p.8). This critique of abolitionism is most influentially developed in Sue Donaldson and Will Kymlicka's *Zoopolis* (2011) where they argue that our relationships with domesticated animals need not be exploitative and oppressive and that those animals have just as much of a right to live in our societies as we do. Milburn finds much to agree with in Donaldson and Kymlicka's account, such as the claim that human-animal companionship is mutually beneficial, that fostering dependency and vulnerability in companion animals is not necessarily wrong (Milburn 2022, p. 53), and that using animals can be compatible with their interests and their status as ends-in-themselves (ibid., pp. 39–40).

In my view, the implications of abolitionism are neither "bizarre" nor "unsavoury". Being vulnerable and dependent on others is an immutable fact of animal existence. However, not all vulnerabilities are natural or morally benign, and many of them are caused or exacerbated by existing social arrangements (Goodin 1986, p. 192). And when vulnerability and dependency are fostered in the context of an asymmetrical relation of power, *they are* morally objectionable (Goodin 1986, p.195).

Relationships between humans and domesticated animals are inherently asymmetrical: a domesticated animal is always vulnerable to the whims and vices of their human guardians, while the human guardian is not similarly vulnerable to the domesticated animal; a domes-

ticated animal is always dependent on their human guardian for the fulfilment of their basic needs, while the human guardian is not dependent on their domesticated animal in this way; and humans always have discretionary control over what a domesticated animal does, how the animal is treated, whom the animal interacts with, and whether the animal has access to basic goods. Domesticated animals do not enjoy this kind of control over their own lives or the lives of their human guardians. This means two things. First, the practices and processes of domestication are at odds with domesticated animals' most basic interests, including their interest in having more control over the shape of their lives. Second, domesticated animals are always vulnerable to harm and exploitation because humans always have the power to harm and exploit them. Therefore, domestication *creates* morally objectionable forms of vulnerability and dependency that ought to be prevented by not bringing more domesticated animals into existence.

So much for my thoughts on abolition. Why is this relevant to Milburn's proposals on the ethics of food? Because, as Gary Francione has persuasively argued, many of the perceived moral conflicts involving animal rights are conflicts largely manufactured by our incessant desire to use other animals (Francione 2008). Take, for instance, some of the ethical conundrums regarding what (or who) we feed to our animal companions: Is it permissible to feed our animal companions the bodies of other animals? Is it unnatural to deny our animal companions meat? Is it permissible to let our animal companions kill and eat other free-living animals? Though Milburn is keen to offer us answers to these questions, his rejection of abolitionism means that he never stops to consider the cause of these moral predicaments. Namely, that the conflict between the interests of our animal companions in eating and the rights of the animals that would be their food is a *manufactured conflict*: we would not be in this moral mess if humans hadn't persisted, and continue to persist, in bringing millions of needy and hungry animal companions into existence.

Though I generally agree with Milburn's account of special obligations to our animal companions, I would like to see a more rigorous and balanced engagement with the abolitionist analysis of the moral situation facing us and the abolitionist solution. In short, Milburn needs to explain why we are morally permitted to keep creating or allowing animal companions to reproduce when doing so has significant costs for those and other animals. In my view, we must recognise that the ethical dilemmas raised by companion animal diets are problems of our own making that we have the power to resolve by, at the very least, not creating more animal companions who require meat to flourish.

Even if I'm right about abolitionism (and I accept that this view is currently unpopular), we nonetheless must decide how to treat and feed the animals who are already here. So, at this juncture, I'd like to challenge Milburn's claim that though "[i]t would undoubtedly be good of a guardian, ceteris paribus, to facilitate a companion's dietary choice insofar as she is able, […] such a thing would be supererogatory – though good, it is required neither by justice nor morality" (2022, p. 65). Milburn's basic claim is that human guardians only have an obligation to provide an appropriate and healthful diet for their companions, and they are under no moral duty to ensure that their animal companions get what they prefer to eat, get a variety of foodstuffs, or have the opportunity to experiment with different foods. To illustrate the general point, Milburn gives us the following example:

> I see no necessary wrongdoing on the part of the guardian who feeds their dog ample, healthful food for the whole of their relationship, but never offers her a treat, even though it is known that the dog likes treats.
>
> (Milburn 2022, p. 65).

