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**Article:**

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<https://doi.org/10.1080/13698230.2016.1194583>

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This is an Accepted Manuscript of an article published by Taylor & Francis in *Critical Review of International Social and Political Philosophy* on 09/06/2016, available online: <http://www.tandfonline.com/10.1080/13698230.2016.1194583>.

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**Animal Ethics and the Political**

(forthcoming in *Critical Review of International Social and Political Philosophy*)

Some of the most important recent contributions to normative debates concerning our obligations to nonhuman animals appear to be somehow ‘political’.<sup>i</sup> Certainly, many of those contributions have come from those working in the field of political, rather than moral, philosophy. Furthermore, many of them also explicitly employ political language, concepts and ideas when making their prescriptions. For example, Sue Donaldson and Will Kymlicka (2011) have offered a model of animal rights centred around citizenship, sovereignty and denizenship. Martha Nussbaum (2006) has critiqued Rawlsian models of justice for excluding animals, and has argued that her capabilities approach provides an appropriate framework to outline our political relations with animals. Furthermore, Robert Garner (2013) has recently developed a theory of justice for animals that attempts to avoid idealistic utopian theorising and which is instead grounded in non-ideal theory. Still other theories have asked how ideas and debates familiar within political philosophy - including the scope of the liberal state (Smith 2012, Flanders 2014), the value of equality (O’Sullivan 2011), human rights (Cochrane 2013a), cosmopolitanism (Cooke 2014), global justice (Horta 2013), property rights (Hadley 2015), associative duties (Valentini 2014) and democratic representation (Driessen 2014, Garner forthcoming) - shape our obligations to nonhuman animals.

In light of these contributions, some thinkers have claimed that we are witnessing a ‘political turn’ in animal ethics (Milligan 2015a, 2015b, Wissenburg and Scholsberg 2014, Wykoff 2014, Donaldson and Kymlicka forthcoming, Garner and O’Sullivan forthcoming, Woodhall and Garmendia da Trindade forthcoming). But do these various contributions represent a real and meaningful shift in emphasis from previous work in animal ethics? In order for them to comprise a genuine ‘political turn’, we propose that two things would need to be shown. First,

it would need to be demonstrated that the combined body of work has some *unifying thread*. That is to say, the contributions should possess common features of some sort, such as shared assumptions, normative commitments, methods or approaches. This is not to say that the contributions and their normative prescriptions cannot differ in important and substantial ways; it is simply to point out that for them to comprise a cohesive ‘turn’ in animal ethics, rather than simply amount to a collection of new but quite disparate theories, they must have some shared political feature or set of features which unite them. Second, for these contributions to mark a political turn, they would also have to be shown to be *distinctive* in some politically salient way from what we might call ‘traditional animal ethics’; a field which is most famously exemplified by the work of Peter Singer (1990) and Tom Regan (2004).

At first blush, it might seem obvious that the theories and contributions referred to above do represent something that is both unified and distinctive. After all, as noted, they all employ political language and concepts in making their normative claims about our obligations to animals. However, if the use of political language and concepts was all that were required to make a contribution to animal ethics ‘political’, then we could safely say that animal ethics has been political since its inception. Donaldson and Kymlicka (forthcoming) have argued that animal ethicists have theorised the, ‘...moral rights of animals without drawing upon the categories and concepts of political theory’. But the truth is that the use of political categories and concepts has in fact been pervasive in the literature. To take just one obvious example: many argue quite reasonably that the very notion of ‘rights’ is political, since rights imply entitlements that can be coercively enforced by the state as a matter of justice (Nozick 1980, pp. 499-503, Steiner 2005, p. 460). And of course the concept of rights is an established feature of traditional theories of animal ethics: it is most obviously central in Regan’s *The Case for Animal Rights* (2004), but it is also evident in Singer’s utilitarian animal manifesto, *Animal Liberation*, in which he describes rights as a, ‘convenient political shorthand’ (1990, p. 8). Given the widespread use of political language in the animal ethics literature, of which we will provide more

examples below, we argue that if these more recent political contributions to the field are to be regarded as unified and distinctive, a more specific and substantive essential feature needs to be identified.

This paper, then, is devoted to exploring whether any such unifying and distinctive feature exists. We take as our starting point certain characteristics discussed by Tony Milligan, which he describes as ‘overlapping commitments’ of the political turn (2015a, p. 155, 2015b, p. 7).<sup>ii</sup> Three of the commitments Milligan identifies can be dispensed with relatively quickly on the basis that they straightforwardly fail to meet the conditions of being unifying and distinctive. They comprise: a focus on the tension between the treatment of animals and liberal values; a commitment to interest-based rights; and consideration of animal interests as part of the common good. A focus on the tension between liberal values and the treatment of animals is not unifying, and is barely discussed in key recent political texts, such as *Zoopolis* (2011). That feature is also not particularly distinctive, with Tom Regan devoting an entire section of *The Case for Animal Rights* to the issue of how our obligations to animals, and in particular our duty to be vegetarian, conflict with the human interest in liberty (2004, pp. 331-334, see also Clark 1987). A commitment to interest-based rights is also not unifying, with only a few recent political texts explicitly invoking them (Cochrane 2012). Furthermore, nor is such a commitment distinctive since the use of interest-based rights has an extremely long history in animal ethics (Feinberg 1974). Finally, consideration of animal interests as part of the common good cannot be regarded as unifying.<sup>iii</sup> In fact, it is only explicitly referred to in one recent work, Donaldson and Kymlicka’s *Zoopolis*, and even in that theory, the only animals whose interests count as part of that common good are domesticated animals (p. 101).

