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Anti speciesism. Challenges for a fair relationship between humans and
other sensitive species in the face of political liberalism

Thovex, Laura

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ANTI SPECIESISM

Challenges for a fair relationship between humans and other
sensitive species in the face of political liberalism.

Supervising : Emmanuela Ceva
Jury : Michele Bocchiola

Laura Thovex
Student ID : 17305863

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Abstract

In a politically liberal state, antispeciesism is confronted with the pluralism of opinions and the possibility of justifying the relationship between humans and other sentient animal species differently. Nevertheless, the possibility for all opinions to be expressed does not mean that they are all legitimate in the face of science and ethics. This means that in the case of non-human animals which are sentient beings this means that almost all legitimate opinions are antispeciesist. Of course there are nuances within the antispeciesist which brings different answers to respect the interests of all sentient beings with regard to their life, their comfort and their freedom, especially for non-human animals whose interests are rarely respected. Thanks to antispeciesist theories, it is possible to propose several solutions to respond to issues that involve humans as much as the other species they encounter, such as captivity, euthanasia, medical experiments or any other situation where humans currently use other species. Thus it will be possible to establish a kind of contract that will govern the relations between humans and other species whose interests are currently ignored by humans based on what is right and what is important for humans. Of course, it is impossible to know if other species would agree with this human reasoning but it is currently the only way to imagine a fairer relationship between different sentient beings. It must therefore be kept in mind that the proposals are in themselves anthropocentric despite an anti-speciesist will, these solutions are therefore imperfect lines of thought.

Introduction

On the earth, there are approximately 8.7 million animal species apart from bacteria and each of these species can have many more individuals than the human specie. For example, ants formed a group of more than a billion billion individuals as indicated on the French government's science portal (Bibliothèque municipale de la ville de Genève, 2014). However, the only 7 billion human beings killed in 2019 around 380 billion for their consumption according to the association L214 (L214, 2019), and each year the same number of sentient beings are exploited for human use. About 56% of the human population owns pets that have become entirely dependent on humans for their survival. This domination of humans over other animal species comes from the psychic inability of other species to counter the human species. Thus, already several thousand years ago humans assumed that all other species did not have consciousness, maybe even not the same physical constitution as Kant asserted, who equated non-human animals with machines (O'Neill, 1998). In fact, if non-human animals have no consciousness or even no sentience then there is no harm in using them. That said, not all humans agreed with this view of the animal object even without empirical evidence, already two thousand years before our era. During ancient Greece, Empedocles, Pythagoras or Porphyry of Tiro thought that there were not as many differences between species as humans wanted to believe and imposed themselves not to eat animals (Létourneaux, 2005). Thus, these philosophers were already asking themselves the question of the legitimacy of the use of non-human animals by humans. This position of biological equality between animal species has been empirically proven since the end of the 20th century and defenders of the rights of non-human animals have used this scientific argument in addition to ethical arguments to justify the need to no longer make discriminatory distinctions between species.

Since the end of the 20th century, the fact of defending and living on the principle that there is no hierarchy between sentient species (which have nerves allowing them to feel pain) and that it is therefore morally unacceptable not to treat all sentient beings the same way we treat human beings is called anti-speciesism. Anti Speciesism is opposed to speciesism which is the fact of categorizing animal species, it is always accompanied by anthropocentrism which consists in putting

man above all living species. Humans distinguish between two branches : humans and other animals, the human species considers that man is superior to other animals on a single criterion : consciousness. This position is also sometimes referred to as "humanist". For philosophers like Plato, this phenomenon is not surprising, it results from a narcissistic process present in all species. Plato explains that "nous demeurons structurellement voués à opérer des distinctions" (De Fontenay, 2009, p.19) which can be translated as we remain structurally attached to making distinctions. He also says that

Mettre l'homme à part du fatras de tous les autres animaux, c'est une décision du même ordre que de mettre les Grecs à part des barbares, et c'est exactement ce que ferait une grue, si elle était douée du logos de la faculté de raisonner et de parler : elle mettrait son espèce à part de toutes les autres, y compris de l'espèce humaine car, chez tout vivant capable de logos, il y a une irrésistible propension à l'"auto-centrement" et même à l'"auto-vénération". (De Fontenay, 2009, pp.19-20)

This means that separating man from all other animals is a decision of the same order as distinguishing the Greeks from the barbarians, and this is exactly what a crane would do, if it were endowed with logos. She would distinguish her species from all others, including the human species, for in all living beings capable of logos there is an irresistible propensity for 'self-centrism' and even 'self-adoration'. Then he adds that narcissistic self-awareness and the uniqueness of one's species are at the origin of the faults in logic. So humans make distinctions because of the ability to reason and speak, but they also have the capacity to impose the distinction on other species which is the main problem if we can't prove that other species can also have some form of reasoning (De Fontenay, 2009).

As a result, anti-speciesism proposes to rethink the relationship of humans to other animals by changing their status and the rights that go with it. But even among themselves the anti-speciesists do not agree on how men should view other animals. This is because there are different levels of anti-speciesism and my aim here is to discuss which one is morally desirable and coherent with a state-nation divided world, especially in states where political liberalism allows multiple opinions and justifications : which type of contracts are fair to govern relationships between

humans and other animals. By fair relation I mean a relation where the particular situation of species and individuals are taken into account so that they are not treated the same way. This is the opposite of the egalitarian principle where each individual is treated the same way even if it could generate different consequences for individuals that may be positive for someone and negative for another (Rawls, 1971). For example if a state creates a law which says every animal needs to be fed at will, it will be perfect for cats or humans because they know how to regulate but it will not be fair for dogs who will eat too much all at once and get sick afterwards.

In order to answer this question I have to define which type of contract is the best to rule the human-animal relationship. Then I will discuss which level or which approach or which way of thinking anti-speciesism is the most desirable to be fair to animals in a non-ideal world. Finally, the central part of this work will consist of detailing issues and fairest contract as a solution for each category of nonhuman animals according to their relationships with humans.

Chapter 1 : Anti Speciesism and Political Liberalism

Insofar as I wish to think of the relationship between humans and other sentient beings as a relationship that brings justice, I have to find what form of antispeciesism is most relevant in terms of public ethics. Antispeciesism is basically the fact of not making any differences between all sentient beings because the contrary will be a discrimination based on a subjective criteria like gender or color (Universalis, 2022). But as I said before this is not a fair way to think about the relation between animals, this is why people who worked on the subject have nuanced the definition. Many of these nuances can be defensible in public justification, as we will see thanks to the work (book) of Federico Zuolo : *Animals, Political Liberalism and Public Reason* (2020). But first, let's define the three major currents of animal rights advocacy and find which one would be acceptable in public ethics.

1 - 1. Level of anti speciesism

In animal defense, the first approach which is the least restrictive for humans and the least advanced in terms of rights for other species is the welfarist approach. The welfarist position which wishes to "improve" the living conditions of non-human animals without affecting their condition as exploited individuals cannot be considered antispeciesist because it does not defend any ethical position and any fundamental rights, in particular the right to the life. Indeed, if one considers that it is discriminatory and unfair to make distinctions between sentient species/individuals then killing, manipulating, coercing or using individuals without their consent is not morally acceptable (Donaldson and Kymlicka, 2011). On the other side of the antispeciesist scale is the abolitionist also called animal liberation position. Their argument is that all non-human animals were free and independent before they had contact with humans and that the fairest position would be for them to become so

again. For abolitionists it is necessary to release all non-human animals into the wild regardless of their status with humans to make all species equal in face to freedom. This rather deontological position (only the intention of justice counts without taking into account the consequences) poses a problem if we wish an ethical response to the way in which one should consider non-human animals.

The abolitionist position is opposed to the consequentialist point of view and is ethically questionable since releasing all non-human animals could have harmful repercussions on a majority of them. Domestication by humans has made many species and individuals completely dependent on humans for food, self-defense, shelter, and so freeing them from human intervention would mean certain death. Is this really fair ? Does the human being have the right to exonerate himself from all responsibility in the death of other sentient beings on the pretext that he has given them back their original freedom and that freedom is an important right in the justice of men? Some Anti-speciesists agree that the abolitionist position is not much fairer than the welfarist position because if we do not differentiate between species then it is not fair to let an individual die if the blow to keep it alive is not too high for humans (Donaldson and Kymlicka, 2011). After all, enshrining rights for nonhuman animals in human law to act the contract does not cost humans much, except the duty to respect those rights. Under no circumstances are humans asked to put the life of other species before their own.

The intermediate position is that of animal rights, but what rights? After Peter Singer, Donaldson and Kymlicka are the first to devote an entire book of political theory to nonhuman animals and the relationship humans must have with them to be as just as possible. This book, *Zoopolis*, which wants to go even further than just granting rights to non-human animals, was the starting point for my thinking. The authors propose an interesting categorization between nonhuman animals : wild, liminal and domesticated. For wild animals, like all anti speciesists, Donaldson and Kymlicka agree that we must not intervene in their lives, therefore prohibit hunting and protect them from the dangers created by men. Since wild animals have no fixed territory, move constantly to feed, they always interact with human structures that extend ever further into their own habitat. So humans have a responsibility to defend the species they harm as well as the biodiversity and balance of our own habitat. As for liminal animals (neither wild nor domesticated but inhabiting and nourishing

themselves thanks to human activity), which the authors divide into several subcategories, rights and control can be applied to them in the same way as for humans. Donaldson and Kymlicka “compare” liminal animals to immigrants/expatriates who do not have as many rights as citizens and whose flows can be regulated by States legally and above all without doing harm. States have, for example, the right to refuse to grant a residence visa or to return home individuals who have not respected their visa. For liminal animals that are not wanted in human society, a proposed solution is to hide potential food sources to keep them away from human structures and avoid injury. Finally, the case of pets is the trickiest. The authors of *Zoopolis* wish to make domestic animals citizens since they live fully in human society. This part is the one that convinces the fewest thinkers since citizenship induces rights but also duties and therefore cognitive capacities and a typically human education. Even if it is true that some humans do not have these capacities (as often mentioned by anti-speciesists), they have the potential because of their human constitution (Audard, 2016). Furthermore, if we can educate pets to make them respect some rules, this is not so easy because their nature cannot always fit with human expectation. For example, the problem domestic animals that are carnivorous, particularly cats so they have to kill other sentient being or human have to do for them so the right ok like of small animals or livestock cannot be respected (Palmer, 2013). In these circumstances, how can the vital needs of these domestic animals be ensured without affecting the right to life of other species? Shouldn't we then find another way to grant rights to animals to avoid their exploitation without associating as many constraints as to citizens? These are only few issues that will need to be addressed to find an agreement on the rights that can be granted to non-human animals.

Donaldson and Kymlicka's approach is very interesting in its way of separating nonhuman animals into categories so as to grant them rights in the most equitable way possible, but the criticisms made of it deserve to be taken into account. Everyone cannot agree with this view of non-human animals citizenship but their vision for wild and liminal animals is in accordance with the fact that sentient beings cannot be killed or harmed because of humans. I would therefore adopt the point of view of animal rights theory, which is in the same direction but is less rooted in human rights than the *Zoopolis* proposal, and which takes into account the fact

that many contracts between humans and other animals may be fair and justifiable. Above all, I would try to detail as much as possible the categories of non-human animals, the relationships they have with humans and therefore their needs in terms of rights and protection.

We will see in part 3 - a the antispeciesist theories or simply the defense of animal interests that are legitimate from the perspective of public justification in a context of political liberalism. These theories all have an intermediate position, i.e. neither animal liberation nor solely welfarist. But first let's see what relationships and contracts can exist between humans and non-human animals.

1 - 2. Relationship and contractualism in sentient world

If we admit that certain human behavior towards other animals poses an ethical problem, then we must establish which ones exactly and then how to change it. This is particularly important since every human being has a direct or indirect relationship with other sentient species. As between humans, legal limits must be established on the behavior of individuals towards each other (Valentini, 2014). However, the rules established between humans and other sentient beings can be considered in several forms of contract. Above all, there are two different forms of contractualism : Rawlsian or Hobbesian. Contract is a formal agreement or arrangement between two parties (groups or people) usually stated in a legal document (Dictionary Cambridge, n.d). In this work it will be an agreement between humans and other species in only one-way, so that humans respect other animals that do not make humans suffer.

From an ethical point of view, Rawlsian contractualism seems the most desirable to understand where the limits are not to be crossed in order to remain fair towards other sentient beings. Contractualism refers to the agreement towards reasonable persons to cooperate instead of fighting expensively to create a safe society. This implies a superior entity that rules the society and makes the rules respected to protect each member's interest (especially freedom and safety). Rawls thinks about this contract between men via the Kantian imperative, that is, the fact of

considering others as an end and not as a means (O'Neill, 1998). To justify this position he uses the "veil of ignorance" (Rawls, 1971), which is the fact of thinking about what we would find just as a situation or relationship between humans (in our case between any sentient beings) if we were not aware of the position we would occupy in this society (compared to the other individuals with whom we will have to live). In fact, this amounts to saying like Kant and his imperative that it is not desirable to subject others to what we would not wish for ourselves (Rawls, 1971). Applying to all sentient beings, this amounts to saying that we cannot subject another individual capable of feeling pain to a situation that we would find painful and not fair for ourselves.

Let's take a basic example : would you find it fair and bearable that a third party (like your boss or your parents) imposes on you to sleep outside on the ground for several nights in a row when you are used to having a soft mattress and a roof over your head. Another question, would you agree to treat your own children like this? a priori the answer to both questions is no and would also be no for a large majority of people with a pet if they were asked to treat their animal in this way. For this to seem acceptable for us, humans, it would probably take special circumstances that leave us no choice, such as a war that would destroy our homes, for example. Rawls appeals to an intuitive and ideal sense of justice through the veil of ignorance (Foisneau, 2006) and if one thinks through this veil including all sentient beings then not taking into account the primary needs of the animals that live with us is not fair since we are aware of these needs as for ourselves or our children. We could use this veil of ignorance for all the other animals that humans use as means, then sometimes abandon and the conclusion would be the same, it is not fair to non-human animals. Rawls conceives of justice as fairness, i.e. a treatment adapted to each person's situation so as not to harm them, conversely, Hobbesian contractualism sees only "social peace" (Foisneau, 2006) as desirable without this peace necessarily being fair for individuals living in this peaceful society.

Hobbes is much less idealistic than Rawls, instead of starting from an ideal situation to draw principles of justice from it, he starts from the empirical observation that human societies are not perfect and that human beings are selfish, guided by passions and not by reason. Thus guided by passion, the desire to be powerful, the only human desire which is power, men are at permanent war against their fellow

human beings (Foisneau, 2006). However, Hobbes is not completely pessimistic about this situation of war of all against all, he proposes common and absolute power in the form of Leviathan to pacify human societies. First of all, Hobbes separates what is political from what is religious. For him (like for Rawls), religion is not rational and no religious argument can then be considered legitimate to think about the rules of a society. On the contrary, Leviathan is the embodiment of a common power resulting from a rational pact (also like Rawls) between humans who give their power to Leviathan against the assurance of their safety and freedom. But Leviathan, on the contrary to what one might think, is not necessarily the representation of an absolute monarchy, it can be made up of an assembly of men embodying a republican state. Nevertheless, this State would have the power of a God while being mortal (because it is an institution or a human) and rational since it is both legislator and judge according to the Hobbesian conception.

For Hobbes, justice is a concept that designates respect for the laws and conventions established by Leviathan (in our modern societies therefore by the State). Moreover, for Hobbes Ethics and the State are inseparable. Contrary to Rawlsian contractualism, ethics cannot be thought outside the rules created by humans and for humans. And this is the main problem for us to think about animals right. How can we argue for justice for non-human animals without resorting to arguments concerning ethical principles independent of any form of governance and without being ideal ? Nevertheless, for Hobbes, the constraints on humans must be minimal, the contract must only protect humans via the Leviathan by guaranteeing them the freedom to live with dignity, in security and by making their own choices as long as these are compatible with security for others. This last point is more compatible with rights for animals in including them in the contract for safety. Even if Hobbes never speaks of justice and ethics because they are concepts foreign to the State of nature of Man and are for him synonymous with Leviathan, he does not advocate absolute bloodthirsty power. On the contrary, Fofana sees Hobbesian theory as humanistic, which leaves the possibility for humans to exercise their capacity for self-determination and above all to know what is good for them (Fofana, 2019).

