

# The Political Turn in Animal Rights

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Some of the most important, influential, and original texts on the standing of animals have, in recent years, been written not by philosophical ethicists but by political theorists such as Sue Donaldson and Will Kymlicka (2011), Robert Garner (2013), Alasdair Cochrane (2012), and Siobhan O'Sullivan (2011). What follows will argue that their work is partly constitutive of a "political turn" in the discourse of animal rights. Section I will try to shed some light on this idea of a political turn and its driving motivations. Sections II and III will try to show that the turn involves a simultaneous constraining of conceptions of human/animal equality and a broadened appeal to liberal political values. Section IV will address a concern that such a constrained conception of equality, and the allied pragmatism which goes with it, may drive the turn toward rapprochement with animal exploitation through an abandonment of the project of animal liberation. I will suggest that such a danger only arises if key commitments of the turn are combined with a further set of commitments concerning autonomy and agency, commitments that are best left behind. The concluding section, V, will briefly comment on the merits of the kind of discourse that the turn (so far) has involved.

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## INTRODUCTION<sup>1</sup>

It is no great secret that some of the most important, influential, and original texts on the standing of animals have, in recent years, been written by political theorists rather than (in the manner of Peter Singer and Tom Regan) philosophical ethicists. Here, I have in mind various texts by Sue Donaldson and Will Kymlicka (2011), Robert Garner (2013), Alasdair Cochrane (2012), and Siobhan O'Sullivan (2011), among others. Their political background has, as we might expect, shaped their tone and sense of relevance. However, a stronger claim can be made: that their work is partly constitutive of a "political turn" in what, for lack of a better way of putting matters, I will call the discourse of "animal rights." (With the latter serving as a placeholder for talk about liberation, various sorts of robust concern, entitlements, and care as well as rights in the strict sense.) In what follows, the first section will try to shed some light on this idea of a political turn and some light also upon its driving motivations. Sections II and III will try to show that the turn involves a simultaneous constraining of conceptions of human/animal equality and a broadened appeal to liberal political values. Section IV will address a concern that such a constrained conception of equality, and

the allied pragmatism which goes with it, may drive the turn toward rapprochement with animal exploitation through an abandonment of the project of animal liberation. I will suggest that such a danger only arises if key commitments of the turn are combined with a further set of commitments concerning autonomy and agency, commitments which are best left behind.

## I. PICTURING THE TURN

As a provisional gloss, the turn toward the political has emerged in response to two familiar fracture lines within the animal rights discourse. On the one hand, the longstanding dispute about whether to focus with Peter Singer (1995) upon animal interests or with Tom Regan (2003) upon explicit claims about rights. The suggestion of at least some of the authors mentioned above (conspicuously Robert Garner and Alasdair Cochrane) is that, in retrospect, there is much less to this dispute than has sometimes been imagined. It emerged, in a sense, out of an agreed-upon but problematic conception of rights, one in which the possession of special features, such as autonomous rational agency or being the subject-of-a-life, was required to underpin rights claims. The alternative conception, in which rights require only an interest

which is strong enough to support the attribution of duties on the part of others, has always been less cognitively demanding, and hence more inclusive. As such, it looks like it should always have been the best option for any comparably inclusive theory of animal rights (Feinberg, 1971/1980). The implication is that the Singer/Regan debate emerged largely out of a mistaken allegiance to the losing side in the rights wars.

On the other hand, and perhaps more conspicuously, the turn texts have been a response to the influential contrast which Gary Francione (1996; also 2000 and 2008) has drawn between “abolitionism” (a true defense of animal rights) and “new welfarism” (which ineffectively champions welfare-based animal interests while often masquerading as a rights discourse). Commitment to abolitionism entails opposition to reforms (and to campaigning for reforms) which modify rather than end exploitative practices. It is closely allied to extinctionism, the view that where animal dependency upon humans is entrenched (as it is with most domesticated animals) the creatures concerned should be prevented from breeding in order to prevent a similar abusive dependency in the future. Such animals (including companion animals) should be bred out of existence in order to avoid further rights violations by people like us. Abolitionism of this sort, while influential in the United States, has been more cautiously received elsewhere, and has been reframed by critics as a form of “fundamentalism” or “puritanism.” Robert Garner (Francione & Garner, 2010) uses “fundamentalism,” whereas I have used “puritanism” in the past (Milligan, 2010), although both terms risk missing the extent to which abolitionism has itself tended to fracture into multiple and rival positions (Milligan, 2015).