As such, this paper focuses on the remaining and best candidates for comprising the essential feature of the political turn. Those candidates are: a focus on relations and positive duties; the offering of feasible and pragmatic prescriptions; and the avoidance of first principles

(Milligan 2015a, p. 155, Milligan 2015b, p. 7). We find that none of these candidates comprise a ‘unifying thread’ of the political turn, and are in fact contested by key theorists working in the field. We also find that none of these features is particularly distinctive, and each has in fact been prevalent in a number of works within traditional animal ethics. Indeed, on this basis we argue that traditional animal ethics should be regarded as more political than some proponents of the ‘turn’ have suggested (for example, Donaldson and Kymlicka forthcoming).

However, in the final substantive section of the paper, we identify one key focus of these recent political contributions which both unifies them, and which makes them important and original additions to the normative debate relating to human-animal relations. That focus is on *justice*. While other theorists (Wykoff 2014) – including Milligan (2015a, 2015b) - have also claimed that these theories offer something novel by their focus on justice, we argue that they have not accurately captured what that focus amounts to. For the crucial unifying and distinctive feature of these contributions – and what can properly be said to mark them out as a ‘political turn’ - is the way in which they imagine how political institutions, structures and processes might be *transformed* so as to secure justice for both human and nonhuman animals. Put simply, the essential feature of the political turn is this *constructive* focus on justice. The paper concludes by briefly sketching some new areas of enquiry that might be fruitful for future work within the political turn – and most importantly, for just human-animal relations.

### **A Focus on Relations and Positive Duties**

The first candidate for a unifying and distinctive feature of the political turn in animal ethics is its focus on relations in determining our duties towards animals, and its recognition that some of those duties can be positive ones (Milligan 2015a, p. 155, Milligan 2015b, p. 7). This focus is undoubtedly prominent in the literature. For example, Donaldson and Kymlicka (2011) criticise traditional animal ethics for their exclusive focus on the innate capacities of animals. On their view, this leads such theories to ignore the variety of relations we have with different animals,

and the differentiated rights – including positive ones - that those relations generate. They point out that when it comes to delineating our obligations to fellow humans, relationships are absolutely crucial:

Different relationships generate different duties – duties of care, hospitality, accommodation, reciprocity, or remedial justice – and much of our moral life is an attempt to sort out this complex moral landscape, trying to determine which sorts of obligations flow from which types of social, political and historical relationships. Our relations with animals are likely to have a similar sort of moral complexity, given the enormous variation in our historic relationships with different categories of animals (p. 6).

For Donaldson and Kymlicka, traditional animal ethics has espoused a ‘remarkably flat moral landscape, devoid of particularized relationships or obligations’ (p. 6). By outlining our duties to animals through consideration of our relations with them, they ‘hope to shift the debate about animals from an issue in applied ethics to a question of political theory’ (p. 12).

Elizabeth Anderson (2006) agrees, arguing that we need a more differentiated account of what is owed to different sorts of animals. For instance, she claims that while wild animals may have negative rights not to be harmed, they lack the kinds of positive rights that can only come with membership in a society: ‘An essential commitment of any society is the collective provision of goods to its members. The possession of morally significant capacities alone does not make one a member of human society, with claims to social provision’ (p. 284). Since domesticated animals and captives from the wild have been incorporated into human society, she argues that they are entitled to positive forms of provision (p. 284).

Donaldson and Kymlicka (2011) concur with the basic claim that this distinction in our relationships with domesticated and wild animals results in a difference in terms of what is owed to each; but not only do they flesh out the details of those obligations in much more detail than Anderson does, they also consider the implications of additional types of human-animal

relationships. First, they argue that rights of ‘citizenship’ - to residency, inclusion and agency - should be granted to domesticated animals on the basis that they are participating members of mixed human-animal communities. Secondly, they argue that rights of ‘sovereignty’ should be granted to those wild animals who live outside human communities, on the basis that they are competent to and desire to run their own affairs without intervention. And finally, they claim that rights of ‘denizenship’ – which fall short of full rights of citizenship - should be granted to those wild ‘liminal’ animals who live in the midst of human communities, on the basis that they lack the kinds of reciprocal capacities to be regarded as full participants (Chapter 1).

But this focus on relations and positive duties is neither shared by all who have offered political contributions to animal ethics, and nor is it markedly distinctive from previous work in animal ethics. In the first place, the issue of to what extent relations ought to play a part in determining our obligations to animals is hotly debated amongst these recent contributions to animal ethics. Alasdair Cochrane (2013b), for example, has raised doubts about delineating our obligations to animals via such group-based distinctions, proposing a more cosmopolitan framework which grants equal concern to all sentient creatures irrespective of their relational position.

