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EVA MEIJER

ANIMAL POLITICS AND POLITICAL ANIMALS

Review of: Sue Donaldson and Will Kymlicka (2011) *Zoopolis. A Political Theory of Animal Rights*. Oxford: Oxford University Press, 329 pp.

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The animal rights movement is at a political and intellectual impasse, Sue Donaldson and Will Kymlicka argue in the introduction of *Zoopolis. A Political Theory of Animal Rights*. With their political theory of animal rights they aim to contribute to overcoming both. They propose to do this by supplementing negative rights for non-human animals<sup>1</sup>, as they have been conceptualised in existing animal rights theories, with a relational political theory of positive rights and duties, based on the varied ways that animals relate to human societies and institutions.

Animal rights theories have primarily been advanced by moral philosophers and traditionally focus on intrinsic capacities of animals and their interests, and the moral status and moral rights these give rise to (Regan

1983, Singer 1975). Although animals are increasingly seen as moral objects or even as moral subjects in theory, we see an increase of the use of animals in practice; small progress in animal welfare legislation in some countries is overshadowed by an expanding growth of the use of animals and animal products worldwide. Donaldson and Kymlicka argue that the theoretical approach and the political situation are interconnected. Existing animal rights theories have mainly focused on negative rights, which has obscured the question of how to obtain justice for animals and which has had a negative impact on the public debate about animal rights. Donaldson and Kymlicka propose a different starting point. Drawing parallels with the human situation, they argue convincingly that the lives of humans and animals are interconnected in many ways, historically, culturally and geographically, which leads to different kinds of relationships, rights and responsibilities. Using concepts as citizenship, sovereignty and denizenship to conceptualise relationships between human communities and groups of animals, they argue we should view animals as political actors. Their approach shifts the focus from how humans should treat animals to questions about the kinds of communities animals form with each other and with humans, what kind of contact animals want to have with humans and how this contact should be translated to legal and political institutions. Political philosophers have largely been absent from the debate about animal rights<sup>2</sup>. Donaldson and Kymlicka show this is unfortunate and argue political philosophy is pre-eminently appropriate for addressing these issues because it can provide the conceptual tools necessary to translate moral insights to an institutional framework, in which concepts such as democracy and citizenship can play a key role.

The central claims of *Zoopolis* are reflected in the structure of the book. In the first part, Donaldson and Kymlicka present their perspective on negative rights for animals, based on arguments from existing animal rights theories and the idea of universal human rights. In the second part they present their political theory, in which they substantiate the theoretical background and sketch a practical framework. Most theorists either defend universal rights for all animals or adopt a relational approach; Donaldson and Kymlicka argue both are needed.

## Universal basic rights for animals

In chapter two, Donaldson and Kymlicka discuss different approaches to animal rights and argue that animals are conscious or sentient individuals who should be viewed as the bearers of inviolable rights. They base their account of universal rights for animals on the idea of universal human rights. Accepting the view that animals are selves or persons whose interests cannot be sacrificed for the good of others has many implications. It first and foremost means recognising a range of negative rights, such as the right not to be tortured, killed, enslaved or owned. This would entail the prohibition of farming, hunting, using animals for experiments or entertainment, and many other current practices. Most animal rights theories focus on precisely these goals, but in chapter three, Donaldson and Kymlicka argue this is not enough. It is impossible to end all forms of human-animal interaction, since humans and animals share a world, and it is also unnecessary, since respectful human-animal relationships are possible and already exist. In the human situation, universal rights hold for everyone, but in addition to those, humans have different rights and duties towards other humans, based on their moral and political relationships with them. Donaldson and Kymlicka use the ways in which different groups of humans relate to each other politically as a starting point for thinking about political relationships with animals. They argue domesticated animals should be seen as co-citizens, wild animals should be seen as sovereign communities and that liminal animals, the animals which live amongst humans but are not domesticated, should be seen as denizens. Humans have different rights and duties with regard to these groups, and animals in these groups have different rights and duties towards humans.