The texts of the political turn share with a Francione-style abolitionism (hereafter, simply “abolitionism”) the view that we need a replacement approach toward animal rights that will take the place of the first-wave Singer and Regan theories. However, they uniformly regard abolitionism as a poor candidate. Indeed, Robert Garner’s published debate with Gary Francione conveys a good idea of the differing pragmatic-versus-uncompromising temperaments of those involved (Francione & Garner, 2010). At times, any real communication breaks down as each pursue their separate agendas. Even so, given that abolitionism is itself subject to fractures, there is the possibility that a sufficiently nuanced version might eventually converge with the turn texts over a

range of matters. This does raise the tempting prospect that we might set out a “necessary and sufficient conditions” account of the turn, which could automatically exclude any such prospect. Alternatively, we might try to understand the turn by specifying what it involves “for the most part” or “to an extent,” and this is an approach that will not automatically generate a clear exclusion of all future abolitionist positions. My general methodological inclinations are sympathetic to the latter option for a familiar reason: necessary and sufficient conditions approaches within ethics, politics, and social theory tend to generate micro-industries around the discovery of exceptions, the specification of odd cases and outliers. We may then find that we want to include or to exclude something but the specified necessary and sufficient conditions prevent us from doing so.

In line with this, I will be concerned with what “largely holds,” what is true “up-to-a-point,” or true “in many cases.” When it comes to the identification of a shift in the focus of the animal rights discourse (albeit a localized shift), it is not obvious that we need to ask for anything more. In line with this, it may readily be conceded that no individual text exemplifies all of the relevant politicizing commitments that are listed below, and that a rival list with only some of the same entries might also capture a good deal. Yet, the list is not arbitrary. It is not a chance configuration. There are, as we shall see, piecemeal reasons why these commitments hang together.

- i. A broadening of the appeal to liberal values.
- ii. The return to a strong emphasis upon animal interests but in the context of a rights theory rather than a Singer-style consequentialism.
- iii. An emphasis upon positive rights rather than negative rights or welfare considerations alone.
- iv. A downgrading of the argument from marginal cases so that it is called upon to play only a peripheral role.
- v. A broadly pragmatic attitude towards political engagement and compromise.

The final claim comes close to being a consequence of the others. At least, we can understand why someone who was committed to (i)–(iv) might look sympathetically upon (v). The list is not intended to be exhaustive, but rather symptomatic. There are other claims, or at least

commitments that I should like to include, and from which a fuller treatment of this issue might benefit, e.g. commitments such as the consideration of animal interests *as part of the common good* or the inclusion of animals within the scope of a theory of justice. However, the list as given includes enough to make sense of the idea that a distinctive and, up to a point, cohesive series of moves have been made. The list also includes both considerations of value (and how to capture or express claims about value) and a more explicitly strategic orientation. And here, it is my contention that these two have come to be closely related. That is to say, a broadly pragmatic political outlook has shaped a conception of how questions of value are best framed and answered, with a resulting downgrading of the argument from marginal cases and an increased emphasis upon the tension between our treatment of animals and those liberal values which are supposed to govern political life in democratic societies. Moreover, while most of the above commitments do not automatically exclude abolitionism, there is clearly a difficulty with regard to such pragmatism.

However, this consideration alone may be less significant than it seems. The same is, after all, true of Donaldson and Kymlicka's *Zoopolis: A Political Theory of Animal Rights* (2011), which argues not simply for animal rights but for animal citizenship, and this might arguably make it an instance of utopian discourse as far from pragmatism as any existing abolitionist text. Yet I have taken *Zoopolis* to be one of the standing exemplars of a political turn text, albeit one that may strike us as significantly different from the other exemplary texts. Therefore, we might be inclined to secure a clearer exclusion of abolitionism by insisting that pragmatism is a non-negotiable political-turn feature. Other matters might be "up to a point" but we could insist that this really is a necessary precondition. Such an exclusion would have to sacrifice Donaldson and Kymlicka (2011) but the sacrifice might seem to be worthwhile.

Here, I will offer three considerations against any such move. First, it would involve a reversion to the model of "necessary and sufficient conditions" discourse and we have (as previously indicated) good reasons of a general theoretical sort to regard the latter as problematic. Second, the way in which Donaldson and Kymlicka (2011) line up with turn texts on other matters seems far from coincidental and makes such an exclusion suspect, too focused upon a single consideration. What motivates

the other turn texts also, and very clearly, motivates this text. We may, for example, attend to the insistence upon point (iii) for a rights framework that extends far beyond the negative rights that have been the primary focus of Francione (2008) and, to some extent, Regan (2004, see also 2001 and 2003). For understandable reasons, animal rights theorists have always tended to place the greatest emphasis upon the ending of various harmful practices such as slaughter and intrusive experimentation (some, most, or all). But this alone tells us little about the end-game of animal rights. It tells us little about what kinds of defensible human–animal relations might be put in place after, or instead of, animal exploitation. It tells us about entitlements to be left alone rather than positive entitlements to inclusion and support by the political community. Abolitionism solves the problem by fell-swoop by embracing extinctionism. Donaldson and Kymlicka (2011), together with *all* of the other texts cited, treat this option as morally indefensible as well as politically unrealistic.

