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[Review] Robert Garner and Siobhan O’Sullivan (eds). The Political Turn in Animal Ethics. Rowman and Littlefield, 2016.

Abstract

In the 40 years since Peter Singer’s *Animal Liberation*, philosophers have developed a rich and sophisticated literature on the ethics of how we treat animals. Much of this literature has implicitly assumed that our ethical duties to animals are a matter of public responsibility, not merely personal ethics. While modern societies operate with a division of moral labour – leaving some ethical responsibilities to individuals while others fall upon the state – animal ethicists have typically assumed that our most important ethical responsibilities to animals are indeed a legitimate matter for public regulation and state law.

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In the 40 years since Peter Singer’s *Animal Liberation*, philosophers have developed a rich and sophisticated literature on the ethics of how we treat animals. Much of this literature has implicitly assumed that our ethical duties to animals are a matter of public responsibility, not merely personal ethics. While modern societies operate with a division of moral labour – leaving some ethical responsibilities to individuals while others fall upon the state – animal ethicists have typically assumed that our most important ethical responsibilities to animals are indeed a legitimate matter for public regulation and state law.

In principle, this should have led animal ethicists to engage with issues of the legitimate exercise of state power, including questions of democratic authorization and accountability, political representation and public deliberation, sovereignty and jurisdiction, and so on. However, until very recently, the field of animal ethics has failed almost entirely to engage with these classic issues of political theory (just as political theorists have failed almost entirely to engage with animal ethics).

Fortunately, as this volume amply illustrates, we are witnessing a ‘political turn’ in animal ethics, exploring how ‘the animal question’ relates to basic principles of democratic theory, citizenship, political legitimacy, the rule of law, and constitutionalism. The co-editors, Robert Garner and Siobhan O’Sullivan, are two of the leading proponents of this political turn, which they have defended in their own earlier monographs (O’Sullivan 2011; Garner 2013). For

this volume, they have recruited an impressive group of authors, whose contributions nicely illustrate the excitement of this new field, while also perhaps illustrating some of its growing pains.

In their introduction, Garner and O'Sullivan distinguish three dimensions of the political turn in animal ethics. First is the use of concepts from political theory to help improve our accounts of animal ethics. Several chapters in the volume illustrate this trend. For example, Kim Smith draws on the social contract tradition within liberal political theory to defend animal welfare laws; Tony Milligan draws on the long-standing tradition in liberal theory of 'putting cruelty first' to justify a pragmatist approach to animal reform; O'Sullivan draws on legal norms about equity and non-discrimination (and publicity) to criticize arbitrariness in the way animal interests are counted (or discounted); Alasdair Cochrane draws on social-democratic theories about workers' rights to defend some innovative proposals regarding working animals; and Friederike Schmitz argues that the property status of animals needs to be understood and evaluated, not just for the ethical quality of the individual choices it makes possible or prohibits, but as an 'institution' which should meet political tests of institutional legitimacy. All of these chapters highlight ways in which the conceptual resources of political theory can shed light on the distinctive issues that arise once we view animal ethics as a matter of public responsibility.

The second aspect of the political turn outlined by the editors is proposals about how to include animal interests in political decision-making. In democratic societies, any account of what we owe animals as a matter of public responsibility must ultimately be endorsed by the electorate. There is not much point elaborating sophisticated accounts of our public responsibilities regarding animals if these ideas have no traction in the process of democratic decision-making. An important strand of the 'political turn', therefore, has been to think about (a) which political actors would be able and willing to advance these arguments and put them on the political agenda; and (b) what political procedures would ensure that these arguments get a fair hearing? This is a central question in the chapters by Lucy Parry and Steve Cooke and in Garner's contribution. Currently, animals are represented in democratic decision-making indirectly – that is, their interests are considered only if and insofar as particular humans choose to raise them. The evidence to date suggests that relatively few citizens care enough about

animals to base their vote on how candidates deal with the animal question. Parry suggests that this situation could be improved by adopting a more ‘deliberative’ model of decision-making, with built-in requirements that all viewpoints be considered seriously, so that animal rights positions are not just ignored or silenced or dismissed as radical. Pro-animal positions might be electorally weak, but (she hopes) would be deliberatively powerful. Cooke argues that given how deeply the exploitation of animals is normalized in our society, there may be a need not just to advance arguments, but to break the law, and he discusses how different forms of ‘civil disobedience’ and ‘militant resistance’ relate to democratic theory and political legitimacy. Garner suggests that in the end, the goal is not just to improve on the indirect representation of animals (whether through deliberation or civil disobedience), but to move towards the direct representation of animals – for example, creating a public office or representative body whose official mandate would be to speak for animals.

Third, the editors identify empirical investigations of how political power is in fact exercised over animal issues. This is the focus of the chapters by Dan Lyons and Peter Chen. Lyons focuses on the public regulation of animal experimentation in Britain, and shows that it has been captured by the very private interests it is intended to publicly regulate, and so operates solely as a form of ‘the politics of symbolic reassurance’ without any effective oversight or responsiveness to public concerns. Chen explores how farmed animals are regulated in Australia, and comes to a similar conclusion that the public is effectively excluded from the ‘closed policy community’ dominated by the ‘iron triangle’ of industry, bureaucrats from the agriculture ministry, and political elites. While this third theme comes last in the volume, readers might in fact want to start here. Lyons and Chen document how public responsibility for animals is currently being exercised – or rather failing to be exercised. Their investigations show why we need some dramatic rethinking about both the conceptual underpinning of animal laws/policies and the political process by which these laws/policies are adopted and implemented – rethinking of the sort explored in the remaining chapters.