Of course Léviathan as Rawls egalitarianism are thinking of human society and anyway we choose impose ourselves to adapt these theories to non human

animals. It is intuitively easy to apply the Rawlsian position to non-human animals because the veil of ignorance allows us to be blind to the fact that they are different humans and we can only know that individuals have the same interests. On the contrary it is complicated to think that a Hobbesian contractualism can agree with an anti-speciesist position. First, Hobbesian contractualism is made up of a hierarchy between men : those who represent the Leviathan and the others, whereas the goal of the anti-speciesists is to abolish the hierarchies as much between human beings as between all sentient beings. Second, insofar as justice is inseparable from the State, itself being a contract between rational humans: How then could we include individuals whose will we cannot know in this contract? And above all, how could we grant them rights without going through an ethical justification independent of the State since we are aiming for a public justification (opposed to principles imposed by Leviathan) ? To follow the principles of a Hobbesian contractualism, the State would have the innate will to grant rights to animals which would in fact constitute justice towards them on the basis of their relationship with humans (with less constraint because we could not sanction non-human animals for not respecting the laws, in particular the right to life). This is why we cannot consider non-human animals fully equal to humans, because they cannot fit into duties facing other species and so Hobbesian hierarchy is relevant.

In fact, one could consider that the principle of hierarchy does not pose a problem : if hierarchy is fair between humans then they could be fair between all sentient beings under certain conditions, like Rawls mentions it too. For Hobbes there is a natural hierarchy between individuals, between the strong and the weak, then after the acceptance of the contract between Leviathan and the other individuals (Fofana, 2019). Thus, this hierarchical position between individuals can justify the fact that humans have a superior position to other animals due to their ability to distinguish good from evil, to self-determine (Fofana, 2019), to organize themselves and therefore to decide what rights are granted to other sentient beings. Moreover, this idea could basically be compared to Rawls' difference principle which justifies inequalities under the conditions that each individual has an equal chance to improve his situation and if the improvement of an individual's life does not penalize that of others (Rawls, 1971). This consideration of inequalities and hierarchies between men seems more suitable for thinking about the relationships between individuals in our societies than "mutual indifference" (Fofana, 2019): thinking about

one's place in society without taking into account the position of others. In fact, as Hobbes observes, it is impossible not to compare oneself to others and a superior authority is indeed needed to regulate the "destructive feelings" (Fofana, 2019) of individuals towards their fellows (especially envy and power) which emerge from what others have that I do not have (Fofana, 2019). However, we cannot deny the desirability and relevance of Rawls' egalitarian position and perhaps the contractualisms of Hobbes and Rawls are not totally opposed and could each make their contribution to the theme of animal rights.

Basically, each new theory fed on previous : Hobbes, fed on Machiavelli (on the warlike essence of Man). Rousseau drew on Hobbes Leviathan to develop his theory of the social contract. The social contract theory has been taken up by contemporary thinkers like Rawls to determine what justice is : fairness. Rawls defines fairness as a situation where everyone is free and has an equal chance to achieve a good life and everything he wants as long as he deserves it and have it without worsening the situation of other members of his society (Rawls, 1971). So, the non idealist way of thinking the contract developed by Hobbes is relevant to work on a contract between humans who have the power to decide how they will treat other species. This one way relation is very similar to Leviathan but the justification needed to rethink the type of contract between humans and other species has to be independent of the simple will of humans and argued by science and ethics.

Then, if we think on the Hobbesian model, justice and ethics are above all the will of the State, but nothing prevents the State from desiring fairness between individuals as its will in order to maintain social peace and to include all sentient beings in it. Man remains superior to other species in the sense that he creates laws and contracts but he exercises his power for a fair purpose, in a morally desirable perspective as Rawls might think. And if Rawls chose to exclude from its contract individuals unable to give their full consent, it is still possible to include non-human animals such as humans with disabilities in a future contract (Rowlands, 1997).

1 - 3. Human thought, human context but animals' interests

Positions like animal rights start from an antispeciesist postulate, even if we can see several ways of establishing a public ethic through this idea (Donaldson and Kymlicka, 2011), I will therefore keep this position in the work that will follow. To grant rights to nonhuman animals beyond simply improving their living conditions, these animals must be sometimes considered in the same way as human beings. Thus we can find rights for non-human animals that are not based on a speciesist and anthropocentric hierarchy (De Fontenay, 2009). It is nevertheless impossible not to make a difference between the species because if it is true that some have nerves allowing them to feel pain like humans, all do not have the same physical or intellectual capacities, and not the same contact with humans. Even humans find it difficult not to differentiate between themselves based on their skin color, gender, education, wealth and other things. That said, apart from its practical considerations, it nevertheless seems intuitive that these differences are unfair and based on prejudice and not on reason (Foisneau, 2006). It is therefore possible to say that making differences between species without having reasonable and solid scientific arguments is just as unfair. We can also tell ourselves that in the future scientists could find multiple proofs that all sentient beings are identical to us from all points of view and that we must therefore remain cautious in the way we treat other species. This is why thinking about which rights are essential for non-human animals and which cannot be granted to them has to be logical, argued and reasonable (Zuolo, 2020). However, it is much more difficult not to think anthropocentrically, especially because we can only compare non-human animals issues to human situations.

Anthropocentrism has led to the subordination of all animal species to the human species, but even by restoring equality between species, how can one escape this anthropocentrism as a human? Rights were invented by humans to regulate relations between them as a “réponse stabilisatrice à un environnement hostile” (Lanfranchi, 2014, 95) which means a stabilizing response to a hostile environment. But isn't the simple fact of wanting to impose them on other species a form of anthropocentrism? How can we be sure that other sentient species want to have the rights we think they have? We must therefore keep in mind that even if we can easily imagine what is desirable for humans as for other species (Valentini,

2014), we cannot escape the fact that we remain human and that we do not think to other species through our own sense of interpersonal relationships and justice. Then we try to apply concepts that we deem fair and desirable to other species and my work is no exception. This is why I would try to keep a critical eye on my work in the manner of ideological analysis.

This method consists in studying a discourse taking into account the fact that it is anchored in a particular context, in a society which has its own values and practices and which are therefore open to criticism if one adopts an external point of view (Maynard, 2017). In the situation I want to study, antispeciesism can be seen as a form of ideological analysis of speciesist thought. As seen in the introduction humans think almost exclusively in their own interest but this is a normal phenomenon insofar as he really only knows himself and our physical and mental constitution does not allow us to put ourselves in another individuals' shoes or to think differently than as we have learned since our birth. We may think differently between humans in terms of values and practices depending on the culture we live in (Rioux, 1957), but our brains all work the same way, in a human way. That said, anti-speciesists propose to rethink our relationship with animals with this prism of equality between sentient beings, which is possible: it suffices to approach the subject as we would approach a new theory, a new culture with which we do not we may not agree but which we can conceive of as morally legitimate. On the other hand, from the point of view of ideological analysis, we can just as well tell ourselves that antispecism itself is anchored in a particular context, that of man, whereas the subject treated is the whole sentient species and that we must therefore remain vigilant in our assertions about what is morally desirable for these species. This uncertainty is not, however, a weakness (Zuolo, 2020) since we keep this ability to imagine who may or may not be desirable, we also have the ability to compare points of view and above all the ability to doubt. The latter is particularly useful for thinking about a subject that does not only concern humans and whose mysteries science cannot yet solve: what is fair for non-human sentient beings no matter how they are or who they are ? And like Zuolo suggests, as long as we follow a procedure around which almost everyone agrees : "neutral reasons", that determines which arguments and principles are legitimate, we can propose some alternative to non-human animals suffering (Zuolo, 2020).

It would seem fair to me to justify granting rights to non-human animals without resorting to scientific and empirical arguments, simply on the assumption that we don't know what they are thinking and that when in doubt we should respect them, on the Rawls (1971) model of "veil of ignorance". However, to distinguish legitimate arguments from those that cannot be justified, we need a concrete criterion: science. Federico Zuolo tells us that despite the fact that some of the evidence provided by science is itself controversial, we need a starting point to determine what is right and that if we remain rational, science can give us some answers. In particular, science can confirm or invalidate hypotheses or postulates on which animal theories are based. My work remains theoretical but I will sometimes rely on empirical scientific articles on humans and animals to support my argument.

Federico Zuolo's proposal seems interesting to me because, on the one hand, it is empirically consistent with the political reality of most Western democracies. But above all it is interesting theoretically because it goes in the direction of defending the rights and interests of non-human and sentient animals without going to the extreme of animal liberation which would induce the death of many individuals. His theory does not go in the direction of Donaldson and Kymlicka who go so far as to propose a form of citizenship for pets, Zuolo's theory remains in a form of Hobbesian contractualism where humans impose rules that will apply to other species for the good of these species without asking them (without asking them for a counterpart that they could not respect). Furthermore, Zuolo's theory is not content either to remain in a form of welfarism that would only respect the interests of minimal and superficial comforts of non-human animals. Thus, I will base myself on this theory or rather on all the theories legitimized in the liberal approach of Federico Zuolo to justify my proposals on the major issues raised by taking into account the interests of non-human animals in the face of human interests themselves.

As Federico Zuolo mentions, this does not provide a solution but a field of possibilities limited to reasonable and legitimate proposals. This effectively excludes certain visions that cannot be corroborated by science. This does not mean that the people who support these visions are excluded because they can agree to listen to other versions and change their minds or find points of agreement between their vision of animal rights and the proposals for visions defined as legitimate. On the other hand, there may also be people who do not wish to discuss this subject even if their vision is legitimate or people who simply do not have the capacity to participate,

this does not mean that it is necessary to maintain the status quo on this subject. You just have to admit that some people have more skills to find ethical solutions in a liberal context, in the same way that many of us are not able to connect a house to a power grid or to make a balance sheet. In addition, all people able to participate in a democratic process such as a vote will be able to express themselves once the legitimate solutions have been defined by competent people in a procedure of public justification. Public justification is like a debate in a liberal community where opinions are pluralistics and often inconsistent. The goal being to define which positions are legitimate because they are falsifiable and/or supported by science and then to make a decision thanks to these multiple possible positions on a subject which concerns all members of the community. As Zuolo mentioned, the work of political theory cannot anticipate the outcome of such a process and its consequences because there are too many empirical factors (Zuolo, 2020). So the only thing possible is to define at best the best solution, at worst the best solutions to be debated by the citizens. In order to do it we can ask ourselves : **to what extent can anti-speciesism help humans to rethink their relationships with non-human animals despite differing points of view on the subject?**

To illustrate my arguments I will use some examples, quotations or legal texts. I will especially use legal excerpts from Switzerland and France where animal rights are well developed, implemented and where the subject is regularly debated in the media and in politics thanks to the involvement of associations that have public weight and impact. Furthermore I can speak about these countries and their relation to NHA knowingly, which would not be the case for other liberal democracies.

To conclude, I am forced to apply human theories like anti-speciesism, contractualism or rights to other animals, but not anyhow. First I have to keep in mind I want to work on fairness but I don't know what my subject (non human animals) think about it and they cannot say it to me. Second I cannot make a consensus in wanting to attribute rights to all sentient beings but I have to respect general (not universal) principles validated as legitimate by main reasonable humans (in liberal society at leasts) to defend this fairness in the relationship between species. Finally I want to say that I will use sentient beings, sentient species, sentient individuals non-human animals, other species, or just animals as synonyms for all animals

possessing nerves but who are not humans. Moreover, for the following I will use the abbreviation NHA to talk about non-human animals for the sake of efficiency.

Chapter 2 : Legitimacy in political liberalism¹

I previously talked about legitimate arguments that are required for public justification which means arguments have to be potentially acceptable for everyone. So, these arguments have to be based on irrefutable evidence that no one can contest but people can usually draw different conclusions based on this evidence. For example, we imagine that a plane have 2% chance to crash but you have 99% to die in a crash, in the contrary you have 15% chance to have a car accident but only 30% chance to die in an accident. Some people will conclude it is safer to travel by plane than with a car because 2% is very low compared to 15%, and other people should conclude that it is better to take the car because the chance to die is lower. That's why, in the same sense as Kymlicka and Donaldson, Zuolo fixes several theories between welfarism and animal liberation, all equal dealing with legitimate ways of treating nonhuman animals. In our case the proof is that animals have nerves so they feel pain, sometimes they have self consciousness and as so they have interest to not suffer.

2 - 1. What is legitimate according to Zuolo's perspective

The first issue to be resolved is what approaches are legitimate to granting rights to NHA. From Federico Zuolo's perspective and following his recommendations on what makes an argument or principle legitimate, there are five reasonable and permissible ways to think about the status and potential rights of nonhuman animals. First of all, the approach of animal subjectivism assigns them a moral status according to the capacities of subjectivity of individuals. So, no matter the form of intelligence or degree of ability, all animals have the same basic rights because judging abilities from the perspective of humans would be disrespectful to other life forms and intelligence (Zuolo, 2020). Donaldson and Kymlicka fit into this perspective by granting negative rights to NHA. For the authors, NHA capacities of

¹ Zuolo, F. (2020). *Animals, Political Liberalism and Public Reason*. London : Palgrave Macmillan. This book will be used in this chapter but also for all this paper as a reference to define what is fair and legitimate or not for non-human animals.

subjectivism also give them the possibility to make their own choices. This is why they need basic rights, especially life, freedom, and health like humans give to foreign residents in a democratic nation state without giving homework to the NHA who are not capable of doing so (Donaldson and Kymlicka, 2011). This ethical approach, however, raises the question of what we are supposed to do with animals that do not possess subjectivity. Despite this, this approach, like the next four, is compatible with the formal epistemic norm (FEN: possibility of contradiction) and the substantive epistemic norm (SEN: compatibility with science) (Zuolo, 2020).

Secondly, the pathocentric approach justifies granting rights to non-human animals by the fact that they have the same capacity as us to feel pain. This approach mixes utilitarianism and consequentialism: moral status is granted to NHA because mistreating them results in suffering and that this suffering is worthy of consideration (Zuolo, 2020). Singer utilitarianism which advocates the maximization of interests' satisfaction fits into pathocentric perspective. If we include NHA, this means that humans have to satisfy a maximum of NHA's interests because their are sentient, numerous and present everywhere in human lives. Singer is the father of traditional animal rights theory (ART) that defends NHA protection from remediable and anticipable threats by humans even if they are indirect (because these threats are created by humans) (Donaldson and Kymlicka, 2011). Interest for Singer is only to avoid pain but for McMahan NHA like humans have an interest in life and cannot be killed (McMahan, 2008). Currently we can even say that this approach has an egalitarian component in the sense that each sensitive being has a moral weight, the problem is that if all animals do not have the same ability to feel pain then they are treated differently so they are not really equal according to Singer view (Zuolo, 2020).

The relationalist approach, on the other hand, attributes rights to NHA according to the relationship they have with humans. Our capacity for empathy allows us a moral extension to the people around us and can also extend to other sentient beings. We are respectful of our relatives because they are important to us (Humans or other species). In addition, the fact that we have relations with NHA comes from the fact that they contribute to our society and must therefore be remunerated or at least considered (Zuolo, 2020). Valentini and Palmer evoke this

special relation respectively through dogs and cats who are animals closest to humans (Valentini, 2014) (Palmer, 2013). Valentini uses a liberal associative justice which doesn't provide a definitive solution (like Zuolo) to take care of dogs but tries to imagine what is fair for dogs according to what seems fair for us. This is why Valentini highlights the skills needed for humans to properly treat their pets just as Zuolo discusses the need for theoretical skills to define what is right for NHA (Valentini, 2014). In the same way, Palmer talks about carnivores like cats who need to be protected due to their strong relation with humans but not at any price because they are destructive for ecosystem balance. In fact in relationalist theory pets have more rights and more protection because they have daily contacts with humans but wild and liminal animals have also interests that have to be respected. This is why pets' freedom can be restrained by sterilization or indoor life (even by alimentation change) (Donaldson and Kymlicka, 2011) (Palmer, 2013). That said, this approach is somewhat discriminatory since the consideration from humans could differ greatly depending on the relationship of each NHA with us because each human have a different relation with the pets they have or not (Zuolo, 2020).