## A political theory of animal rights

In chapter four and five Donaldson and Kymlicka discuss the position of domesticated animals in existing animal rights theories, and they argue for citizenship for domesticated animals. Because of their emphasis on negative rights, existing animal rights theories have problems with domesticated animals, since they often cannot flourish without human assis-

tance. This has led some theorists to defend abolitionist or extinctionist views, based on the idea that ending the exploitation of animals would have to mean ending all forms of interaction<sup>3</sup>. According to Donaldson and Kymlicka, this is a strategic and conceptual mistake. They argue that humans are morally obliged to grant domesticated animals citizenship, because humans brought them into their communities with force and deprived them of the possibility of living elsewhere. Because of the characteristics these animals were selected for in breeding programs, they are also capable of functioning and participating in mixed human-animal communities. Donaldson and Kymlicka argue that although nationality and popular sovereignty are sufficient to be regarded as citizens, domesticated animals are also capable of exercising democratic political agency. They refer to recent work in disability theory (Francis and Silvers 2007, Kittay 2005), in particular ways in which humans with severe mental disabilities can exercise agency by expressing themselves through relationships that are based on trust, so-called ‘dependent agency’. Donaldson and Kymlicka distinguish three necessary features of exercising political agency, that also apply to domesticated animals: the possibility of having and expressing a subjective good, the capacity to comply with social norms through relationships, and the capacity to participate in shaping the terms of interaction. At the end of the chapter, Donaldson and Kymlicka discuss the practical implications for a range of topics, from the right to healthcare and duties of protection to the use of animal products and political representation.

Wild animals tend to avoid contact with humans and they do not need human assistance to flourish; an important part of their flourishing as communities is that they are able to decide for themselves how they want to live their lives. In chapter six, Donaldson and Kymlicka argue that they should be seen as sovereign communities. This is based on the moral content of the idea of sovereignty, not on whether or not they can systematically organise themselves as a state; how exactly communities are organised and how autonomous they are will differ. Regarding them as sovereign communities does not mean the only rights that they should be granted are the aforementioned universal negative rights. In order to be able to flourish, their habitat needs to be protected against direct harms and against ‘spillover harms’, unintentional side-effects of human actions

that affect animal habitats (for example the construction of roads and pollution). There are also situations in which humans have the duty to assist animals, for example in the case of natural disasters that threaten communities or when individuals are in need.

In chapter seven Donaldson and Kymlicka argue liminal animals, the animals which live amongst humans but are not domesticated (such as mice, geese and feral cats) should be seen as denizens. This is a heterogeneous group, and in determining reciprocal rights and duties, context and origins are important; animals whose habitat was invaded and which have nowhere else to go have other rights than animals which seek out human settlements but which can also thrive elsewhere. Donaldson and Kymlicka define three general clusters of rights: rights of residence, anti-stigma safeguards, and reciprocal rights and duties of denizenship. Liminal animals are a new group in animal rights literature. One of the goals of *Zoopolis* is to dismantle the dichotomy between wild and domesticated animals (or nature and culture) and to replace this with a matrix of types of animals and human-animal interaction and relationships<sup>4</sup>. Donaldson and Kymlicka convincingly show that there are many animals who are neither wild nor domesticated and that the lines between these categories are not fixed (domesticated animals can become liminal or wild and vice versa). The introduction of liminal animals as a new group is not only clarifying theoretically, but also politically. These animals are least recognized from a legal and moral perspective and they are often seen as intruders and/or pests in urban environments, which leads to a wide range of abuses and injustices. Defining them as a group can clarify underlying problems and structure government policies.