The editors' three-fold account of the 'political turn' helps to situate the various chapters of the volume, but this is not the only way to characterize the political turn. In an interesting recent essay, Svenja Ahlhaus and Peter Niesen (2015) argue that the 'political turn' is characterized by five core features:

- (1) Focuses on the political subjection of animals (through formal state functions, rather than individual ethical choices);
- (2) Focuses on the existence, nature and justification of claims to use state coercion to advance animals' interests;
- (3) Discusses the political inclusion of animals in human polities (claims to political representation, citizenship, sovereignty);
- (4) Takes seriously practical realities and hence the need for 'non-ideal' or 'pragmatist' approaches to animal politics;
- (5) Reflects on its own status as a body of discourse within democratic societies.

In his own recent overview of the political turn, Tony Milligan (2015) has suggested that 'turn texts' are characterized by two further features: (a) a focus on positive entitlements and not just negative rights; and (b) a focus not just on questions of intrinsic moral status (typically utilizing the 'argument from marginal cases'), but on the distinctive obligations that arise from inter-species relationships and communities. As these two other overviews indicate, we do not yet have an agreed characterization of what defines the 'political turn', but all of these different accounts in their own way indicate the potential richness of this new approach, and its manifold implications for a wide range of issues.

There are indeed many issues raised in the individual contributions in this volume that deserve to be explored in more depth. But let me return to the original motivation for the political turn: namely, the idea that the treatment of animals is a matter of public responsibility, not just personal ethics. For most animal advocates, this will seem too obvious to belabor. But in fact, there are different ways of connecting animals to 'the public' – and these differences matter.

One answer – which is implicit or explicit in most of the chapters in this volume – is that animals have interests or rights that are affected by the exercise of state power, and since animals are affected, their interests/rights need to be considered. This is sometimes called the ‘all-affected principle’, which several contributors cite as a fundamental principle of the legitimate exercise of state power.

This is certainly a good argument as far as it goes, but notice that this argument is consistent with viewing the affected individuals as aliens or foreigners, rather than as members of the community in whose name the state governs. If the resource development policies or military deployment decisions of Canada affect the rights or interests of people in Korea, then these rights and interests need to be taken into account. But this does not mean that Koreans are citizens of Canada, or members of the Canadian demos, with a right to share in the exercise of Canada’s popular sovereignty. Rather, Koreans are affected third-parties, and when Canadians exercise their popular sovereignty, they must avoid spillover effects that impose unfair burdens on Koreans, or violate their rights. Put another way, the rights and interests of Koreans impose a set of side-constraints on how Canadians exercise their democratic sovereignty. (The rights and interests of tourists to Canada would impose similar constraints: they are not members of the society in whose name the state governs, but they may have affected interests that need to be considered).

The question arises as to whether this is the right way to think about animals – that is, are they best understood as third-parties whose rights or interests may be affected by the decisions of Canada, but not as members of Canadian society in whose name the state governs? I think this may indeed be an appropriate way to think about some wilderness animals: they are essentially outsiders in relation to Canadian society, and so they can be seen as third-parties whose rights (including rights to habitat) set side-constraints on how we exercise our self-government. But I would argue that this picture is entirely inadequate in relation to domesticated animals. Humans have brought domesticated animals into our society, to live and work alongside us. In work with Sue Donaldson, I have argued that domesticated animals should therefore be seen as members of the society in whose name the state governs (Donaldson and Kymlicka 2011). Their interests are a matter of public responsibility, not because our decisions

have spillover effects on their rights or interests, but because they are themselves members of 'the public'. Our obligation is not just to avoid harming their interests or rights as affected third-parties, but to acknowledge that they are members of a shared society which belongs to them as much as to us.

In my view, this is one of the most interesting and challenging questions facing the political turn in animal ethics. All animal advocates agree that the treatment of animals is a matter of public responsibility, but is this because they are affected third-parties (whose rights impose side-constraints on the democratic will) or because they are members of society (whose interests should shape the democratic will)? If the latter, we need to rethink democratic theory in a much more radical way. It would not be enough to ask whether the exercise of public power in Canada harms animals' rights or interests: we would need to ask how animals might want that public power to be exercised. We would need to ask how public services, public spaces, and public institutions in Canada can be as responsive to the ambitions and aspirations of domesticated animals as to the aspirations of its human members.

Surprisingly, most of the chapters evade this central question. They refer to the 'all-affected' principle in a way that does not make clear whether animals are affected third-parties or are members of the society in whose name the state governs. There are however a couple of intriguing exceptions. In her chapter, Smith explicitly affirms that domesticated animals 'are members of the community that the government was established to protect' (70). Similarly, Cochrane argues that insofar as animals work in our society (e.g., as service animals), they have a right to be 'recognized as members of the community whose interests count in the determination of the public good' (23). We see here glimpses of a genuinely interspecies conception of democratic theory, in which animals are themselves members of the demos. These are, however, just glimpses, and I would argue that neither Smith nor Cochrane actually follows through on the radical implications of their statements. Neither seriously contemplates the possibility that we should ask how animals would want public power to be exercised so as to reshape society to better suit their interests and inclinations. This, it seems, is a bridge too far, even for these committed advocates of the political turn.

In that respect, this collection may come to be seen in future years as a surprisingly conservative statement of the political turn, unwilling to jump into the deep end of interspecies democracy.¹ In the meantime, however, it stands as an important statement of this new approach, and an essential resource for future work in the field.

Note

¹ For two jumps into the deep end, see Meijer 2016; Donaldson and Kymlicka 2016.

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