And so the thought has been that a more robust and positive conception of rights is needed. The strongest way in which this can be done is to follow Donaldson and Kymlicka and to insist not simply upon the consideration of animal interests, but to insist upon the consideration of such interests *as part of the common good*. (And these two are not the same.) From this, we can begin to see the ways in which the individual commitments, which are set out above, connect with one another in a manner that makes any comprehensive disentangling impractical. Nor is it obvious that we must regard pragmatism as an exception to this entangling in order to make room for Donaldson and Kymlicka. There is, arguably, a deep level of pragmatism in their work, particularly in its driving motivation of responding to both abolitionism and extinctionism, albeit this is a level of pragmatism that does not prevent their articulation of a broadly utopian position.

Finally, it is not obvious that any effectively motivating and cohesive discourse of animal rights, even one which *is* broadly pragmatic, could actually afford to dispense entirely with a utopian strand, even if only in the shape of what John Rawls has referred to as the realizable utopia of an "ideal theory" (Rawls, 1971). Indeed, Robert Garner has recently drawn upon the latter in order to provide constraints to ensure that a reasonable pragmatism (in the shape of a "non-ideal theory"), which

falls short of the best imaginable outcome, does not make the latter harder to achieve (Garner, 2013). Here, we stray again into a broader domain of political theory without any reassurance that animal politics will function in an exceptional way: utopian imagery may work its way into more pragmatic discourses and cannot perhaps be permanently exiled from the latter, but this is a general problem for political theory and not in any way a special issue for animal rights.

## II. BROADENING THE APPEAL TO LIBERAL VALUES

In spite of what has been said so far, in spite of the provisional identification of the turn as the emergence of a broadly pragmatic and cohesive political discourse, talk about a political turn nonetheless faces a problem of legitimation. It may seem misleading given that animal rights discourse has always been political. Peter Singer's 1970s terminology of "animal liberation" deliberately echoed the idea of women's liberation and of national liberation in the colonial world. It suggested that an indefensible use of entrenched power could be challenged and finally overthrown. And what could be more political than that? Calls for the recognition of animal rights too have always been calls for action on the part of the state or calls for the latter to be coerced by activists, the public, or even frightened and opportunistic commercial interests. We may then wonder about the sense in which there has really been any new turn toward the political. The domain of the political is where we have been all along.

I want to suggest, in spite of this, that the turn involves something new and that this something is more than a new pragmatism (although it does involve that). It involves an appeal to a significantly broadened conception of liberal political values. And here, for the sake of simplicity, I will appeal to the values which have, historically, been allied to liberal democracy: liberty, equality, and, more ambiguously, fraternity (understood as social solidarity or identification with others as sharing in a *common good*). Indeed, there is a case for regarding our kind of democracy not primarily as a system of procedures, but as a system that is inseparable from these value commitments. While the animal rights discourse has, from the outset, been political *up to a point*, it has never fully embraced a thick conception of these core liberal democratic values. Instead, it has relied almost exclusively upon a discourse of human/animal equality off of

which a notion of animal liberation (a conception of liberty) has then been read. That is to say, equality has been left to do most of the work.

Consider, for example, the approaches of Peter Singer and Tom Regan. Appeals to equality, to the idea that "all animals are equal," are at the heart of their focus upon (differing versions of) the argument from marginal cases: *if, or because, we exclude humans with properties P1, P2 ... Pn from certain forms of treatment on the basis of their having these properties, we must also exclude non-humans from such treatment when they too have the relevant properties to at least the same degree*. Here, I mix the "biconditional" Singer version and the "categorical" Regan version (Garner, 2013; Pluhar, 1995). The underlying thought is that humans and non-humans are entitled to equal consideration and it is only the variation in their properties, and not their group membership, which can matter. The relevant kind of equality is then further cashed out in terms of the equal considerability of human and non-human interests, and this is allied to an attack upon "speciesism" as a failure to respect such basic human/non-human equality.

Of course, we might then challenge the level of commitment to equality that this approach actually entails. What the argument supports is a commitment to egalitarianism, but especially to what I will call *weak species egalitarianism*, i.e. the view that animals and humans are equal in some ethically significant respect(s). But this is an approach which still, conspicuously, allows individual humans or groups of humans to be prioritized over non-humans, on many occasions, with regard to many considerations as long as this is not done by appeal to their humanity. The equal consideration of interests will only yield equal treatment when humans and non-humans actually have the same interests or interests of an equivalently weighty sort.

