

Article

Zoophilia Is Morally Permissible

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Submitted: 23 March 2023, accepted: 24 September 2023, published: 31 October 2023

Abstract: As one of our most deeply entrenched social taboos, zoophilia is widely considered to be wrong, and having sex with animals is illegal in many countries. In this article, I would like to go against this *de facto* consensus and argue that zoophilia is morally permissible. This would have major implications for how we legally and socially deal with zoophilia.

Keywords: zoophilia; bestiality; harm; consent; animal ethics; sex ethics

How to cite: Bensto, F. Zoophilia Is Morally Permissible. *Journal of Controversial Ideas* 2023, 3(2), 6; doi:[10.35995/jci03020006](https://doi.org/10.35995/jci03020006).

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Introduction

Sex with animals is a powerful social taboo that exposes its practitioners to utmost indignation and stigma. Zoophilia is one of the few sexual orientations (along with e.g. necrophilia or pedophilia) that remain off-limits and have been left aside from the sexual liberation movement in the past fifty years.¹ I would like to argue that this is a mistake. There is in fact nothing wrong with having sex with animals: it is not an inherently problematic sexual practice.

Given the sheer outrage that the mere mention of zoophilia triggers in many people, we might expect the case for its permissibility to be a hard sell and my claims to be modest and tentative. This is not so: not only do I think that zoophilia is morally permissible, but I also think that the case in its favor is rather straightforward, so that it should be the default position within many philosophical quarters. This makes it all the more surprising that no ambitious and explicit defense of it has been published so far.

I start in Section 1 by clarifying what is meant by zoophilia. In Section 2, I introduce the debate over the permissibility of zoophilia. In Sections 3 and 4, I address the questions of whether zoophilia is harmful and whether animals can consent to sex with humans. In Section 5, I tease out some important implications.

¹ The topic is so socially sensitive that I write under a pseudonym out of fears of negative repercussions on my career and private life, even if I do not engage myself in zoophilia.

1. What Is Zoophilia?

By zoophilia, I mean human engagement in romantic and/or sexual relationships with (non-human²) animals.³ We can distinguish between zoophilic *activities* – the term “bestiality” being sometimes used to refer to zoophilic *sexual* activities – and zoophilic *orientation*, understood as a general attitude of romantic and/or sexual attraction to (some) animals, which disposes one to engage in zoophilic activities. As an orientation (sometimes referred to as *zoosexuality*), zoophilia can thus be compared with other orientations such as heterosexuality or bisexuality,⁴ and should accordingly be distinguished from mere fetishes (i.e. sexual interests for specific non-living objects or non-genital body parts).

This basic definition calls for several comments. First, zoophilia covers a variety of romantic and sexual activities.⁵ The latter are not limited to vaginal or anal penetration, but also include masturbation, oral-genital contact, frottage, zoophilic voyeurism, etc. Second, I leave open the possibility for zoophiles to engage only in non-sexual activities, such as displays of affection or caring behaviors, but it is sexual activities that are usually considered to be morally problematic, so most of my arguments will concern sexual activities. Third, there might be doubts about the possibility of having a romantic relationship with an animal. Humans sometimes do love their pets, and reciprocally pets like dogs can plausibly be attributed attitudes of love toward human beings, but it is true that what is required for love to count as *romantic* is debated.⁶ Fourth, zoophilia, as an orientation, comes in different degrees. Zoophiles might have an exclusive attraction for animals or be also attracted to human beings.⁷

Zoophilia is the object of widespread social ostracism, especially in its – arguably more visible – sexual component.⁸ We can already find in the Old Testament several passages which portray bestiality as a crime against nature (e.g. Leviticus, xviii 23, xx 15). Various forms of sex with animals (both real interactions and zoopornographic

² As is customary, I will use the term “animals” to refer only to non-human animals, though strictly speaking humans are animals too.

³ The romantic and sexual aspects of zoophilia can be summarized as *erotic*, as in Bolliger and Goetschel's definition of zoophilia as “a strong, erotic relationship with an animal, in such a manner that it leads to its inclusion in sexually motivated and targeted acts, with the direct intention of sexually arousing one-self, the animal or another party”. Bolliger, G., & Goetschel, A. F. (2005). Sexual relations with animals (zoophilia): An unrecognized problem in animal welfare legislation. In A. M. Beetz & A. L. Bodberscek (Eds.), *Bestiality and Zoophilia: Sexual Relations with Animals*. Purdue University Press, p. 24.

⁴ See Miletski, H. (2005). Is zoophilia a sexual orientation? A study. In A. M. Beetz & A. L. Bodberscek (Eds.), op. cit.; Miletski, H. (2017). Zoophilia: Another sexual orientation? *Archives of Sexual Behavior* 46(1): 39–42. [link to the article](#).

⁵ See, e.g., the typologies proposed by Aggrawal, A. (2011). A new classification of zoophilia. *Journal of Forensic and Legal Medicine* 18(2): 73–78. [link to the article](#). Emmett, L., Klamert, L., & Stetina, B. U. (2021). Demystifying zoophilia: Classification and psychological aspects of humans having sexual relationships with animals. *International Journal of Forensic Mental Health* 20(2): 165–76. [link to the article](#).

⁶ For a discussion of animal capacities for love, see Milligan, T. (2014). Animals and the capacity for love. In C. Maurer, T. Milligan, & K. Pacovská (Eds.), *Love and Its Objects*. Palgrave Macmillan, pp. 211–25. [link to the article](#).

⁷ Miletski, H. (2017), op. cit.