## Zoopolis

Although Donaldson's and Kymlicka's political theory is promising and broadly convincing, it raises questions on different levels. First of all, it is difficult to divide animals into different categories, both morally and practically. In the case of liminal animals, Donaldson and Kymlicka rightly argue that many animals are neither domesticated nor wild, but it seems

paradoxical to fit all the animals that don't fit into these categories into a new category. Liminal animals are a heterogeneous group, and domesticated animals and wild animals are as well; rights and duties can differ enormously between species and individuals and although the citizenship model Donaldson and Kymlicka propose can offer rough guidelines and shed light on basic rights and duties, defining them in practice will be heavily dependent on the context and the animals involved.

The second set of questions concerns political communication. Donaldson and Kymlicka discuss communication and representation most extensively in the case of domesticated animals and argue these animals can exercise (political) agency through close relationships with humans. Although this might work well for some domesticated animals, not all of them will be able (or will want) to communicate with humans in this manner. In addition to this, we need a theory of political communication with wild and liminal animals. Humans and non-domesticated animals share habitats, travel through each other's territories and have conflicts; these encounters are not accidental but inherent in the fact that humans and animals share a world. Although Donaldson and Kymlicka give many examples of human-animal relationships and interactions, they do not offer a theory of political communication. But if we regard animals as political actors – whether citizens, denizens or members of sovereign communities – we also need to think about how they can have a voice in questions that concern them, in contact within and between communities. As Donaldson and Kymlicka repeatedly point out, animals do communicate with humans (and with each other). They are not silent, although they are often represented as such. Through communication, both humans and animals can express themselves and learn about the position of the other. In addition to learning about animal languages, we therefore need to think about new shared languages, based on existing human-animal communication. In some situations this communication will be similar to human (political) communication and immediately clear to all parties involved; in other situations it will need interpretation and/or translation.

This is connected to questions about the translation of political animal agency and human-animal relationships to political institutions. In Donaldson's and Kymlicka's theory, the focus is on extending existing human

liberal democratic concepts and institutions to other animals. Also, although Donaldson and Kymlicka aim to provide the theoretical background and do not discuss specific institutions and forms of representation in detail, in the model they sketch humans decide which institutions are just and how animals should be represented. Existing institutions and concepts can offer a starting point for thinking about a new political model, but to be able to respond to the different ways in which animals exercise political agency – Donaldson and Kymlicka give many examples – it also seems to be necessary to think about new forms of representation and new institutions. Domesticated animals are usually good at communicating with strangers, which opens up the possibility of them representing themselves, and both wild and liminal animals also often can, and do, clearly communicate their standpoints to humans. These existing interactions can provide a starting point in thinking about ways in which they can take part in shaping the terms of interaction, and the formation of new human-animal legal and political institutions. This might mean that we need to reconsider the scope and the meaning of concepts as democracy, citizenship and political agency, and that we will have to invent new political concepts.

Follow-up questions aside, *Zoopolis* is convincing both in its criticism of existing animal rights theories and as the outline of a political theory. It offers a framework with which to rethink existing human-animal relationships and to think about new forms of interaction. The myriad human-animal relationships, and the many accounts of political animal agency that are discussed, shed new light on animals as political actors. Donaldson and Kymlicka show that concepts from political philosophy can (and should) play an important role in thinking about duties towards animals, and they show that thinking about animals and political animal agency can enrich our understanding of these concepts in relation to humans. With *Zoopolis*, they offer an important and original contribution to the debate about animal rights.

Eva Meijer is an artist and writer of novels and short stories. She also studied philosophy and she teaches an introductory course in practical philosophy at the University of Amsterdam. Most of her current literary and philosophical work is about (non-human) animals, politics and language.

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<sup>1</sup> Hereafter referred to as 'animals'.

<sup>2</sup> The most notable exceptions are Robert Garner and Mark Rowlands.

<sup>3</sup> Gary Francione for instance argues we should take good care of the domesticated animals that are alive now, but we ought to stop bringing new domesticated non-humans into existence (Francione 2008).

<sup>4</sup> Referring to recent work in animal geography (Wolch 1998).