Furthermore, there is obviously no compelling reason why a political approach, simply by being political, ought to advocate positive rights. For example, Kimberly Smith’s (2012) work on how far a liberal state can encroach upon citizens’ freedom in order to protect animals very much concentrates on our negative duties towards animals. And indeed, a libertarian political theory of animal rights which rejects the very idea of positive rights would seem perfectly possible (Milburn forthcoming).

But the focus on relations and positive rights is also insufficiently distinctive from earlier work for it to mark the essential characteristic of any ‘political turn’ in animal ethics.<sup>iv</sup> Indeed, as Donaldson and Kymlicka themselves acknowledge (2011, p. 12), the idea of grounding our

obligations to animals in terms of their relational position has a long pedigree in traditional animal ethics. For example, Clare Palmer (2010) – who is not usually associated with the political turn - has outlined and defended an account of the different obligations to wild and domesticated animals that is remarkably similar to, if much fuller than, Elizabeth Anderson's theory. Furthermore, Palmer herself was partly inspired by – and critical of - the relational theory of duties to animals offered by the environmental ethicist J. Baird Callicott. Callicott (1989) has argued that we each belong to a variety of communities which impose different demands upon us. For example, he claims that our obligations to wild animals in the 'biotic community' are quite different to those owed to domesticated animals in the 'mixed community'. Using the same language, Mary Midgley (1983) has argued that we have ties of kinship with other animals as fellow members of a 'mixed community', thus imposing relevant obligations upon us as a result. But perhaps the most well-known relational theories in animal ethics are those of feminist 'care theories' (Donovan and Adams 2007). For example, Nel Noddings (1984, p. 156) has argued that what we owe to animals in fact comes down to our *personal* relationships with animals from different species.

Furthermore, the idea of acknowledging our positive duties towards animals is also present within traditional theories of animal ethics. For example, while Bernard Rollin doesn't go as far as advocating citizenship for domesticated animals, he does think that those animals are members of a *social contract* with humans, and thus owed membership and certain other positive rights as a result (Rollin 2006, p. 54 and p. 298; and on the contract, see also VanDeVeer 1979, Elliot 1984, Rowlands 1997, Singer 1988). As such, Rollin uses a political concept in an attempt to recognise the legitimate role of domesticated animals as part of our communities. For example, in his discussion of pet dogs, Rollin – in much the same language as Donaldson and Kymlicka – argues that not only are they dependent upon us, but we are dependent upon them. He goes on to say that, '...it is hard to imagine a more vivid and pervasive example of a *social*

*contract*, an agreement in nature and action, than that obtaining between humans and dogs' (2006, p. 290). When it comes to farm animals, he again asserts that there is no inherent problem with their use by humans, so long as the terms of the social contract through which they were first domesticated are not broken (2006, p. 397, 2003, p. 5).

In sum, although it is undoubtedly the case that the contributions of Donaldson and Kymlicka, and Anderson, are novel, rich and powerful contributions to the literature, we should be wary of thinking that a focus on relations and positive duties is a unifying feature of any broader 'political turn' in animal ethics. We should also be careful not to exaggerate the extent to which these approaches have broken away from traditional animal ethics.

### **Feasible and Pragmatic Solutions**

A second possible way to characterise the political turn in animal ethics is to claim that it adopts a pragmatic attitude towards political engagement and an enhanced understanding of the nature of compromise, so often critically important to the political process (Milligan 2015a, p. 156, Milligan 2015b, p. 7). It is easy to see why such a claim would be made; for it does seem that political approaches are less idealistic than many of their traditional animal ethics counterparts. For example, Robert Garner's work has been particularly prominent in critiquing the utopianism of much animal rights theory and activism. Specifically, Garner (2010) has been critical of the abolitionist wing of the animal rights movement (Francione 2008), which claims that we must work towards abolishing all ownership and use of sentient animals, and that attempts at incremental reform are fundamentally self-defeating as they promote the notion that animals are the resources of humans. Garner is critical of these abolitionist ideas at the level of principle, but he also believes that they are flawed in terms of their ability to achieve improvements in animals' lives. Indeed, Garner points out that no society that currently exists, or which is likely to exist in the foreseeable future, contains a sizeable population of individuals who think that all animal use should be brought to an end. As such, he argues that abolitionism is practically useless as a

strategy, and our efforts should be focused on how we can improve the lives of animals here and now.

Garner takes up the task of offering a theory which does exactly that in his book, *A Theory of Justice for Animals* (2013). Garner employs the distinction in political philosophy between ideal and non-ideal theory. Ideal theory focuses on the validity of a theory of justice or morality in relation to how far it is considered to approximate the truth, in as far as normative arguments can arrive at such a determinate answer. This is the line traditionally taken by animal ethicists. But Garner points out that this is not the only type of theory or criterion of adequacy it is possible to adopt. Indeed, non-ideal theory has emerged as a result of increasing frustration by many at the discrepancy that is perceived to exist between the abstract normative work of political philosophers, in which ideal political and moral principles are advocated, and the application of those principles in the non-ideal (real) world (Mills 2005, Farrelly 2007). Non-ideal theory argues that our political prescriptions must also be judged in relation to their feasibility: that is, how much they are practically possible of achieving at any point. It is this standard that Garner employs in his latest theory of human-animal relations.