⁸ Miletski, H. (2005). A history of bestiality. In A. M. Beetz & A. L. Bodberscek (Eds.), op.cit.

depictions) are currently outlawed in numerous jurisdictions.⁹ Though increased tolerance and decriminalization have been observed in Western countries in the 20th century, mainly as a collateral effect of sexual liberalization, more recently a significant trend of recriminalization, e.g. in Germany, France, and some US states,¹⁰ has taken place, this time under the additional pressure of animal rights activists, who have generally expressed intense hostility to zoophilia.¹¹ Scientific approaches to zoophilia have often been premised on the wrongness of zoophilia. To take just one example, in veterinary science the concept of animal sexual *abuse* is construed as including “all sexual contact between people and animals,”¹² thus effectively taking a stand against all forms of sex with animals. Zoophilia has also been heavily pathologized and treated as a mental disorder. It was introduced as a paraphilia in the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III) in 1980.

Despite this social consensus against zoophilia, there is evidence of zoophilic practices and representations in many societies.¹³ Numerous myths and folkloric traditions, for example, contain anthropomorphic characters and depictions of sexual relationships between humans and animals. The prevalence of zoophilia in the general population, however, is difficult to establish due to the paucity of research on the topic.¹⁴ Most scientific studies of zoophiles are based on convenience samples of self-identified zoophiles on the Internet or focus on forensic (notably sex offenders) or clinical populations. An inaugural study by Kinsey and colleagues found that 8% of the male and 3.5% of the female US populations had had at least one sexual interaction with an animal in their life, with the percentage exceeding 50% in some rural locations.¹⁵ One major factor driving the prevalence of zoophilic activity is simply access to animals. Though the rural population has an easier access to farm animals, the increased number of pets has offered new opportunities for the urban population to engage in sex with animals too, with dogs being by far the most common species that zoophiles have relationships with.¹⁶ A more recent survey (N = 1,015) suggests that 2% of the general

⁹ See Part 1 of Bourke, J. (2020). *Loving Animals: On Bestiality, Zoophilia and Post-Human Love*. Reaktion Books; Vetter, S., Boros, A., & Ózsvári, L. (2020). Penal sanctioning of zoophilia in light of the legal status of animals—a comparative analysis of fifteen European countries. *Animals* 10(6): 1024. [link to the article](#).

¹⁰ In the US, for example, the wave of antizootophilic legislation followed the Enumclaw horse sex case in 2005, in which a man died from injuries after having received anal sex from a stallion.

¹¹ This hostility was clearly visible in angry reactions from some members of the animal rights movement to Singer's short article “Heavy Petting” (2001). In France, it is revealing that zoophilic practices have been outlawed in 2021 as part of a broader legislative package in favor of animal welfare and rights (Loi n° 2021-1539, see [link to the article](#)).

¹² Stern, A. W., & Smith-Blackmore, M. (2016). Veterinary forensic pathology of animal sexual abuse. *Veterinary Pathology* 53(5): 1057–66, at 1058. [link to the article](#).

¹³ Dekkers, M. (2000). *Dearest Pet: On Bestiality*. Verso; Valcuende del Río, J. M., & Cáceres-Feria, R. (2020). Social scientific analysis of human–animal sexual interactions. *Animals* 10(10): 1780. [link to the article](#).

¹⁴ Holoyda, B., Sorrentino, R., Friedman, S. H., & Allgire, J. (2018). Bestiality: An introduction for legal and mental health professionals. *Behavioral Sciences & the Law* 36(6): 687–97. <https://doi.org/10.1002/bsl.2368>; Campo-Arias, A., Herazo, E., & Ceballos-Ospino, G. A. (2021). Revisión de casos, series de casos y estudios de prevalencia de zoofilia en la población general. *Revista Colombiana de Psiquiatría* 50(1): 34–38. [link to the article](#).

¹⁵ Kinsey, A. C., Pomeroy, W. B., & Martin, C. E. (1998). *Sexual Behavior in the Human Male*. Indiana University Press. (Original work published 1948); Kinsey, A. C., Pomeroy, W. B., Martin, C. E., & Gebhard, P. (1998). *Sexual Behavior in the Human Female*. Indiana University Press. (Original work published 1953).

¹⁶ Miletski, H. (2002). *Understanding Bestiality and Zoophilia*. East-West Publishing.

population find the prospect of having sex with animals sexually arousing,¹⁷ while a popular non-academic survey (N = 430,000), probably skewed toward a sex-positive population, finds that around 11% of the male and 7% of the female respondents have some sexual interest in horses and around 18% of the male respondents and 11% of the female respondents express some sexual interest in penetrating an animal.¹⁸ The appeal of zoophilia is also reflected in the wealth of zoopornography that can be found on the Internet. Zoophilia, it turns out, is more common than we might think.

