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## Should Animals Have a Right to Work? Promises and Pitfalls

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### Abstract

The view that non-human animals are 'co-workers' is a common trope used by researchers and the farming community, and increasingly forms the centre of inquiry in sociology, philosophy, and political economy. Scholars like Barbara Noske, Jocelyne Porcher, and Diane Stuart claim that animals are alienated from their labour, and that their contributions to our society are not recognized by it. Building on these findings, moral and political philosophers have recently argued that animals should have rights at work, like the right to remuneration or retirement. The much more pressing question, however, is whether animals should have a right to work. The right to work has emerged from a desire to recognize workers' 'right to pursue happiness', and analogously, animals may have an interest in flourishing and in contributing to the wellbeing of their kin, which may be satisfied by fulfilling work. But the right to work is not without risk since it has been interpreted as a duty to work, is accused of reinforcing ableism and promoting dependency. This article provides an overview of the emerging debate, offers critical perspectives on the promises and pitfalls of animal labour, and establishes the necessary safeguards for labour to pave the way for interspecies justice.

### Keywords

animal labour, post work, right to work, interspecies justice, animal politics

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## 1. Introduction

The view that non-human animals are ‘co-workers’ is a common trope among researchers and farmers, and increasingly forms the centre of inquiry in sociology, political economy, and philosophy. Scholars like Barbara Noske, Jocelyne Porcher (*Ethics of Animal Labor*), and Diane Stuart et al. make the case that animals are alienated from their labour and that their contributions to our society go unrecognized. For example, according to Australia’s National Farmers’ Federation, 1.6 million dairy cows held in Australia produce 10% of the world’s dairy trade; though each cow produces, on average, 5,445 litres per year at the cost of confinement, immense suffering, forceful impregnation, and family separation, they are still only seen as ‘Australia’s third largest agricultural *commodity*’ and it is ‘Australian dairy farmers’ – *not the cows themselves* – who ‘produce 9,102 million litres of whole milk per year with the farmgate value of milk production being \$4 billion’ (National Farmers’ Federation, emphasis added).

Building on these understandings of animal work or labour<sup>1</sup> as a predominantly negative phenomenon, moral and political philosophers have recently begun to explore positive dimensions of animal labour, as a possible approach to emancipate animals, their legal and political status, and our relationships with them. Their focus is on establishing *rights at work* for animals, like the right to remuneration or retirement, safe working conditions, retirement, medical care, as well as the right to collective bargaining to negotiate the amount and form of remuneration (Cochrane, ‘Labour’). In addition to dealing with such fine-grained aspects of animal labour, scholars have begun to explore whether interspecies justice might include room for animal labour, and, conversely, whether animal labour can be a site for developing a theory of interspecies justice (Blattner et al.).<sup>2</sup> These inquiries offer new and enticing perspectives that promise to advance stalled debates in animal ethics and beyond, and enrich strategies for animal advocates. However, as they have examined the nuts and bolts of the concept of animal labour, on the one hand, and broader dilemmas of interspecies justice, on the other, scholars have skipped a central question connecting the two, namely: should animals have a *right to work*? This question must be answered prior to discussing whether animals qualify as workers or what their conditions at work must be because those are based on the assumptions that labour is an

adequate framework to theorize about justice for animals, that bad working conditions can and should be improved for the sake of animals, and that work *per se* is good for animals.

In the case of humans, the *right to work* forms the starting point for establishing, theorizing, and further developing work structures, politics, and law.<sup>3</sup> The contours of the right to work are fuzzy and its exact content varies depending on the legal document in question,<sup>4</sup> but its overall purpose is explicit: to ensure that every willing person is able to support themselves and provide a livelihood for themselves and their families through work, as a means for material rewards, social inclusion, self-realization, and flourishing (Sarkin and Koenig 9). The right to work is seen as an intrinsic<sup>5</sup> and instrumental good for humans (Gesthuizen and Verbakel; Kaasa). It is an *instrumental good* insofar as it enables members of society to access the resources, opportunities, and services they need for life, such as food, housing, pension benefits, and the like. And it is *good in itself* insofar as having a right to work secures access to creative action, allows us to establish and cultivate meaningful relationships, forge meaning, and build identity.

The rationales underlying the right to work in the human case must be investigated for the animal case, too. First, we must find out *whether the right to work is a good worth pursuing for animals*. If it is not, advocating for socio-political and legal structures for animal labour risks being of value mostly to humans, either as a means to secure them access to animal labour and the products derived therefrom, or as a means to legitimate and gloss over injustices experienced by animals as they work. As a consequence, animals would be forcibly integrated into a human model of consumption and production. Second, we must garner more knowledge about *whether the right work is (only) instrumentally valuable to animals or whether it has meaning beyond securing them access to other valuable goods*. This is relevant because we might have to consider alternative ways of realizing these dimensions of life (for example, through social security or basic income). Also, the right to work must be differently formulated if its focus is on guaranteeing personal development, self-realization, shared membership, and interspecies sociability. Only if the right to work qualifies as good worthy of pursuit for animals, and only once we know whether the right to work is instrumentally and/or intrinsically valuable to animals, is there a fruitful basis to answer the more fine-grained questions currently discussed, such as whether animals qualify as workers, which forms of work done by animals are legitimate

or illegitimate (and why), or whether/which conditions at work must be improved. Tackling these questions also opens up ideas about what work should look like for animals: how it relates to human work, whether it includes what animals naturally do on a day-to-day basis, and therefore how it overlaps with existing welfare-based protections for animals or other rights advocacy.

In approaching the hotly debated topic of animal labour<sup>6</sup> from a right to work angle, this article adds crucial dimensions to the groundwork debate on animal labour, as it carves out the normative value of the concept of animal labour and develops the promises and pitfalls of establishing a right to work for animals. The right to work also is a useful frame for thinking about animal justice because it operates as an opening to juxtapose rationales underlying human labour to those underlying animal labour, and to assess the value of fleshing out normative theories on animal labour from a meta perspective.<sup>7</sup>

This article begins by establishing the role of work in human society and explores the values of and justifications for a right to work (section 2). This is contrasted with early arguments made about animal labour, predominantly dealing with alienation (3), and used as a starting point to explore the ‘emancipatory potential’ of the concept of animal labour and extensions of the right to work for animals (4). To evaluate the value of a right to work for animals, I study its most central promises and its pitfalls, including happiness, membership, dependency, ableism, and others (5 and 6). The concluding section offers a final judgment on whether the net benefits of the right to work outweigh its net risks and lays out what needs to be done to make the right to work a genuine component of justice for animals (7).

## **2. The centrality of work and justifications of a right to work**

Work plays a central role in human society. It is the prime way of being, doing, and living through which individuals define themselves. ‘So, what do you do?’<sup>8</sup> is the question that seems to define everything somebody is, does, likes to do, and wants to be. Work, as understood in this sense, is a place of human flourishing, and it makes any citizen worthy of inclusion in society.

Given the centrality of work, it comes as no surprise that many states have established a ‘right to work’ in their domestic laws and on the international level. The first international document that provided for the right to work is the Universal Declaration of Human Rights (UDHR, article 23 para. 1). In the UDHR, the right to work forms part of the chapter on economic and social rights, like the right to housing and education, and is placed next to but apart from civil and political rights.<sup>9</sup> Article 23 para. 1 provides, ‘Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment’. Parties to United Nations (UN) shared the belief that the right to work is so central to the international community (UN-Charter, article 55(a)) that it must be enshrined in key documents of human rights law, as done in the International Covenant on Economic, Social and Cultural Rights (ICESCR, article 6 para. 1).<sup>10</sup>

The exact content of the right to work is disputed and strongly depends on the underlying legal document.<sup>11</sup> Three elements are generally believed to form the core of the right to work.<sup>12</sup> The first element is *free choice of employment*. In article 6 para. 1 ICESCR, state parties recognized ‘the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts’. The focus here is on individual freedom to pursue a chosen occupation without unjustified restrictions or discrimination (Collins, ‘Human Right to Work’ 21). Other documents emphasize *decent work* as the central element of the right to work, of which the International Labor Organisation (ILO) has been the most outspoken advocate. In its Decent Work Agenda, developed since 1999, the ILO argues that the right to decent work gives people a right to productive and freely chosen work, rights at work, social protection, and social dialogue (ILO, ‘Decent Work’). The focus here is on just and favourable conditions at work such that work ultimately benefits workers (Collins, ‘Human Right to Work’ 21). The UN incorporated the Decent Work Agenda in its Millennium Development Goals and declared decent work an integral element of the new 2030 Agenda for Sustainable Development.<sup>13</sup> The third element seen as central to the right to work is *protection against unemployment* (for example, article 23 para. 1 UDHR). This is conceptually vague, as it may mean that everyone should be given a job, no matter how pointless or exploitative work is, or that everyone should have access to a social security system. Because articles 22 and 23 para.

3 UDHR are concerned with subsistence and poverty, the right to protection against unemployment means that ‘it is *having a job that matters*, not welfare benefits’ (Collins, ‘Human Right to Work’ 21, emphasis added).

These three elements of the right to work are distinct in goals and means, but together they frame the right to work as (i) an entitlement to (ii) an (adequately) paying (iii) job. The three elements all serve the same goal: to ensure that every willing person is able to support themselves and provide a livelihood for themselves and their families through work (Sarkin and Koenig 9).<sup>14</sup> Work is understood as employment, and employment is valued primarily for paying wage,<sup>15</sup> i.e., monetary compensation in exchange for work done. For workers, wage secures their basic conditions of life, like the costs of housing, food, child care, health care, transportation, and other necessities.<sup>16</sup> Through paid employment, workers also gain access to secondary benefits, like employer-sponsored health care, paid vacation, maternity leave, and pension pay. This conventional articulation of the right to work shows that it is usually understood to have *instrumental value*,<sup>17</sup> i.e., the job’s (predominantly economic) values are external to the individual as they are not connected to the way one works or to the content of one’s work (Harvey 8-9; Kaasa).

Though it is tied to wage, the right to work is not simply the right to receive a certain income stream or resources to attain a certain level of welfare (Kavka 175). It is not a claim right of individuals against the government.<sup>18</sup> Instead, the right to work is a ‘liberty right of sorts’ (Risse 5) that guarantees individuals a ‘*right to earn income*’ (Kavka 175, emphasis added). To be clear, this right draws on and mandates implementation as a social goal in government agendas, usually enjoying high priority in policymaking, yet, it primarily asserts the responsibility of individuals to be economically self-sustaining.