But while it is certainly true that elements of this kind of pragmatism exist within many of the texts which have been identified as comprising the political turn – notably in the work of Siobhan O’Sullivan (2011) - it is once again neither a unifying nor distinctive characteristic. In the first place, Garner’s pragmatism is not shared by all of the recent political contributions to normative debates on human-animal relations. For example, Donaldson and Kymlicka’s *Zoopolis*, with its ambition to assign citizenship, sovereignty and denizenship to animals, is surely properly regarded as a work of ideal theory. Indeed, its prescriptions could most accurately be described as what Rawls (2001) has called a ‘realistic utopia’, in that they are ‘probing the limits of practical political possibility’ – but in this case, in relation to just human-animal relations.

Second, many traditional animal ethicists have been pragmatists. Singer, for instance, wrote in the second edition of *Animal Liberation* (1990) that: ‘We are more likely to persuade others to share our attitude if we temper our ideals with common sense than if we strive for the kind of purity that is more appropriate to a religious dietary law than to an ethical and political movement’ (p. 233). Another, more sophisticated, attempt to provide an incremental guide has been provided by Rollin (2005). Drawing on the notion of partiality central to the care ethic tradition, which was touched upon in the previous section, Rollin notes that partiality to those we are close to is a principle that meets with wide public support. As a result, he argues that animal advocates should, initially at least, focus on the better treatment of companion animals, those with whom humans have close ties of love, friendship and affection, since it is more likely to be a strategy that will meet with public approval than the ‘harder’ cases of farm and laboratory animals.

So while the proposal of feasible and pragmatic prescriptions is certainly evident within many recent political contributions to animal ethics, it cannot be described as the essential feature of any political turn.

### **The Avoidance of First Principles**

A third possible way to characterise the political turn in animal ethics is to claim that it is unified and distinctive in its avoidance of ‘first principles’ (Milligan 2015a, p. 155, Milligan 2015b, p. 7).<sup>v</sup> That is to say, it can be argued that these new contributions to animal ethics offer a set of political prescriptions about how we ought to treat animals that do not rely on controversial moral foundations. Such a strategy seems particularly apt to warrant the moniker a ‘political’ approach to animal ethics, since avoiding first principles has commonly been associated with distinctively political approaches to other fields of ethical enquiry, from ‘political liberalism’ to ‘political conceptions of human rights’ (Rawls 1993, Valentini 2012).

One clear example of such an approach comes from Siobhan O’Sullivan. In *Animals, Equality and Democracy* (2011), O’Sullivan deliberately leaves aside arguments concerning the ways in which societies unfairly discriminate between humans and animals, the key issue of so much work in traditional animal ethics. Instead, O’Sullivan’s focus is on how contemporary animal welfare regulation discriminates between different types of animals, such as companion and agricultural animals. O’Sullivan asks that we focus on ‘injustices that afflict animals (and animals only)’ (p. 174) and argues that even if many people believe humans to be superior to animals, perhaps we can all agree that the interests of a rabbit in a petting zoo are similar to the interests of a rabbit in a research laboratory. As such, O’Sullivan’s starting point is not a claim about animals’ inherent moral worth, or any other foundational commitment. Rather, it is the principle of equal consideration and hence the injustice of discriminating between animals with the same capacities and interests.

Likewise, in his recent book, *Animal Property Rights* (2015), John Hadley does not make the case for assigning habitat rights to wild animals on the basis of their innate moral capacities and worth. Instead, he aims to ‘...present as credible case as possible for fitting animals into the existing property rights mold’ (pp. 3-4). As such, in the same vein as O’Sullivan, Hadley asks us to rethink what we owe to animals on the basis of principles and institutional arrangements that we already accept, rather than on the basis of controversial claims about animals’ moral worth.

Other recent political contributions to animal ethics have eschewed foundational arguments about animals’ moral worth by exploring the implications of Rawlsian political liberalism for our obligations to animals. For example, Kimberly Smith in, *Governing Animals* (2012), aims to build an account of animal entitlements based on the existing ‘social consensus’ amongst Americans about the status of animals, rather than any metaphysical claims about their inherent worth (p. xiv). In the same spirit, Chad Flanders (2014) argues that the liberal principles informing public reason constrain the values that might be evoked in debates about animals. In

particular, he claims that ‘the present consensus on animal rights cannot sustain a public discourse that bases itself on animal rights or the intrinsic worth of animals’ (p. 56). For Flanders, public reason is a matter of existing consensus, and while there is no consensus on the rights of animals, there is some on the role of the state in regulating animal welfare.

However, the avoidance of first principles is not a good basis to characterise any new political turn because, once again, it is neither a unifying feature of recent contributions which are usually regarded as political, nor is it distinctive from previous work in animal ethics. For example, some of the paradigm examples of political contributions to animal ethics are grounded explicitly in foundational claims about the moral worth of animals. Indeed, Donaldson and Kymlicka (2011, Chapter 2) advocate a set of universal moral rights for all sentient animals which provides the moral bedrock of their *Zoopolis*. These are the rights that all sentient creatures possess, irrespective of whether they are citizens, denizens, or members of wild animals sovereign communities. Furthermore, such rights do a huge amount of work in the theory, ruling out as they do nearly all forms of animal research and agriculture (see also Cochrane 2013a).