The environmentalist approach is both holistic and individualistic because it attributes a moral status to each living being, even insensitive, because all forms of life must be protected in order to preserve the unity of nature and ecosystems. As a result, the preservation of the natural balance may require individual sacrifices and this poses a problem in terms of ethical justification: who is sacrificing, which life is worth less than the others? Individuals are not protected per se but for the role that their species has in the "modus vivendi" (Callicott, 1988) (Zuolo, 2020). However, according to Taylor the significance of the species on individuals is not necessarily discriminatory in the sense that humans are endowed with the capacity for moral judgment and are therefore able to make the distinction between treating nature/environment with the same ethical principles we apply to human without doing harm to individuals (Donaldson and Kymlicka, 2011).

Finally, the last approach is the least favorable to NHA. Indeed, the humanist approach as seen above puts the human first. While NHA may have certain protections, these should be granted based on their cooperation with humans. Inequalities are justified by the fact that humans need certain NHA and must treat

them with respect, but that NHA do not have the capacity to respect duties and therefore cannot benefit from all human rights (Zuolo, 2020). For example, Rawls pleads for compassion and humanity toward NHA not necessarily to give them rights (Schinkel, 2008). Compassion and humanity are not ethical principles but more intuitive behavior to not harm individuals who feel pain so this is hard to make sure that humans will respect this behavior in absence of formal rights for NHA. Furthermore humanists scholars usually think in a contractarian way which excludes individuals who cannot “sign” or explicitly agree to the contract (like disabled humans or NHA). But for Rowlands this is a choice and excluded individuals can be included if people that think the contract accept it (Rowlands, 1997). Nevertheless, like previous theories, compassion, humanity and contractarianism can be justified face to FEN and SEN (Zuolo, 2020).

Despite some questions or issues for each of these theories, they are legitimate because they fit with recent scientific discoveries. For example, the presence of nerves in many species which make them suffer (Donalson and Kymlicka, 2011), the ability of complex communication like for dolphins, the capacities to send humans a message from pets such as cats, dogs or birds or even the possibility of a subjectivity and a self-awareness as in primates (Jost, 2014). Furthermore, these theories can be contradicted or modified if necessary according to future scientific advances on the subject, which could in particular include/exclude certain species or simply eliminate a vision.

2 - 2. What is not legitimate

First, most religious views of animals are not compatible with recent scientific findings or the possibility of them being contradicted. Monotheistic religions see animals as creatures of God, made available by him to serve the humans he created in his image. That said, these religions are also attached to the principle of compassion in general, therefore towards animals as well. Thus, monotheistic religions are rather contradictory on the attitude to adopt towards animals and of course these visions are old, do not tolerate any questioning and have nevertheless been contradicted by science recently. It is the same for the so-called “native”

religions which have a strong relationship with all the animals which surround them but which do not hesitate to hunt and sacrifice them. Some communities say they communicate with the animals which “confirms” to them that they can use them to survive, for food or to invoke the gods (Yvinec, 2005). This is of course impossible to empirically confirm or deny.

Sometimes influenced by religion or simply by cultural habits, popular views are equally illegitimate from an ethical and scientific point of view. While some communities protect an often unique animal species, such as sacred cows in India (Ferry, 2017), most human societies use animals for multiple reasons, from food to clothing or daily assistance. Sometimes humans justify this use of animals by the fact that they have “always done it this way”, but this does not constitute a justification by ethical or empirical arguments.

Finally, some thinkers have also put forward theories that have proven to be wrong, especially the Kantian and Cartesian theories. Descartes considered animals to be machines since they were incapable of reasoning like humans can. However, it is now well established that animals have the same biology as humans or almost. Kant had a different vision, for him man should respect and be compassionate towards animals because if they were able to make animals suffer they would be able to do the same thing to their fellow human beings. But this vision cannot be legitimate since animals are not taken into account for what they are (sentient and intelligent beings) but for the bridge they represent towards humanity. Here we are not only thinking about fairness for humans but for all sentient beings. That said, certain principles of Kantian theory are interesting to re-use in thinking about non-human animals. The Kantian imperative in particular since it recommends not to use individuals as means but as ends, in other words not to do to others what we would not wish for ourselves (O’neill, 1998). This amounts to saying that we must give moral weight to individuals so that their life and the interests relating to this life are taken into account in the calculation of the interests of a society. This is what we seek to do in this work.

2 - 3. Animal interests and human concepts

Humans protect individual interests by enshrining them in law so that everyone respects those of others. For animals, it is necessary to determine the interests that matter to them by respecting the theories defined as legitimate and therefore to take into account humans in the calculation of interests. There are three important areas of interest for men, of course the right to life and the rights attached to it, freedom and finally the rights related to comfort, well-being and health.

First, we can think of the interest of the NHA for their freedom on a scale with four degrees. The first degree is to completely free all animals from human control. In the second degree, it is possible to think of a mutually beneficial relationship between humans and NHA, that is to say avoiding the exploitation of NHA, giving them a counterpart to their contribution in human societies. Thirdly, it can be considered that it is possible to use NHA only if one respects their nature, their dignity and in the last degree, it is possible to consider normal to use NHA for all human needs. Of these four visions only two are compatible with the conditions of scientificity, neutrality and inclusiveness: the second and the third. The first vision is not inclusive since it induces the possibility of death or even extinction of certain individuals and certain species. As for the last vision, it poses a problem of neutrality since we concluded previously that killing and exploiting NHA is not acceptable from the point of view of science which confirms the sentience, the intelligence of NHA and that they therefore have a moral weight from a theoretical point of view.

Second, humans identify an interest in life, the possibility of living without being threatened. Applying the same gradation scale as before gives, in the first degree, the duty to preserve the lives of all NHA even from dangers that are not created by humans. In the second degree, we have a duty never to kill the NHA in any context and the help to preserve their life is only voluntary and at the goodwill of humans. In the third degree it is permissible to kill the NHA if it is of paramount importance to do so for the survival of humans. And finally it is allowed to kill all NHA without restriction. As with freedom interests, only views two and three are acceptable from a SEN, neutral and inclusive perspective. Indeed, the first vision

would be too costly for humans and would not even go in the direction of nature since it would admit to intervening in the food chain and therefore disturbing the natural balance of ecosystems by spending money and a lot of human energy. At the other extreme, the fourth degree again raises the question of the moral weight of NHA in human decisions, but even if this weight cannot be unconditional, it must be taken into account, especially when it costs humans almost nothing compared to the clear benefit for the NHA. It is not acceptable to kill animals when there are alternatives to the exploitation and suffering of sentient beings.

The last category of interests is that of well-being and care. At the first level we find the promotion of the well-being of NHA even when they have no contact with humans. Then in the second degree there is the duty to minimize the suffering of the NHA linked to human activities. In the third degree, the duty is only to prevent the NHA from unnecessary suffering, understood to be unnecessary for the survival and well-being of humans. In the last position we can completely ignore the welfare of the NHA. In this category there is only one valid solution from the point of view of public justification: the second which does not cost humans much but has an undeniable advantage for NHA, that of not being used for comfort purposes for humans and especially not to suffer because of the actions of a single dominant species, sometimes without any reason (even inadmissible). The other three degrees pose a problem since the first is again too costly for humans and too unbalancing for nature. The last two because they admit that humans remain privileged in their own interests and admit to making other species suffer even though not making them suffer costs them little or nothing and they have as much capacity as the humans to feel and understand pain.

It therefore appears that there is only one valid solution with regard to the well-being of NHA but two solutions to be decided between for the interests relating to life and freedom. The public justification can help deciding which perspectives are not legitimate and which can be discussed but its role is not to impose a practical and legal solution. To decide between the legitimate perspectives in a liberal society, it is then necessary to use democratic tools such as voting and beforehand debates in the form of consultations, popular initiatives, or participatory budgets. Of course, for the purpose to be legitimate, the process must itself be recognized as legitimate.

2 - 4. Baseless objections

When it comes to granting more rights to NHA from an ethical point of view, the reluctance expressed is often practical or even selfish. Humans do not want to change their habits, they want to continue to see animals at the zoo with their child, continue to eat meat on the barbecue in the summer or continue to test anti-wrinkle creams on animals so as not to put women who put these creams in danger. But sometimes, beyond these considerations centered on non-vital human interests, certain oppositions are perceived as legitimate and ethical.

a - Economy

Many things would have to be changed in the habits of humans to respect the interests of other sentient beings like we will see in next parts. This would require big changes in a capitalist economy as it is likely that protecting NHA from human actions would cost a lot of money and never yield anything unlike the farming and trade of some species. However, beyond simply collapsing a part of the economy, this would have consequences for the humans who work in the sectors linked to the NHA trade. Some will lose their main source of income and this is the main argument advanced by people that criticizes rights to sensitive beings. However, ethically criticized for the difference in resources that it creates all over the world, capitalism does not lack the resources to adapt to new legal constraints. The capitalist economy could very well convert the animal sector to artificial meat or vegetable steaks, so there is no valid economic reason in the face of the ethical reasons which dictate that we no longer use sentient beings except in extreme cases where the human life is threatened (Hocquette, Ellies-Oury, Duclos, Mario, Allo and This, 2021).

The economy is the central point of capitalist economies and humans are very afraid that a change in the system will make them lose their income and with them their way of life and their comfort, especially in rich countries, gaining from globalization. If the food intended for animals raised for their meat does not come from Western countries, Europeans in particular want to eat local, biological and quality meat (Prache, Sante-Lhoutellier, Adamiec, Astruc, Baéza, Bouillot & Raulet,

2020). Thus their agriculture is very oriented towards the cultivation of meat in addition to cereals and dairy products and farmers are afraid of losing a major source of income. However, in some countries another type of meat culture has already appeared, proving that a more ethical way of consuming is possible simply by converting traditional agriculture into tissue culture in laboratories (especially in Singapore). Although currently in a legal vacuum and contested from an ethical point of view (this gives the possibility of culturing human tissues and it is still necessary to take pieces of tissue from certain animals in order to then put them in culture), this solution has the merit of existing (Hocquette, Ellies-Oury, Duclos, Mario, Allo and This, 2021).

The goal here is not to discuss the ethical ins and outs of meat farming (also called in vitro meat or clen meat) but simply to explain what this process consists of and why it is more ethical from the point of view of animal rights. The culture of the meat is done in the first place with a sample of muscle tissue of the animal that one wishes to reproduce. The tissue is put in a container (like a fermentation tank for making beer) with a biological reactor that allows tissue to grow and cells to reproduce like a plant (Hocquette, Ellies-Oury, Duclos, Mario, Allo and This, 2021). First used in medical research to replicate human tissue for transplants or skin testing without the animals (Schanne-Klein, 2017), the argument for meat grown for consumption is first and foremost about sustainability. Meat from farmed animals has a very high carbon impact because it is necessary to produce food that consumes a lot of water and fuel to collect it, maintain it (thanks to agricultural machinery such as tractors or combine harvesters) then transport it to animals sometimes on the other side of the world (Aubin, 2014) (soya grown in Brazil is used to feed livestock in Europe) (Bertrand, 2006). Of course, no longer needing to carry out these transactions is an advantage for all species suffering from climate change and the lack of drinking water, but the first beneficiaries are above all the NHA reared for their meat (in the event that humans are unable to do without meat psychologically). Indeed, to recover a piece of muscle tissue, there is no need to kill an animal, a sample taken under anesthesia and with appropriate care after the sample (without pain) is sufficient. While it is true that this method requires more skill from the grower than traditional agriculture, this method makes it possible not to do without meat and to respect the maximum possible interests of the NHA used for meat.

b - Human biology and habits

Although the economic argument is often made against granting more just rights to NHA, there are other objections that cannot be substantiated or have been invalidated by science. Some opponents of non-human animal rights argue that humans are omnivorous, eating plants as well as animals, and have been for millennia (Leroy & Praet, 2018). The example often used is that of hunter-gatherer humans since prehistoric times. But science has proven that humans can do without animal protein. In addition, antispeciesists reply that the situation of humans has changed and that we currently have the technological means to do without meat that did not exist even a hundred years ago (Donaldson & Kymlicka, 2011). Moreover, chickens, cows or pigs are not the only possible sources of animal protein, insects can also be used and they have no nerves and therefore no sensitivity. Other avenues are also being explored to provide proteins in sufficient quantities for humans without using NHA such as algae, mycoproteins (from fungi) or precision fermentation (allowing the cultivation of single-celled organisms designed to produce compounds in particular according to the specific needs of individuals, in terms of protein intake or other) (Hocquette, Ellies-Oury, Duclos, Mario, Allo and This, 2021). So there really is no valid reason to continue killing animals for their protein since protein can be found in many alternatives which was not the case before recent technological advances on the subject. In addition, for people with no disease or weakness (elderly or babies) protein can be found in everyday plant foods (without technological intervention) such as soy or chickpeas for example (Guéguen, Walrand & Bourgeois, 2016). There is therefore no rational scientific argument for killing animals, humans need protein undeniably but not dead animals and habits are also not an argument respecting the conditions of falsifiability and compatibility with science.

To sum up, in the issues that will be discussed later, it will be necessary to take into consideration the interests of NHA concerning their lives, their freedom and their well-being. To do this, only five theories can be used to find an ethical solution to these issues related to the relationship between humans and other species: animal subjectivism, pathocentrism, relationalism, environmentalism and humanism.

Thus we will not take into account religious opinions or any other objection without scientific basis.

Chapter 3 : Issues about non human animals' rights

We now know that it is almost never legitimate to make an animal suffer and even less to kill it even if certain circumstances could make us think otherwise. Nevertheless, beyond these almost instinctive conclusions, there are issues where the positions to adopt towards NHA are less clear. This is particularly the case for NHA who live close to humans (especially domestic animals) and who undergo captivity, sterilization, medical experiments and who live under a regime of property and belonging to humans.

3 - 1. Sterilization

The current situation is as follows : sterilization is used to control populations of wild or liminal animals that are said to be harmful to humans, their activities and their infrastructure. It is also used to limit the litters of domestic animals that would remain in the care of humans and to limit abandonment and annoying behavior for humans. Some associations like Brigitte Bardot's foundation ask for a compulsory sterilization where certain animals have harmful consequences for the environment and for NHA themselves, in particular stray cats (Sénat Français, 2022).

From the human point of view, the question of sterilization or permanent contraception is above all a question of choice and informed consent, but the question is more thorny when it relates to NHA who cannot communicate in the same way as humans. Of course, it only concerns animals directly dependent on humans since it is established that the others must remain outside of all human activity and intentions. The case most often occurs in pets with easy and abundant reproduction such as cats or rabbits. So I will speak only for this category of NHA.

Let's first define the issues of consent and sterilization in relation to humans. Broadly speaking, consent can be defined as «l'acte par lequel quelqu'un donne son accord à une décision pour laquelle un autre a pris l'initiative et accorde son soutien,

nécessaire pour procéder à l'exécution» (Foulquié, 1962, quoted by Coste, Costey and Tangy, 2008). This can be translated as “the act by which someone gives his agreement to a decision for which another has taken the initiative and gives his support, necessary to carry out the execution”. The contract that is consent is not a single and definitive act, it can be renewed, renegotiated or even withdrawn. It is a variable and uncertain process, especially since it is not always explicit since it is not necessarily written down, recorded or expressed clearly with words. It can take the form of a gesture, a behavior (Foulquié, 1962, quoted by Coste, Costey and Tangy, 2008), which is pretty good for the NHA. On the contrary, the fact of not expressing one's opposition does not necessarily mean giving one's consent. In fact, consent if it is tacit or ambiguous can pose a problem, for example in French there is a proverb that literally says “qui ne dit mot consent” which means who does not say a word gives implicitly his consent but we know that it is rather the opposite in fact. We say nothing when we are afraid to oppose, as has been underlined by the mee too movement against sexual assaults (Nechaff, 2021). Since the absence of explicit consent from the person concerned, an act involving said person can be considered a crime (Coste, Costey and Tangy, 2008).