Increasingly, the right to work is challenged for this conventional, yet narrow and instrumental focus. Work values, which define the general motivation to work and the kinds of work people are looking for, are much more multidimensional and usually a mix of both instrumental and intrinsic elements (Gesthuizen et al.). Some people may choose a job for its economic benefits, but many others are striving for personal development and self-fulfilment in

a job (Arendt 140). They may be looking for interesting and challenging work, decision-making power at work, taking over responsibility, cultivating meaningful work relationships, learning new things, having opportunities for identity-building and self-realization, having options for growth, making important contributions, being able to help others through work, having flexible working hours, expressing one's creative ideas, gaining recognition of one's work, developing political skillsets, or fully participating in society (Albin, 'Social Inclusion' 291; Collins, 'Human Right to Work' 35; van Damme 52). Identifying work values and the relative weight people give to them is the subject of multiple disciplines such as sociology, psychology, economics, and political science (Cemalcilar),<sup>19</sup> which show that people are increasingly focusing on personally defined goals of work (the desired content of one's work) instead of individual wealth or security (the general circumstances of work). There is thus an increased emphasis on *intrinsic work values* (Gesthuizen et al.; Halman et al.).

In response to this shift in *work values*, some scholars are proposing that we should rethink *the right to work*. Perez argues, 'To conceive of work only as those activities through which a monetary consideration is obtained is to have a very limited idea of what work means, and it is even worse to rely on the market to determine what is and what is not work' (5). And because extrinsic work values 'are no longer sufficient to do the job' (Ester et al. 90), extrinsic conceptions of the right to work no longer seem sufficient either.<sup>20</sup> So rather than thinking of the right to work only as a right to a paying a job and as a means to secure the necessities of life, scholars argue that it should be understood as a *right to pursue an occupation of one's own choosing*, or even as a *right to engage in a non-alienating activity* that allows a person to develop and integrate into society regardless of whether or not the market values this activity (Perez; Standing).

References to the intrinsic properties of work can be found in some of the earliest documents enshrining the right to work. Long before the UDHR and other international law documents established the right to work, states recognized this right by couching it in the 'pursuit of happiness'. The 1776 Virginia Declaration of Rights, and the later formulated American Declaration of Independence laid down the human right to pursue happiness, 'all men are created equal, ... they are endowed ... with certain unalienable Rights, ... among these are Life, Liberty and the pursuit of Happiness'. This makes evident states' efforts to advertise work

not only as a social good but as benefitting the physical and mental health of individuals (Graby 135-6),<sup>21</sup> bringing to the fore intrinsic work values. The right to work as currently enshrined in the UDHR is similarly designed to promote ‘the full development of the human personality’ (Harvey 10).<sup>22</sup> As such, it becomes intimately tied to happiness, yet it should not be assumed to *guarantee happiness*. Its rationale is that being denied an opportunity to access the world of work, where one can experience happiness, is to be denied *access to a major source of happiness*. Most states now view the right to work as part of the broader claim that citizens have a right to find happiness, flourishing, and meaning by freely engaging in work and freely pursuing their own occupation (Paz-Fuchs).<sup>23</sup> In some states, like Belgium and China, the right to work is even guaranteed by the constitution (Constitution of Belgium, article 23 para. 1; Constitution of China, article 42).

As we theorize about the right to work, we must acknowledge its intricate connection to larger social, economic, and political phenomena. Historically, labour was an activity that people of certain classes did not perform and engaging in labour disqualified those who laboured from other forms of recognition, identity-building, and happiness. As critics argue, the institution of labour was used to discipline the poor (Harvey), and states have employed and emphasized extrinsic values of work to make unpleasant work more bearable for people (Halman and Müller). Similarly, states’ tendency to accentuate work’s intrinsic properties can be seen as evidence of them occluding injustices.<sup>24</sup> However, even in this case, it is clear that the right to work plays a fundamental role in our conceptualization of human work, and in today’s reality, it is likely that people value the right to work for a range of different reasons, including instrumental and intrinsic ones. This ‘genealogy’ of the right to work of humans is critical for our understanding of animal labour, our evaluation of its desirability, and its concrete formulation. Before embarking on this task, a brief overview of the emergence of the concept of animal labour in animal studies, and its extension from arguments made about humans, is due.

### 3. The rise of animal labour: work as a site of alienation

Critical scholars were the first to argue that applying the concept of labour to animals reveals important insights about the nature of oppression that characterizes most human-animal relationships, rather than ways in which work is (or can be) a conduit for happiness, inclusion, and recognition for animals (Benton; Noske; Stuart et al.). These early writings on animal labour directly challenged Karl Marx's claim that there is a discontinuity between humans and non-human animals in relation to work.<sup>25</sup> One of Marx's central assertion was that animals are guided by mere instincts and the necessities of survival, whereas humans can engage in conscious, cooperative productive activity.<sup>26</sup> If animals are present in a workplace, it is only as a tool or resource to be used in the labour process of humans, not as co-workers.<sup>27</sup> Without making the case that animals' actions qualify as work in the same socio-political or biopolitical sense as activities by humans do,<sup>28</sup> critical scholars began to forge an avenue for theorizing about animal labour by challenging and expanding Marx's theory of alienation (*Entfremdung*), established in 1844 in *Economic and Philosophical Manuscripts* (1964). Alienation, they argued, provides a formidable lens and analytical framework to cast new light on our thinking about animals. Just like human workers, animals can be alienated (i) from the product of their labour, (ii) from the act of production, (iii) from their own nature, and (iv) from fellow workers (Benton; Noske; Stuart et al.).

(i) Animals are most patently alienated from their own *products*, which are typically their own bodies or the bodies of their offspring (Noske 18). Factory farms treat animals as 'factors of production' and are designed to deprive them of space to move, to turn around, and to exhibit natural behaviour for the sake of increasing output. In concentrated production, animals are moulded into a grotesque form of living flesh even before they are killed. Production output – flesh, eggs, or body fluids – determines how animals labour. Their bodies are modified; they are cut, de-beaked, de-horned, castrated, and otherwise forced into the shape most conducive to agricultural production (Davis 35; Pew Commission 33). The products that result from animal labour are either immediately taken away from animals (consider eggs or milk) or not experienced by them in their state as living beings (consider meat or leather). Dairy cows, for example, are denied using their milk for their young; the milk is turned against the cow and

becomes a reminder of her own brutalisation (Stuart et al. 210). The same is true of how animals perceive their offspring. Mother cows form intimate relationships with their newborns, from whom they are forcefully and permanently separated the day the calves are born (APHIS). The more calves a mother cow has had, the more traumatizing each separation becomes (Lévy et al.). Animals are forced to ‘produce’ offspring as products of exchange value but are prevented from identifying with, even perceiving the ‘products of their labour’.

(ii) Animals are also alienated from their productive activity. The main work that animals are forced to do is to produce their own biomass or reproduce for consumption (Barua ‘Animal Capital’; Barua ‘Animal Work’; Barua ‘Lively Commodities’; Barua ‘Nonhuman Labour’). Animals’ entire livelihoods are reduced to this single end-goal, which ontologizes them as providers of meat, egg, and milk. The totalizing imposition of daily activity and purpose of life that comes along with these forms of labour de-skills animals and bereaves them of the emotional and intellectual stimuli essential to their flourishing (Nussbaum 8).<sup>29</sup> Many never see a ray of sunshine, never have a dust bath, a rub on a tree, a run over a meadow, or any of the small pleasures of life. As a consequence, self-estrangement is the perpetual state of the vast majority of working animals who are turned into part of the production machinery (Stuart et al. 205).

(iii) Animals in factory farms are also alienated from their fellow beings, in two distinct senses. On the one hand, factories deprive animals of forming or maintaining the social bonds integral to them as individuals and as members of their community. Animals who thrive and define themselves through their communities are systematically prevented from even basic forms of socialization like herd-building and communication, skin contact, social play, and social learning (Benton 59; Noske 19).<sup>30</sup> On the other hand, animals are stressed by intense crowding with fellow animals who are literally stacked on top of, below, or beside them. They cannot exhibit their natural behaviour or escape from constant olfactory and auditory over-stimulation in factory farms. These working conditions force animals to view each other only through relations determined by the production process and make it impossible for them to recognize each other as fellow animals (Stuart et al. 206). Animals are also alienated from humans, who – due to time pressure and the unmanageable number of animals they breed, keep, or kill –

approach them rarely, and if they do, contact is impersonal and technocratic (Noske 19; Wadiwel, 'Chicken').

(iv) Finally, these animals are alienated from their species-essence. For Marx, alienation of people from 'species-essence' contrasts to 'species-life' of animals (Marx, *Economic and Philosophical Manuscripts* 139-140).<sup>31</sup> Interpretations of Marx suggest that only humans could reach the level of abstraction (i.e., historical consciousness) required to experience alienation from their species-essence (Llorente 126; Shukin 76).<sup>32</sup> However, Marx himself has not limited species-essence to historical consciousness (unlike Hegel), and he even acknowledged that animals work, 'To be sure animals also produce. They build themselves nests, dwelling places, like the bees, beavers, ants, etc.'. This acknowledgement, however, came with a caveat, 'But the animal produces only what is necessary for itself or for its young. It produces in a one-sided way' (Marx, 'Alienated Labour'). For Marx, animals worked but in a fixed, genetically predetermined manner, following 'unlearned, automatic and instinctive' patterns (Rinehart 12-3). While animals could be seen as working and as having species-essence, they could never be alienated from it because there is no room for them to escape their instinctual and fixed labouring and being – quite unlike humans. This 'impossibility of alienation for animals' is particularly obvious as Marx defined 'unalienated humanity precisely in opposition to animality' (Bachour 121).

Taking a more practically-informed standpoint,<sup>33</sup> it seems that Marx failed to take into account felt experience and to acknowledge that for animals, there is a significant difference between mere existence and thriving or living well (Benton 59).<sup>34</sup> We can see the alienation of animals from their own labour as disconnecting them from the expression of their life as the kind of being that they are. Animals are placed in artificial environments that bereave them of suitable diets, contact, and exhibiting innate behaviour, including seeing, exploring, learning, and, simply, being. These are activities animals consider essential to a fulfilling life so that not having them estranges them from their very being. In agricultural production, animals are turned into everything that they are not.<sup>35</sup> As Sherryl Vint writes, 'reducing (the animals') existence to beings-for-capital is a violation of their species-(essence) as much as reducing humans to labour-power is a violation of ours' (Vint 124).

#### 4. The normative value of the concept of animal labour and its connection to the right to work

Extending the theory of alienated labour to the condition of other animals carries considerable descriptive value. It makes visible a host of *problematic aspects of animal labour*, making a strong case that in the overwhelming majority of cases in which animals labour for humans, theirs is a condition of alienation, subjugation, and cruelty. The alienation critique exposes the unimaginable trauma, suffering, loss, and deprivation that animals are forced to endure, and makes plain that alienation is a shared experience of humans and animals. It also shows that animals' alienation, and the factors accounting for it, are so ubiquitous that it is insufficient to argue animals are only individually unrecognized, silenced, stifled, 'superexploited' (Torres 37). Alienation of animal workers is systemic, which, some say, suggests animals are alienated as a class (Hribal, 'Working Class').