Furthermore, there are also theories within traditional animal ethics that have sought to avoid controversial moral foundations. Rollin (1994), for example, has outlined a theory of obligations to animals that aims, in extremely similar ways to those theorists mentioned above, not to derive from foundational arguments about the moral worth of animals, but from what society already believes. This is what Rollin has called the ‘new social ethic’ for animals. Rollin claims that a previous ‘consensus ethic’ promulgated ‘anti-cruelty’ measures in relation to animals. He argues that while this ethic made sense in societies which made use of traditional husbandry in animal agriculture, it no longer resonates in an era of industrialised farming, where the suffering that animals endure is rarely the result of intentional malicious acts by morally deficient individuals. As such, he claims that contemporary society now endorses a ‘new social ethic’ that goes beyond wanton cruelty. That new social ethic demands, ‘...that the animals’

basic natures will not be submerged in the course of their being used by humans' (p. 80). In other words, Rollin claims that this new ethic is not a call for the abolition of animal use, but one which calls for drives for increased efficiency and productivity to be curtailed by concern for the needs and well-being of the animals themselves. Crucially, in his view, it is this ethic that should provide the normative basis of our accounts of what we owe to animals, rather than any controversial claims about their inherent worth.

Once again, then, while many of the recent political contributions to animal ethics do avoid first principles, it cannot be described as the essential feature of any political turn. It is neither endorsed by all of the recent political contributions to the debate, nor is it particularly distinctive from previous work in animal ethics

### **A Constructive Focus on Justice**

So far, it has been argued that the use of political concepts, the focus on relations and positive rights, the proposal of feasible and pragmatic prescriptions, and the avoidance of first principles are not sufficiently shared and not sufficiently distinctive from traditional animals ethics to provide the essential feature for any new political turn in animal ethics. This raises the question: has there been any such thing as a political turn in animal ethics? Or have we simply witnessed a disparate bunch of new contributions to animal ethics, which while framed in political language, offer little that is truly distinctive from previous normative work on our obligations to animals?

We wish to argue that there has in fact been a political turn in animal ethics, and that there is a unifying thread running through these recent political contributions which marks them out as distinctive from previous work in animal ethics. That unifying thread is a focus on *justice*. But crucially, it is also a specific type of focus on justice. For we argue that theories which comprise the political turn all seek to explore how political institutions, structures and processes might be transformed to better serve the interests of animals. In other words, they outline the shape and nature of a community that secures justice for both humans and other animals.

Traditional theories of animal ethics have all tended to provide two things: an account of the *moral* status of animals; and an account of our *moral* obligations to animals. Political contributions are somewhat different, we argue, in that their focus is on justice, rather than morality (Wissenburg and Scholsberg 2014, pp. 1-5). Morality is usually considered to be a broader concept than justice. For example, a particular action or way of behaving may be immoral, such as speaking unkindly behind someone's back, but that does not thereby mean that such action and behaviour is unjust. Justice involves an element of compulsion; to behave justly is 'a requirement rather than an optional extra' (Campbell 1980, p. 20). Furthermore, because the claims of justice are regarded as so pressing, the obligation to act so as to avoid injustice falls most often on the state or other political authority. This is not to say that acts of injustice cannot be perpetrated by individuals or by collective entities such as corporations; but it is to say that political institutions that are best placed to *enforce* justice and *remedy* injustices. Focusing on *justice* in the context of the moral status of animals, then, directs attention away from how we, as individuals, ought to regard animals, towards the way in which the *state* ought to regulate the treatment of animals. It is thus perhaps unsurprising that political theorists working on the nature of our obligations to animals have adopted this focus on justice.

However, this should not be taken to mean that a discourse based on justice is entirely absent from traditional animal ethics. Indeed, it is the case that most traditional animal ethicists actually assume that their moral theories are also theories of justice; and thus that the state has an obligation to act upon them. Regan (2004), for instance, merely assumes that a rights-based discourse is identical to one based on justice, and that justice and morality are one and the same thing. As a consequence, for Regan, excluding animals as recipients of justice is equivalent to depriving them of any direct moral worth. This assertion is apparent from Regan's inaccurate critique of Rawls's contractarian theory of justice. Regan, for instance, remarks that Rawls's contractarianism 'systematically denies that we have direct duties to those human beings who do not have a sense of justice – young children, for instance, and many mentally retarded humans',

as well as animals (Regan 1985, p. 17). In a more recent work, Regan repeats the claim that Rawls's 'moral outlook prejudicially excludes nonhuman animals from direct moral concern' (Cohen and Regan 2001, p. 171).

Regan's conceptual confusion derives from his assumption that there is no moral realm independent of justice where direct duties can be owed to animals. By contrast, Alison Hills (2005, p. 93) recognises the distinction between a realm of justice and a realm of morality. As she points out, it is only if 'the *whole* of ethics is defined by a contract' that animals might be deemed to have no moral standing so that we have no direct duties to them. Rawls, by contrast, wants to distinguish between ethics and justice, with animals excluded only from the latter. The key point, then, is that Regan assumes that his discourse is based on justice as much as it is on morality. For him, the two are interchangeable. We might say, then, that what makes the political turn innovative is its focus on justice as distinctive from morality.