Many people who have sex with animals do not strictly speaking have a zoophilic orientation, but use animals as surrogates for human sex partners. In this case, sexual activities with animals often have an experimental dimension and might be a passing phase during teenage years. In contrast, zoophilia does constitute a more full-fledged sexual orientation for other people. With the advent of the Internet, groups of zoophiles have coalesced into a budding social movement, sometimes represented by the Greek letter ζ (Zeta), which puts animal welfare and preferences on center stage and firmly condemns any form of zoosadism and abuse.¹⁹ Calling themselves “zoos”, they urge that their orientation be acknowledged as a legitimate sexual identity alongside other already recognized sexual identities.²⁰

2. Debating Zoophilia

The ethics of zoophilia has been subject to little academic attention so far. We might think at first that zoophilia is so obviously wrong that no discussion whatsoever is needed, but this is not the case. Those who have addressed the ethical status of zoophilia sometimes confess that most existing arguments for the wrongness of zoophilia are lacking.²¹ To my knowledge, only three authors working on ethics have expressed some degree of sympathy with zoophilia. Singer, in his notorious article “Heavy Petting,”²² takes a broadly utilitarian approach to question why sex with animals should be a crime even if the animal is not coerced or harmed. He attributes our hostility to sex with animals to speciesist prejudice. Rudy takes queer theory as her starting point and uses zoophilia to question the demarcation between sex and non-sex.²³ Finally, Bourke provides a groundbreaking discussion of various aspects of zoophilia in order to “think through ways of cultivating more kind and caring relationships between different species.”²⁴ All three deny that they are “defending” zoophilia and fall short of claiming that zoophilia is permissible.²⁵

¹⁷ Dawson, S. J., Bannerman, B. A., & Lalumière, M. L. (2016). Paraphilic interests: An examination of sex differences in a nonclinical sample. *Sexual Abuse* 28(1): 20–45. [link to the article](#).

¹⁸ [link to the article](#).

¹⁹ These ideals are reflected in the “Zeta principles” that have been proposed to regulate the movement (see [link to the article](#)).

²⁰ See, e.g., [link to the article](#).

²¹ Levy, for example, agrees that “none of [the objections against bestiality] are very convincing” (p. 444), while Haynes notes that “[t]hrough on a superficial level the arguments seem appealing, upon closer inspection the standard justifications break down under internal inconsistencies” (abstract). See Levy, N. (2003). What (if anything) is wrong with bestiality? *Journal of Social Philosophy* 34(3): 444–56. [link to the article](#); Haynes, A. M. (2014). The bestiality proscription: In search of a rationale. *Animal Law Review*. [link to the article](#).

²² Singer, P. (2001, April). Heavy Petting. *Nerve*.

²³ Rudy, K. (2012). LGBTQ...Z? *Hypatia* 27(3): 601–15. [link to the article](#).

²⁴ Bourke, J. (2020), op. cit.

²⁵ Singer reminds elsewhere that he “wanted to raise that question, but [...] did not answer it” (in personal communication with Beirne, see Beirne, P. (2009). *Confronting Animal Abuse: Law, Criminology, and*

My claim will be more assertive and ambitious. I would like to argue that zoophilia is permissible, i.e. that it is not wrong to engage in zoophilia. To do this, I will take for granted a broadly antispeciesist or non-anthropocentric perspective that rejects human exceptionalism. Such a perspective ascribes some inherent value or rights to animals and refrains from appealing to tradition, status quo, human or animal essence, or God to reason about ethical issues. This allows us to circumvent a number of objections against zoophilia which usually focus on the “human side” of the relationship and take zoophilia to be a vice, a sexual perversion²⁶ or to go against Christian morality²⁷ or human essence.²⁸

This is not to say that zoophilia cannot be defended within anthropocentric approaches. In fact, perhaps the easiest way to conclude that there is nothing wrong with zoophilia is to postulate that humans have a vastly higher moral standing than animals, so that zoophilia is just one instance among many others of permissible use and exploitation of animals for human purposes. Alternately, we might proceed in a comparative manner and argue that if current practices involving animals are not wrong, then zoophilia is not wrong either.²⁹ This is a powerful argument, but I do not want to accept its premise that current practices involving animals, e.g. factory farming, are not wrong. My goal is to assess whether zoophilia lives up to a more demanding moral yardstick.

We mentioned earlier that zoophilia comes in many different forms. This diversity is a problem insofar as not all forms of zoophilia have the same ethical status. It is clear that *some* instances of zoophilia are wrong. Activities highly harmful to animals, such as most instances of human penetration of chickens, are obviously impermissible. One might take this to contradict my general claim that zoophilia is permissible, but this would be a mistake: that zoophilia is permissible does *not* mean that all instances of zoophilia are permissible, in the same way that the permissibility of heterosexuality does not mean that all instances of heterosexuality are permissible. What is rather meant is that there is nothing intrinsic (or necessary) to zoophilia, be it in its romantic or sexual aspects, that makes it wrong. Moreover, what makes *some* instances of zoophilia wrong is the same

Human-Animal Relationships. Rowman & Littlefield, note 52, p. 133). Rudy states: “my argument is not *for* or *against* humans having sex with animals, but is a meditation on both the elusive nature of sex itself and the subjectivities of human versus nonhuman animals” (p. 605). As for Bourke, she remarks that “careless readers might see in my arguments either a defense of the kind of harmful, violent interspecies sex that has typified human–non-human relationships over centuries (‘bestiality’) or an endorsement of the more recent identity politics of self-proclaimed zoos. I am saying neither.” She does suggest at some point that “all acts of sexual love with animals are not *intrinsically* immoral or harmful,” so it seems that she would be sympathetic with the conclusion of this article.

²⁶ Zoophilia would fall under the category of sexual perversion according to most of its theories (e.g. that of Nagel, T. (1969). Sexual perversion. *Journal of Philosophy* 66(1): 5–17. [link to the article](#)). If we think that perversions are wrong, then we get a straightforward argument against zoophilia (examined by Levy 2003, op. cit., p. 445).

²⁷ Beirne mentions several Christian arguments, including that zoophilia goes against the natural God-given order and that it is not procreative. See Beirne, P. (1997). Rethinking bestiality: Towards a concept of interspecies sexual assault. *Theoretical Criminology* 1(3): 317–40. [link to the article](#).