Contra Milburn, I think that a person who exhibits total control over his animal companion's diet, ignores her expressed preferences, and feeds her the same food every day for her whole life does do something wrong. This is because companion animals have (or could have if appropriately supported) a *right* to determine for themselves what they eat, when they eat, where they eat, and with whom they eat.

To say that an animal has a right to self-determination within a certain domain is to say that they have "a right that their will be recognised as *normatively authoritative* within that domain (e.g. Shiffrin 2000; Groll 2012). Put simply, this means that the agent's will ought to be regarded as decisive, such that it is generally impermissible for others to interfere in the agent's choices or actions" (Healey and Pepper 2021, p. 1226). Thus, human guardians who ignore the will of their animal companions and thwart their ability to act as self-determining creatures do something morally wrong. In the context of food, many companion animals have the capacity to be self-determining and so they have a claim against their human guardians that (where feasible) they be given more choice and control over what they eat.

Milburn (2022, pp. 63–65) is right that obesity in animal companions is a moral problem and so I should not be misunderstood as suggesting that *all* animal companions should have complete control over what, when, where, and with whom they eat. Where individuals are attracted to toxic foodstuffs or are prone to overeating, some measures may need to be put in place to stop them from harming themselves.[1] However, where individuals have the competency to make decent food choices, their ability for self-determination in that context should be respected. Moreover, we should strive to enable agency in our companions and develop their nascent capacities for self-determination. To do this in the context of food, we should be 'scaffolding' the food choices of companions so that they can make meaningful choices on their own (Donaldson and Kymlicka 2016, pp. 185–190). This means that we are obligated to expose our companions to more variety in terms of what, when, where, and with whom they eat.

Neighbourhood Animals

The second group of animals that Milburn discusses are neighbourhood animals, defined as "those urban and suburban animals who live among us, without being part of our household" (p. 18). Just as we may want to be friends with some of our human neighbours, or are indifferent to them, or actively dislike them and seek to ignore or exclude them, the same is true of our animal neighbours. Milburn suggests that it is morally permissible for us to extend invitations of hospitality to those animal neighbours that we regard (or would like to regard) as friends, while not extending the same hospitality to those animal neighbours that we regard as our enemies (pp. 85–91). This explains why we are permitted to feed some ani-

[1] I think there are questions to be asked here about whether obesity is caused solely by overeating or boredom, lack of opportunity to exercise, limited capacity for exercise given physical impairment caused by irresponsible breeding practices, and so on.

mals in our gardens or public spaces while refusing to feed others. Moreover, Milburn suggests that the thicker the friendship relation – e.g., the more dependent our animal friends are on us for food – the more likely we are to incur a moral responsibility to keep feeding our animal neighbours (pp. 92–95).

For current purposes, I want to concentrate on Milburn's claim that "[w]e do not gain a special responsibility to protect those – human or animal – who enter our spaces uninvited" (p. 101). This means that unless we *intend* to extend hospitality to some individual, we cannot be responsible for any dependency that they may subsequently come to have on us.

Central to Milburn's view is the assumption that the host's intentions matter and that whether we have special obligations to animal neighbours depends solely on whether we choose to take such obligations up. This is perhaps true in the human case, but I am not convinced that other animals cannot impose obligations on us through their wilful action. To see why let's consider an example:

> *Boris the Sparrow Lover:* Boris loves watching sparrows in his garden. In order to encourage sparrows into the garden, he always makes sure that there is ample seed in the bird feeders and attractive nesting spots. Boris dislikes squirrels because they pilfer the food he puts out for the sparrows, and they make noises that he finds unpleasant. Boris tries all kinds of ways to prevent the squirrels from dining in his garden, but they find ingenious solutions to all the deterrents he puts in place. Over time, both the sparrows and the squirrels in Boris's garden come to depend on the food he puts out.

If I've understood Milburn's position correctly, then it seems Boris has come to acquire special obligations to the sparrows (whom he views as friends) but not to the squirrels (whom he views as his enemies). The squirrels are uninvited guests, and this means that Boris has no special obligation to them, irrespective of how dependent on him they are for food. One consequence of this view is that should Boris finally be able to outsmart the pesky squirrels with some squirrel-proof (but sparrow-friendly) feeding solution, then he would be morally permitted to utilise that solution and thereby exclude the dependent squirrels from meals in his garden.