Tony Milligan has also claimed that these recent political approaches share a commitment to offering more than an account of our personal obligations relating to reforms in lifestyle, consumer behaviour, diet and so on. He argues that these new political works seek to offer specifically *political* prescriptions.<sup>vi</sup> Milligan writes: 'Lobbying for legislative change serves as an exemplar of moving beyond lifestyle choices and into the terrain where only a political movement can be effective' (2015a, p. 168). But this is not quite the same focus on justice that we have in mind. Milligan seems to believe that these contributions all have the commitment to working within existing political structures to achieve reforms that serve the interests of animals. But while that may be a part of some political approaches, in general terms this interpretation of the turn is too narrow for our purposes. For what makes the political turn both cohesive and distinctive is the fact that the theories which comprise it do not just work within existing structures, but also ask how those structures might be *transformed*. In other words, they reflect upon and *reimagine* our political structures, institutions and processes. And in particular, they

consider how those structures, institutions and processes might be transformed to secure *justice* for both humans and animals.

Jason Wyckoff (2014) is another theorist who has recently claimed that political contributions to animal ethics can be distinguished by their focus on justice. But he too misses the mark in terms of what that focus amounts to. Wyckoff argues that traditional animal ethics has failed to understand that the wrongs suffered by animals are primarily structural, rather than the result of cruel behaviour by individuals (p. 539). He goes on to argue that the institutional practices which construct animals as property – such as the ‘resource paradigm’ – need to be overhauled in order for animals to be treated justly (pp. 547-551).

But while Wyckoff is correct that the political approach is concerned with political structures, institutions and processes, he fails to identify what is distinctive and unique about this new, emerging scholarship. Indeed, there are three important limitations to Wyckoff’s particular characterisation of a political approach focused on justice. First, while analysing how the institution of property affects animals is undoubtedly important, it is an issue that is extremely well traversed in animal ethics, most notably by Gary Francione (1995; but see also Hauser *et al* eds. 2006). As such, Wyckoff’s theory cannot be said to exemplify a new ‘turn’ that is qualitatively distinct from the work of traditional animal ethics.

Second, offering a critical analysis of existing structures and institutions to diagnose how and why animals are mistreated is also far from distinctive. Indeed, the question of how social structures and forces serve to oppress different groups, including animals, is familiar within the sociological literature on human-animal relations, amongst ecofeminists, and in critical animal studies (Nibert 2002, Adams 2000, Torres 2007). Furthermore, and finally, while such work is clearly valuable, it is important to bear in mind that it is primarily *explanatory*. Our claim is that what makes the theories comprising the political turn distinctive is that they are *constructive* and *normative*: that is to say, they go beyond simply analysing existing political structures to explain

how and why injustices to animals occur; for they also imagine how our political institutions and processes might be transformed for the benefit of human and animals alike.

For example, one of the primary aims of Donaldson and Kymlicka's *Zoopolis* is to reimagine the concepts of citizenship and sovereignty so that they might serve the interests of animals. One of Nussbaum's goals in *Frontiers of Justice* (2006), is to ask the basic question of what a scheme of social justice that takes the capabilities of sentient animals seriously would look like. As we have seen, in *A Theory of Justice for Animals* (2013), Garner constructs the framework a just political order that is socially, politically and economically possible to achieve. And in separate works, Smith (2012) and Flanders (2014) have both considered how a state guided by the principles of political liberalism ought to govern its relations with animals. In *Animals, Equality and Democracy*, O'Sullivan does not merely critique contemporary states for their unfair discrimination between different types of animal, but also explores how the liberal democratic principle of equality may be used to secure justice for all animals. Cochrane (2013a) has reimaged the very idea of human rights to investigate how they might evolve to robustly protect the basic interests of animals. Laura Valentini (2014) has explored the implications of applying so-called 'associative duties' towards certain non-human animals. Steve Cooke (2014) has imagined how extending the cosmopolitan duty of hospitality might affect our obligations to animals across borders. In 'Expanding Global Justice: The Case for the International Protection of Animals', Oscar Horta (2013) has explored the shape and nature of an international system of animal protection. Hadley (2015) has reimaged the very conception of property as it might be applied to wild animals. Finally, a number of political theorist have recently explored how democratic institutions might be reformed so as to better represent the interests and claims of animals (Driessen 2014, Garner forthcoming).

This focus on imagining how our political institutions, structures and processes might be transformed so as to secure justice for both human and nonhuman animals is what unifies these

various contributions. And it is also what makes these contributions distinctive from previous work in animal ethics, which focused far more on the moral obligations of individuals, or simply assumed that personal obligations ought to be enforced by the state. This constructive focus on justice is the essential feature of the political turn in animal ethics.

## **Conclusions**

In this paper we have sought to establish whether there has been any coherent and novel ‘political turn’ in normative debates concerning our treatment of animals, and what the essential feature of such a turn might be. We have argued that the mere use of political language and concepts is insufficient to provide the basis for any new turn on the grounds that such language has always been prevalent in the animal ethics literature. Further, we have claimed that other possible characteristics – such as a focus on relational position and positive duties, feasible and pragmatic prescriptions and the avoidance of first principles – are insufficiently shared amongst these contributions and insufficiently distinctive from previous work in animal ethics to constitute the essential feature of any new political turn. Indeed, we have argued that traditional animal ethics has been far more political than some thinkers have claimed.