However, applying the alienation critique to animals does more than that. It can operate as a gateway to what Bachour calls the '*emancipatory potential of animal labour*' (116, emphasis added), creating space to think about, theorize, and develop just conceptions of animal labour, and inviting us to see animals as agential beings who deserve recognition, respectful treatment, and entitlements to self- and co-determine essential dimensions of their lives.

For some scholars, the view that animals are workers is conceptually wrong and has the potential to cause immense damage and harm, notably for animals. Zipporah Weisberg insists that animals are solely worked-on objects and '(t)o call them anything else is to gloss over the brutal reality of the total denial of their ability to act in any meaningful way – namely, as self-determining *subjects*' (36, emphasis added). Viewing animals as workers thus makes it all too likely that we accept the *status quo*, dub animals 'happy workers', and gloss over our exploitation of animals.

In 'Animals Are Part of the Working Class Reviewed', Jason Hribal writes, 'there is nothing wrong in thinking that animals are commodities because that is exactly what they are from the perspective of the capitalist circuit of production' (22). Yet, he finds these arguments 'frustrating because this is the acceptance of defeat. It is a denial of alternatives. It is the

rejection of agency. Commodities, like capital, are dead'. So, 'the underdog and its agency get so buried under the verbiage and power of capital that they disappear from view' ('Working Class Reviewed' 22). The commodity discourse reaffirms the view that animals are property and that they have no agency, are passive, and voiceless. For Hribal, '(i)t is the labor of other animals that injects them with their value that is living. It is the struggle of other animals against that labor that is vibrant' ('Working Class Reviewed' 22).

What Hribal suggests is that there is *normative value to the concept of animal labour* that gets lost when we theorize about animals solely as commodities.<sup>36</sup> Where farmed animals and animals used for research are currently alienated from their own products (be it their labour or body parts forcefully taken from them), there is an opening to discuss ways to ban or limit human access to animals' work and bodies through labour rights. Where cows, chickens, pigs, sheep, goats, and other farmed animals are currently alienated from their productive activity because of the crude forces of factory farming, guarantees and rights could be set up for them as workers to ensure flourishing rather than alienation in the work process. Where animals are currently prevented from socialising, labour can become a framework to start thinking about how animals can form meaningful relationships at and outside of work. Finally, where animals are currently alienated from their species-essence, labour rights can become a conduit to implement their interests in thriving according to their own scripts and in line with their agential capacities and interests. In short, the 'changed historical situation' (Vint 124) of alienation can prompt new discussions about our treatment of animals and about ways in which working relationships with animals could be rendered just.

Inspired by Noske, Porcher, Stuart et al., and Hribal, academics from a range of disciplines are beginning to sketch the contours of a normative take on animal labour. At the outset, they acknowledge that work has in the majority of cases been a site of the most intense instrumentalization of animals, but they also argue that under the best circumstances, work can in fact be a satisfying activity, a genuine source of flourishing for animals (Donaldson and Kymlicka, *Zoopolis* 140). The task of this scholarship lies in formulating the necessary safeguards to ensure 'good work' for animals. Moral and political philosophers, in particular, have argued that animals should have *rights at work*, like the right to remuneration or retirement, safe

working conditions, retirement, and medical care (Cochrane, 'Labour' 27; Donaldson and Kymlicka, *Zoopolis* 140; Shaw). Animals should also have rights to collective bargaining to negotiate the form and amount of remuneration (Cochrane, 'Labour' 27). In her sociological work, Jocelyne Porcher (*Ethics of Animal Labour*) showed that animals strongly influence work by infusing it with their affect and subjectivity, and on this basis argued we should enhance the ways in which animals can do so. And using a labour studies perspective, Kendra Coulter ('Humane Jobs') has begun to forge links between human and animal labourers to promote interspecies solidarity.

More recently, some bolder attempts have been made to sketch animal labour as a new theory of interspecies justice. Blattner et al. (*Animal Labour*) explain:

(O)ur aim ... is ... to highlight the *distinctive promise of labour for animals*. Our starting place is that animals deserve a place in this world, and that just relationships between humans and animals require asking what kinds of relationships (if any) animals want to have with us, including what kinds of working relationships. (12, emphasis added)

So, animal labour, properly recognized and regulated, 'could serve as a potentially valuable site of social membership, personal meaning, and material security, and an exemplary case of how to secure both rights and relationships with animals' (4). *Animal Labour: A New Frontier of Interspecies Justice?* features contributions from labour studies, critical animal studies, political theory, geography, law, ethics, Marxist theory, and feminist political economy that together paint a more nuanced and promising picture of animal labour than extensions of the alienation critique have. Each from their own discipline, these contributions are immensely valuable to flesh out existing concepts of animal labour and enrich ongoing debates about interspecies justice.

Nowhere in the volume, however, do we find a meta-analysis of the upsides and downsides of institutionalizing the concept of animal labour, nor do we find an answer to whether animals should have a right to work, which is intimately tied to theories of interspecies justice. As Harvey explains, 'to make work available is not the same thing as providing a legally guaranteed right to work' (26). These gaps are the impetus for this article. In what follows, I

juxtapose rationales underlying human labour to those underlying animal labour and assess the value of fleshing out normative theories on animal labour from a meta perspective. In doing so, this article answers two key questions: (i) Is the right to work a good worth pursuing for animals? (ii) Does the right to work have instrumental or inherent value for animals?

If the right to work has *no value for animals*, advocating for socio-political and legal structures for animal labour risks being of value mostly to humans, either in terms of securing them access to animal labour and the products derived therefrom, or as a means to legitimate and gloss over the injustices experienced by animals as they work. If the right to work has *instrumental value for animals*, we might have to consider alternative ways for them to realize basic dimensions of life (for example, social security or basic income).<sup>37</sup> Finally, if the right to work is *intrinsically valuable for animals*, the way it is embedded, concretized, and applied looks vastly different because its focus is on guaranteeing personal development, self-realization, shared membership, and interspecies sociability. Once these questions are answered, we can turn to the more fine-grained questions currently discussed, such as whether animals qualify as workers, which forms of work are legitimate or illegitimate (and why), and whether/which conditions at work must be improved. To carve out the normative value of the concept of animal labour, I begin by laying out the promises of a right to work for animals and then turn to its pitfalls. Throughout, I draw on our experiences from human labour, but tailor those to the experiences of animals to evaluate the value of the potential right to work for animals.

## 5. Promises of the right to work

### a. Vulnerability as the normative basis of the right to work

A compelling argument for a right to work for animals relates to Hribal's suggestion that animals are *de facto* workers who are not recognized as workers *de jure*. *De facto* employers of animals will want to ensure that animals remain property and that owners remain free from the constraints of labour law. Not being recognized as workers is something animals have in common with migrant workers, domestic workers, child workers, and temporary workers, and other people experiencing precariousness at work. Current laws are complicit in, if not

constitutive of, excluding from protection those who are most in need of it. They define and categorize workers in an overly narrow manner to deny them the status of an employee and bereave them of employment protections, collective labour rights, and access to justice (Andrias; Crain and Metheny; Fudge and Strauss; Sachs).<sup>38</sup>

These exclusions are part and parcel of what Guy Davidov calls the *misclassification crisis* in labour law ('Three Axes' 363). The very purpose of labour law, he argues, is to provide legal safeguards for those who are vulnerable at different times during their lives, as in times of illness, accidents, unemployment, pregnancy etc. In Davidov's view, *these forms of vulnerability are the very reason why labour law was put in place* ('Who Is a Worker?' 57). Put differently, the idea that labour law comes to the aid of employees forms the 'moral foundation of the constituting narrative of labour law' (Langille 105). This 'purposive approach' to labour law covers those already under the purview of labour law but disenfranchised by it, and it applies to those who are not yet recognized as workers under the law.<sup>39</sup>

The purposive approach to labour law relates to the theory of vulnerability, put forward most prominently by feminist theorists as an inclusive approach that stands in opposition to the centrality of abstract thought and rationality in law.<sup>40</sup> Rather than starting from liberal contract theory, they argue, we must rethink moral, political, and legal status and considerability, starting from vulnerability, which we all experience throughout our lives in permanent or transient, lesser and more expansive forms (Oliver 480). Every person goes through stages of dependency, during infancy, at old age, during illnesses, and in other situations where they rely on others to thrive. Even when we are not in a state of acute or latent dependence, modern life is so interconnected that even the most able-bodied people experience various forms of dependence in their everyday lives. As Simo Vehmas points out, 'non-disabled people tend to forget their own dependence on services, such as the provision of the water that comes out of the tap – an obvious obstacle to their independence' (42). The universal existence of dependency prompts us to acknowledge vulnerability as a shared experience and find adequate ways to respond to it (rather than ignoring and blaming those who experience it).

Kelly Oliver, Maneesha Deckha, and Ani Satz have developed promising extensions of the vulnerability theory to animals. They argue that dominant theories in animal ethics/law, which measure one's worth based on one's capacity to reason, use language, make tools etc., must be relinquished because they are only useful to a tiny minority of animals (like chimpanzees, bonobos, gorillas, elephants, dolphins, or crows) while leaving all other animals unprotected, and they are complicit in othering the many humans who do not conform hyper-rationalist standards. The vulnerability discourse has far greater respect for difference and enables us to see the full interests and experiences of animals in times of injustice. Vulnerability, as Deckha argues, 'provides a language that can advance animals' interest in a non-instrumental fashion without suppressing animals' own array of differences or insisting on their similarities to humans' (Deckha, 'Vulnerability' 68).

In *Reece v. City of Edmonton*, a case decided by the Canadian Supreme Court in 2011, the extent to which the law already recognizes and responds to animals' vulnerability formed a central aspect of the dispute. Lucy, an Asian elephant brought from a Sri Lankan orphanage to Edmonton Valley Zoo in Canada, was held in solitary confinement for over 40 years. In 2010, Edmonton Humane Society filed a lawsuit against the zoo and provided numerous expert opinions that showed how disastrous life was for Lucy, marked by significant privation and suffering. The majority opinion decided not to address these allegations and ruled that the case was no public interest standing issue. Chief Justice Fraser, in her dissenting opinion, forcefully disagreed and argued that the mere existence of animal law reflects the fact that animal protection is an issue of public interest and policy, 'not simply for show, to assuage our collective conscience, promising much but delivering little' (§ 91). Expanding on this thought, she held:

Animals over whom humans exercise dominion and control are a highly vulnerable group. They cannot talk – or at least in a language we can readily understand. They have no capacity to consent to what we do to them. Just as one measure of society is how it protects disadvantaged groups, so too another valid measure is how it chooses to treat the vulnerable animals that citizens own and control.