Moreover, we are talking more about so-called informed consent for the contract to be valid. It therefore implies that both parties in the contract are free and aware of all the options available to them in the negotiation but also of all the implications of the contract. By free we must understand the liberal tradition of negative freedom, that is, the fact of not being subjected to coercion, physical or psychological violence. While enlightened only means intentional and reflected a minimum to remain realistic (Coste, Costey and Tangy, 2008). Furthermore, both parties must be rational, lucid and well-informed, but perfect rationality and complete information are impossible. On the one hand, animals cannot think with the same rationality as humans since they do not have the ability to understand information given in human language. On the other hand, even humans cannot have all the keys in hand before making a decision. Maybe then we could guess what animals would think about contraception based on the arguments that humans might put forward. For example, when a person with female genitalia goes to a gynecologist they may be offered various forms of contraception for their comfort if they wish. Humans can choose a pill to reduce skin problems, an implant to stop menstrual pain or a ligature to avoid labor pains. Some means of contraception are permanent, such as the

removal of the uterus for people who already have children or who are sure they do not want them (Collège national des gynécologues obstétriciens français, 2022). Other means like pill, condom and sometimes vasectomy for men are reversible and may be chosen by people who feel it is necessary for their health or comfort or because they feel that the time is not right to have children (Haute autorité de santé, 2019). However, for liminal or wild NHA, only permanent contraception can be offered, since otherwise the cost of reversible contraception would fall to humans. Of course some people prefer paying for non permanent contraception for their pets but do we have to impose it on everyone for other NHA ? Probably not as long as some pets are abandoned and like other pets they are cared for by volunteers in shelters and associations, sustained by donors. Non permanent contraception is maybe a luxury.

As far as animals are concerned, they are not able to anticipate the suffering caused by an offspring. Moreover, females do not really choose to have babies, at least not with a conscience but only with their hormones which creates attraction between males (Butruille, 2017). It is a natural survival behavior because in nature animals are part of a food chain and must make efforts to counter the attacks of larger and stronger animals and thus maintain their species. However, thanks to the process of domestication, some NHA no longer need to reproduce regularly or in large numbers (Darwin, 1859, p.502) because they are protected by humans. Furthermore, this has caused the disruption of certain ecosystems because protected and fed by humans, cats have reproduced without predators, invaded nature (during abandonment or escape) and decimated smaller species (Palmer, 2013). We will see the case of domestic animals turned wild and destructives later in the work. In the meantime, it must be taken into consideration that the NHA, unlike humans, have not yet reached their peak of population growth (i.e. the moment when the number of deaths is at its lowest but births have not yet begun their decline to regain equilibrium) (Guilmoto, Attané et Oliveau, 2020) and have not adapted to the fact that their survival is now ensured by science and humans. This will not be the case because animals are guided by their hormones when it comes to reproduction and they have no intellectual control over the subject.

In this case, sterilization would prevent the abandonment and killing of unwanted babies, the return to equilibrium of ecosystems, birth pains, and would

reduce the burden of birth care on human societies (Ministère de l'agriculture et de la souveraineté alimentaire, 2020). These reasons seem valid from the point of view of neutrality and inclusiveness because they are coherent and based on scientific facts and. In relation to the interests relating to life, sterilization does not kill and can prevent the subsequent euthanasia of sick and suffering babies, especially when they live on the streets after abandonment. Indeed, sterilization has no consequences on health, on the contrary it prevents heat and abnormal behavior, sometimes psychotic (Roos - Pichenot, 2022). Above all, it limits the inability of humans to avoid all the suffering of their pets. For the moment, science is going in this direction, but these assertions could very well be contradicted by new discoveries in a few years, which reinforces their legitimacy.

Finally, the major problem comes from the interests of the NHA related to their freedom and their natural behavior. First of all, sterilization only partially goes against the natural functioning of the animal. On the one hand, all animals, including humans, are made to have offspring, but not all are linked for life to this offspring. For wolves for example, the female descendants are linked for life to these parents, the females will always live in their family, within a united group. On the contrary, cats raise their young for a few months to empower them and then reject them so that they go and live their lives elsewhere on their own (Béata, 2013). In both cases, having children does not have the same meaning or the same impact on the parents. Can we really say that it is natural for a female cat to have babies when she will end up not remembering them ? Besides, the purpose of sterilization is not to prevent NHA from having babies but to prevent them from having too many. So if the sterilization is carried out after a first birth, it does not contravene the freedom to have babies. Moreover, this does not constrain the sex life of the NHA either except for species that only mate to have young because sterilization blocks the production of hormones (Roos - Pichenot, 2022), but it also means that for some species the sex life has no importance apart from the survival of the species.

In the end, sterilization is not against the nature of all species and it can contribute to a mutually beneficial relationship between humans who take care of pets and pets by limiting unnecessary death and suffering. Environmentalist and humanist theorists would agree that sterilization is okay in terms of the benefits it brings. With regard to the benefit on the balance of ecosystems and the burden that

the excess number of pets represents on the human population. On the other hand, not all theorists advocating more rights for NHA would agree with this conclusion.

Let's see what other perspectives who can legitimately argue about NHA rights issues think. First of all from the point of view of animal subjectivism, authors like Donaldson and Kymlicka believe that this practice is a necessary paternalism because in one hand, we've seen that sterilization among citizens is necessarily subject to explicit consent but there is no other choice as long as NHA cannot regulate themselves (Donaldson and Kymlicka, 2011). Palmer's Relationalism comes to the same conclusion regarding our pets who have rights due to their relation with us but all their interests cannot be satisfied. In fact, to protect other species from carnivorous pets or nature from herbivores there are only two solutions : sterilization or locking them in their human houses (Palmer, 2013). Of course environmentalists will agree because sterilization protects nature and the ecosystem in general. Humanism will not disagree either because NHA don't have exactly the same rights as humans so sterilization should be accepted especially if it brings a benefit as much for the sterilized NHA, their potential offspring as for the other species and for nature (Zuolo, 2020). Even Singer should agree with sterilization if it satisfies the interests of a majority (Donaldson and Kymlicka, 2011). Basically, consent is obviously an objection to sterilization but depending on the purpose we want to obtain, it could emerge as a legitimate solution.

Suppose I want to adopt a female kitten once it is weaned, after two months. From the age of 5 months she can have her first heat and make a first litter. She cannot be sterilized upon adoption because she is too young and because we cannot know if she wants to have children. That said, having babies at 5 months or about 9 human years may not be desirable for us anymore because it is still a kitten (the maturity of the cat is reached between 1 and 2 years or 16 to 24 human years) (SELARL Vetomontagne, n.d). So to respect the nature of the kitten that I adopted I must allow her to go outside while taking care that a male does not give her a litter before she is 12 months old, then I could let her have babies and sterilized her immediately afterwards. So she can safely leave the house if she wishes. This allows for a compromise between locking up pet NHA for life to avoid unwanted litter and sterilization by humans and the potential desire of NHA to have offspring. I could

possibly prevent the kitten from going out before its 12 months if I can't watch it outside, like a child who is forbidden to go outside so that it does not hurt itself or put toxic substances in his mouth. This would be the only constraint to his nature because I will continue to feed him at will with protein products in keeping with his nature as a carnivore, I will give him rodent-shaped or motorized toys for his hunting instinct, perched places for him to she feels safe or still a sufficient presence for her emotional needs. Most of its needs would be covered and the restriction of space would then be temporary as in animal shelters, we will see the issues of captivity in the following section.

3 - 2. Captivity

Captivity is a major issue vis-à-vis NHA's freedom interests. On the one hand humans have taken captive some NHA out of interest, for fun (hunting for exemple), for material purposes of course (for meat and clothes) and on the other hand some NHA have been taken captive for their survival as is the case in zoos and shelters.

First, a zoo or zoological park is an enclosed space housing several animal species and intended to be visited (Larousse.fr, n.d). This means that the animals present become the object of observation, for science or for pleasure. But we have seen that animals are subjects and not objects by their physical constitution so at first sight zoos are not eligible to keep NHA captives. Moreover, captivity and représentations has already been shown to be problematic during colonial domination. In certain European countries, it was possible to see representatives of non-European / non-white peoples in zoos among other animal species. Under economic pressure and pressure from the Human Rights League, human zoos disappeared in the 1930s. The arguments used by this league at the time were of an egalitarian nature, they resumed the defense used against on the fact that there is no biological difference between humans and that the differences in color (or gender, physical or intellectual capacity) that exist cannot justify discriminatory treatment since humans are not objects (Bancel and Blanchard, 2011). Anti-speciesists take up these arguments to extend them to all sentient beings with good reason according to our perspective of public justification.

That said, the creation of zoos, whether human or not, is not due to chance but to a curiosity of Europeans (especially well-to-do and educated) to study what seems different from them and their environment. Then, they had a pedagogical purpose, to initiate children and people who had not had access to a good education in otherness and in everything that can exist on earth that does not exist in Europe (Blanchard, Bancel, Boëtsch, Deroo and Lemaire, 2011).

Regarding the NHA, zoos and some researchers argue that captivity is necessary for the survival of certain species despite the fact that it restricts their freedoms. In this argument we see reflected the fact that this captivity is made possible by the specist postulate that the NHA do not have the same rights and interests as the humans who have finally set them free. However, if the goal of zoos is indeed the conservation of species then they should at least not be exhibited as things and therefore become what are today called animal shelters. The argument of the visits is also fully assumed as being economic because keeping animals in captivity while meeting their needs at a minimum is expensive. That said, animal shelters do not show their sheltered as a performance but base their actions mainly on donations. So, protection and conservation is possible another way and zoos have to adapt to a better norm for NHA : “Caring for our planet’s biological systems is one of the greatest challenges to humankind. Consequently, conservation is being seen as the central theme of zoos, and zoos should thus further evolve into conservation centers” (Keulartz, 2015, p.337).

Now, what is an animal sanctuary and what makes them different from zoos ? These structures take care of a majority of pets, few of them take care of wild endemic animals and only a handful of them gather abandoned or abused exotic animals from circuses or private homes (often illegally) (Estavoyer, 2002).

Let’s take the case of the shelters of the society for the protection of animals (SPA) which are very well established in France and Switzerland and take charge of pets. It is a reception structure for pets mainly that have been recovered wandering or seized from owners unable to meet their needs. These structures work thanks to donations to pay the staff who take care of these animals full-time and the supplies necessary for the residents. Volunteers can also go and help employees in their free time who are often overwhelmed (for walks, cleaning or grooming, for example) by

the large number of residents in cramped premises and without significant financial means (members pay a annual contribution to support the actions of shelters but it is rarely enough) (Miccichè, 2003).

The ultimate goal of these shelters is to have the boarders adopted by responsible people. People expressing the wish to adopt are questioned before the adoption on the future living conditions of the NHA and are checked several times after the adoption. The ideal for these shelters is to find the right adopters as quickly as possible because the position of the employees is ambivalent. Their primary desire is to save NHA from unsuitable living conditions, but they often do not have the means to offer them sufficient space for their well-being nor the time to make them exert themselves physically (in this case the help of volunteers is invaluable). Of course the animals are fed, loved and are not beaten or tortured which could be the case before they arrived at the shelter. But they don't have everything they need because right now shelters are seen as optional, at the whim of people who really care about NHA (Michalon, 2013). However, if we must publicly ensure that humans do not cause NHA to suffer unnecessarily, then it is necessary to have appropriate and above all state structures to welcome NHA who are victims of people who do not respect the rules.

In the case of animal centers such as zoos, the main argument is that captivity is necessary for the survival of the NHA that compose them. Nevertheless, zoos usually house exotic species: that is to say which are not native to the country where the zoo is located (Larousse, n.d). Zoos claim that these species are endangered in their natural environment (especially from humans who poach them). On the contrary, shelters collect rather domestic animals that have been mistreated or abandoned in the vicinity of the shelter. In fact, the major difference is that animals captured for zoos will normally stay there all their lives, while shelters try to place pets back into responsible households. While shelters can also accommodate injured or orphaned wild NHA, the goal is to reintroduce them as quickly as possible into their natural environment (Refuge de l'Arche, 2022). But does it really make a difference to the acceptability of captivity. If we relate this to a human context, it would seem so. Let's first take the case of a sick human, if on the one hand we tell him that he has to go to the hospital for a while to get treatment and that this will allow him to have a better quality of life , there is a good chance that he will agree to

go to the hospital even if he cannot leave before the end of the treatment. On the contrary, if we propose to this sick person to spend the rest of his life locked up in the hospital because he is suffering from an incurable disease, there is a good chance that this person will choose to end his life at home to enjoy of these last moments and do what she wants before she dies.

Of course these are not exactly the same situations and what we humans perceive as more or less right does not mean that all NHA would agree. So if we apply the criteria of NHA interests, captivity does not kill animals, nor does it make them suffer, on the contrary. The only constraint is towards their freedom and their nature. Once again, this constraint does not apply in the same way to animals in shelters and zoos. First of all, zoos exert a permanent constraint on wild animals that used to move around to feed and protect themselves as they wish (Tarrajat, 1967). On the contrary, shelters exert a temporary constraint and in the case of pets or domestic animals, their travel needs are less due to their proximity to humans and their lifestyle that has become sedentary (Mouret, 2015). So this form of captivity is surely more acceptable than in zoos even if it's not perfect.

So far I have not talked about circus animals, it seems obvious that if the captivity of wild and especially exotic animals in zoos is not acceptable, it is even less so in circuses. Indeed, these NHA are strongly constrained in their nature and used as demonstration objects without their needs being fully taken into consideration. If circuses used pets like cats and dogs and allowed them some range of motion outside of performances it would probably be different because these animals have become accustomed to playing and working for, with and at the among humans and that they need less freedom of movement since they live at the rhythm of their humans (Mouret, 2015). So if they receive fair compensation for their representation, this does not really pose a problem compared to wild or even exotic species.

I made the difference between wild NHA and exotic NHA. The distinction is important because depending on where they come from, NHA do not have the same habits or the same needs. For example, a savannah giraffe accustomed to strong, dry heat and to large spaces cannot be locked up in a zoo and still less in Siberia if we want to respect its nature and its well-being. Conversely, cats are remarkably adaptable and can live in almost any part of the world, in the wild or with humans. In

a way, they can withstand captivity in certain circumstances : if they have come closer to humans to have advantages that they would not have in nature, in particular room and board. So captivity is not always in contradiction with the nature of the NHA but it is clearly incompatible with respect for the nature of wild animals and even more of exotic wild animals which are found in zoos and certain circuses (Begou, 2019).

The protection of endangered species cannot legitimately be done to the detriment of the respect of the interests of the NHA as a whole. Of course, life is the primary interest for humans and we assume it for NHA as well, but from the human point of view, we can ask ourselves the question of what life is in the absence of consideration for other interests, in particular freedom and well-being. So, would it make a difference if these NHA in danger were in natural reserves in their original environment, without becoming an object of entertainment and especially in spaces more adapted to their movements, with a partial freedom?

We can already take the example of the Hauts-Savoyard resistance fighters during World War II. A unique case in France, this group of resisters fighters who gathered on the Glières plateau succeeded in liberating all of their territory in August 1944 without the help of foreign soldiers, but only thanks to the weapons dropped by American planes and the inhabitants who entered resistance. Their motto was “Vivre libre ou mourir” which means “live free or die”, this phrase today adorns the graves of all those killed by the Germans for acts of resistance (Préfet de la Haute-Savoie, 2021). It illustrates the intrinsic link between the interests relating to life, to well-being and above all to freedom. If we transpose this to NHA, we cannot justify the captivity of wild NHA even for endangered species.

Nevertheless, the environmentalist perspective would see this as a problem in the sense that the disappearance of certain species could disturb the natural balance of the earth. Moreover, climate change and environmental disturbances can be one of the reasons for the disappearance of certain wild species (Teyssèdre, 2004). Of course, in an ideal perspective the question would not arise since if it is no longer permitted to kill sentient beings except in cases of absolute necessity, then the majority of species present in zoos would no longer be threatened with extinction. But currently it must be taken into account that hunters and poachers kill without

legitimate reason or even illegally and that responsible humans remedy this injustice towards the NHA created by other humans. But the zoo cannot be a solution for this when zoo money could be redirected to create structures immediately in the natural territory of endangered species.

To take a concrete example, if we imagine that polar bears are threatened where they live, how can we protect them without moving them out of their environment ? Polar bears are adapted to arctic environment, cold climates, they live on ice floes, by the sea, around the north pole in countries like Norway, Canada or Russia. They are threatened by two major things : climate change and hunting (or poaching in worst cases). Global warming is melting the sea ice, reducing the natural habitat of the polar bear and causing its food sources to flee or die, which, like it, are adapted to very cold climates (especially seals). With regard to hunting, it is often justified by the exploitation of the bear's skin for aesthetic purposes (Rolston, 1989) or because of the fear that this predator inspires at the top of the food chain (WWF, 2022) (Canada.ca, n.d). The first issue is not quickly solvent, it's a global issue that I will not assess here but the second is the reason for polar bears' captivity. If their habitat were not threatened and even if it is warming the best solution for their nature is that we take care of their survival on their arctic coasts with protected areas, financial means to feed them if they need and structure to cure them if necessary. And if humans really care about them even outside a zoo, they can make donations to contribute to their preservation.