²⁸ By drawing on human essence, understood from either a religious or a naturalistic perspective (see e.g. Newman, M. (2015). A realist sexual ethics. *Ratio* 28(2): 223–40. [link to the article](#)), we can make reproduction the touchstone of human sexuality. A subtler argument of this kind, proposed by Levy (2003, op. cit.), objects that zoophilia would blur the proper limits of human beings. According to this objection, human existence proceeds within bounds. Crossing these bounds is “identity-threatening” (p. 453) because “[c]rossing the species boundary is a significant act, at least for us, here and now, as we currently define ourselves” (p. 454).

²⁹ See, e.g., Jones, I. (2011). A beastly provision: Why the offence of ‘intercourse with an animal’ must be butchered. *Journal of Criminal Law* 75(6): 528–44. [link to the article](#).

kind of conditions (such as harm or lack of consent) that make other activities, including sexual activities, wrong. This is what I intend to establish. Now, this result would be of little practical significance if it turned out that all, or nearly all, *actual* zoophilic activities were impermissible. But I do not think that this is so: a significant proportion of actual zoophilic activities are permissible too.

Consider the following case:

Alice and her dog: Alice self-describes as being in a romantic relationship with her dog. She cares a lot about his well-being and strives to ensure that his needs are fulfilled. They often sleep together; he likes to be caressed and she finds it pleasant to gently rub herself on him. Sometimes, when her dog is sexually aroused and tries to hump her leg, she undresses and lets him penetrate her vagina. This is gratifying for both of them.

Alice's story describes a kind of relationship commonly described within the Zeta movement, where there is a reciprocal emotional attachment between the human and the animal and sexual contacts are sexually gratifying to both of them. It is tempting to think that Alice's relationship illustrates one way in which humans can develop more equal and non-exploitative relationships with animals, that go beyond our negative duties not to harm them.³⁰

What Alice's story also illustrates is that there is a continuity between zoophilia and affectionate relationships that ordinary people have with their pets. What is it that makes affectionately caressing one's cat of a different ethical standing than sexually caressing one's cat? If there is no clear-cut boundary between the ordinary love that pet keepers express and the romantic love that some zoophiles express, then why accept one and not the other?

Before I turn my attention to the objections that have been raised against zoophilia, I should point out that I am not interested here in the psychological and social factors that explain our ordinary aversion toward zoophilia. Though I suspect that such factors permeate most attempts at proving that zoophilia is wrong,³¹ I leave them to social scientists and psychologists.

Two crucial questions have dominated the ethical discussion around zoophilia. First, does zoophilia harm animals? Second, can animals meaningfully consent to sex with humans? I will discuss each of them in the next sections. In the course of doing so, I will also point out some dubious claims that have underlain most objections to zoophilia.

3. Harm

One important worry is that having sex with animals would harm them. This is a legitimate worry. It is beyond doubt that *some* sexual practices do harm the animal involved, whether

³⁰ See Donaldson, S., & Kymlicka, W. (2011). *Zoopolis: A Political Theory of Animal Rights*. Oxford University Press.

³¹ Socially ingrained prejudice against zoophilia seems to induce intense knee-jerk reactions not unlike those elicited by Haidt and colleagues in their study of moral dumbfounding, where participants try to rationalize *a posteriori* their emotionally induced negative attitude toward violations of commonly accepted moral norms. Most objections against zoophilia, as well as the widespread temptation to represent zoophilia as inherently fraught with violence (thus distorting the reality of zoophilic practice), are probably no more than attempts at *post hoc* rationalization of such reactions. Haidt, J., Björklund, F., & Murphy, S. (2000). *Moral Dumbfounding: When Intuition Finds No Reason*.

this is the primary intention of the human participant (in the case of zoosadism) or not – any penetrative act on rabbits or chickens is likely to severely harm them. This, however, is not enough to establish that zoophilia is wrong. What critics of zoophilia need to show is that harm is a necessary feature of sex with animals. This is a very demanding claim, which seems patently false at first glance. Many sexual interactions with animals, such as that between Alice and her dog, do not seem to cause any pain, bodily damage, or psychological distress. In fact, there is sometimes positive evidence that the animal is having a pleasant experience.

Insisting that all instances of sex with animals produce an immediate harm appears dubious, but we might still maintain that there are other ways in which it harms them. Perhaps it has negative long-term consequences on their well-being. But what kind of long-term harm would be inflicted when no harm is inflicted during the activity? Human beings might be harmed in the long run by a sexual interaction because it perturbs their subsequent development as persons and alter their psychological make-up, or because they reevaluate through time what they have experienced and its appropriateness. Animals, however, do not have the complex psychological lives of paradigmatic human beings as well as their intricate social norms around sexuality, so that we should be wary of excessive anthropomorphism on this matter. As Bourke notes, “the dog who approaches and voluntarily mounts a human is following his own species-specific ‘meaning’,”³² so he does not incur the risk of future harm that humans might incur.

We might argue that even though no harm is reliably caused by having sex with animals, the *risk* of harm is enough to make such interactions wrong. This argument – let us call it the argument from ignorance – is premised on a particularly pessimistic view on our knowledge of the inner lives of animals and/or a sweeping precautionary principle. The problem with it is that assessing the well-being of animals is far from an insuperable challenge, especially when it comes to face-to-face interactions with animals. What critics of zoophilia need to establish is that sex with animals is always too risky for the long-term well-being of animals. No such argument to support this has been proposed so far. Moreover, it is unclear why this argument would apply only to sex. If the risk of harm is high enough when having sex with them, would it not be high enough too when engaging in other kinds of interactions with them? I agree that we should treat animals with great caution because it is not easy to understand how they feel – especially when we do not know them well – but it is an overreaction to infer from this that having sex with animals is wrong.