This does not seem right to me. The sparrows and squirrels have no understanding of the normative distinction that Milburn draws between friends and enemies, and both sets of agents have desires and preferences that lead them to Boris's garden. While Boris may think that by placing nuts and seeds in his garden, he is inviting *only* sparrows, this is not a normative fact that either the sparrows or the squirrels can understand. Put simply Boris cannot make normative invitations (or exclusions) to non-moral agents because they are unable to understand such invitations (or exclusions). By placing nuts and seeds in his garden he is in effect welcoming all nonhuman neighbours with an interest in nuts and seeds!

Milburn suggests that Boris could come to have duties to his friends the sparrows if he creates a relationship of dependency (p. 92). Imagine that Boris lives in a climate inhospitable to sparrows which makes it difficult for them to access food and water. By providing a steady supply of both, the sparrows come to depend on him to meet their basic needs. In this scenario, Boris would have, according to Milburn, a special obligation to keep feeding "his" sparrows. But why does he not incur a similar obligation to the squirrels if they also struggle to find food and water and have also come to depend on him? The relevant fact, it seems to me, is not that Boris likes sparrows and not squirrels but that he has acted in ways

that have created a dependency relation. The fact that Boris regards squirrels as his enemies and he does not extend an invitation of hospitality to them is neither here nor there. Through the exercise of their wilful agency, the squirrels (and not just the sparrows) have become dependent on Boris, and this imposes duties upon him even though he does not *choose* to incur those duties.

Moreover, if we think back to Francione's astute insight that humans are largely responsible for manufacturing our moral dilemmas regarding animals, we might think that one simple solution to avoiding Boris' predicament is that we don't start feeding free-living animals in the first place. If Boris had never fed the sparrows, he would not have risked encouraging the squirrels. It is a fair assumption that if you put food in your garden, you are likely to attract a number of animal neighbours – some whom you would like to be friends with and some whom you regard as enemies. That is a risk that you take. If you want to feed some free-living animals, and potentially develop a relationship of dependency with them, then you have to accept the cost of being in a similar relationship with other animals that you may be less keen on. If that's a cost that is too much to bear, then you should not start feeding any animals. Problem solved.

Wild Animal Refugees

In Chap. 6, Milburn turns his attention to the issue of wild animals in need of aid or, as he puts it, wild animal refugees. Think for example of wild animals who are injured, diseased, or orphaned and who will die or suffer terribly without human assistance. If these animals are discovered by us then they may find themselves in the care of a Wildlife Rescue Centre (WRC) which will seek to rehabilitate the animal, and where possible release them into the wild.

Milburn defends the controversial argument that WRCs are under a duty not to release predatory animals:

> This is because the involvement of rescuers in these animals' lives places significant responsibility for the animals' subsequent actions on the heads of humans. Released predatory animals will, in all likelihood, put significant (metaphorical) blood on the hands of rescuers – respect for the rights of the animals that these predators would kill and eat means that they should not be released.
>
> (Milburn 2022, p.19)

The basic argument is that since predatory animals are likely to kill and eat other animals, WRCs have a moral duty not to release those animals into the wild. By releasing predators into the wild WRCs *inflict* harm or risks of harm onto unwitting prey animals who, as we saw at the start, have a right against us harming or killing them.

To evaluate this argument, let's begin by looking at the right of prey animals that are supposed to place WRCs under a duty to not release rehabilitated predators, namely, the right not to be harmed by humans. Though I agree that prey animals have this right, whether the right places humans under a duty to indefinitely detain predators is contestable. If it were the case that we had such a duty, then presumably we would have similar duties to not make friends with predators such as sparrowhawks, foxes, kestrels, badgers, racoons etc.,

and refrain from extending hospitality to those animals. Yet this is something that Milburn suggests is permissible in his discussion of animal neighbours (2022, p. 102). This contradiction raises the following question: if it's permissible for us to sustain and improve the life chances of predatory animal neighbours by feeding them in our gardens, why is it not similarly permissible for WRCs to rehabilitate and release injured, diseased, or orphaned predatory animals? I can see no moral difference between these cases so insofar as one is permissible, so too is the other.

Imagine that Milburn is prepared to bite the bullet here and say he was wrong about feeding predators and that too is ruled out by the negative rights of prey animals. And let's further grant, for the sake of argument, that prey animals do have a claim against WRCs that they do not release predators, does this mean that WRCs have a *duty* to detain the predators that they rehabilitate? I think the answer is no. The problem with Milburn's analysis is that it considers only the rights of the animals in the wild and not those of the animals in captivity.