(*Reece v. City of Edmonton*, Fraser CJ, dissenting, § 91)

Vulnerability is thus accepted in legal reasoning, as Chief Justice Fraser’s opinion suggests, and, indeed, forms the core rationale of animal law. This conceptual commitment to protection *qua* vulnerability is proof of an emerging ‘solidarity contract’ that stands as a powerful conceptual corrective to the prevailing, yet very limiting ‘capacity contract’ (Clifford 100; Kymlicka, ‘Connecting Domination Contracts’ 537).

Vulnerability, as a whole, figures prominently as a corrective in both labour law and animal law. If we combine labour law and animal law to advance normative theories or specific rights for animal workers – perhaps culminating in a set of ‘animal labour laws’ – vulnerability should operate as their conceptual basis.<sup>41</sup> Just like migrant workers, domestic workers, child workers, and temporary workers, animals can be seen as a vulnerable, atypical workforce. For most people, animals are bereft of language, they do not have the ability to sign a contract, organize as a group, or understand the employment relationship to navigate it autonomously.<sup>42</sup> If the purpose of labour law is to protect the most vulnerable workers, then we could argue that it must also come to the aid of animal workers. And given animals’ systemic vulnerability (in a human-centred world), they should *a priori* be protected by labour law. As will become clear in the analyses that follow, this conceptual backdrop gives rise to much more encompassing protections for animals and is more inclusive than current animal laws are. To this extent, vulnerability as the basis of ‘animal labour law’ has *strong instrumental value for animals*.

### **b. The promise of personal development and self-fulfilment**

Just as the right to work is now seen as (also) being an intrinsic good for humans, so can it be for animals. In the case of human labour, personal development and self-fulfilment are the main reasons why people choose to work, and they determine what type of work they want to do (Arendt 140). With a renewed focus in the animal studies literature on animal agency, sociability, and communication, there is now evidence for the assumption that at least some animals enjoy having a few hours a day of challenges, focus, task, and relationships of labour that nurture mutual respect, and are characterized by reciprocity, appreciation, satisfaction, and opportunity for self- and co-realisation (Cochrane, ‘Good Work’; Coulter, ‘Beyond Human’

209; ‘Toward Humane Jobs’). Some dogs, for example, get a sense of satisfaction from performing detection tasks to help biologists and conservationists with environmental protection (D’Souza et al.). Similarly, pigs who search woodlands for truffles can develop new skillsets and enjoy exercising their capacities of smelling and rooting in the earth. Or, geese enjoy utilizing their skills of sight, defence, and intimidation as they guard property (Cochrane, ‘Good Work’).

Given our tendency to neglect the experience of animals and use them for human purposes, the focus of the right to work, as a means to personal development and self-fulfilment, must exclusively be on *what animals enjoy doing*. The activities that animals view as fulfilling are likely to strongly deviate from what we would consider ‘useful’ animal labour, like the production of milk, eggs, and meat (Delon). Animals are more likely to prefer doing other types of work, like intra- and interspecies care work, therapy work, teaching one another, guarding a community, and the like (Coulter ‘Humane Jobs’; Blattner et al. ‘Animal Agency in Community’). Like humans, animals may be looking for interesting and challenging work, decision-making power at work, taking over responsibility, cultivating meaningful work relationships, learning new things, having opportunities for identity-building and self-realization, having options for growth, making important contributions to their community, being able to help others through work, having flexible working hours, being creative, and many more. To the extent that work delivers on these promises, the right to work is a valuable good for them.

But is the right to work, as it allows for personal development and self-fulfilment, an instrumental or intrinsic good for animals? As in the case of humans, this question can be answered by exploring alternative ways of securing these benefits. Sanctuaries could be such an alternative, providing the best care for animals and offering a social environment where animal residents truly come first (Emmerman 215; Marino; NEAVS). In these environments, largely unencumbered by broader constraints of any nature (economic, social, political, factual etc.), animals are free to determine and take on tasks on their own that they consider fulfilling. Sanctuaries are thus a key site at which visions of interspecies society are formed.

However, the fact that sanctuaries often relegate animals to spaces they have not chosen and determine that they will spend their lives with animals, including humans, whom they have

not chosen to have relationships with, can be a cause for concern. Many sanctuaries are located in remote areas, which can establish and maintain a certain form of segregation of animals from human society. Daily routines at sanctuaries can be rigid, and caretakers – often involuntarily – end up patronizing animals in important dimensions of their lives. As Miriam Jones reminds us:

(F)ences, enforced routines, involuntary medical procedures and regimes (including everything from forced sterilization to force-feeding), and other impositions certainly do not comprise a free state of being for those on the receiving end. Those of us in the sanctuary movement routinely make decisions about the animals in our care (and under our control) that we, as ethical individuals, should find extremely problematic. (91)

Some people running sanctuaries may also feel a duty to offer local vegan and vegetarian communities support to prevent individuals from backsliding into meat, dairy, and egg diets, and may, for this reason, enable them to build up contact with the animals. Economic constraints may further limit caretakers' ability to design the sanctuary to their liking, eventually forcing them to make animals available for display to visitors, which reinforces the assumption of visitors that humans are entitled to unilaterally determine the micro and macro aspects of the lives of animals (Donaldson and Kymlicka, 'Farmed Animal Sanctuaries' 57).<sup>43</sup> In the long run, sanctuaries may inadvertently end up becoming 'total institutions' with little or no prospect of guaranteeing animals self-determination and flourishing ('Farmed Animal Sanctuaries' 54; Tedeschi 158).

To be clear, in the world of work, similarly stifling and even more totalizing constraints often end up determining the lives of animals. However, one major reason for this failing could be that animals today do not have a right to work. This is where the earlier discussion about the normative dimensions of animal labour is relevant. If we ground the right to work for animals in personal development and self-fulfilment (i.e., *intrinsic properties*), as we do in the case of human work, then laws must be designed to deliver on these promises.<sup>44</sup> Weaving in the intrinsic properties of work into our analysis of the right to work creates an opening to consider animals' views about work. These views may influence both the ends of work (i.e., the purposes for which animals work) and the types of work that will be considered acceptable (i.e., the

conditions under which animals work). The normative promise of the right to work, in the context of personal development and self-fulfilment, thus is a duty to consider animals' views about whether, what, and how they want to work. It is this duty that differentiates the work context from the sanctuary context. Present law applying to human-animal relations in sanctuaries does not mandate that animals' perspectives be taken into account.<sup>45</sup> By contrast, if we ground the right to work firmly in intrinsic properties, we can expect the concept of animal labour to transform our relationships with animals for the better.<sup>46</sup> This challenges animal labour as a 'human project' into which animals are incorporated, and creates opportunities for an 'interspecies project' of work to emerge that is co-authored by animals.

### **c. The promise of recognition**

Human language dealing with animals often suggests that they have no agency. Animals are bred (they don't breed); animals are fed (they don't feed); animals are reared (they don't determine their lives for themselves); animals are walked and led, euthanized, killed, slaughtered, packaged etc. The vocabulary we use to theorize about animals is dominated by passive terms that ontologize the view that animals are objects with which we do things. We continuously remind ourselves that animals can legitimately be owned, used, and killed by virtue of god, nature, ability, and other factors. But animals are only 'ownable' because we regard them as property, only 'usable' because we confine them to places where they cannot escape, only 'killable' because we make them so. 'Animals' is a category comprised of ideas and images that organize the way humans think about and act in relation to them. Animals – and the things we consider legitimate to do to them – are socially constructed through the binary opposition 'human' vs. 'animal.' This opposition fails to respect animals as persons who have different ways of being and interacting, and constructs them as lesser, deficient, or otherwise incomplete when compared to humans.<sup>47</sup>

Recognition, which operates inter-subjectively and on a political level, plays an important role in exposing and, potentially, reversing these stereotypes. Harmful images about animals (i.e., instances of misrecognition) can be challenged by recognition, as a way to rectify

wrongful views, forge new identities, and educate the public (Taylor, 'Politics of Recognition' 65-66). Recognition must take place within the dominant group by replacing discourse that essentializes others and maintains biased ideas with a praxis of language and interaction that (i) highlights common ground and (ii) appreciates difference.

(i) In the context of work, highlighting common ground might include a recognition of the fact that both humans and animals work, that both can be alienated as workers, that they suffer from alienating work, and that they look for ways to escape it. In the broader context of animal studies, common ground that must be recognized includes capacities for agency, communication, sociability, self- and co-determination, and the good life, more broadly.<sup>48</sup> Personal communications about animal labour, though anecdotal, have consistently revealed the transformative power of recognition in the context of work. Particularly people who are dealing with animals on a daily basis, including farmers handling cows, researchers dealing with monkeys or beagles, and people working with donkeys, were struck by the view that animals could or should be seen as workers. They shared that this perspective 'totally changed how they see (hence, recognize) animals'.

(ii) As important as recognizing common ground is recognizing and appreciating difference. In the context of work, this most patently requires that we recognize that animals will not want to do the same type of work or work for the same ends as we do ourselves or that we currently expect from them. Just as feminists have criticized the dominant theories of labour for excluding women from work and discounting their views about work, so should we begin to recognize that animals have their own views about good work that must shape theories of labour. Ideally, recognition takes place in interpersonal relations between humans and animals, but also on the broader social, legal, and political level.<sup>49</sup> As a society, we should think of animals not as commodities but as workers, we should hold parliamentary debates about the topic, change the legal status of animals, and re-purpose existing animal laws. The end-goal, then, is to create an image of animals that is informed by appreciation and respect, and which is verified by shared experiences and trust (Porcher, 'Work of Animals'). In this sense, recognition is primarily of *instrumental value for animals*, as it promises to change the *status quo* for the better.<sup>50</sup>

#### d. The promise of membership

Another key promise of the right to work is membership. If work can be a site of injustice by excluding animals, then it can potentially be an important site of justice as we recognize animals as workers and, hence, as full members of the ‘work society’. Getting (domesticated) animals ‘into our everyday legal categories of social membership’ is part of what Kymlicka calls the ‘social recognition strategy’:

(D)omestication has made (domesticated animals) members of our society, and as such, they have membership rights... Recognition of social membership is an essential component of justice for (domesticated animals): having taken them out of the wild, and bred them to live and work alongside us, we must accept that they are now members of a shared society, and that society belongs to them as much as to us. (‘Social Membership’ 134-5)<sup>51</sup>

In relation to membership, the right to work holds two key promises. First, by recognizing claims of animals to co-membership as workers, we depart from the logic of current animal laws, which is that animals can and should be used and instrumentalized for human purposes. It is worth repeating Kymlicka’s full train of thought in that context:

Humans and animals today continue to work alongside each other in a striking array of workplaces, from farms and labs to hospitals and seniors’ homes to military installations and airports. And in some of these workplaces (...), the human workers have come to think of animals as co-workers, with similar working hours and working conditions, undergoing similar training, facing similar risks, enjoying shared accomplishments (‘Social Membership’ 147).<sup>52</sup>

In these contexts:

People are not saying that ‘we’ (humans) have a right to use ‘them’ (animals), but rather are saying that animals are members of the ‘we,’ and are demanding legal recognition of this interspecies we-ness, this interspecies working relationship. Recognition of

collegiality is precisely a membership relationship, and it carries with it membership claims, rather than claims to ‘humane use’. (‘Social Membership’ 149)

The second promise is that getting animals into the circle of members of the work society has considerable transformative power: ‘once animals are seen as co-members of a shared workplace, there is a natural tendency to ask whether animals should have the membership rights of co-workers’ (‘Social Membership’ 147). As members of the workplace, animals are more likely to access labour rights, benefit from public goods and services, be considered in political debates about work, and shape the social norms that govern our shared lives (Kymlicka, ‘Social Membership’ 147; Donaldson and Kymlicka, *Zoopolis C.* 5). Because the right to work shapes the political and contractual aspects of work relationships, it could be a particularly useful conduit to ensure membership on a political and on an inter-subjective level. With respect to both promises (departure from use paradigm and easier access to labour rights), the right to work has *strong instrumental value for animals*.<sup>53</sup>

Membership through work also promises to unite the struggles of humans and animals, which often emerge in response to the same vectors of oppression. Where animals are exploited the most, as in factory farming or in the slaughterhouse, human labour is most precarious (McLeod-Kilmurray; Pachirat). This makes apparent the need for an intersectional labour struggle, which lies at the heart of Coulter’s concept of ‘humane jobs’ and ‘interspecies solidarity’ (Coulter, ‘Humane Jobs’).<sup>54</sup>

## 6. Pitfalls of the right to work

Though the right to work comes with considerable promises, there are pitfalls we must consider.

### a. Animal workers: Property or persons?

The most pressing question that the project of animal labour must answer is whether the right to work is compatible with the status of animals as property. The property-personhood debate goes

back centuries;<sup>55</sup> however, in relation to animal labour, there are distinct problems and opportunities worth discussing.

Recognizing animals as workers does not automatically relegate them into the category of persons.<sup>56</sup> The history of slavery<sup>57</sup> painfully demonstrates that it is possible to recognize, even value the labour of people whilst maintaining property rights over them (Sinha).<sup>58</sup> Just as many workers were ‘people property’ during the 16-18<sup>th</sup> Century (Finkelman), animals are likely to remain ‘animal property’ even as they are recognized and valued for their labour. A number of scholars in animal studies do not consider this a problem because they view the abolition of animals’ property status as both impossible and unnecessary.<sup>59</sup> It is impossible because we live in a world where the majority of animals are owned by corporations who would lobby heavily against such a landslide reform. It is unnecessary because there are ‘milder means’ available to reach the same objective. Cochrane, for example, argues that we can perfectly maintain property rights over animals whilst *not* subordinating their interests to ours. This is because, as he argues, the right of ownership is not an absolute right, and already today, owners cannot generally do what they please with their animal property (‘Labour’ 19).

However, if laws for animals as property were truly as protective of animals’ interests – hence, as effective as laws would be that centred animals as persons – the animal industrial complex (Noske; Twine) would not mobilize so heavily against them. Indeed, if the laws on the books stayed the same in either case, these industries would probably lobby for reform toward animal personhood as this would enhance their reputation and boost sales. There is thus something about the institution of property that gives property holders more power over others as property than they would have if the others were recognized as persons. So, if the right to work is to work for animals, we cannot bypass the question of property.

The institution of property has changed drastically over the past centuries, yet its core remains intact: property confers property rights onto some (mostly humans) while excluding others. The problem is not so much that animals are excluded from having property rights,<sup>60</sup> but that they are the ones over whom property is established: they *are* property. As ‘working property’, animals find themselves in a number of dilemmas, notably:

(i) The default situation that property rights create is that property holders have *prima facie* access to the things they possess, i.e., to animals and their labour. If animals were recognized as persons, the starting point would be radically different, as workers are presumed to be sovereign over their labour and only when they consent, i.e., when they enter a labour contract, are rights of others to their labour established.

(ii) Legally speaking, a property right denotes ‘a relation not between an owner and a thing, but between the owner and other individuals in reference to things’ (Cohen 12). To the extent that someone is a thing, in reference to owners and everyone else who is not property, they are either *invisible to the law* or *shielded from its most potent protective powers*. The law can never fully realize an animal’s interests because it simultaneously legitimates his or her continuous use/exploitation.<sup>61</sup> Put differently, property rights limit the law’s ability to protect whoever is owned. As property, animals also lack rights of any sort (claim, liberty, or immunity rights) to challenge this. So, without directly confronting the property question, the right to work will guarantee animals, at most, a status as beneficiaries of residual protections.

(iii) The few property-based protections that are currently in place across the world are specific, context-dependent, and reactive (Peters 51). The vast majority of animal welfare acts condemn ‘unnecessary’ animal suffering or cruelty (Blattner, *Protecting Animals*). In doing so, they do not condemn animal suffering or cruelty *per se*, but simply those manifestations of it that are considered ‘unnecessary’. Necessity or the lack thereof is typically determined by dominant groups over non-dominant groups, so these laws come with a legacy of racism and ethnocentrism.<sup>62</sup> Necessity is also determined by humans over animals, so these laws are heavily informed by anthropocentric biases, and human interests usually end up trumping animal interests – regardless of how trivial the former or how fundamental the latter. The proviso of ‘unnecessary suffering’ is firmly embedded in the property paradigm, as it endorses the *prima facie* claim that animals are available for our use if we so wish, even when such use creates extreme suffering for animals, bereaves them of lives worth living, and, ultimately, results in their death/killing. Property-based protections, in sum, mitigate the harms of a few pre-existing practices at most, while opening the floodgates for many more to come (Wrenn).

The idea that we set up labour laws for animals within this framework is nonsensical if we want to meaningfully depart from the use- and property-based paradigm.<sup>63</sup> To close these floodgates, we need to acknowledge that animals have interests and rights independent of ours and that they are not resources for us to use. Asserting that animals are rights-bearing subjects with their own lives to lead and putting limits on whether/how we can use them can only be achieved by relegating them out of the category of property into the category of persons. The recognition of animals as workers can ease this transition by facilitating and expediting the recognition of personhood (Kymlicka, 'Social Membership' 125-6). The right to work, precisely because it is formulated as a *right* of animals, will be a key driver of this process. If it fulfils this promise, it will be of immense *instrumental value for animals*.

### **b. The right to work or the duty to work?**

Though the right to work is frequently framed as guaranteeing access to justice, ensuring membership, inclusivity, and flourishing, there is a darker side to work that often goes unmentioned. Work, unlike other basic goods like food, housing, health, and care, is not something that everyone necessarily desires (Mantouvalou 2). Most states tie the right to work to social security (in the sense that social security guarantees only kick in once people 'fail' in the world of work), so work is not simply one option among many for living the good life. For most people, work is the only option. Socio-culturally speaking, states have created an ideology that work is a desirable good of society and a moral responsibility of individuals. Those that do not contribute 'productively' to society are thus not entitled to its support (Graby 133). As such, the duty to work forms a centrepiece of (Western) citizenship (Shklar 184; Weeks 8). And legally speaking, legislators never hid the fact that they considered work a baseline condition for citizenship.<sup>64</sup> Be it authoritarian regimes or liberal democracies,<sup>65</sup> states tie social welfare to a duty to accept work, transforming the right to work into a duty to work. This duty bereaves workers of choice and may inadvertently turn work into a site of physical and psychological coercion. In essence, this boils down to Marx's claim that waged work without other options is forced labour (11). Rather than addressing this conflict and attempting to make work truly free,

the duty to work is rendered acceptable through capitalist modes of consumption. As Kathi Weeks eloquently put it, ‘Dreams of individual accomplishment and desires to contribute to the common good become firmly attached to waged work, where they can be hijacked to rather different ends: to produce neither individual riches nor social wealth, but privately appropriated surplus value’ (8).

In respect of working animals too, there is a risk that the right to work might get turned on its head and transformed into a duty to work. In this case, we would end up with laws that are no different from current property- and welfare-based legal structures.<sup>66</sup> If this is the result of our efforts, we should let go of the project. This is particularly so as animal workers, unlike many human workers, are neither motivated by consumption beyond necessity nor by the accumulation of wealth. So, what would need to be done to prevent work from becoming a duty? In the case of human labour, scholars have been clashing with each other over this question for centuries. I do not want to rehash these debates but instead point to two lessons we can learn from them.

(i) First, to prevent the right to work from devolving into a duty to work, we must set up robust *rights to self- and co-determination* for animals. In the emerging debates on animal labour, jobs that scholars consider ‘good’ for animals still deny animals a right to enter, exit, or shape labour relations according to their terms (Cochrane, ‘Labour’). In the case of human workers, two mechanisms are central to preventing their exploitation: (a) prohibiting forced labour and (b) guaranteeing people a right to freely choose their work. Using a critical and relational reading of recent advances in bioethics, I have argued that animals, too, have a right to be free from forced labour and that they require robust rights to self-determination and participation at work that are embedded in an interspecies conception of workplace democracy (‘Toward a Prohibition’). The duty to work is eradicated, or at least mitigated, by recognizing animals as rights-holders who have the power to decide for themselves whether or not they want to work.

(ii) Second, an important longer-term project to eradicate the duty to work and ensure labour does not devolve into forced labour is to address the *role of capitalism* in thinking about

change for animals (Wadiwel, 'Utopia' 314). The most straightforward way to remedy the emergence of a duty to work is to 'decipher [...] work's rewarding aspects from its laborious and exploitative ones' (Mundlak 312). This can and should be done, as more and more labour scholars suggest, by establishing structures for basic income – an income paid unconditionally to individuals regardless of their relationships, incomes, past, present, or future employment (Pateman, 'Freedom'; Van Parijs 3), or their species membership (Donaldson and Kymlicka, 'Animal Labour').<sup>67</sup> It is notable in this context that there is no contradiction between guaranteeing basic income and securing a right to work, so the two should be seen as complementary (rather than competing).<sup>68</sup>

Clearly, this debate and the means necessary to remedy the duty to work deserve much more attention than can be offered in this overview article.<sup>69</sup> My intention is to provide helpful and thought-provoking impulses, and prompt scholars from various disciplines to weigh in on these. Assuming that working animals will have robust rights to self- and co-determination and a guaranteed basic income, the right to work will allow them to choose work on their own terms and enjoy its rewarding dimensions. To this extent, the right to work could have *strong instrumental value for animals*.