Interestingly, though sex with animals has often been compared to sex with children to suggest that both are wrong for the same reason that it harms them,³³ they actually stand in sharp contrast in this respect. We are justified in thinking that having sex with children always imposes a risk of future harm to them even if no immediate harm is caused,

³² Bourke (2020), op. cit.

³³ See, e.g., Beirne (1997), op. cit.

which may be a good ground for proscribing it.³⁴ The same argument fails when it comes to zoophilia.³⁵

There are more subtle ways in which zoophilia might harm animals. Pierce claims that having sex with animals is a form of *exploitation*.³⁶ Unfortunately, she says little to support it, and it seems that unfair conditions of treatment are by no means a pervasive feature of sex with animals. Alternately, we might argue that zoophilia degrades or even violates the animal's *dignity*.³⁷ Now, dignity is a notoriously vague normative notion, especially so for animals.³⁸ In fact, it is not clear that animals have a dignity in the first place. Bolliger and Goetschel claim that "one important aspect of the dignity of the animal is its sexual integrity." By this they mean "unhindered sexual development and sensation, the protection from damaging decision-making by sexual exploitation of dependencies, and the protection from sexual harassment."³⁹ They fall short, however, of establishing that zoophilia would necessarily degrade the sexual dignity of the animal in this sense. To make their point, they appeal to the argument from ignorance, which I have already rejected, as well as to the notion that zoophilic activities would hinder the "free sexual development of an animal," which they do not justify in more detail. They presumably think that free sexual development is best displayed in same-species sexual relationships,

³⁴ here has been some controversy in the empirical literature about the question whether adult-child sex always imposes a risk of future harm. A notorious study by Rind et al. criticized the view that "child sexual abuse" really causes (in average) intense long-term harm for both boys and girls, pointing to the subclass of wanted relations between boys and older adults as non-harm-inducing. See Rind, B., Tromovitch, P., & Bauserman, R. (1998). A meta-analytic examination of assumed properties of child sexual abuse using college samples. *Psychological Bulletin* 124(1): 22–53. [link to the article](#) However, the dominant view remains that adult-child sex *in all its forms* causes future harm in expectation. See, e.g., Dallam, S. J. (2001). Science or propaganda? An examination of Rind, Tromovitch and Bauserman (1998). *Journal of Child Sexual Abuse* 9(3–4): 109–34. [link to the article](#). A further question concerns whether the harm in question is entirely mediated by society's reaction. This question is probably ethically relevant, but for the purposes of this paper there is no need to settle it.

³⁵ In the next section, I will consider the claim that animals can validly consent to sex with humans, which raises similar comparisons with children (see e.g. Holoyda et al. 2018, op. cit.). Indeed, this claim could entail that adult-child sex is not wrong when combined with the two following premises: (1) children can validly consent to sex with adults if and only if animals can validly consent to sex with humans, and (2) if children can validly consent to sex with adults then it is not morally wrong. But this objection does not succeed once we take the ethical issue with adult-child sex to have ultimately to do with harm, not consent, like e.g. Moen, O. M., & Sterri, A. B. (2018). Pedophilia and computer-generated child pornography. In D. Boonin (Ed.), *The Palgrave Handbook of Philosophy and Public Policy* Springer International Publishing, pp. 369–81. [link to the article](#) As a result, accepting that both children and animals can validly consent to sex with adult humans does not lead us to defend the permissibility of adult-child sex.

³⁶ Pierce, J. (2016). *Run, Spot, Run: The Ethics of Keeping Pets*. University of Chicago Press, chap 31.

³⁷ See Bolliger and Goetschel (2005, op. cit.). Another argument in the same ballpark discussed by Levy (2003, op. cit.) is that sex with animals treats animals as mere means or objectifies them. But it is unclear in what sense Alice objectifies her dog. Like most objections I review, it only targets a small subset of zoophilic activities.

³⁸ See Zuolo, F. (2016). Dignity and animals. Does it make sense to apply the concept of dignity to all sentient beings? *Ethical Theory and Moral Practice* 19(5): 1117–30. [link to the article](#).

³⁹ Bolliger and Goetschel (2005), op. cit., p. 39.

but why would that be so?⁴⁰ Overall, we can conclude that more work is needed to get these arguments started.

4. Consent

Consent is widely seen as a necessary condition for non-problematic sexual interactions, one that respects our right to autonomy and might even constitute “the touchstone of morally permissible sex.”⁴¹ The second major worry about zoophilia is that the animal would not, or could not, consent to sex with humans.⁴² To unravel this argument, it is important to be clear on what consent is in the first place. I will then turn to what makes consent ethically valid.⁴³

In its most basic form, consent can be defined as a voluntary (i.e. uncoerced) verbal or behavioral indication of agreement to engage in a specific activity, or the mental attitude signified by this indication.⁴⁴ Are there activities to which animals can consent in this sense? The answer is clearly positive. Suppose that during a walk in the forest I suddenly see a deer. I happen to have some food in my backpack, so I hand it to him and he comes nearer to eat it. I can safely take this as an indication that the deer consents to being fed by me. We know from the literature on animal communication that a wide range of postures, gestures, sounds, etc., are used by animals to express their needs and intent.⁴⁵ Most of us have personal experiences of cross-species communication, including for communicating our intentions to engage in some common activity with them. Take play, for example. Dogs have a special posture known as play-bow that signals to a potential playmate their desire to engage in a playful activity.⁴⁶ Play is a complex activity that requires playmates