Now, let's see what every legitimate animal rights theory has to say. First, the theory of animal subjectivism and pathocentrism would agree that captivity is not tolerable for any NHA whose nature is to move about unhindered, especially wild NHA (sometimes there are no other choices for pets) except if there situation would be worse in wild for Singer (Singer, 1980) (Palmer, 2013). In fact, from a relationalist point of view, captivity would not have the same weight depending on the animals (based on the relationship they have with humans). Wild NHA will have fewer rights because they do not need them since they have no reason to be around humans unlike pets that live within human communities. That said, it seems that captivity cannot be further justified for wild NHA as they are far removed from humans, on the contrary captivity would rather be justified for pets and farm animals which are no longer able to survive without humans. Even humanist theorists who defend mainly

animal welfare might see the captivity of certain species as acceptable if they are provided with all the comfort they need. Acceptance will be all the more important if the captive species is vulnerable in nature (like the polar bear) (WWF, n.d) or is of great importance to humans (like the dog) (Mouret, 2015). Finally, environmentalist theory would say whether or not captivity is justified based on the overall impact it would have on nature, as discussed above. That is to say that if animals reproduce in too large numbers or on the contrary die too quickly in the wild then they would be better off in captivity, where humans have control over reproduction. In the event that captivity would disrupt the ecosystem because a species is essential for the proper functioning of said ecosystem, then captivity would be a problem. Nevertheless, even for humans who have become sedentary, captivity is a problem, it is not authorized except in the case of imprisonment (which is a punishment following a violation of the law). Captivity being the notion of domination of a person who locks up another against his will, it contravenes fundamental human rights and cannot be accepted. So captivity has to be used with caution in circumstances with no other choice : for pets, livestock or endangered species (respecting their interest) but never for most wild or liminal NHA.

In fact, captivity cannot be ruled out entirely, in some circumstances it is necessary for the NHA or very useful for humans. But that does not mean that it can be done under any conditions. For example, a dog left unsupervised with the doors of the house open will tend to escape to run around the neighborhood. But he will eventually return to the house of his humans. He will accept with good will to be adopted by humans but he will find it difficult to support the confinement, he will need to have moments of physical exercise and especially of freedom outside his place of life.

3 - 3. The property

So far, I have tried to avoid terms that refer to an ownership relationship between humans and NHA. However, in France or Switzerland anyone wishing to have custody of a NHA must declare the animal to the state organization empowered to list them, it is more or less like a deed of ownership. Indeed, insofar as the NHA are not objects but sentient beings, they cannot be possessed in the legal sense of the term. Valentini evokes the fact that the notion of ownership blurs the moral status of NHA because it justifies abandonment. In addition, during a violation of property, the owner is compensated for the wrongs suffered while the NHA have a life, a dignity and interests of their own so it is to them that the compensation for the wrongs must return for what they suffered. NHA must therefore be protected by their own rights, such as human rights (even if these rights are not applicable to NHA as they stand). The sanctions must be adapted to sensitive beings and not to objects possessed by humans because the definition of property does not correspond to the situation of the NHA (Valentini, 2014).

Take for example the French Article 544 du Code civil which defines property as follows, "le droit de jouir et disposer des choses de la manière la plus absolue ". We can translate this as the right to enjoy and dispose of things in the most absolute way, this is of course applicable to objects only. To consider the interests of NHA from the point of view of a public justification in a context of political plurality, it is therefore necessary to find other means of imputing duties to humans towards NHA. Farms are accountable for their behavior towards their NHA because they are the legal owner. But this responsibility is in contradiction with the primary definition of property. The Chapitre 2 de l'annexe 1 de l'Arrêté du 25 octobre 1982 relatif à l'élevage, à la garde et à la détention des animaux modifié par Arrêté du 30 mars 2000 - art. 4, v. init. uses the term owners well, "Les propriétaires. gardiens ou détenteurs de tous chiens et chats, animaux de compagnie et assimilés..." to attribute to them obligations towards the NHA for which they are responsible. This means that people who are guardians or keepers of dogs, cats or other NHA are considered their owners according to the law. In addition, in France, Article L. 212-10 - Code rural et de la pêche maritime Modifié par LOI n°2021-1539 du 30 novembre 2021 - art. 3 requires owners to identify their domestic carnivores with their name,

“Les chiens, les chats et les furets, préalablement à leur cession, à titre gratuit ou onéreux, sont identifiés par un procédé agréé par le ministre chargé de l'agriculture mis en œuvre par les personnes qu'il habilite à cet effet ... L'identification est à la charge du cédant”. This is what was said at the beginning of this part, that no matter where they come from or their value, some pets namely cats, dogs and ferrets must be identified with the name of the person who will care for them for the rest of their life. The identification is paying and in France the person who gives the animal must pay the identification. This way of associating humans with their NHA is essential to establish the criminal responsibility of humans in the event of a breach of obligations towards their NHA, but the question arises as to why in France only domestic carnivores are subject to this obligation of identification. How can we be sure that other animals are treated well and in general how can we be sure that humans adopting an animal are aware of the implications that fall on them and will answer for their actions in the event of inappropriate treatment ?

For this, some Swiss cantons such as Valais have a relevant but still too limited proposal since it only applies to first-time dog adopters, which consists of imposing training on the living conditions of a dog : “Est astreint à suivre les cours tout détenteur de chien domicilié en Valais âgé de plus de 16 ans et qui ne peut pas démontrer avoir déjà détenu un chien par le passé.” (Ordonnance 455.100 concernant la formation des nouveaux détenteurs de chiens du 23.10.2019(RO/VS ; AGS 2020-016)). It seems obvious that it is not possible for most people to be aware of all the legal obligations in force in their country or region towards the NHA they come into contact with. Just as it is not possible to know all the needs of the NHA that we adopt, the Internet not being an always reliable source and not responding to scientific neutrality. It is not like humans who when they have children, they can assume the needs of the children in relation to their own needs and above all can pass on good practices from one generation to the next. Of course, this does not prevent bad practices and moreover people wishing to adopt have many steps to demonstrate that they will be good parents (Florsch, 1985) while this is not the case for people with natural children. It has been proven that the maternal instinct does not exist and that it is not natural to raise a child whether you have given birth to it or not so there is no reason why this should be the case for non-human animals (Dortier, 2003). The idea of training is in this case an interesting one because it

creates capable humans, endowed with proven educational capacities such as adopting a child (Valentini, 2014).

To come back to the notion of property, which is not appropriate for sentient beings, the term adoption seems to me to be more appropriate. Generally used to talk about children, it is increasingly used by animal shelters who place their residents in new human homes. The definition of adopting is currently as follows : “to legally take another person's child into your own family and take care of him or her as your own child” (dictionary Cambridge, n.d) which cannot include NHA but is easily transposable. In fact, adopting a NHA is actually taking care of another individual's baby even if the baby is not one anymore, but he could be intellectually similar to a baby or child (Thomas, 2008).

Adoption induces not a property bond but almost unilateral obligations of the adopters towards the adoptees. Children (and some adults with disabilities) do not have the same abilities or the same knowledge as most adults, which requires them to be under the responsibility of one or more adults, who give them the necessary tools. to their future adult life and vouch for their behavior before their majority (legal year of passage to adulthood). Adults must therefore give the child what he needs without asking for anything in return, just as it is legitimate to do with NHA.

Concretely, if I wanted to take care of a rabbit unable to survive alone in nature in exchange for the joy it could bring me, I would have to be able to prove to the person who entrusted it to me and to the authorities that I am capable of meeting his needs. I will therefore sign an adoption contract which would specify that the rabbit must not be locked up in a cage, that he must leave the house to walk daily, that he needs a vegetable diet consisting mainly of hay, that his litter must be changed and cleaned every day like his water bowl or that he must have and eat at will (Bougrain-Dubourg, 2019). The authorities and the people who entrusted me with this rabbit must be able to check that I respect these rules and in the event of a breach, the contract allows me to be directly blamed for the faults committed.

The humanist and environmentalist perspectives are probably the least problematic for ownership since animals do not have the same moral weight as humans and this makes it easier to assign responsibility for mistreatment of pet NHA. The property can that way make it possible to regulate abandonment which

could endanger an ecosystem, in particular because of cats returned to the wild. Even from a pathocentric point of view and animal subjectivism it is not always a problem. Of course property is not the best since it does not give the same moral weight to any being possessing sensitivity and subjectivity. And for these last two perspectives it is important, if not to put all species on the same equal footing, at least to take into consideration the fact that they have needs and interests in the same way as humans. But property can be used as Cochrane says if we don't consider the property as an exclusive control of the human on what it has by putting a close attributing a moral statute to the NHA (Cochrane, 2009). On the other hand, from the relationalist perspective property cannot be justify when it comes to companion animals (even for wild and liminal NHA but they are not supposed to live with humans), Valentini reminds us that property is a notion that is supposed to apply to objects only and it would allow owners of NHA to consider them as such (and indeed it would be easy to justify abandonments and other irresponsible behaviors of the from humans) (Valentini, 2014). In addition, if an adoption contract does not cost humans more than a "title deed" then there is little point in continuing to use property and terms like "owning". " or "master". The purpose here is not to talk about semantics but replacing "owner" by "parent" is not difficult but it puts an end to the perpetuation of the idea of an animal object which could be used at the whim of humans which is not acceptable. The words referring to a kinship induce a fairer relationship between humans and pets, which is the purpose of this work. Valentini says that adoption and parenting instead of property will also impose skills like necessary to adopt a human child (Valentini, 2014). So ownership is not the best way to attribute responsibilities to humans, it can even have the opposite effect but it can be modified in favor of NHA.

3 - 4. Medical experiments

Medical experimentation brings together several issues, some of which have already been mentioned. First of all capture or breeding followed by captivity and therefore the deprivation of freedoms. But even more fundamental is the issue of suffering and the absolute necessity of the latter according to NHA needs. As already mentioned, captivity is a real problem especially for wild and exotic animals (depending on where they are kept). Nevertheless, a large part of the animals are animals selected and bred for generations for the sole purpose of research and have been able to adapt to the lifestyle that humans impose on them (Wenisch, 2012). Currently, research is mainly focused on pigs, whose biology is very similar to that of humans (Rémy, 2009), or even mice, which reproduce in large numbers and are used intensively (Magnol, Sage, Vuillier, Druilhe, & Nadaud, 2022). However, does the potential adaptation of these farm animals to their living conditions in the laboratory justify their use by humans for their drugs or cosmetics?

For this, it is necessary to distinguish between cosmetics and other comfort products and drugs that treat fatal diseases. It has already been established that contravening the interests of the NHA is possible only in case of absolute necessity. In the case of drugs treating fatal diseases, research is essential. This places the killing (or sickening) of NHA in the same context as the survival hunt practiced by humans thousands of years ago but no longer relevant today. On the contrary, no human is going to die if he does not put on anti-wrinkle cream, cosmetics have no vital value and the use of animals in research for this kind of comfort or aesthetic product can in no way be justified. I used comfort terms because some drugs that would relieve mild symptoms and diseases without lethal consequences also cannot justify the use of NHA because the tests could kill the NHA while the usefulness of the drugs for humans is not essential to their life.

To take an example, I went to the beach forgetting to put on my hat. When I got home I had a headache because the sun was beating down very hard : currently I could take a paracetamol tablet to massage my migraine faster. But I could also drink some water, sleep a little and wait for my migraine to go away naturally because I'm not going to die of a migraine due to sunstroke. Indeed, this would have

avoided a long research protocol where the NHA would have been in the front line to test painkillers, before they could have side effects on humans. However, this inevitably induces a primacy of human interests over other NHA which is not always justifiable as in this example of human comfort products.

On the other hand, the drugs essential to the survival of some humans do not have the same value since two lives are opposed : on the one hand, a sick human who needs a drug to stay alive and another an animal that humans will potentially kill or sicken to test a drug that would keep the human alive. To this must also be added the living conditions of the NHA and their breeding for the sole purpose of research. In this case, it is necessary to determine under what conditions humans can or cannot use other species for medical research. Currently the treatment of NHA by research laboratories is unjustifiable since they are locked up in small cages and often euthanized when they are no longer useful to humans because they would cost money to keep alive and to treat after all tests they underwent. Thus their freedoms are strongly impacted because their suffering is not minimized, there is no cooperation with humans since these NHA have no compensation for their contribution to potentially saved human lives. But the theories defined as legitimate either tell us that it is inadmissible to kill NHA regardless of the circumstances and the question is settled. Or, in a more moderate way in certain extreme cases, it is possible to kill animals under certain conditions as I mentioned above. The conditions are as follows: respect their nature, their needs (especially in terms of space in addition to simply giving them food and drink), caring for them, not killing them at the end of the experiments (unless the care is impossible). But there remains a question : how to determine that a case, often a disease, is important enough to justify the death of certain NHA.

From the point of view of utilitarianism, as with Singer, the answer to the use of animals in medical experiments lies in the weight of the interest of each species or individual. That is, what is the value and importance of X number of human lives (of sick people) compared to Y number (generally much higher) of NHA. Following Bentham's utilitarianism, which accepts as legitimate only actions that maximize happiness and collective well-being, Singer applies the equality of lives between all sentient beings. This means that human actions are legitimate if they take into account the happiness and well-being of other sentient species and not just the

interests of humans. So at a minimum, failing to find tests without NHA, it is necessary to meet the primary needs of these non-human animals throughout their lives and give them back a minimum of what they bring to humans.

Indeed the primary goal of medical experiments on NHA is not to kill, death is a possible consequence (especially at the beginning of the protocol generally carried out on rodents) but not wanted. This does not mean that this use of NHA is justified. Let's take two examples : in the first case, the researchers wish to test the interest of extracorporeal circulation (blood thanks to machines imitating the movement of the heart) in the treatment of cardio-respiratory arrests in humans. For this, French researchers used eleven pigs (because the constitution of their organs is closest to that of humans) of which only two survived the experiment (Giraud, Frikha, Richomme, Ezingear, Marie, Roger and Bertrand, 2007). In parallel, the French College of Cardiology lists 40,000 deaths following cardiac arrest in France each year on average (Fedecardio.org, n.d.). If we admit that the 9 dead pigs could save the 40,000 humans who die in France each year and even more around the world, is the sacrifice admissible? In the second example, let's take things the other way around, we have 110 mice and only 20 survive but this time to treat the pseudo progeria. It is a degenerative psychomotor genetic disease (those affected have an intellectual deficit and central nervous system abnormalities such as quadriplegia which deteriorates over time) and which affects less than one person in a million and of which no case has been recorded in France since 1974 (orphanet, 2022). Faced with this kind of rare disease, is the weight of life of NHA the same? Neither the humans nor the NHA deserve what is happening to them but does numbers make a difference? The situation is like a tram dilemma: researchers have a choice between two groups of people and can either save a group of humans or spare a group of NHA knowing that the number of individuals in each species/group changes depending on diseases. Is it justified to save the largest group and can we really justify letting sentient beings die ?

Animal subjectivism is probably the less permissive theory facing medical experiments, because it goes beyond cooperation between species. If humans refuse to be part of medical experiments during the first steps because of the potential toxicity of the products and the uncertainty of the results, there is little chance that the NHA would willingly cooperate if they were aware of the risks in an

identical framework of justice for all species as Nussbaum advocates (Donaldson and Kymlicka, 2011). And Regan points out that NHA are not a resource, not an object, so we cannot use them instead of humans to test treatments (Regan, 2011). De Grazia is more moderate in relation to this use and finds it acceptable to experiment on NHA to save humans if the researchers are sure that the research will succeed (Pelka, 2020), if it doesn't cause pain and respect NHA's interests (Cochrane, 2007). Even more permissive, Zamir admits the use of NHA if the benefit to humans is considerable. This is why, according to the utilitarian/pathocentric theory, it is possible to sacrifice a minority for the good of the majority (Donaldson and Kymlicka, 2011). Bentham says that the happiness of the greatest number deserves sacrifices (Donaldson and Kymlicka, 2011). In fact, it is necessary to know if the greatest number represents humans or all the species and individuals that have been used so far in medical experimentation. Given the impressive number of NHA used in pharmaceutical laboratories, there is little chance that this is correct (in France alone approximately 2 million NHA are used for medical experiments per year)(L214, 2020). The relationalist perspective could perhaps accept experiments on NHA that have no relation to humans, if all their other needs are met. For example, mice that are not "friendly pets" may be used for medical experiments to save human lives. The same is true for the humanist perspective which could very well justify the use of other animals to save humans, who retain a higher moral status than other species. So, all NHA could be used if it is necessary for human health.