### c. Upholding ableism?

Another unwanted and unwarranted consequence of establishing the right to work for animals is that it could reinforce ableism, i.e., discrimination and social prejudice against people with disabilities or those who are perceived to have disabilities. By accepting and positioning work as a central site for political and philosophical debates about animals, we risk creating new boundaries and hierarchies between those we consider 'able to work' and those we consider 'unable to work'.<sup>70</sup> Critical disability studies offer us insights into the forces responsible for excluding people from work and marginalizing workers within work structures. We now know that even when persons with disabilities are employed, they find themselves in low-pay jobs, have less job security, poorer working conditions, lower occupational levels, and very limited prospects for promotion (UNHCR 4). In 2011, the World Health Organisation conducted an

in-depth study that identified the main barriers people with disabilities face at work: lack of access, misconceptions about disabilities, discrimination, and over-protection (239–240).

The structure of work and the ideologies that support it give preference to able-bodied workers, while excluding and devaluing all those who are ‘not fit’ for work, be it due to disability, poverty, illness, sickness, age, illiteracy, foreign language, or other factors. These forces create a gulf between people who make it and those who don’t. They locate moral responsibility for flourishing in individuals and create a culture of blame and repulsion vis-à-vis everyone who is considered ‘non-productive’. Because the world of work fails to be inclusive of people who do not conform to the hegemonic ideal, even if they want to work, it serves as a key site for asserting economic, social, and moral superiority (Weeks 52, 62).

This raises the question of whether the ableist tendencies of work are going to affect animals, too, and if so, how. In *Beasts of Burden*, Sunaura Taylor powerfully demonstrates how society excludes and devalues both humans and animals who are dependent or made dependent on others. In today’s society, animals’ worth is juxtaposed to anthropocentric properties, which effectively renders all animals ‘crips’ for the able-bodied human. Taylor insists that the dichotomy between independence and dependence, which has such a dividing effect on society, is a false one. She makes visible the many shared experiences of human and animal ‘outliers’ through the social model of disability. This model shows that it is not impairment (i.e., physical limitation) but disability (i.e., social exclusion) that represents the main obstacle to realizing disabled persons’ right to work (Spinelli). Negative consequences of dependency are largely human-made, through economic disenfranchisement, social marginalization, imprisonment, and societal, cultural, and architectural barriers (Taylor, *Beasts of Burden* 209). The only way to oppose and dissolve these boundaries and hierarchies, Taylor insists, lies in rendering current modes of living and being much more inclusive (210).

The call for inclusion notably applies to the workplace since work is an important source of flourishing, is instrumental to one’s development, and a key to building and maintaining social relationships (Albin, ‘Universalising’ 67). As disability rights theorists have made clear, people should be free to explore their own modes of living and being outside work, but they must have

the freedom and opportunity to access work (Graby; van Damme). The Convention on the Rights of Persons with Disabilities is a testament to this objective, by recognizing ‘the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities (...)’ (article 27(1)).<sup>71</sup> If we take the promise of work to personal development and self-fulfilment seriously, then we must insist on welcoming *every body* into the world of work who wants to access it, human or non-human. If this route to flourishing is available to animals, the right to work gains *in intrinsic value for animals*.

#### **d. Perpetuating dependency and human superiority?**

Labour law crucially rests on the assumption that work is the result of a freely entered contract whereby employees agree to provide labour in exchange for wage, recognition, social membership, better protections, and an opportunity to find happiness: Employee and employer meet and part as equals, and both benefit from the agreement. While many of us would like that to be the case, it defies the truth. The employment relationship is a special form of a contract where individuals may meet as equals, but they usually part unequal. The fact that the service provided by the employee is remunerated may create an illusion of mutuality, but this ignores the fact that it is *the very purpose* of labour contracts to subordinate employees to the instruction, guidance, and decision-making authority of the employer (Pateman, ‘Sexual Contact’ 118; Weeks 42). This relationship is not mutual – and I do not mean this in a perfectionist sense – because the purpose for which an employer hires an employee is to be able to tell them what they must do; the employee is under a duty to be ready and willing to work and to obey the orders of the employer (Wendell 168). The relationship is also not mutual because employers typically hold much more economic power, so the entire process from the entry into labour relationships to the labouring process itself and its exit is marked by one party’s disproportionately high bargaining power.

Although the idea of labour, on the surface, seems to be inclusive and driven by an effort to respond to the vulnerability of employees, there is reason to believe its latent purpose is to keep workers dependent, even vulnerable. For if you, as a worker, gain autonomy, evade supervision, have a financial stake in the firm, determine your own work pace, or gain control over work performance, the law will not consider you a worker anymore (but, instead, as an independent contractor) and strip you of all rights associated with it (Davidov, 'Who Is a Worker?' 57). This perverted spin of labour law in effect means that instead of emancipating workers, labour law permanently subjugates them. Spaces of work are structured around power and authority, hierarchical organization, supervision, and obedience that are continually reproduced (Weeks 2). As David Frayne argues, 'so long as economic rationality continues to dictate the goals and methods of production, existing attempts to humanise working conditions are highly limited in what they can hope to achieve' (46).

Animal advocates calling for the emancipation of animals through work must be wary of these dynamics. There is no sense in arguing for animal labour as a route for flourishing if it means making animals systematically dependent on us, and thereby still more vulnerable to our encroachments. Animal labour would then simply be an extension of domestication. Through domestication, we have altered the evolution of animals and artificially selected them to serve us; similarly, through labour, as currently conceptualized, we would establish a human project of labour, characterized by human superiority over animal work and by animals' obedience to humans. This might be the final straw that forces us to conclude that the structures and ideologies of labour, as they stand, will not suffice to ensure that work can operate a site of justice for animals even if we recognize them as full workers in their own right. Only to the extent that laws governing work give animals control over their environment, offer them various and satisfying activities, and disseminate the locus of dependence, can it truly offer a new and promising route for interspecies justice.<sup>72</sup> This, ultimately, would ensure that *work is truly valuable to animals*, and more in an *intrinsic sense* than instrumentally.

## 7. Making the right to work work for animals

For centuries, feminists have criticized the dominant theories of labour for excluding women from work and discounting their views about work. There is now a burgeoning strand in animal studies that argues we should learn from these injustices and extend them to our thinking about animals. Animals should have access to work if this is an important route for flourishing for them, and if we can expect the concept of animal labour to transform our relationships with animals for the better.

In the case of humans, the right to work is a central gateway to establish, theorize, and develop work structures, politics, and law. Similarly, this article has used the right to work as an opening to juxtapose rationales underlying human labour to those of animal labour, provide an overview of this burgeoning field of research, and flesh out its most crucial dimensions. The two guiding questions of this investigation were (i) whether the right to work is a good worth pursuing for animals, and (ii) whether the right work is instrumentally or intrinsically valuable to animals. The first benefit of the right to work is having vulnerability as its conceptual and normative basis, which leads to much more inclusive and encompassing laws than those currently governing animals and our relationships with them. Second, the right to work, which is typically justified with reference to personal development and self-fulfilment, must deliver on these promises when it comes to animals. Research shows that at least some animals experience flourishing when accomplishing tasks, thrive from developing skills, and draw considerable satisfaction from contributing to their communities – but only under certain conditions. Drawing on our growing knowledge about animal agency, sociability, and communication, we must consider animals' views about whether, what, and how they want to work – all of which will considerably change animal labour as we know it today. The third promise of the right to work is recognition. Establishing a right to work for animals can contribute to rectifying inaccurate views about animals as commodities and bring about recognition of animals as crucially contributing to society through work, on the inter-personal and political level. Fourth, rather than viewing animals as resources for human ends, the right to work posits animals as valuable members of an emerging interspecies society. Most of these promises seem to be

instrumentally valuable to animals, as a means to access other goods – that is, except for the promise of personal development and self-fulfilment.

But the right to work does not come without pitfalls. First, as history has painfully taught us, it is conceptually and factually possible that animals will be given a right to work while remaining property. This secures humans guaranteed access to animal labour, bereaves animals of the most protective powers of the law, and opens the floodgates to more harm being done to animals. Second, the right to work risks falling back into a duty to work, due to a lack of true choice and availability of other options. The third pitfall discussed in this article is that our preoccupation with animal labour risks upholding and reinforcing ableism, which is detrimental to the many humans excluded from work and blamed for it (whether they want to work or not) and to animals, all of which are seen as ‘crips’ by able-bodied humans. Finally, if power hierarchies at work remain intact, the right to work will subjugate animals to human orders, making them deliberately dependent on and vulnerable to us.

Given the high stakes and the difficulty of foreseeing how the right to work is going to play out for animals, a cautious approach to the right to work is due. At present, the potential costs of introducing a right to work for animals clearly outweigh its benefits. Worse still, the pitfalls I sketched herein indicate that the right to work could worsen existing relations between humans and animals, giving humans more power to exploit animals and more psychological blinders to legitimize and ignore injustices done to animals. This cautious approach is especially mandated since the right to work is primarily of instrumental value for animals (hence it might be more promising to look for alternative ways to satisfy those interests).

Though the pitfalls of animal labour are deep, they are no less difficult to overcome in the long term than those of existing concepts and proposals of animal ethics and politics, like citizenship or basic rights. By way of conclusion, I want to lay out what would need to be done to make the right to work a genuine component of justice for animals. To make the right to work work for animals, we must meaningfully depart from old use- and property-based paradigms. This requires, firstly, that we acknowledge animals as rights-bearing subjects and enshrine their personhood into the law. Second, to ensure animals are not placed under a duty

to work, we must set up robust rights to self- and co-determination for them and consider introducing support systems that ease economic pressure, like basic income guarantees. Third, the right to work must be embedded in a fierce call for cross-species inclusion, so that every body is welcomed in the world of work who wants to access it – be they human or animal. Finally, laws governing work must give animals control over their environment, offer them various and satisfying activities, and disseminate the locus of dependence. Only if we meet these caveats will the right to work be truly about securing animals' *access to the positive dimensions of work* (which can be intrinsically or instrumentally valuable to them), rather than about protecting *work per se*.

I have here only sketched the possibility of animals' right to work, and much more needs to be done, including fleshing out the arguments that I was able to cover only within limits, specifications of the right to work (in terms of opportunities, working conditions, and protection from unemployment), and ways to develop fair political processes and institutions. Theorizing about labour is a delicate endeavour and its desirability depends on laws and social practices in place, the way we see and use labour, and ultimately, our willingness to understand and fully attend to animals' manifold interests.