⁴⁰ Perhaps this is what is most *natural* for the animal to do, but we know that the notion of naturalness is not without its problems. Fraser presents a theory of animal well-being based on what is natural for them to do. See Fraser, D. (2008). Understanding animal welfare. *Acta Veterinaria Scandinavica* 50(S1). [link to the article](#). Such a view faces difficulties when applied to farm animals and pets in general as they arguably cannot live a natural life in this sense. See Martin, A. K. (2019). On Respecting animals, or can animals be wronged without being harmed? *Res Publica* 25(1): 83–99. [link to the article](#): note 2. More fundamentally, even if zoophilia may intuitively appear wholly unnatural, this does not appear to be by itself a reason to deem it wrong.

⁴¹ Primoratz, I. (2001). Sexual morality: Is consent enough? *Ethical Theory and Moral Practice* 4(3): 201–18. [link to the article](#): p. 201.

⁴² That valid consent matters for the permissibility of zoophilia is not universally accepted. Fischel writes that “[r]equiring, as a matter of justice, a stallion to consent to sex with a human is like requiring, as a matter of justice, a rabbit have the right to vote”. Fischel, J. J. (2019). *Screw Consent: A Better Politics of Sexual Justice*. University of California Press, p. 121. Benatar briefly argues that animals are not “capable of giving full consent,” but that “[t]he mere absence of consent cannot be sufficient to render bestiality problematic” given that “[c]onsent is always absent in our dealings with animals.” Benatar, D. (2022). Homosexuality, bestiality, and necrophilia. In D. Boonin (Ed.), *The Palgrave Handbook of Sexual Ethics*. Palgrave Macmillan, pp. 223–232, at p. 228.

⁴³ See, for a short but elaborate introduction to the notion, Wertheimer, A. (2010). Consent to sexual relations. In F. G. Miller & A. Wertheimer (Eds.), *The Ethics of Consent: Theory and Practice*. Oxford University Press.

⁴⁴ There is a long-standing controversy over the exact nature of consent – a mental attitude or a communicative behavior. See Hurd, H. M. (1996). The moral magic of consent. *Legal Theory* 2(2): 121–46. [link to the article](#); Wertheimer, A. (2003). *Consent to Sexual Relations*. Cambridge University Press, chap 7; Keiser, J. (2022). The case for consent pluralism. *Journal of Ethics and Social Philosophy* 21(1). [link to the article](#).

⁴⁵ Tomecek, S. (2009). *Animal Communication*. Chelsea House Publishers.

⁴⁶ Balcombe, J. P. (2006). *Pleasurable Kingdom: Animals and the Nature of Feeling Good*. Macmillan, p. 70.

to abide by certain rules and to fine-tune their behaviors to maintain a playful mood. When it comes to sex, there is also a wide range of species- and individual-dependent cues that indicate consent. There is nothing specific about sexual activities that would make either animals unable to consent to them or humans unable to reliably understand this consent. This is not to say that understanding animals is always easy. But there is a wide range of circumstances in which we can reliably assess their desires and intentions, by paying enough attention to what they try to express.

This basic claim is sometimes met with resistance from authors drawing on some variant of the argument from ignorance. Just as we would be unable to assess whether a sexual interaction harms the animal, we would be at a loss to assess whether the animal consents to it. This might be taken to trace back to a fundamental problem in communicating with animals. Beirne goes so far as to claim that “animals are incapable of genuinely saying ‘yes’ or ‘no’ to humans in forms that we can readily understand.”⁴⁷ Regan, in order to criticize Singer’s position on zoophilia, expresses similar ideas:

An animal cannot say yes. Or “no.” In the nature of the case, for humans to engage in sexual activities with animals must be coercive, must display a lack of respect, thus must be wrong. ⁴⁸

Such claims about the impossibility of communicating with animals, which are very common in discourses about zoophilia, strike me as plainly untenable. Their ubiquity, however, might be attributable to a more general and deep-seated tendency to deny any agency to animals. As Bourke reminds us, “humans are positively resistant to treating non-human animals as communicable subjects.” This is also noted by Donaldson and Kymlicka, who write that “there is an unwillingness to recognize the competences of domesticated animals for agency, cooperation, and participation in mixed human–animal settings.”⁴⁹

It is widely thought that mere uncoerced sign of agreement is not enough for *valid* consent. Critics of zoophilia might recognize that animals can consent while still arguing that they cannot satisfy one of the additional criteria that are needed for valid consent, and thus that they cannot validly consent.

To start with, valid consent might require that the consented action does not harm the consenting individual. Because I have already argued in the previous section that some instances of sex with animals do not harm them, such a no-harm criterion to valid consent could easily be satisfied.

Second, it might be argued that consent can be valid only if the consenting individual has a specific capacity or status that animals would lack. For example, Belliotti, who takes a contractualist view on what makes sex permissible, states that “[n]o non-human animal is capable of entering into a valid sexual contract with a human.”⁵⁰ This might also be the criterion that Beirne (1997) and Regan had in mind when denying that animals can consent. There are two problems with this argument. First, it is unclear what this capacity is and why it would be necessary for consent to be valid. We might think that, say,

⁴⁷ Beirne (1997), op. cit., p. 325.