On the other hand, the environmentalist perspective would probably find it acceptable to test drugs on NHA in only one case: if it does not upset the natural order. Except that one can wonder if the fact of saving humans took everything when the more they are numerous the more they destroy the environment in which they live themselves does not justify the contrary. That is to say that since animals are born, live and die by the sole intervention of nature and the food chain, why try at all costs to keep humans, especially if the human species destroys other species and the environment ? This begs the question: Why wouldn't humans and their pets undergo natural selection ? Indeed, some humans have done nothing to get sick, but animals have not chosen to become guinea pigs either. What justifies that wild animals die of diseases without being treated but that humans must at all costs be treated even at the cost of the lives of other sentient beings.

In fact if we accept that human have to be saved and medical experiments are needed to do so even on human guinea-pig so it is possible to use NHA if we respect their other interest. But we can justify the fact that medical experiments for humans have to be made on humans and not on NHA in an ideal world for them (so tests could be done on NHA if the treatment experimented is for their own species). This depends on the moral weight we give to each species.

3 - 5. Euthanasia

Euthanasia is an issue for NHA as much as for humans. This is an issue for humans because euthanasia (or rather assisted suicide for humans) is wanted by humans for their own person, often to free themselves from too much suffering. It is a form of suicide but it requires the help of medical personnel to provide the products allowing deep sedation and then stopping the heart. However, suicide is no longer illegal in democracies, nor problematic if we consider that everyone is master of their body. On the other hand, killing someone, that is to say disposing of another living being without their consent, is a real problem in terms of freedom. So how to take the case of euthanasia, or the fact of helping someone who wants to kill themselves (or an individual that we suppose would rather die than suffer like the NHA).

The case of euthanasia on animals is closer to killing than helping since the human can have neither consent nor request from the NHA. However, we have seen that it is not possible to kill an NHA except in rare cases of vital necessity for humans, therefore systematic euthanasia cannot be just. Nevertheless, if there are cases where euthanasia cannot be justified, in certain circumstances euthanasia can be practiced with a good intention : to relieve suffering and illnesses that cannot be cured. To euthanize, that is to say to kill a NHA just because it is no longer useful for humans and represents a burden for humans cannot be right. Yet this is what happens to animals considered dangerous, especially dogs that have bitten a human badly.

The only possibly valid reason for the death of NHA is if human lives are at stake and if death is only a possibility not an obligatory end. But we cannot kill animals only because it poses a problem for humans, just as we cannot kill humans, which represents too high a cost for society. The only occasion where humans kill others within a legal framework and without failure on the part of the one who kills is the case of a death sentence by a court. Applied to humans who have committed murders and who are considered dangerous by and for their fellow human beings, it is still used by some states, even democratic ones, but that does not mean that it is justified. Highly criticized and abolished in almost all democracies, the death penalty strongly contravenes the simple right to life and to dispose of one's body of any human being (and give our case any sentient being) (Theau, 1982). Like murder in which a third person takes the life of a fellow human being, the death penalty cannot be justified by the law of tallion (an eye for an eye and a tooth for a tooth) or an excessively high cost of prisons if the right to life is considered inalienable. Death penalty is not supported by any acceptable reasons, neither scientific nor ethical since it does not respect the life of a sentient being.

So, if we consider that fundamental human rights must apply to other sensitive species, we cannot euthanize an animal considered dangerous for humans in the first place because we cannot remove the right to the life of any sensitive being because it is the first right which one grants to us while being born. Moreover, animals are generally dangerous through the fault of humans, who have mistreated or badly educated them (Chauvel-Cresp, 2021) so we cannot attribute the fault of their dangerousness to the NHA, not to mention the fact that they are humans who have chosen to incorporate some of them into human communities. We must therefore assume this choice to the end and take care of all domestic NHA in any circumstances or rehabilitate them to wild life to give them back their freedom if we are not able to assume them. A non-profit organization in Germany takes care of dogs that have been violent towards humans, either to rehabilitate them and restore their confidence in humans, or to keep them in safe but comfortable spaces for dogs until at the end of their life (Hellhound foundation, n.d). This foundation is unfortunately one of the only ones able to save dogs who have been violent towards humans from euthanasia, but it should not be an exception but the rule to ensure all domestic NHA their right to live and to live in conditions acceptable to them.

The situation is not the same when euthanasia is proposed for sick animals. Of course, if the disease can be cured, then the only legitimate solution is to use the available treatments for NHA that humans have incorporated into their lives. But as with humans, there are diseases for which there is no treatment or for which the treatments themselves are painful and without guarantee of success. In these cases, In Switzerland it is possible for humans to request assisted suicide, the request must of course be passed before one of the doctors responsible for defining whether the suffering is severe and irremediable enough to justify a doctor-assisted suicide (dignitas.ch, 2022). Assisted suicide differs from euthanasia in that the lethal product is administered directly by the person who requested it themselves (whereas for euthanasia it is a doctor who administers the product to the patient) (Le Coz, 2022). Of course, NHA cannot administer the lethal product themselves, but the issues of the two practices are relatively similar. Whether it is assisted suicide or euthanasia, the two are not unanimous, very few countries authorize them despite increasing pressure to study these possibilities.

In France, an ethics committee within the government is responsible for deciding the question of the legitimacy rather of euthanasia. Despite numerous reviews of the issue, the National Ethics Advisory Committee (CCNE) again gave an unfavorable opinion on the modification of the Claeys-Leonetti law of 2016 on the end of life in 2018. The arguments put forward are not, however, very convincing from an ethical point of view since the CCNE is afraid that euthanasia will lead to the dehumanization of people and that the practice will become commonplace (which therefore does not pose any problems for NHA in whom the practice is currently common). However, the committee admits that currently “on meurt mal en France” (Comité Consultatif National d’Ethique, 2018, p.137) which says one dies badly in France but it attributes this to the medical profession which, according to this committee, does not sufficiently and incorrectly apply the current law which allows treatment to be stopped and patients to be sedated until upon their natural death . Advocates of the right to assisted suicide and euthanasia argue that this argument is hypocritical because palliative care methods lead to a slow death over days or even weeks and that this violates the human right to die with dignity and especially to choose how and when they wish to die. In addition, the ethics committee is aware of the fact that doctors practice euthanasia in a hidden way at the request of patients in great suffering and can be prosecuted for this when they have only respected the

wish of a person at the end of their life, suffering for whom they are responsible. It would therefore only be a question of making legal a practice already in place and acclaimed by patients. However, the ethics committee admits an “euthanasia exception” (Comité Consultatif National d’Ethique, 2018, p.133) in very specific and highly regulated cases. Despite everything, this is not enough for 150 deputies who signed a column in the magazine Le Monde to give patients “the free disposal of their bodies” (Le Monde, 2018). Moreover, it would seem that around 96% of French people are in favor of it according to a 2019 Ipsos survey (Ipsos, 2019).

If so many people are intuitively in favor of it, it is because almost every human being has been or will one day be confronted with old age and illness, for themselves or for a loved one, and it is psychologically difficult to cope with the suffering without being able to remedy it. How in this case justify the fact of letting a person suffer if it is possible to remedy his suffering and to leave him only the possibility of committing suicide by himself even if he is capable of it. Isn't it better to help a person to die with dignity, in a bed surrounded by his family and without pain and in a "clean" way, rather than forcing specialized people to recover the dismembered body of a person who died? is thrown under a train? Here I am using an intuitive example that goes in the direction of what a majority of the population thinks in France, Switzerland and probably in other countries. This is not an argument in terms of ethics, but since science has not yet proven whether palliative care is painful or whether euthanasia would have harmful societal consequences in the future, then we must start from the experiences that we we will all live once in our life : death and what induces it.

Of course for our case the question does not arise because if some NHA hide to die none commits suicide. However, the issue is just as difficult to decide since the animals cannot give their formal consent. They can possibly express signs of suffering but nothing says that they would accept to die for all that. We can simply assume that if for humans death is preferable to great suffering, the same is true for NHA and veterinarians can therefore practice euthanasia if they deem it preferable for the animal. Just as in Switzerland people are asked to justify their desire to die with a competent doctor (dignitas.ch, 2022), NHA owners and veterinarians must be able to provide proof that the animal is suffering and that there is no possible treatment.

Animal subjectivism and pathocentrism would probably be agree with this conception of euthanasia for the confort of NHA to avoid pain to sentient beings without treatment (and if they agree with assisted suicide for humans). In the same way, environementalists shouldn't agree with euthanasia because it is not natural selection and there are other solution like sterilization for species that are invasive and destructive for ecosystem. Relationalism wouldn't agree with confort (for human) euthanasia for pets but should find justify to euthanize wild and liminal NHA that are problems for human. Humanism also should find legitimated to euthanize NHA that are burdens for humans, if euthanasia is not painful for NHA, for exemple for NHA carriers of contagious and transmissible diseases to humans. In fact, euthanasia can be legitimate for people that will find acceptable for humans in the same circumstances.

In an ideal situation we shouldn't impose anything on sentient beings, with their own interests and even more for NHA who have self-awareness. However, having no clear means to communicate with the NHA, it is possible to justify certain constraints imposed on the NHA based on the reflection around humans. Maybe in a few years it will no longer be possible to justify sterilization, captivity, or any other constraint to the NHA because science will have proven that they do not agree. Furthermore, if scholars don't agree on the way dealing with NHA interests face to these issues they agree that current practices cannot be fair or legitimate.

Chapter 4 : Animals categories

After seeing some issues that mainly concern NHA living close to humans, we will see the specific issues of each category of animals: domestic, liminal and wild. The relationship between humans and other animals necessarily influences the rights to be granted to them and things have improved in this relationship to remain fair to these NHA. This is all the more true since in this relationship it is necessary to take into account what each brings to the other, but also the dangers or constraints that certain species can represent for the others.

4 - 1. Pets

a - Herbivores or omnivores

Herbivorous pets, especially the category called “NAC” or new pets which consist of small animals that have become incapable of surviving in the wild such as rabbits, hamsters or rats, are the least problematic. Firstly, they only eat plants in small quantities and they do not take up much space in a home, so they do not represent too high a cost for humans in terms of respecting their interests. So for the close relationship between humans and their pets to be just, it must be mutually beneficial. Pets can bring us emotional support, love or joy. More concretely, pets and especially dogs can be useful for blind people by guiding them in their daily itineraries, there are also dogs capable of sensing epileptic seizures before they happen, cancers in early stages or to detect hypo/hyperglycemia in people with diabetes. Dogs can also serve as a protector of a person or property, but we will see the case of carnivores in the next part. It is therefore necessary that pets have a fair return from humans because of what they bring and the minimum is not to make these NHA suffer, to preserve their dignity, to maximize their well-being and of course not to have them killed when they become sick or troublesome. Indeed, for the relationship between pets and humans not to become an exploitation of one another, it is not enough to feed and shelter these NHA. We must also respect their natural needs for space, physical activity, to have a comfortable and secure place to take refuge, to have healthy food adapted to their needs according to their size, race and health and of course the need to be looked after. Pets cannot be compensated

with a salary for their work in any way but they must be assured of everything that humans would do with their salary. With a salary, we meet our primary needs first, then we can devote part of it to hobbies, things that make us happy, so we must not forget that animals could also have particular desires. People who adopted some of them know that some pets like toys, sweets or sports among others (Dehasse, 2009).

Finally, this does not represent more investment than what the majority of people with pets currently do, at least in the Western developed countries. So it is not necessary to enshrine in the law much more than what is currently in advanced countries on the subject like Switzerland. Namely negative rights for the NHA such as the right not to be killed or mistreated (by mistreated I mean especially hit, malnourished, constrained in their movements and badly cared for). In fact, in many Western countries there are already laws obliging people dealing with NHA to respond to these negative rights, but the sanctions and the interventions of the authorities are only too rare or too late (Fondation 30 millions d'amis, n.d). Let's go back to the Loi fédérale sur la protection des animaux article 6 alinéa 1 du 16 décembre 2005 : "Toute personne qui détient des animaux ou en assume la garde doit, d'une manière appropriée, les nourrir, en prendre soin, leur garantir l'activité et la liberté de mouvement nécessaires à leur bien-être et, s'il le faut, leur fournir un gîte." That is to say that anyone who owns (even if adopted is more appropriate) animals or takes care of them must, in an appropriate manner, feed them, take care of them, guarantee them the activity and freedom of movement necessary for their well-being and, if necessary, provide them with shelter.

So there is not much to add for the law to conform to what is expected from the point of view of public justification. It goes in the direction of a mutually beneficial relationship, respect for the nature of the NHA, the minimization of the suffering linked to human activities and therefore of course it is in line with the ban on killing the NHA. Rather, what is missing are specifics on what it actually means to "take care" or what is an "appropriate way" to feed an animal. The vague terms leave the possibility of variable interpretations, for example, is it considered a good thing to feed his dog (we will see the case of carnivorous pets just after) with kibbles full of vegetables and cereals when he is a strict carnivore but has an all-you-can-eat bowl who respects his need to eat in small quantities regularly (Dehasse, 2009) ? Since

science can help us, we can specify the recommendations for each type of animal in respect of its nature.

To come back to the case of herbivores, let's take the example of adult rabbits (because the little ones feed on breast milk like all baby mammals), what food should I give him if I adopt one? The rabbit is a herbivorous animal with a fast metabolism due to its monogastric digestive system, so it quickly rejects the difficult to digest parts of food. He especially needs fibers to regulate his transit, pellets exist with all the quantities of minerals, proteins and other energy contributions in addition to fibers in perfect proportions for the rabbit, this also allows him not to sort and thus to answer all their nutritional needs. However, this food is not always very natural and must be given with water to facilitate feeding and digestion. You should also give the rabbit fodder (grass, alfalfa) that contains water. The best is of course to make your own mixture of certain vegetables (carrots) cereals (wheat, barley, oats) and herbs (dandelions, lettuce, fennel) untreated and uncontaminated to meet the needs of rabbits while respecting their nature. The quantities must be adapted, for example, they must be reduced in domestic rabbits which do little physical exercise and the proportion of fibers and reduce the quantities of food containing lipids and starches. Of course, this list is not exhaustive, but it illustrates how difficult it is to take care of a pet by respecting it to its very nature (Gidenne, Lebas, Savietto, Dorchies, Duperray, Davoust, Lamothe, 2015). In this situation, the help of a veterinarian is important because he knows your animal in particular and the needs of the species in general, which has a cost that the human must be able to assume.

b - Carnivores

The case of carnivorous domestic animals and in particular dogs and cats is much more complex. We saw in part 3 that for animals that live in the wild without too much contact with humans, the legitimate ways of behaving are reduced but not costly. Since we do not need them in a vital way, it is enough to let them live in respect with their nature (their environment and their behavior) without intervening. That is to say that to avoid unnecessary suffering for them, it is necessary to think of them during human activities that could impact them, but not to intervene actively in the natural process of selection and predation so as not to unbalance the natural order of things, especially the sometimes fragile ecosystems. However, if it is easy

not to intervene in the food chain outside of human structures and activities, it is more difficult to find a solution for animals that are entirely dependent on human beings. Indeed, how to respect both their interests to live in the respect of their nature and especially of their feeding behavior without flouting the interest of other species (in particular that of current farm animals) for life. Carnivores pets need food from other animals that humans raise and kill in particular to make kibble but we have seen that from the point of view of public justification breeding is unacceptable and killing NHA is admissible only in cases of absolute necessity for the survival of the human being and within a very strict framework to avoid unnecessary suffering. In this case, what should be done? Furthermore, taking into account the interests of companion animals and in particular cats poses a problem in the event that the latter end up returning to the state of wild animals.

Firstly, Palmer mentions the possibility of gradually converting the diet of carnivores so that they can feed only on products of plant origin, she takes the example of a successful empirical experience of the conversion of the diet of a lioness for plant food (Palmer, 2013). However, this would amount to intervening in a natural process and would constrain the freedom of domestic carnivores to follow their nature (Zuolo, 2020). So in the liberal framework of a public justification we cannot retain this solution.

