

Sue Donaldson and Will Kymlicka

Zoopolis: A Political Theory of Animal Rights.

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In this careful, thoughtful, and engaging work, Sue Donaldson and Will Kymlicka affirm and extend the attribution of rights to animals. They believe that an animal rights approach is the only way to reduce some of the massive suffering humans inflict on animals. In advancing this argument, they reject two major alternative frameworks for animal protection – the welfarist and the ecological. Welfarism cares about animals’ humane treatment but does not go so far as to accord them rights and accepts, as Donaldson and Kymlicka present it, that animals will always be subordinate to humans. They see this less as a fully elaborated philosophical stance and more as ‘the mainstream “common-sense” view of how we should treat animals’ (260 n8). The ecological approach focuses on preserving the health of ecosystems, of which some animals are a part, rather than individual animals themselves. In some cases, animals will be the beneficiaries of environmental protection but in others animals could be killed in the interests of the ecosystem’s health.

However, even though Donaldson and Kymlicka deem animal rights theory (ART) to be more promising than these two alternatives, they identify a series of problems with the approaches developed over the last four decades. For one thing, ART has not been sufficiently attentive to the differences among animals. They also claim that ART has been too focused on negative rights for animals, with the ultimate goal of letting them be, leaving them alone. While this hands off approach might benefit some wild animals, when applied to domesticated ones, it would seem to culminate in their extinction, so it’s more like letting them not be. ART has also failed to capture the popular imagination and this has limited its ability to inspire the sort of widespread social change that Donaldson and Kymlicka admit is essential to improving the lot of animals. Indeed, they point out that when it comes to the important goal of gaining popular support for improving the conditions of some animals, the welfarist and ecological approaches have been more successful.

In contrast to the ‘remarkably flat moral landscape’ (6) of ART so far, Donaldson and Kymlicka adduce a morally complex version, combining elements that are positive as well as negative, relational, particularistic, and varied. Subscribing to the belief that subjectivity, selfhood, or personhood gives all animals a core of inviolable rights – to life; against torture, experimentation, imprisonment, and enslavement - they argue that other rights depend on animals’ relationships with humans. They delineate three groups of animals on this basis. The first comprises domesticated animals, including dogs, cats, and other household pets, along with farm animals. The second is wild animals, who are less dependent on humans and typically affected by humans in less direct ways – their habitats can be influenced by climate change or road construction, for example. The impact of human hunting on such animals can, of course, be very direct, and Donaldson and Kymlicka allow for both types of impact. Their third category of animals is an explicitly hybrid one: liminal animals are not, and most never will be, domesticated yet they live in closer proximity to humans than do wild ones. The liminal category includes

squirrels, raccoons, coyotes, feral cats, rats, and pigeons. One of the great strengths of Donaldson and Kymlicka's analysis is their acknowledgement that beyond a fixed core, animal rights and human duties should vary according to these different types of interactions and relationships. Anyone familiar with Kymlicka's earlier work will recognize his group-differentiated approach to rights being brought to bear on animals.

But as *Zoopolis*'s subtitle suggests, Donaldson and Kymlicka also advance ART by articulating a more political approach to this area. They graft terms of political analysis onto their tripartite typology of human-animal relations, contending that domesticated animals should be seen and treated as co-citizens of the polis. They want wild animals to be seen and treated as members of sovereign communities who intersect at points, and sometimes interact, with sovereign human communities. Donaldson and Kymlicka clarify that sovereign communities of wild animals are territorially based, and likely to be multi-species (191), so it's not as if wolves form one sovereign community, bears another, eagles another, and so on. These animals' rights need to be thought of 'in terms of fair interaction between communities' (167). Liminal animals are akin to denizens – members of a polity who reside there without enjoying the full raft of citizen rights. Overall, they see this political dimension of their analysis as detachable from their commitment to ART, so that proponents of welfarist and ecological schools of animal relations could in principle accept these political parallels. This claim doesn't seem correct to me though, because each of the three types of political relationship presupposes that animals have rights and, as we have seen, welfarist and ecological approaches do not accept this basic premise.

Whether potentially detachable or not, this bold and innovative political layer of Donaldson and Kymlicka's contribution to ART is bound to be controversial. They anticipate and try to defuse some of the likely objections. With regard to domesticated animals becoming co-citizens, for example, they concede that features of active citizenship – voting, deliberation, jury service – cannot be expected of them. But citizenship has thinner dimensions too, and these, they insist, can be made relevant to domestic animals. These thinner dimensions include a citizen's right to reside in and return to her polity and a right to have one's interests taken into consideration as part of the common good and the formation of public policy. Citizenship is not co-extensive with democratic political agency and thus understood, the category can accommodate some animals. Influenced by some recent thinking in disability studies, Donaldson and Kymlicka do propose that domesticated animals can exercise a type of assisted and dependent agency, but, as I understand it, their wider claim about animals as citizens is not contingent upon this and space does not permit me to go into detail.

The book is thoroughly researched and engages a lot of literature about animals, both philosophical and sociological (meaning here literature about animals' relations to one another and to humans). I found chapter 7, "Liminal Animal Denizens" to be the least cogent, but that is perhaps because, as Donaldson and Kymlicka observe, the idea of denizenship applied to humans has not been well theorized thus far (215). Perhaps for this reason, the category of denizens becomes a miscellany of quite distinct elements: opt-out citizens like the Amish; permanent residents who choose not to become citizens; undocumented immigrants; seasonal workers. Human denizens are said to have a right of residency, but that does not currently apply to undocumented immigrants. And even if the Amish qualify as opt-out citizens, by Donaldson and Kymlicka's own logic, liminal animals cannot be considered opt-out animal equivalents

because they don't satisfy the requirements of domesticated animal citizens. 'Citizenship presupposes a level of sociability that makes possible reciprocal engagement, rule-learning behavior, and socialization.' (214) If liminal animals can't qualify for citizenship status in the first place, how could they opt out?

Part of Donaldson and Kymlicka's overarching ambition is to 'continue to strip the last vestiges of human chauvinism from our moral theories' (32). But is applying to animals political concepts developed for human relationships the conquest or the apex of that chauvinism? Even if we agree that animals are candidates for justice, could taking them seriously as fellow members of the worlds we cohabit require a more radical re-thinking of traditional political and ethical concepts? The 'add women and stir' approach has long been questioned by feminist thinkers, and it's interesting that theorists as creative and committed as Donaldson and Kymlicka seem to assume that an assimilationist theoretical approach to animals is sufficient. Perhaps the urgency and the enormity of the problem of animal suffering prevents us from waiting around for the creation of new concepts. But while I personally find many of Donaldson and Kymlicka's recommendations for the right treatment of animals persuasive and appealing, and I agree that their model of our complex relations is more realistic and more attractive than the abolitionist one they impute to most ART, I can't share their confidence that construing animals as citizens, denizens, or members of sovereign communities will captivate the popular imagination and galvanize public support for the massive changes in daily life required by their proposals. Respecting animals as rights-bearers, let alone fellow citizens, would demand a revolution in almost all of our current practices and institutions: what we eat and wear; where and how we live; the entertainment we seek; the research we conduct; how we travel; who we trade with – to name but some. I heartily endorse their claim that the 'love and care that many humans direct to their animal companions is ... a powerful moral force to be harnessed and expanded' (155, cf. 254-55), but I'm dubious that depicting those pets as rights-bearers, let alone as fellow citizens, will expedite that process.

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