⁴⁸ Regan, T. (2003). *Animal Rights, Human Wrongs: An Introduction to Moral Philosophy*. Rowman & Littlefield Publishers, p. 98.

⁴⁹ Donaldson and Kymlicka (2011), op. cit., p. 103.

⁵⁰ Belliotti, R. (1979). A philosophical analysis of sexual ethics. *Journal of Social Philosophy* 10(3): 8–11. [link to the article](#): p. 9.

(phenomenal) consciousness or free will are such capacities.⁵¹ But the former *is* shared with many animals and there is much controversy about whether humans themselves have the latter capacity.

Perhaps it is a *normative* capacity that is required for consent to be valid, such as moral responsibility or the capacity to intentionally waive a right. If we think that animals lack such a capacity, then animals could not validly consent. These are tenable positions in principle, but unless we think that valid consent is required only for *sexual* activity, the fact that animals lack a crucial capacity for giving valid consent would probably proscribe many kinds of interactions – some widely believed to be permissible – between animals and humans, starting with play. This would make valid consent a dubious standard for regulating our interactions with animals.

The bottom line is that either the required capacity does not threaten the validity of animals' consent to sex or valid consent is unnecessary when interacting with animals, in which case it does not threaten the permissibility of sex with animals.

Third, valid consent may require that the consenting individual be properly informed about the activity she is consenting to, the identity of the other participants, or its outcomes. Suppose that someone consents to donate an organ based on her understanding that her organ will serve a certain purpose – saving a life – whereas it is actually used for another purpose – training medical students. Though her consent is uncoerced, it is based on a serious misunderstanding and is therefore invalid: using her organ for training medical students would be wrong. Similarly, when it comes to sex ethics, it has been emphasized that misinformation, or even deception, about key features of the sexual interaction, e.g. the identity of the sexual partner, can vitiate one's consent. In general, it is often thought that misinformation matters when the consenting individual would not have consented had she been properly informed. In these situations, information plays the role of a deal breaker, i.e. it would have changed the decision of the consenting individual.

Is animals' consent to sex with humans misinformed in such a way? Do animals lack crucial information that would have otherwise made them refuse to engage in sex? I struggle to find any reason to think that such misinformation is a conspicuous feature of human–animal sex. Of course, one difficulty is that there may be aspects of the activity that animals do not have the capacity to understand. The deer who consents to me feeding him does not understand – and does not have the cognitive capacities to understand – my complex motivation to hand him food or the stories that I will later tell to my friends about this unusual encounter. The range of information that animals can learn differs from that of humans. This is not a problem though, because information that we do not have the capacity to grasp cannot constitute a deal breaker.

⁵¹ Milligan argues that for consent to be “meaningful”, it should be possible for the participants to subsequently complain to some appropriate audience about potential mistreatment. This possibility is important for humans in order to cultivate the kind of practical wisdom that is required for upholding standards of morally acceptable sexual relations. Because this possibility would be absent in sexual interactions with animals, their consent would not be meaningful. In other words, the issue would be that we cannot learn how to have morally acceptable sexual relations with animals. There is a number of issues with this line of argument. For example, we may have doubts over the importance of practical wisdom for having morally acceptable sexual relations. It is also unclear why the complaint condition would be necessary for developing the required practical wisdom, especially as animals typically have other ways to make meaningful feedback to their human partners. See Milligan, T. (2011). The wrongness of sex with animals. *Public Affairs Quarterly* 25(3): 241–55.

One particular case of misinformation that we might find problematic concerns animals unaware of the sexual character of the activity. Consider for example the following case:

Bob and his dog: Bob loves his dog. Every Friday, when he comes back home tired from working, he spreads honey on his penis and takes pleasure in letting his dog lick it.

Bob's dog may not be aware of the sexual character of the activity he is engaging in, and we might intuitively think that this threatens the validity of his consent. This would be true if the sexual character of his action were a deal breaker. This is perhaps the case, but I would like to point out that it is far from obvious. Of course, if Bob's dog was instead a human coaxed into licking Bob's penis – say, Bob told him that this was the only way to relieve an itch – the sexual character of the action would probably be a deal breaker, so the information condition would not be satisfied and the validity of his consent would be undermined. This is so because of the specific ways in which humans typically regard sex. The significance of sex for humans increases the range of potential deal breakers.⁵² For many animals, however, there is nothing special about sex. In order to avoid anthropocentrism we should be very careful when determining what would be a deal breaker for them, and thereby whether their consent is well-informed. This is recalled by Bourke too:

There is no reason to insist that animals must possess the *same* understanding about sex as human participants. In other words, it is important not to frame animal sexuality in human terms. What humans think is “sexual” might not be for the animals involved. They might understand it as being physically groomed (fondling), fed (ingesting ejaculate), relieved (masturbating) or shown affection. Or, indeed, they might barely register the human contact at all.

Fourth, we might argue that valid consent requires equal power. Since in zoophilic activities humans hold more power than animals, the latter's consent would be invalid. It is true that humans usually exert a pervasive control over the animals' lives (e.g. on their existence, their living conditions, their conditions of reproduction), especially in the case of pets and farm animals. Most relationships between humans and animals therefore take place within a latent structure of domination. The importance of power balance for valid consent has been theorized by some feminist philosophers and mostly applied to human sexual activities. MacKinnon, for example, emphasizes the importance of entering sexual intercourse as “social equals.”⁵³ This idea can easily be translated to human–animal interactions and it has inspired quite a few authors.⁵⁴ Haynes, for example, points out that “there is something deeply troubling with sexual relationships of unequal power”⁵⁵ and he takes this to be a major objection to bestiality.⁵⁶ The problem with such arguments is

⁵² See Benatar, D. (2002). Two views of sexual ethics: promiscuity, pedophilia, and rape. *Public Affairs Quarterly* 16(3): 191–201.