Yet we do find that there is something significant that unites these contributions and which marks them out as providing something different from previous work in traditional animal ethics. That feature is a focus on justice; and more specifically on how our political institutions, structures and process might be transformed so as to secure just human-animal relations.

To be sure, the political turn in animal ethics is still in its infancy. As such, the research potential of the turn has by no means be fully realised. We have provided a flavour of the justice-focused animal scholarship undertaken to date. Perhaps a pressing concern for political turn scholars is consideration of which further institutions, structures and processes might be challenged, redefined or reimagined in pursuit of justice for animals. Some of the key questions that come to mind include: must just, animal-friendly institutions be bound by the nation-state?

What shape and structure would a political economy that served the interests of animals possess? What are the political bounds of toleration – domestically and internationally – in respect of the treatment of animals? How are animals to be properly and meaningfully represented across all of our political institutions, structures and processes? And should those institutions, structures and processes be modelled on the ways in which human rights are currently protected domestically and internationally, or should they take a very different form? No doubt these questions, and many others, will be pursued as our relations with animals becomes an established and essential part of the discipline of political philosophy.

## References

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- Adams, C., 2000. *The sexual politics of meat: a feminist-vegetarian critical theory*. 10<sup>th</sup> anniversary ed. New York: Continuum, 2000.
- Anderson, E., 2006. Animal rights and the values of nonhuman life. *In*: M. Nussbaum and C. Sunstein eds. *Animal rights: current debates and new directions*. New York: Oxford University Press, 277-298.
- Callicott, J. B., 1989. Animal liberation and environmental ethics: back together again. *In*: J. B. Callicott. *In defense of the land ethic: essays in environmental philosophy*. Albany, NY: State University of New York Press, 49-59.
- Campbell, T., 1988. *Justice*. Basingstoke: Macmillan.
- Clark, S., 1987. Animals, ecosystems and the liberal ethic. *The monist*, 70 (1), 114-133.
- Cochrane, A., 2013a. From human rights to sentient rights. *Critical review of international social and political philosophy*, 16 (5), 655-75.

- Cochrane, A., 2013b. Cosmozoopolis: the case against group-differentiated animal rights. *Law, ethics and philosophy*, 1 (1), 113-25.
- Cohen, C., and Regan, T., 2001. *The animal rights debate*. Lanham, MD: Rowman & Littlefield.
- Cooke, S., 2014. Perpetual strangers: animals and the cosmopolitan right. *Political studies*. 62 (4), 930-944.
- Donaldson, S., and Kymlicka, W., 2011. *Zoopolis: a political theory of animal rights*. Oxford: Oxford University Press.
- Donaldson, S., and Kymlicka, W., forthcoming. Animals in political theory. In: L. Kalof ed. *The Oxford handbook of animal studies*. Oxford: Oxford University Press.
- Donovan, J., and Adams, C., eds., 2007. *The feminist care tradition in animal ethics*. New York: Columbia University Press.
- Driessen, C., 2014. Animal deliberation. In: M. Wissenburg and D. Scholsberg eds. *Political animals and animal politics*. Basingstoke: Palgrave, 90-104.
- Elliot, R., 1984. Rawlsian justice and non-human animals. *Journal of applied philosophy*, 1 (1), 95-106.
- Farrelly, C., 2007. Justice in ideal theory: a refutation. *Political studies*, 55 (4), 844-864.
- Feinberg, J., 1974. The rights of animals and unborn generations. In: W. Blackstone ed. *Philosophy and environmental crisis*. Athens GA: University of Georgia Press, 43-68.
- Flanders, C., 2014. Public reason and animal rights. In: M. Wissenburg and D. Scholsberg eds. *Political animals and animal politics*. Basingstoke: Palgrave, 44-57.
- Francione, G., 1995. *Animals, property and the law*. Philadelphia, PA: Temple University Press.

Francione, G., 2008. *Animals as persons: essays on the abolition of animal exploitation*. New York: Columbia University Press.

Francione, G. and Garner, R., 2010. *The animal rights debate: abolition or regulation?* New York: Columbia University Press.

Garner, R., 2013. *A theory of justice for animals: animal rights in a nonideal world*. New York: Oxford University Press.

Garner, R., forthcoming. Animals and democratic theory: beyond an anthropocentric account. *Contemporary political theory*.

Garner, R. and O'Sullivan, S., eds. forthcoming. *The political turn in animal ethics*. London: Rowan & Littlefield International.

Hadley, J., 2015. *Animal property rights: a theory of habitat rights for wild animals*. Lanham, MD: Lexington Books.

Hauser, M., Cushman, F., and Kamen, M., eds. 2006. *People, property or pets?* West Lafayette, IN: Purdue University Press.

Hills, A., 2005. *Do animals have rights?* Cambridge: Icon Books.

Horta, O., 2013. Expanding global justice: the case for the international protection of animals. *Global policy*, 4 (4), 371-380.