Second, should we then relearn these pets to feed themselves or even become wild animals again so that humans would not have to kill other animals or interfere in the food chain? The main problem with this solution is that many cats returned to the wild have unfortunately disrupted ecosystems due to their excessive numbers and continuous hunting, focused as much on play as food. This created imbalances because small rodents began to disappear in ecosystems where they had an essential role by eating insects that attack plants (as a result certain plant species could disappear and cause the species that feed on them to disappear and so immediately in a vicious circle). So is letting cats and dogs feed and hunt unchecked really okay?

From an environmentalist point of view it is not, but from the point of view of other legitimate theories this solution is possible. Indeed, no suffering is done by humans either to pets or to those who will be eaten by them, neither will humans reach for the life of all these animals. So if we remain in a perspective of public

justification, the principles of neutrality and inclusiveness (in relation to the NHA) are respected. Besides, how would it be possible to do otherwise without directly affecting certain interests of our carnivorous pets?

Palmer sees two possibilities: sterilization or confinement. These two solutions for the preservation of ecosystems again amount to unacceptably ignoring certain interests of the NHA. In fact, sterilizing and confining pets indoors is against the nature of the majority of them and would force humans to feed them. But sometimes these possibilities are the only solution. Otherwise we must agree with Callicott that it is natural to let carnivores decimate herbivores and that it is impossible to protect the latter against a natural phenomenon (Callicott, 1988).

c - Sports and competition animals

If NHA cannot be killed or used to make money, what about NHA whose every need is met but humans enter beauty or sports contests? This is especially the case for horses, dogs and sometimes cats. If beauty contests pose a problem a priori, sports contests for NHA who need to exercise a lot physically seem less problematic. If the NHA remains an end and not a means for humans and if the latter respects their nature by participating in contest-type events then there is no major problem.

For example, an Anglo-Arabian horse (used for walks and other journeys around the Mediterranean) or a Border Collie type dog (used mainly to guide herds in the pastures) which in fact need to do a lot of exercise due to their longstanding genetics developed for a specific purpose may enjoy exercises such as show jumping or choreography for horses or agility and canicross for dogs (Sfuncia, De Riu, Moniello, 2011) (Isnard, 2005). Horses and dogs can also have a strong relationship with their human and enjoy doing an activity with them, especially if the human in question meets all of their needs. On the other hand, there is little chance that a Cavalier King Charles dog who genetically has heart problems and therefore does not have to make intense physical effort will be ready to compete in sports (Cadoré, 2013). Moreover, for the animal to remain an end and not a means, the competition must have no material stakes, regardless of the point of view if we start from the point of view that the animal is sensitive and has interests without being able to give us his formal agreement to make paid contests which are easily avoidable.

In fact, the problem arises above all with horses because dog shows are fairly recent and the owners do not live off them (only ancillary professions such as trainers, behaviorists, veterinarians or organizers can make a living from it) (Proy, 2005), unlike competition horses used for racing (which also generates bets), dressage or jumping. Jumping disciplines recognized throughout the world in which it is possible to be a professional in the same way as a high-level skier or motorcycle rider. However, in these cases, the animal, like the high-level athlete, is pushed beyond these natural capacities to become better than the others without him having a say on the subject, unlike the athlete who decides alone to embark on this path which requires sacrifices. Indeed, the horse must train daily to eat a defined ration of food so as not to grow fat and therefore not slow down on the racetrack because it is too heavy, it can injure itself because it is too stressed. Of course in the case of an injury that would last too long and would no longer allow its owner to earn money, in the best case he is abandoned in a shelter, in the worst case he is euthanized or even shot then that he still has many years to live even if he is no longer fit for competitions (Porcher, and Barreau, 2022). So equestrian competitions pose several problems, that of death, of consent, and potentially of abuse if the horse goes too far compared to what its body allows him to do. Racehorses are particularly subject to this because betting on horses brings in a lot of money for both the owner and the winning bettors. Betting and other gambling with an element of chance could be a subject of discussion in itself but in this work bets are problematic because of the consequences they have on non human animals who are subject to bets.

d - Work NHA

Some domestic NHA have become essential in the daily lives of people, particularly those with disabilities. They are in a way working animals, which does not mean that their interests are not respected. In comparison to humans, not everyone does a job they like, many work moreover by obligation to have a salary allowing them to live. Work does not always mean exploitation, if just principles govern the relations between working people and their superiors, shareholders or bosses. So for the NHA there is no reason that making them work is unfair if the people who make them work remain fair in the way they make them work.

Fair rules are rules that state the interests of the NHA in a formal way so that people who need these working animals are obliged to respect them. For animal

subjectivists like Nussbaum, it is possible to make an animal work that has an aptitude and a natural will for the task that will be asked of it. Thus, the human will guide the choice of the animal by developing the skill desired by him and already present at the NHA (Donaldson and Kymlicka, 2011). Even Regan, who refuses all medical experimentation, hunting and commercialization of NHA in any form because NHA are not a resource, never mentions the use of animals that help humans (Regan, 2011). In the same way, pathocentrism and relationalism accepts a form of cooperation between human and other species which means work for NHA is acceptable if like humans they receive a contribution : at least the respect of all their interests and the satisfaction of all their needs. Finally, humanism should probably accept NHA's work only with the respect of NHA's welfare, not all their interests like a minimum of freedom in a day of work for example.

Work is not a very problematic issue because even humans are subject to it and their pets are often happy to please their humans. But all pets cannot work because if it is usually in dogs and horses nature (due to a long domestication) (Sfuncia, De Riu, Moniello, 2011) (Isnard, 2005), it is not the case of other small pets like cats, or new pets (like snakes or rabbits). So work is not problematic for NHA that are able to do it but can easily become exploitation for other species, then humans have to stay alert not to go too far in the tasks requested and NHA used.

4 - 2. Livestocks

It was previously concluded that it is not possible to keep breeding NHA for any reason since they will end up being killed first and anyway breeding poses the problem of movement constraints due to captivity. In addition, there are solutions to animal husbandry for food, as we saw at the beginning of this work through meat grown artificially or supplemented with vegetable products. NHA farms are sometimes for non-food items, especially for clothing with furs and spoons. Of course, today we know how to make synthetic clothing (with polyester among others) or entirely with vegetable materials (with cotton for example) so these products no longer have a reason to exist. Animal skin clothing is only used for its aesthetic side and therefore cannot be legitimized by humans since other solutions are used by

humans on a daily basis. Only environmentalists scholars like Rolston defend the fact that livestock can be used because their life in farms is better than in the wild where they cannot survive and because they lived only because humans need them otherwise they would never be born (Rolston, 1989). McMahan calls this justification of livestock killing “benign carnivorism” but he doesn't agree with it like other theorists agreed on the fact that it is not possible to kill animals before their natural death. McMahan also says that the only way eating this is if they are still dead and so if humans can program NHA genetically to make them die earlier in their life to meet the need for meat of the population it would eventually be acceptable. And of course during their short life their interests have to be respected (McMahan, 2008).

Whatever, if we can no longer raise animals, what should we do with those currently kept on farms? If they are simply released into the wild, they are unlikely to survive and if they do survive ecosystems have developed without their presence in the wild for hundreds of years. On the other hand, if it is not possible to release them, does this mean that the individuals already in captivity must be kept in this situation until their natural death and avoid their reproduction? It would also mean using the sterilization or separation of males and females in a systematic way in semi-freedom spaces where they will be fed and cared for until the end of their life and thus entire species would disappear.

And what about raising animals not to kill them but to use their production, especially milk and eggs? The two are to be distinguished because milk production is forced by humans while egg laying occurs anyway (Guérin-Dubiard, Anton, Gautron, Nys, & Nau, 2010). Indeed, to produce milk, the female (usually a cow, goat or sheep) must give birth, it is gestation that induces the production of milk to feed the baby for a few months from birth to weaning. For animal subjectivists like Donaldson and Kymlicka, use of all animal products (apart from the meat itself) is a “slippery slope” because it can be a form of resistance against NHA interests and justify the perpetuation of the exploitation of farm animals for the benefit of humans (Donaldson and Kymlicka, 2011).

Furthermore, pups born on dairy farms are removed before the natural weaning age. In addition, they cannot suckle as much as they would like and as much as they need because the mother must have enough milk for human milking.

So humans do not meet the needs of babies and do not take their interests into consideration. Moreover, if the small females stay on the farm to become dairy, the males are sent to the slaughterhouse because they have no interest in breeding. Finally, the females stop producing milk after a few months even if their milk has been pumped regularly, so you have to constantly make them have babies so that milk production is continuous, then after a few years when they drop in productivity and are also sent to the slaughterhouse to become meat (PETA France, n.d.). So it is not possible to use milk in these rearing conditions. Perhaps using animal milk would be acceptable if a female has a natural calf, lives in conditions that meet all of these needs and interests, and has extra milk (once her calf takes the necessary amount), we could then take some of the surplus for humans. This is only possible if NHA are not used as a means of earning money and are instead treated as pets that retain the freedom to live, move, be fed and housed according to their needs.

On the other hand, for birds that lay eggs, it is not the same thing. Of course the interests of these NHA must also be taken into account and factory farming cannot be legitimate since the animals are killed when they are no longer productive enough and the animals are strongly constrained in their movements. Moreover, the consumption of eggs poses a problem if they are potential living beings. The controversy surrounding abortion in humans is somewhat of the same order, namely is it possible to kill a fetus that could become a human or already be a living and sentient being. However, as the purpose of this work is not to answer this question, we will assume that it is not legitimate to take eggs from birds that could become their offspring. On the other hand, some birds like hens lay eggs even if they are not fertilized and cannot do anything with them, in which case it is probably possible to collect them to eat them. However, to be sure that the eggs are not fertilized, the males and females must be separated but if they must live in freedom, there is a good chance that the males and females will cross paths and reproduce. Moreover, total freedom would lead to possible NHA incursions into lands not belonging to those who adopted the birds (and who did not want to assume the adoption of animals). We will see at the end of the work the problem of territory and individual property in the face of the free movement of NHA in more detail. In the case of animals such as hens, a choice must be made between having NHA in total freedom

but which will surely have fertilized eggs or NHA in partial freedom with the males on one side and the females on the other and being sure you can eat the eggs.

4 - 3. Liminals

Donaldson and Kymlicka call liminals wild animals that have moved closer to urbanized territories to take advantage of human activities. Buildings give them shelter and garbage cans provide them with food. Unfortunately, these NHA are often considered harmful because they are always more numerous to invest in urbanized places to find food more easily and can sometimes be carriers of disease, or even degrade installations. This is why questions arise about the attitude to adopt towards these animals.

The liminals considered harmful are currently being killed in large numbers to stop their harmful actions on human infrastructure and health. But insofar as pests have arrived in places occupied by humans because of humans, the question arises of the legitimate way to rectify this error. Several proposals have already been made and it seems legitimate from the point of view of public justification. First of all, it is clear that actions of the rat control type are not acceptable since they kill sentient beings, not to mention the collateral risks (rat control is done with poisons, toxic both for pests and for all other animals, including humans). Disinsection is different because it eliminates species potentially essential to biodiversity and the balance of ecosystems, but insects do not have nerves and therefore do not have the ability to feel pain either. So the problem is only environmental for insects but concern sentient being for the rest.

So, to avoid attracting pests and trying to get rid of those that are already present, the main solution is to stop feeding them even unintentionally. It is then necessary not to leave the dustbins to carry them, not to throw food on the ground or in the drains. This is already what some Western states recommend : In Switzerland, the Office fédéral de la santé public (OFSP) which protect public health indicates that “Une bonne dératisation commence par l’élimination des sources de nourriture et l’obturation des orifices, afin de prévenir toute réimplantation des nuisibles” (Office

fédéral de la santé publique, 2018, p.1). This illustrates that deratization begins with the elimination of food sources and the sealing of orifices, in order to prevent any re-establishment of pests without using poison and risking even humans life. Unfortunately, even though it is admitted that liminals have become so through the fault of man and that there are admissible solutions from the point of view of public justification, the OFSP continues to advocate the extermination of species pests:

Pour les infestations plus importantes, on pourra recourir à des appâts empoisonnés, mais avec une prudence particulière. En effet, ce type d'appât contient des substances chimiques anticoagulantes, qui entraînent une hémorragie interne chez le rongeur, suivie de la mort par arrêt circulatoire. Leur utilisation peut aussi avoir de lourdes conséquences sur la santé des autres êtres vivants. (Office fédéral de la santé publique, 2018, p.1)

In this quotation OFSP admits that killing liminal because of massive invasion with poison is painful and very dangerous for other species, including humans. Public justification in this case cannot justify such treatment knowing that the eliminated species can feel pain, be aware of their death and all this by the fault of the human himself.

Like the wild NHA, the liminals which do not constitute a problem for human societies have no reason to have contact with humans, they only seek human structures and conversely humans have no reason for their contact to hurt. On the other hand, for liminals that have become harmful, as we have seen for captivity, it is necessary to differentiate between NHA endemic to the place where they are found and those that have been imported or migrated, but especially between those which are potentially dangerous and others (which may even be essential for the environment). The NHA endemic to their place of residence have a particular importance for the maintenance of the environmental balance contrary to the exotic species which can disturb it but that is not a reason for being treated differently and it is the same for the species dangerous or harmful. That said, their needs are different and the way in which it will be possible to limit their impact will therefore be adapted to respect their nature and their integrity.

Let's take a first example of an endemic pet in Switzerland : pigeons. These degrade homes and create olfactory and visual nuisances mainly with their droppings (very acidic and therefore destructive) (stop pigeons.ch, 2022). But pigeons are endemic to Swiss cities and have an importance in the ecosystem (as long as they are not in excess as can be the case in cities because of the food-rich environment conducive to their reproduction), so we can't remove them. The only solution is to stop leaving food sources available to them so that they return to the wild and their population decreases once they are reintegrated into the food chain. So a perfectly clean city would have advantages beyond aesthetics and it is everyone's responsibility to ensure that potential food sources do not end up in the streets anywhere.

On the other hand, alien species that disturb the original ecosystems cannot be left without human intervention to preserve other species, although of course it is not permissible to kill them. For example, turtles from Florida were imported to Switzerland to become pets. Then some have, in general, been released illegally by people who no longer want their turtle (these turtles can indeed live up to 40 years). The problem is that these turtles were released into lakes and started eating amphibian spawn (eggs) and insect larvae endangering these species (Office fédéral de l'environnement, n.d.). This is why this species is closely monitored in Switzerland because they have adapted well to their new environment. They could just as easily be captured and released in their original environment or be confined to an enclosed area such as a refuge in semi-freedom. But especially if their new environment were to change and this species did not adapt, humans would have no obligation to intervene and the disappearance of the species would have no negative impact on the ecosystem, on the contrary.

4 - 4. Wild animals

a - Total freedom

Wild NHA are in theory those with which humans have the least contact and therefore they theoretically do not need to be protected from us. In fact, even the freest animals need protection, if not from humans, at least from their actions and

consequences. A minority of humans hunt but a majority is the cause of the expansion of urban construction ever further into the natural habitat of many species. From the point of view of relationalism, humans owe nothing to animals with which they have no relationship, but not having a relationship with the NHA is impossible even with wild animals since we are amputating their territory more and more (Aguejedad, 2009). So we have to find a solution between relationalists scholars that argue that we have direct duties only to animals who live with us (Valentini, 2014), environmentalists that thinks we have indirect duties to NHA (that are part of environment towards which humans have direct duties to preserve the balance) (Callicott, 1988), and finally other scholars that defend direct duties to every sentient being because indirect harm is not fair. Indirect harm cannot be ignored like De Grazia says, he took the example of a person that pay another one to torture a third person, the sponsor did not participate directly in the injuries of the third person, but he did not act fairly and in human context he have to face justice and took his responsibilities (Pelka, 2020). Like Donaldson and Kymlicka have written, humans are able to prevent the foreseeable consequences of their actions even on wild NHA and must treat individuals who would be injured because of humans if anticipation was not enough (Donaldson and Kymlicka, 2011). However all theorists agree on the fact that humans cannot intervene in damages as NHA and nature do to each other, environmentalists explain that natural selection eliminates weakness in nature and keeps it balanced (Palmer, 2007).