## Notes

<sup>1</sup> There is an ongoing debate about the difference between work and labour, especially among Marxists and non-Marxists. For Marxists, labour is associated with alienated work (a historical term), while work is a term of anthropology. To avoid taking sides on the controversy, and in an attempt to speak to Marxists and non-Marxists, I use the terms ‘work’ and ‘labour’ interchangeably. This is all the more necessary, as, in several languages, such as French (*travail*) or German (*Arbeit*), there is but one word for work/labour. See further for a linguistic inquiry of the work/labour controversy, Frayssé.

<sup>2</sup> Especially *Animal Labour: A New Frontier of Interspecies Justice?* (ed Blattner et al.) investigates how debates on animal labour can open up new perspectives on animal ethics and interspecies justice. The volume was prompted by new developments on interspecies sociability, agency, and communication. It assembles an international and interdisciplinary group of scholars who carefully grapple with the many facets, implications, and entanglements of animal labour, and who, crucially, place animals at the heart of their analyses, asking and answering questions like: Can animals engage in good work and have humane jobs? What kinds of labour rights are appropriate for animal workers? Can animals consent to work? Would recognizing animals as workers improve their legal and political status, or simply reinforce the perception that they are beasts of burden? Can a focus on labour help to create or deepen bonds between animal advocates and other social justice movements? The findings produced in the volume are immensely valuable to flesh out our concepts of animal labour and enrich current debates on interspecies justice. This article does not aim to supplant this timely debate on interspecies justice; it is neither as broad and encompassing, nor is it as deep in its inquiry.

<sup>3</sup> Note that the discussion on the *value of the right to work* is related to but nonetheless different from the question of whether *work is valuable* to working subjects (and in what sense). Also, right to work laws have different meanings in different countries. In the US, right to work laws were established in response to closed shops (compulsory unionism), affirming the right of employees to work for a living without being compelled to belong to a union. Section 14(b) of the Taft-Hartley Act affirms the right of states to enact right to work laws. So far, 27 states have passed

such laws, including Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming: Collins 'Right to Work Laws'; Mantouvalou 8.

<sup>4</sup> The relevant legal documents and their content, interpretation, and application in practice will be discussed below, under 2.

<sup>5</sup> Throughout this article, I use the terms 'intrinsic value' and 'inherent value' interchangeably.

<sup>6</sup> Cochrane, 'Labour'; Coulter, 'Beyond Human'; 'Humane Jobs'; Hamilton and Taylor; Hamilton; Hediger; Shaw; Porcher, *Ethics of Animal Labor*; 'Animal Work'; 'Work of Animals'; Wadiwel, 'Chicken'.

<sup>7</sup> Note that this article does not answer whether some or all of the many activities that animals undertake qualify as work (and hence whether animals should be classified and categorized biopolitically as labourers) or whether animals experience themselves as working. These questions deserve more scrutiny than can be offered here (see for example, Barua, 'Animal Capital'; 'Animal Work'; 'Lively Commodities'; 'Nonhuman Labour'; Wadiwel 'Chicken'). That at least some animals (can) work sometimes, will be presumed for the purposes of this paper. This paper also does not discuss the legitimacy of specific rights that have been advocated for as animal labour rights, like whether and how animals should be remunerated or issues of health and pension benefits, self-determination, or opportunities and duties to give animals a collective voice in labour relations (see for example, Coulter, 'Beyond Human'; Cochrane 'Labour'). Finally, it does not grapple with the economic feasibility of a new model of animal labour, nor does it address the challenges that arise when animal labour rights are implemented. The hypotheses underlying this inquiry are broader and deeper, answering whether work can operate as a site of justice for animals and whether it should, as such, inform our academic, policy, and interpersonal discussions about animals' status and our relations with them.

<sup>8</sup> Frayne calls this the dreaded question because it stigmatizes those who do not work, and those who dislike work (15).

<sup>9</sup> The classification of the right to work as a social right had a real effect on how the right was embedded in state constitutions. Social rights assign positive duties to states, they are considered programmatic, vague, and resource-demanding (Mantouvalou 2017, 2). Social rights are also unduly thought to be of less importance than civil and political rights (Fudge 38; cf. Spinelli 329). It is in this context that the right to work today stands as a core pillar of human organization. This position differs from the holistic approach to human rights, according to which there is no hierarchy among civil, political, and social rights. Labor rights, then, ‘notably the right to the full enjoyment of the right to work, as social rights share the same foundations of all human rights’ (Spinelli 329).

<sup>10</sup> The list of legal documents that provide for a right to work (or its functional equivalents) discussed herein is far from exhaustive. Also relevant in this context are articles 55-56 of the Charter of the United Nations, articles 1-6 of the European Social Charter, article 15 of the African Charter on Human and Peoples’ Rights, articles 29-32 of the Arab Charter on Human Rights, and Conventions No. 71, 122, and 159 of the International Labor Organization (ILO).

<sup>11</sup> Note that the right to work is not shielded from criticism within human rights scholarship. It is typically argued that the right is impracticable (for example, is it a right against governments or employers?), vague (as argued in the text), and purely instrumental (such as for securing the right to life, welfare values etc.). For an overview of these claims and counterarguments, see Collins, ‘Human Right to Work’.

<sup>12</sup> Like other human rights, the right to work can be fuzzy and is differently read and interpreted by scholars. Whilst I emphasize three dimensions of the right to work for the purposes of this article, other scholars identify fewer or more key components (for example, Harvey 12). In either case, from the perspective of the UDHR, securing the right to work is a multifaceted undertaking that addresses a variety of work-related problems (Harvey 12).

<sup>13</sup> UNGA Goal 8: ‘Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all’.

<sup>14</sup> This articulation also makes clear that the benefits associated with the right to work are primarily allocated through work. Below (6b-6d), I will discuss the main criticism raised against

allocating benefits to members of society through work, and discuss alternative ways for society (and individuals) to realize basic dimensions of life.

<sup>15</sup> Note that there is a crucial difference between payment by wage and salaried work. Here, I use ‘paid wage’ to refer to all forms of employee compensation.

<sup>16</sup> While for employers, paying employees is a way to motivate them to do work, to work harder, and to remain in continued employment. See also *supra* note 14, and its reference to the discussion below at 6b-6d.

<sup>17</sup> I use Schwartz’ definition of value as ‘a (1) belief (2) pertaining to desirable end states or modes of conduct, that (3) transcends specific situations, (4) guides selection or evaluation of behaviour, people, and events, and (5) is ordered by importance relative to other values to form a system of value priorities’.

<sup>18</sup> In its General Comment, the United Nations (UN) Economic and Social Council explicitly denies that this right should be understood as a claim right of employees against employers, or of employees against the government. The claim exists only insofar as governments must act to prevent the infringement of individuals’ rights by third parties:

violations of the obligations to protect follow from the failure of States parties to take all necessary measures to safeguard persons within their jurisdictions from infringements of the right to work by third parties. They include omissions such as (...) the failure to protect workers against unlawful dismissal’ (UN Economic and Social Council).

Note that article 23 UDHR should be read in conjunction with article 55 of the UN-Charter, which, among others, demands that the UN promotes full employment.

<sup>19</sup> This is especially so because inherent value is mostly subjective and contingent.

<sup>20</sup> One of the most straightforward ways to find out about the value people ascribe to work is by asking them whether they would quit their job if they won the lottery. Gallup has run four polls since 1997 asking this question. Consistently, a majority of employed adults answered that they would continue to work (68% most recently, in 2013) (Bowman).

<sup>21</sup> ‘Activists against “workfare” have argued that it is a transparent collusion between government and corporations to exploit labour as cheaply and with as few workers’ rights as possible, but justified with an ideology that work is not only a social good in itself but always beneficial for the physical and mental health of the individual’ (Graby 135-6).

<sup>22</sup> The promotion of, or even the right to ‘the full development of the human personality’ appears in slightly different form in key articles of the UDHR (articles 22, 26, and 29), which together summarize the main goal of all the social, economic, and cultural rights in the Declaration (Harvey 10; Morsink 212).

<sup>23</sup> Note the different meanings of right to work laws across jurisdictions, especially in the US, *supra* at 2.

<sup>24</sup> The right to work has a much richer history, and the historical, cultural, and social conditions giving rise to it, as well as its contemporary readings and interpretations are more complex than I presented herein (see for example, Shippen; Veil; Weeks). However, the most crucial insights extracted from these debates (which I use as a basis to argue this paper) are valid regardless of these deeper complexities and contradictions.

<sup>25</sup> This discontinuity is not absolute; it is mostly an effect of capitalist production.

<sup>26</sup> ‘We presuppose labour in a form that stamps it as exclusively human. A spider conducts operations that resemble those of a weaver and a bee puts to shame many an architect in the construction of her cells. But what distinguishes the worst architect from the best of bees is this, that the architect raises his structure in imagination before he erects it in reality’ (Marx, *Capital* 177-178).

<sup>27</sup> ‘A particular product may be used in one and the same process, both as an instrument of labour and as raw material. Take, for instance, the fattening of cattle, where the animal is the

raw material, and at the same time an instrument for the production of manure' (Marx, *Economic and Philosophical Manuscripts* 288). For further discussion of Marx's views of animals in the labour process, see Bachour.

<sup>28</sup> See the work of Barua, 'Animal Capital'; 'Animal Work'; 'Lively Commodities'; 'Nonhuman Labour'; Wadiwel, 'Chicken', in this respect.

<sup>29</sup> As Coulter notes, 'It is difficult to overstate the physical, psychological, emotional, and intergenerational suffering perpetuated behind such terms as "factory farms" and "industrialized agriculture"' ('Beyond Human' 208).

<sup>30</sup> Female animals impregnated to produce 'animal products' need a lot of attention and care while giving birth. Cows and pigs would love to build nests to prepare for birth, but are restrained so that, farmers claim, newborns will not be injured by their mothers. Giving birth is among the most intimate and vulnerable times in the life of a mother and infant. Left to her own devices, a mother cow would nurse and care for her calf for nine to twelve months, but the common practice in factory farms is to drag newborns from their mothers so that no milk is lost to the calf (APHIS).

<sup>31</sup> 'In the treatment of the objective world, therefore, man proves himself to be genuinely a species-being. [...] In taking from man the object of his production, alienated labor takes from his species-life, his actual and objective existence as a species. It changes his superiority to the animal inferiority, since he is deprived of nature, his inorganic body' (Marx, *Economic and Philosophical Manuscripts* 139-140).

<sup>32</sup> Bachour identifies this as the 'humanist model of alienated labour' (116), drawn mostly from Marx's early works.

<sup>33</sup> And thus, admitting to the fact that there might be no way fully to reconcile Marx's alienation critique with contemporary applications of this theory to non-human animals.