⁵³ MacKinnon, C. A. (2005). *Women's Lives, Men's Laws*. Belknap Press of Harvard University Press, p. 243.

⁵⁴ See, e.g., Adams, C. J. (1995). Bestiality: The unmentioned abuse. *Animal's Agenda* 15(6); Beirne (1997), op. cit.; Haynes (2014), op. cit.; Stern and Smith-Blackmore (2016), op. cit.

⁵⁵ Haynes (2014), op. cit., p. 148.

⁵⁶ Haynes' defense of the impermissibility of zoophilia is, however, cautious. He thinks that there is no good “bright-line rule” to ensure that a sexual relationship is not coerced in a broad sense, and he ends his article by reminding us that animals too have a right to pleasure.

that it is clear that power asymmetry, by itself, does not undermine the validity of consent. What is important is rather how it *affects* consent. This is recalled by MacKinnon herself, who notes that for a sexual interaction to count as rape there must be “exploitation of inequalities,” i.e. the latter must be “deployed as forms of force or coercion in the sexual setting.”⁵⁷ It is unclear what exploiting power inequalities means exactly, but again it seems unlikely to be a conspicuous feature of sex with animals. In the absence of any convincing argument to this effect, this objection is unsuccessful.

In the end, we can conclude that animals *can* consent to sex with humans. As for the *validity* of this consent, the gist of my discussion has been that animals can validly consent according to most conceptions except the most demanding ones, and that the latter turn out either to be unacceptable for other reasons or to make valid consent unnecessary to engage in sex with animals. Given that having sex with animals does not necessarily harm them either (see Section 3), we can conclude that having sex with animals is not wrong and, with that, that zoophilia is not wrong.

5. Implications

If my conclusions are correct, then most people are mistaken about the ethical status of zoophilia, including the majority of the animal rights movement.

One immediate implication seems to be that zoophilia ought to be made *legally* permissible. This entails decriminalizing it where it is currently outlawed and fighting against the current wave of recriminalization. Going beyond mere legalization, we could argue further that zoophilia ought to be *socially normalized* too. In this case, the next step in the historical process of sexual liberation might well be to accept zoophilia as a legitimate sexual orientation.

To be clear, finding out the moral status of zoophilia is not the same as finding out its optimal social status, so we might grant that zoophilia is morally permissible while still opposing decriminalization and normalization, perhaps on the grounds that it would ultimately lead to a worse outcome for animals. This may be so because normalization of zoophilia would increase the number of people engaging in harmful or unconsented relationships with animals. Mere decriminalization may not have significant effects on the prevalence of zoophilia, but the effects of a more pervasive social destigmatization are more uncertain. More work would be needed to assess the societal effects of such changes on animals, as well as the potential side-effects on public health and human sociability.

At any rate, to make these potential changes as beneficial as possible, they should certainly be accompanied by a strong emphasis on animal welfare and rights. To achieve this, the animal rights movement as well as a large enough fraction of the general population and decision-makers would have to make an ideological U-turn on zoophilia and move away from seeing it as a sexual deviance. However, because of the sheer amount of moral outrage around this topic, advocating for zoophilia should be done with great caution to avoid undermining the broader agenda of the animal rights movement and other social justice movements. There are obvious pragmatic considerations to downplay the plea for decriminalizing zoophilia, and even more so for including it within the LGBT+ umbrella.

⁵⁷ MacKinnon (2005), op. cit., p. 474.

Before I conclude, I should note that even if I take my general claim to be robust, I did not have the ambition to map out in detail the boundaries between permissible and impermissible instances of sex with animals. Creating social institutions where animals open to sex are prostituted or selectively bred and raised for zoophiles seems objectionable even granted that no harm is caused and that animals validly consent, as it *commodifies* the lives of animals. Animals that are intentionally conditioned, through reinforcement learning, to prepare for or perform specific sexual acts might raise specific objections that I have not touched on. When characterizing consent, there might also be controversy about passive consent, where no positive behavioral indication of agreement is given and animals appear indifferent to the sexual activity, thus offering at best an implicit or tacit consent. This contradicts the affirmative or enthusiastic consent sometimes considered to be the only ethically relevant one. I leave these borderline or more controversial cases, as well as many others, to future research on the topic.

Conclusion

The case for zoophilia being permissible is fairly robust, and commonly raised objections fall flat or are insufficiently backed up. In the course of reviewing them, it has become apparent that they are often imbued with anthropocentrism, dubious appeals to naturalness, overly pessimistic views on what we can know, as well as untenable standards for interacting with animals. Critics of zoophilia need more than outrage, they need better arguments. I suggest that the permissibility of zoophilia should now be taken as the default position, with the burden of proof belonging to its critics.

The practical implications of this conclusion remain fairly open, though ensuring that people have the legal right to engage in zoophilia seems to be a straightforward next step to discuss. The stringent crackdown on all forms of zoophilia that has accompanied the improvement in the legal status of animals in the last decades may turn out to be a mistake. At any rate, it is time for philosophers, animal rights activists, and decision-makers to reconsider their view on zoophilia. Hopefully, this article can contribute to opening this overdue discussion.