Midgley, M., 1983. *Animals and why they matter*. Athens, GA: The University of Georgia Press.

Milburn, J., forthcoming. The demandingness of Nozick's 'Lockean' proviso. *European journal of political theory*.

Milligan, T., 2015a. *Animal Ethics: The Basics*. Abingdon: Routledge.

Milligan, T., 2015b. The political turn in animal rights. *Politics and animals*, 1 (1), 6-15.

- Mills, C., 2005. 'Ideal theory' as ideology. *Hypatia*, 20 (3), 165-184.
- Nibert, D., 2002. *Animal rights/human rights: entanglements of oppression and liberation*. Lanham, MD: Rowman & Littlefield.
- Noddings, N. 1984. *Caring: a feminine approach to ethics and moral education*. Berkeley, CA: The University of California Press.
- Nozick, R., 1980. *Philosophical explanations*. Cambridge, MA: Harvard University Press.
- Nussbaum, M., 2006. *Frontiers of justice: disability, nationality, species membership*. Cambridge, MA: Harvard University Press.
- O'Sullivan, S., 2011. *Animals, equality and democracy*. Basingstoke: Palgrave.
- Rawls, J., 1993. *Political liberalism*. New York: Columbia University Press.
- Rawls, J., 2001. *Justice as fairness: a restatement*. Cambridge, MA: Harvard University Press.
- Regan, T., 1985. The case for animal rights. In: P. Singer ed. *In defense of animals*. New York: Basil Blackwell, 1985), 13-26.
- Regan, T., 2004. *The case for animal rights*, 2<sup>nd</sup> ed. Berkeley, CA: The University of California Press.
- Rollin, B., 1994. Animal production and the new social ethic for animals. *Journal of social philosophy*, 25 (Anniversary Issue), 71-83.
- Rollin, B. 2003. *Farm animal welfare: social, bioethical and research issues*. Ames, IA: Blackwell.
- Rollin, B., 2005. Reasonable partiality and animal ethics. *Ethical theory and moral practice*, 8 (1/2), 105-121.
- Rollin, B., 2006. *Animal rights and human morality*. 3<sup>rd</sup> ed. Amherst, NY: Prometheus Books.
- Rowlands, M., 1997. Contractarianism and animal rights. *Journal of applied philosophy*, 14 (3), 235-247.

Singer, B., 1988. An extension of Rawls' theory of justice to environmental ethics. *Environmental ethics*, 10 (3), 217-231.

Singer, P., 1990. *Animal liberation*. 2<sup>nd</sup> ed. London: Cape.

Smith, K., 2012. *Governing animals: animal welfare and the liberal state*. New York: Oxford University Press.

Steiner, H., 2005. Moral rights. In: D. Copp ed. *The Oxford handbook of ethical theory*. Oxford: Oxford University Press, 459-80.

Torres, B., 2007. *Making a killing: the political economy of animal rights*. Edinburgh: AK Press.

Valentini, L., 2012. In what sense are human rights political? A preliminary exploration. *Political studies*, 60 (1), 180-194.

Valentini, L., 2014. Canine justice: an associative account. *Political studies*, 62 (1), 37-52.

VanDeVeer, D., 1979. Of beasts, persons, and the original position. *The monist*, 62 (3), 368-377.

Wissenburg, M., and Schlosberg, D., 2014. Introduction. In: M. Wissenburg and D. Scholsberg eds. *Political animals and animal politics*. Basingstoke: Palgrave, 1-14.

Woodhall, A., and Garmendia da Trindade, G., eds. forthcoming. *Ethical and political approaches to nonhuman animal issues: towards an undivided future*. Basingstoke: Palgrave.

Wyckoff, J., 2014. Toward justice for animals. *Journal of social philosophy*, 45 (4): 539-553.

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<sup>i</sup> From this point on, we follow the convention of using the term 'animal' instead of the more accurate but more cumbersome 'nonhuman animal'.

<sup>ii</sup> Seven features are referred to in Milligan, *Animal Ethics: The Basics*, 155; and only five in Milligan, "The Political Turn in Animals Rights", 7. The ones which fail to make the latter list are: the notion that animals' interests are part of the common good; and the conceptualisation of the movement as a political (rather than moral) crusade.

<sup>iii</sup> Note that this is one of the features which does not make it into Milligan's list in 'The political turn in animal rights'.

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<sup>iv</sup> It is also worth questioning how essential it is to the most significant implications of Donaldson and Kymlicka's theory. After all, it is the 'traditional' animal rights they advocate which will have the most profound impact upon human-animal relations. For the universal rights of animals to life, to not to be tortured and not to be exploited mean that the vast majority of domesticated animals will be phased out of existence.

<sup>v</sup> Milligan puts this claim in slightly different terms. He argues that the political turn 'downgrades the argument from marginal cases'. In other words, these political contributions rely less on the claim that animals have an inherent moral value because human individuals with similar capacities, such as young infants and the seriously mentally disabled, have such value. But the point is the same: political contributions avoid relying on controversial claims about inherent moral value to ground normative prescriptions relating to animals.

<sup>vi</sup> Hence he characterises this overlapping commitment as belief in the view that animal rights is a political, as opposed to moral, crusade.