<sup>34</sup> The humanist speciesism that marks Marx' theory of alienation is increasingly criticized by animal studies experts. See for a critique of and alternatives to the theory of alienation (Bachour).

<sup>35</sup> This is taken from Ollman, who argued that alienation from species-being renders everything that makes humanity human, non-human: ‘man has succeeded in becoming all that he is not’ (Ollman 152).

<sup>36</sup> As Erich Fromm said about Marxism, ‘Marx’s philosophy, like much of existentialist thinking, represents a protest against man’s alienation, his loss of himself and his transformation *into a thing*; it is a movement against the dehumanization and animalization of man inherent in the development of Western industrialism’ (preface). See also Hribal: ‘(The) dominant view from above has not only done a disservice to the animals that we study in the past but has erected obstacles to the relationships we seek to establish with animals in the present’ (‘Agency’ 102).

<sup>37</sup> See, however, Harvey’s convincing argument that there is no contradiction between securing a right to work and also providing a universal basic income.

<sup>38</sup> Some legal systems, like the US, distinguish between workers and employees. Workers are a broader category of people with the right to collective bargaining, but they are denied basic labour rights, which are limited to employees. But across the world, there is a growing tendency and acceptance that basic rights should not be limited to employees: ILO, ‘Meeting of Experts’; European Commission. See further Davidov ‘Three Axes’ 374.

<sup>39</sup> As the UK Employment Appeal Tribunal held in *Byrne Brothers (Formwork) Ltd. v Baird* (2002): ‘The reason why employees are thought to need such protection (against working excessive hours etc.) is that they are in a subordinate and dependent position vis-à-vis their employers: the purpose of the Regulations is to extend protection to workers who are, substantively and economically, in the same position’ (ICR 667[2002] IRLR 96 [EAT], para. 2(4) (U.K.)).

<sup>40</sup> These theorists include, notably, Martha Fineman, Judith Butler, Rosemarie Garland Thompson, Ann Murphy, and Julia Kristeva.

<sup>41</sup> This is not to say that animals’ right to be protected as vulnerable beings *requires* the right to work.

<sup>42</sup> These arguments are mostly incorrect and informed by anthropocentric biases toward animals. Analogous to the social model of disability, it is these biases – not animals’ capacities or the lack thereof – that make animals vulnerable in the first place (Taylor, *Beasts of Burden*).

<sup>43</sup> Many of these problems emerge because we lack a clear definition of sanctuaries, both legally and in the field. See for a discussion: Fultz.

<sup>44</sup> Admittedly, many labour laws for humans are based on the premises of personal development, flourishing, and fulfilment, yet, they fail to deliver on these promises. For the purposes of the present argument, I consider these failings to be the product of the judiciary's failure to properly implement labour laws, and the executive's failure to stringently enforce them.

<sup>45</sup> However, if the sanctuary context was better regulated, to the extent that there would be a duty to ensure animals are heard, can flourish and experience self-fulfilment, the right to work, as regards this aspect, would not be an intrinsic good anymore, but an instrumental one.

<sup>46</sup> This is essentially what distinguishes spheres of justice from spheres of charity. Whereas charity situates animals as passive entities whom we owe duties of care, justice requires viewing animals as selves with claims to equal rights (Donaldson and Kymlicka, 'Rethinking Membership' 169).

<sup>47</sup> Similar pejorative language dominates our interactions with children (Rollo 63).

<sup>48</sup> Blattner 'Toward a Prohibition'; Blattner et al., 'Animal Agency in Community'; Blattner et al., *Animal Labour*; Cochrane 'Good Work'; Meijer.

<sup>49</sup> Given the constraints of space, I can only draw the outlines of how the right to work can give rise to recognition for animals. Needless to mention, much more work is necessary to determine its exact content, and how it ought to come to fruition in interpersonal relations and in the political and legal arenas.

<sup>50</sup> I do not want to close the door to the possibility that recognition could be intrinsically valuable to animals. To my knowledge, there is no research done on this topic, but my experience in multispecies ethnography taught me that animals are much more complex than we tend to think, so we should shy away from denying them interests in the absence of evidence to the contrary.

<sup>51</sup> Note that Sue Donaldson and Will Kymlicka ('Political Theory'), who have, among others (for example, Cochrane 'Political Theory'; Garner; Garner and O'Sullivan), inaugurated a

broader debate about the role of animals in political theory, argue that social membership captures essential dimensions of justice.

<sup>52</sup> An obvious limit that Kymlicka notes is that only a narrow range of work could be subject to membership claims (especially of police and military dogs). However, he also notes that he does ‘not see any conceptual obstacle to a gradual extension of the social recognition of animals as co-workers to farmed animals’ (‘Social Membership’ 150).

<sup>53</sup> This instrumental value is especially obvious as other forms of membership (for example, as family members, as citizens, as political allies etc.) could deliver the same promises while having less history and future risk of exploitation. But, as in the earlier section, I do not want to close the door to the possibility that membership in the workplace could be intrinsically valuable to animals.

<sup>54</sup> Interspecies solidarity denotes acts of empathy and compassion that are owed across species and which are political in nature. Our priority, Coulter argues, should be to focus on humane jobs. This means that we should replace jobs that are bad for humans and animals, and strengthen and expand jobs that are good for them (‘Humane Jobs’ 71).

<sup>55</sup> See especially Francione, *Animals as Persons*; Francione, *Animals, Property*; Francione and Charlton; Francione and Garner.

<sup>56</sup> My main concern here is with legal personhood, not moral personhood.

<sup>57</sup> In this paper, I define slavery as chattel slavery, which is any system in which principles of property law are applied to people, allowing individuals to own, buy, and sell other individuals, as a *de jure* form of property. A slave is unable to withdraw unilaterally from such an arrangement and works without remuneration. Note, however, that contemporary writings also define forced labour, bonded labour or debt labour, sex slavery, child slavery, and domestic servitude as forms of slavery (Freedom Center).

<sup>58</sup> I am not thereby equating animal workers with human slaves or serfs. Historian Hribal does however draw attention to shared experiences, invoking statements by former slaves, including Frederick Douglass: ‘Like a wild young working animal, I am to be broken to the yoke of a bitter

and life-long bondage. I now saw, in my situation, several points of similarity with that of the oxen. They were property, so was I; they were to be broken, so was I; Convey was to break me, I was to break them; break and be broken – such is life’ (Hribal, ‘Agency’ 107).

<sup>59</sup> See further Francione and Garner.

<sup>60</sup> See, however, Hadley.

<sup>61</sup> For the purposes of this article, I treat ‘use’ and ‘exploitation’ interchangeably. In a recent article in the *Journal of Agricultural and Environmental Ethics*, Zuolo has formulated a useful approach to distinguish cooperation from exploitation and use, which can be made fruitful for the animal labour literature.

<sup>62</sup> For example, Mexican immigrants in the US are targeted for horse-tripping and cockfighting, Asian immigrants are accused of engaging in ‘barbaric’ practices by eating dogs, and Native peoples are condemned for hunting whales. Meanwhile, Western practices that result in more animal suffering, like factory farming, remain unchallenged: Deckha, ‘Animal Justice’; ‘Welfarist and Imperial’; Kim.

<sup>63</sup> The relevant phrase here is ‘if we want to meaningfully depart from the use- and property-based paradigm’. There are numerous accounts of animal labour that do not aim to meaningfully change the status quo and instead argue that killing and eating animals is an inevitable condition of cooperative working relationships between them and humans: Porcher, *Ethics of Animal Labour*. See for an alternative argument, Delon.

<sup>64</sup> This is, with the exception of the UDHR. In the drafting and negotiation processes preceding the final text, states parties debated and ultimately rejected to include an obligation for people to work (Morsink 157-190).

<sup>65</sup> This is true of socialist traditions, be it the Soviet constitution that declared ‘he who does not work, neither shall he eat,’ the Cuban Law on Loafing that branded non-workers as traitors, or Eastern Germany’s ‘unity of right and duty’ (Paz-Fuchs 183-4). The duty to work is found in a wide variety of jurisdictions, including in the African Charter of Human and People’s Rights

(article 29(6)), the French Constitution and the American laws on vagrancy (Paz-Fuchs 184-6), and the Constitution of China (1982, article 42). Former UK prime minister Blair even considered that ‘the best defence against social exclusion is finding a job’ (6).

<sup>66</sup> These laws secure humans’ access to animals and their labour, and in this respect, they place animals under a duty to work for humans.

<sup>67</sup> Weeks convincingly shows how widely supported the idea of universal basic income is across states and among many citizens, whether in an unconditional form, to subsidize low-wage jobs, or as opting out of waged work: Weeks 138. See also Gorz; McKay; Pateman, ‘Freedom’.

<sup>68</sup> This is because arguments for universal basic income ‘are actually about the right to income support,’ rather than ‘about the right to work’ (Harvey 16). As Harvey argues:

it can be easily shown that a BI [basic income] guarantee of the type favored by most proponents of the idea (...) would not provide the benefits claimed for it in this regard. It would not compensate involuntarily unemployed workers for their lack of paid employment. Nor would it compensate people who preferred non-waged employment for the work they performed. It also would be unlikely to lead to an increase in the availability of paid employment for those people who want it. Finally, it could not be counted on to force an improvement in the quality of low-wage work and might even cause it to decline. (37)

<sup>69</sup> See especially Donaldson and Kymlicka, ‘Animal Labour’ for a more fleshed-out analysis of this claim.

<sup>70</sup> According to the Organisation for Economic Co-operation and Development (OECD 23), the employment rate of persons with disabilities in OECD countries is 44%, much lower than for persons without disabilities (75%).

<sup>71</sup> The article details the steps that are necessary for safeguarding and promoting the realization of the right, including the prohibition of discrimination, fully respecting the rights at work, the right to collective bargaining, access to general technical and vocational guidance programmes and placement services, promoting employment opportunities and opportunities for self-

employment, and reasonable accommodation (Convention on the Rights of Persons with Disabilities, article 27(a)-(k)).

<sup>72</sup> Some would maintain that this is an illusionary view as long as we're operating within a capitalist society. Among scholars, the existence of unfree labour within capitalism is now recognized (Brass). The reasons why unfree labour perpetuates in capitalism are a matter of ongoing debate. According to the most cautious theory, which we must follow if we want to ensure labour does not result in the oppression of animals, labour-power is unfree because capitalism is mature. In other words, unfree labour and capitalism have co-evolved and mutually reinforce one another (Banaji; Brass; Lerche; Rao; Strauss; Morgan and Olsen). Workers must therefore be able to change the structures of work such that it becomes a source of empowerment. See also Aronowitz et al. for the well-known 'Post-Work Manifesto'.

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