Think for a moment of what permanent captivity means for a formerly free-living animal: they will be kept in a relatively small enclosure that they are not free to leave; they may be separated from the habitat and other animals that they know and value; they will have their opportunities for new social relationships severely limited; they may be objectified and harassed by paying visitors; their ability to display a wide range of natural behaviours will be diminished including hunting (Regan 2004, p. 92); they may suffer from psychological disorders common to long-term captivity; they will have very little control over their lived experiences; they may be euthanized if their care is too costly; and so on. All of this suggests that indefinite captivity will be very bad for predators, violate many of their rights, including their rights to self-determination, and will arguably be worse than death for some of them (for a similar analysis in the context of zoos see Pepper and Voigt 2021, § 3.3).

This means that we have a conflict of rights between the prey animals' right to not be killed or made to suffer by humans, and the predatory animals' right to be self-determining as well as their right not to be killed or made to suffer. Milburn's argument assumes that the rights of prey animals will trump those of the predators, but I don't think this is the case for two main reasons.

First, utilising Milburn's framework it seems like we have a stronger obligation to the predators in captivity than we do to prey animals. This is because once a wild animal finds themselves in a WRC, they are in a close relationship with the humans responsible for their care. Consequently, the humans working in the WRC have stronger positive and negative duties to the predatory than to the prey animals who are at risk of being harmed if the predator is released. As such, and following the logic of Milburn's own argument, we might argue that WRCs have stronger duties to protect the rights of the predatory animals in their care than to the prey animals whom they are only distantly responsible for, and thus they must release predatory animals wherever possible.

Second, setting aside the relational dimension of Milburn's view, we might argue that there are no grounds to prioritise the interests of prey over the interests of predators. Prey animals do not *deserve* better lives than predators, and predators do not *deserve* to be punished for what they are constitutionally driven to do as "a consequence of biology, rather than ideology" (Milburn 2022, p. 29). Moreover, I would argue that respecting the right to self-determination of all wild animals requires accepting that animals may come to harm as a result of being free to determine the shape and direction of their own lives in a hostile

world. Freedom always comes at a cost and that is as true for nonhuman animals as it is for us.

Concluding Thoughts

In these comments, I have sought to show how taking animal agency seriously problematizes the ways in which Milburn conceptualizes human-animal relationships and challenges some of his moral recommendations for how we should treat other animals. However, my critical remarks against the central arguments in *Just Fodder* are a testament to Milburn's accessible writing and enthusiasm for the topic. The book does an excellent job of marrying together insights from animal ethics, food ethics, and the philosophy of food, and of setting out a systematic approach to addressing the many ethical challenges associated with feeding animals. With increasing public interest in animal issues and increasing numbers of animal companions, I am sure that this is only the start of the conversation.

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Declarations

Conflict of Interest The authors declare that they have no conflict of interest.

References

Donaldson, Sue and Will Kymlicka. 2011. *Zoopolis: A political theory of animal rights*. Oxford: Oxford University Press.

Donaldson, Sue, and Will Kymlicka. 2016. Rethinking membership and participation in an inclusive democracy: Cognitive disability, children, and animals. In *Disability and political theory*, eds. Barbara Arneil, and Nancy Hirschmann. 168–197. Cambridge University Press.

Francione, Gary L. 2008. *Animals as persons: Essays on the abolition of animal exploitation*. Columbia University Press.

Francione, Gary L. and Anna Charlton. 2015. *Animal rights: The abolitionist approach*. Exempla Press.

Goodin, Robert. E. 1986. *Protecting the vulnerable: A re-analysis of our social responsibilities*. Chicago: University of Chicago Press.

Groll, Daniel. 2012. Paternalism, respect, and the will. *Ethics* 122(4): 692–720.

Healey, Richard, and Angie Pepper. 2021. Interspecies justice: Agency, self-determination, and assent. *Philosophical Studies* 178(4): 1223–1243.

Milburn, Josh. 2022. *Just fodder: The ethics of feeding animals*. Montreal and Kingston: McGill-Queen's University Press.

Pepper, Angie, and Kristin Voigt. 2021. Covid-19 and the future of zoos. *Les ateliers de l'éthique/The Ethics Forum*, 16(1): 68–87.

Regan, Tom. 2004. *The case for animal rights*. Berkeley: University of California Press.
Shiffrin, Seana Valentine. 2000. Paternalism, unconscionability doctrine, and accommodation. *Philosophy & Public Affairs* 29(3): 205–250.