First of all, no matter which legitimate perspective is chosen, none justifies the hunt. Indeed, we have seen that killing animals or inflicting pain on them is inadmissible except in cases of extreme necessity for human life. As we have seen that humans can do without meat in their nutrition then hunting is not admissible (Lecerf, 2017). At least it is not admissible in most of countries who have access to a wide variety of food in supermarkets. Of course hunting can still be legitimized in countries where the population is so poor that they cannot buy in supermarkets and hunt for survival as wild animals will in the food chain. Moreover, some hunters do not hunt for meat consumption but for pleasure. We have also seen that killing for pleasure is the least legitimate of all motives and science can even prove that it is abnormal and pathological behavior (Leistedt, Couman, Pham and Linkowski, 2008). In the same direction, the breeding of animals for hunting is even worse since the

animals are taken care of for the sole purpose of entertaining humans who take pleasure in killing them. The argument of regulation is also not admissible insofar as if humans did not kill predators and had not caused certain entire species of predators to disappear, there would be no need to hunt excess species in nature (it would regulate itself). A good example is the reintroduction of wolves in Yellowstone which regulate the deer in overpopulation which eats all the vegetation. Thus plants such as cottonwood were able to regenerate and reappear naturally. So for the balance to be guaranteed, it is not necessary to hunt but to reintroduce the endemic species that have disappeared (Ripple & Beschta, 2003).

The last case where hunters are currently needed is the case of sick wild animals that transmit their diseases to animals domesticated by humans. Infected animals are mainly animals intended for meat consumption and therefore to be killed. As seen before, it is not acceptable to kill animals for their meat except in cases of absolute necessity, so it is no longer useful to kill wild animals that could transmit diseases to livestock. Of course, if the nature of the NHA is respected and they have a fair return for their contribution, the products they can give us apart from their meat can be used by humans (as long as conditions are respected for and if a public justification procedure admits it as legitimate) and therefore contaminated by animal diseases. Wild animals could make humans who eat these products sick. But we have also seen that humans must care for the animals in particular if they are sick because it is human choice to use these NHA and humans must therefore assume it. If wild animals transmit diseases it is not right to kill them but it is right to give the best care to animals having a relationship of mutual benefit with humans since this care will be beneficial for the human himself (through the animal products he consumes) (Donaldson and Kymlicka, 2011).

If we do not kill the NHA, we leave the ecosystems to regulate themselves, but the fact that urbanization is spreading ever further into the territory of the wild NHA is a more complex problem to solve than hunting. The human population is growing because the lifespan is increasing in rich countries while the number of births remains stable. In addition, population growth is very strong in countries where poverty is most present, the number of children per woman remains very high despite the fact that the population can still receive care and that fewer children die in young age. So we have to house an ever-increasing population and meet these

needs (schools, supermarkets, agriculture, roads, offices) (Véron, 2007). This therefore induces the extension of the city on the countryside and the cultivated fields on the forests. But it is the forests and uncultivated plains that are the last refuge for wild animals, where the food chain remains almost intact to allow each species to survive (Lescureux & Linnell, 2010). This does mean, however, that the number of children per woman must be restricted to reduce or eliminate the growth of the human population. Insofar as we saw earlier that freedoms cannot be curtailed in NHA with regard to having offspring then obviously the same is true for humans. In these circumstances, how to preserve the life of other animal species and their freedoms without hindering those of humans ?

First, we must ensure that human constructions will not have a disproportionate impact on the fauna (and the flora obviously, but that is not the point). In a way, you have to find the right balance so that each species has the freedom to reproduce while leaving enough for the other species to live comfortably and without nuisance. To better understand what this may entail, let's take some examples. France offers a first interesting track for this through soil studies. The ELAN law of November 16, 2018 makes the soil study compulsory for the sale of building land, i.e. the seller must provide proof that there is no danger for future construction on the site. land he wishes to sell (gouvernement français, 2018). Sometimes a soil or land study reveals the presence of rare plant or animal species that must be protected and this makes construction impossible, this is particularly the case for the motorway linking Sierre to Brig in Valais, the construction of which not manage to be completed, firstly because of political negotiations at the local level, but also following environmental opposition because the motorway must cross the "Bois de Finges" which is a nature reserve sheltering many rare species in Switzerland. Thus the highway will be buried under the "Bois of Finges" so as not to disturb the species that live on the surface (letemps.ch, 2005). It is a good illustration of adaptation of man and these constructions to the nature that surrounds these constructions.

But this is not the only solution. We can also take the example of insect hotels found around vegetable gardens to attract pollinating or aphid-eating species to develop and protect crops as well as the insects themselves which are mistreated by insecticides and other pollutants in cities and intensive farming areas. This is a good model that could be applied in urbanized areas to keep wildlife in areas that have

remained pristine and where humans would not be allowed to go. Thus the species present before human constructions would no longer need to move ever further back to the outskirts of agglomerations in areas untouched by human activity which are constantly shrinking. As sorts of large parks where animals would live in semi-freedom and protected by remaining in their original habitat, this would create a kind of ecosystem inside the agglomerations and would also be beneficial for the environment in general and therefore for human quality of life Villenave-chasset, J. (2013).

b - Partial freedom

The notion of semi-freedom came up several times during this work. The structures that allow this semi-freedom are a solution to the respect of the interests of the NHA in many circumstances where humans could become a danger for certain species. Whether it is towards wild or liminal NHA, harmful or not, alien or endemic, humans always have the possibility of harming other species even in an unintentional, indirect or perfectly conscious way. Since circumstances are never ideal, these structures are of great importance in the preservation of NHA as individuals but also of biodiversity even if they have a cost that must be borne by humans since the fault is theirs. Moreover, even domestic NHA could benefit from it as part of a rehabilitation to live in the wild, especially with regard to carnivores that force humans to kill other species for food when adopting these species of domestic carnivores. This would allow humans to no longer intervene in the food chain if at least domestic carnivores learned to hunt. Of course this wouldn't work for domestic NHA who have the equivalent of working with humans and don't have the time.

Take the example of Merlet Park, located near Chamonix in Haute-Savoie. This park is completely enclosed and only houses species endemic to the Alpine mountains which can wander freely as they please inside the nature reserve. Each species coexists with the others as in the wild (parcdemerlet.com, n.d.). NHA in the park can return to the wild at any time as they have never left their original environment. The animals are regularly monitored by humans and cared for if necessary. But the main purpose of the fence is to put the NHA out of reach of hunters and malicious humans. In addition, if necessary each of them can be

isolated if they are carriers of a disease but without the need to be locked indoors or in a space that is too small by adding fences inside the park. The park has the possibility of accommodating any species of NHA capable of living in the Alps if necessary, for rehabilitation if the animal has lived in captivity, for care if it is orphaned and of a species in endangered or any other circumstance requiring partial release and human supervision. Some animals will need this protection all their life but to meet the maximum interest of the NHA this partial freedom must be temporary as in animal shelters.

Finally, domesticated animals (companion or breeding) are those whose interests can be least respected because they are weaker than other species in nature (without humans). Moreover, even if we could give them their complete freedom since the ecosystems have evolved gradually without them and their reintroduction could disturb the natural balance. It is the same for the respect of some of their primary needs which put humans in a complex situation by forcing us to choose which interests are the most important, particularly in terms of food for carnivores. That said, even if it may seem simpler to respect the interests relating to the life, comfort and freedom of wild animals, in reality we must realize that humans have a great responsibility towards them. Urbanization in particular is doing a lot of harm to populations of wild and liminal animals by shrinking their range. To keep the liminals away from the cities and leave them in their wild condition, the sacrifice for humans is the least important since good citizenship can almost suffice in keeping the cities clean and free of food waste.

chapter 5 : Limits

After having proposed lines of thought to improve relations between human species and other sensitive species, we cannot miss the potential limits to respecting the interests of NHA. The division of the territory between the different species so as not to harm each other is particularly problematic, as is the impact of the selfish interests of humans.

5 - 1. Territoriality

The solutions and theories discussed in this work only apply to a politically liberal state context allowing each citizen to express their diverse opinions. It is also for this that the citizens accept to discuss their responsibility vis-a-vis the NHA which live near them and to recognize the legitimacy of the possibilities proposed in this work and especially in the book of Federico Zuolo : *Animals rights, Political liberalism and Public reason*. Although ethics sometimes wants to be universal, this is not the case with this work and it is therefore geographically limited to countries which correspond to the criteria of political liberalism and which grant the necessary freedoms to humans or even to certain other sensitive species.

However, this geographical limit is not the only one, because most Nation-States are divided into individual properties. Indeed, if we want to respect the interests and freedom of animals, especially wild animals, we cannot prevent them from crossing borders and private property. In fact, in the absence of a formal contract between humans and other species, NHA found on private property would find themselves at the mercy of the owners. The treatment of these sentient beings would then be very different depending on the sensitivity of the owners to the interests of other species. But with regard to farmed and domestic animals adopted by humans, can their freedom encroach on that of all humans, including those who did not choose them? In fact, should we assume that since humans in general chose thousands of years ago to domesticate other species, all humans should bear this responsibility now? On the contrary, should we start from the principle that each individual must manage so that his choice to adopt an animal never impacts the others? Perhaps there are nuances to be made depending on the circumstances.

For example, we have seen that if I adopt an NHA it is my responsibility to meet all of my animal's needs in terms of water, food, toys, comfort, mental and physical expenditure. It is also my responsibility to care for my animal and educate it so that it integrates into human society while respecting its interests and nature.

On the other hand, if I go with my animal for a walk in a public forest and that it has been well educated, that it responds to reminders and never barks and never bites, then how could we justify that it be kept in leaves while humans can enjoy their freedom by walking, running, jumping or they want? For example, in France, Dogs that are considered dangerous have to be on leash and to wear a muzzle each time they go outside of their house and other dogs have to be on leash if they go on public roads and urban zones. But mayors can ban dogs not kept on a leash in all public places or even ban dogs in general in certain public places in their city. In these cases NHA freedom is very restricted and their basic need for daily physical exercise cannot be satisfied and constitute a problem (Service public Français, 2022).

And if my animal plays in my garden and finds a way to go into the neighbor's garden, for a human it is a violation of property if we are not invited by the neighbor but for an NHA can we apply this rule while he cannot understand the notion of property, am I responsible for my animal in this case? Currently in the Swiss and French laws I am indeed responsible because my dog must stay on my land thanks to a fence or a lanyard but this is probably done to the detriment of the interests of the canines.

Ownership poses a problem because it places humans as the sole master of a territory that was originally shared implicitly between all living beings. We must therefore give back to the species that need it the spaces they need to flourish, even if today these are private properties. This is why fences and other means of limiting intrusion on private property are against the interests of wild NHA. Pets may need it less because their owners can take them to public places to exercise almost freely. Humans, who number only eight billion, still encroach on more than 75% of the planet's soil (géo.fr), hence the importance of giving other species access to as many natural spaces as possible.

5 - 2. Weight of particular interests

We have already seen that certain arguments cannot legitimately be used in an ethical reflection around animal rights because they represent particular interests. However, we are trying to assess the possibility of giving, if not formal rights to NHA, at least duties to the humans who work alongside them. If these interests have no place in an ethical reflection around the rights of non-human animals, they have their place in the reflection and the vote of public policies and laws. Special interests can be represented by political parties but above all by lobbies, this is clearly the case in Switzerland where the lobbies concerned by a future law are integrated from the start of the legislative process. Some lobbies have a very strong economic and political weight and can easily twist the law in favor of the interests they represent both vis-à-vis elected officials and vis-à-vis the population. For example, “economiesuisse” is an organization responsible for representing the employers of Swiss companies that pay them a contribution. With substantial financial means, this organization has a very important weight in the discussions around new laws and public policies during the pre-parliamentary phase. Then, in the referendum phase, economiesuisse has the means to use massive communication to push citizens to vote in the direction of the interests of Swiss companies and their bosses (Kriesi, 1998) (economiesuisse.ch, n.d).

In a liberal democracy, any opinion can be represented in politics, even ethical or scientific legitimacy does not change anything, which makes the implementation of more rights for NHA and above all more duties for humans towards all NHA close to them impossible. If our role is not to defend the interests of the NHA in practice but only to stimulate reflection on the relationship we have with the NHA and how we treat them, particular interests pose a certain problem for progress in this area. (as is the case for other subjects around ecology in particular). The fact that ethical reflection is taken into account in a practical way is not the responsibility of theoreticians, but this reflection is necessary to change points of view and give material to those responsible for defending the interests of NHA in parliament liberal democracies.

Territoriality and self-interest are probably not the only practical and theoretical limits to the consideration of NHA interests in law, but they raise broader theoretical questions about the legitimacy of human actions on earth in general. The right to move is indeed an issue also for humans who are subject to migration policies (everyone has the right to leave their country but the host country has the right to refuse the presence of foreigners). Similarly, the issue of lobbies is present in any legislative process. This is why the question of the contract between humans and other sentient beings is part of the same fight for equality in general (even between men and for their rights to freedom and to life).

Conclusion

Political liberalism allows several legitimate arguments for respecting the interests of NHA in their relationship with humans without justifying any treatment of NHA by humans. That said, all the legitimate arguments are at the level of a moderate antispeciesism, neither only welfarist, nor animal liberation which would be a perfect antispeciesism which would make no difference between species. Indeed, on the model of Hobbesian contractualism, the different possibilities proposed to meet the challenges of respecting the interests of NHA are imposed on NHA through human reflection. The reflection of this work was based on antispeciesist and animal rights theories thought by humans to find fair and legitimate ways to regulate relations between humans and all sentient beings who are impacted by human activities. From pets to wild animals to liminals, all sentient beings are in fact impacted by human activities and this involves many challenges for humans to succeed in treating other species fairly on a daily basis. Of course, some issues also concern humans, but since humans are the only beings endowed with morality and capable of respecting duties towards other sensitive species, the solutions for respecting the rights of NHA are more numerous than for humans (even if each species retains significant moral weight). If the moral weight given to the NHA due to their sensitivity imposes on humans to respect their nature and their interests, in particular a free and comfortable life, all these interests cannot always be respected so that no sensitive species is disadvantaged. This is why sterilization, euthanasia, medical experimentation or even captivity and property may be justified in NHA but not always in humans, since a balance must be kept in respect of the interests of everyone including humans.

While respecting the interests of the NHA as much as possible, we have seen that it is possible to keep them in semi-freedom, which is not possible for humans who have not exceeded the law, but essential for many NHA who depend of humans or could be victims of the bad actions of humans if they were in complete freedom. In addition, semi-freedom makes it possible to respond to the issues of sterilization, euthanasia, release of farm animals or pets, but also the issues of ownership and territoriality. Indeed, semi-freedom allows humans to keep control over animal populations that could become destructive in nature (especially for pests and

carnivores) or jeopardize the interests of other species without asking humans too much effort and therefore without cutting back on the human interests and freedom. In fact, semi-freedom allows humans to assume their responsibility towards the species they impact and constitutes an intermediary between the perfect respect of the interests of the NHAs and the protection of individuals and species. This solution can potentially be used on all types of NHA, regardless of their relationship with humans, to overcome the impossibility of humans to take care of all the NHA that need them. In short, semi-freedom (if it does not lead to the marketing of NHAs in any form whatsoever) can be the answer to almost all the issues raised in this work.

Finally, antispeciesism makes it possible to define a perimeter of reflection and action in a liberal political context so that relations between humans and other sentient beings are fairer in the future. This scope ranges from the total impossibility of killing and using NHA by humans to the possibility of integrating certain species into human communities under conditions or even using certain NHA in case of absolute necessity or compensation for the animal. The various proposals falling within this antispeciesist and fair perimeter can be debated through traditional democratic processes such as voting to adopt a contract that will be legitimate and accepted by humans to legally define the responsibility of humans towards the NHA they rub shoulders with.

All in all, if we cannot ignore that NHA have needs, interests and therefore rights, we cannot overlook the fact that the interests of each species compete with each other and cannot all be respected. It is then necessary to give back to humans the responsibilities incumbent on them in the face of these multiple interests, keeping in mind that it is a one-way responsibility, the NHA cannot do the same towards humans and therefore do not all have rights. In fact, if in the ideal the NHA could be considered as equal to humans, in reality this is impossible and other ways of being fair towards them are possible if we admit that currently the relationship between humans and other sentient species is not acceptable, not fair and must change.

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