A familiar criticism, particularly from abolitionists such as Francione (1996) and Joan Dunayer (2004), is that if humans end up being regularly privileged *for whatever reason* (even if their humanity is not invoked as a justification) then there is no true egalitarianism but rather a continuation of speciesism. True species egalitarianism, which I will refer to as *strong species egalitarianism*, precludes regular prioritization on any grounds. The charge that anything else is not the genuine item has bitten so deeply that many of those who accept that psychologically typical humans should often be prioritized on a differential-interest basis have sometimes dropped their appeal to

species egalitarianism rather than qualifying what it involves (Garner, 2013). The abolitionist position (on whatever account) then becomes the position that seems to be genuinely driving the liberal value of equality.

There is, admittedly, something to this abolitionist critique. The prominence given to a rhetoric of egalitarianism by Singer in successive editions of *Animal Liberation* matches poorly with the many *in practice* qualifications which have followed. But does this mean that we ought to regard a *strong species egalitarianism* as the only real form which a true commitment to equality can take? I want to suggest, instead, that a commitment to equality can be genuine but constrained because embedded in a broader, pluralistic set of value commitments. In a sense, the Singer/Regan mistake was to get into an equality-focused game that they could not win once a far stronger conception of equality came along. The alternative is to aim for a breadth of commitment to liberal values, a familiar move in other areas of political theory. It emerges, for example, in critiques of neo-liberalism and of the tendency within the latter to narrow its value base by allowing liberty (understood negatively as freedom from control) to swallow up, or covertly determine, the content of other liberal values. Equality, *and even more so* fraternity with other members of the political community, then become marginalized or emptied out of any substantive content. This undermines value pluralism and, at the same time, opens the door to a thin conception of the dominant value itself. Within neo-liberalism, not only does an attenuated liberty swallow up everything else, but the kind of liberty that we are left with is itself impoverished (Derrida, 2005).

While it is clear that the abolitionist emphasis upon *strong species egalitarianism* cuts against neo-liberalism by restoring the claims of equality, it does so by presenting a rival reduction in which equality, instead, plays the dominant and dominating role. So, for example, the conception of liberty which is at stake in the very idea of animal liberation then reduces to the ending of inegalitarian (speciesist) practices. What this yields is, as with neo-liberalism, a distinctly negative conception of liberty in which positive obligations and socially based commitments to one another are easily lost sight of. This contrasts dramatically with what we find in Donaldson and Kymlicka (2011) and more generally in political turn texts, precisely because the latter place a strong emphasis upon positive rights. What this yields is a disputed, but

nonetheless thicker, conception of what liberty might involve. The Donaldson and Kymlicka position is again paradigmatic: we do not need a single big response to the plight of all animals. Instead, domesticated animals should be regarded as part of our political community, wild animals should be regarded as part of sovereign communities of their own, and liminal animals who cross boundaries should be seen as visitors or resident outsiders in our midst. While this approach has been charged with clustering too many types of widely differing creatures together, nonetheless it marks an important move away from the whole ethos of negative rights and with it a largely or strictly negative conception of what liberty must involve. None of the identified groups (animal citizens, liminal animals, and sovereign communities of wild animals) are to be regarded as others who should simply be left to their own devices.

My point here is not that the Donaldson and Kymlicka position is necessarily correct. It may always be a stretch to think of other animals as fellow citizens although the move might be justified, more weakly, as a useful analogy. Rather, (i) the picture of liberty (i.e. animal liberation) which it involves is both more robust and more plausible than liberty according to familiar forms of abolitionism because it rejects extinctionism; and (ii) the account of solidarity, community, connection, or fellowship with other creatures is also more robust than the mere affirmation that *we* and *they* both enjoy some form of sentience. Once the pre-eminence of an unqualified equality is held in check, it seems that other key liberal values can make a far greater showing and the concept of equality itself starts to become more nuanced.

### III. WORKING WITH EQUALITY AND COMMUNITY

The most radical rethinking of equality to emerge out of the turn texts so far illustrates the latter point. Siobhan O'Sullivan's *Animals, Equality and Democracy* (2011) pragmatically sets aside the "external inconsistency" between treating humans one way and animals another, and highlights the "internal inconsistency" of our treatment of different animals by double standards. The properties that are characteristically appealed to in order to sanction best treatment are often present in animals who are subject to worse forms of treatment. For O'Sullivan, the assumption that a plausible reason for differential treatment can generally be given will not stand up to scrutiny.

This does not involve an appeal to the argument from marginal cases, but it does involve a similarly *comparative* approach with strong echoes of the latter.

This position constitutes a (controversial) broadening of the liberal value base through a recognition of the importance of community (i.e. the fraternity of a shared membership or bond), and it does so at a variety of levels. For example, the bracketing-out of the “external inconsistency” responds to our shared human identification and the difficulty that this poses, in practice, for any conception of strong species egalitarianism. Additionally, O’Sullivan (2011) argues that the uniform and egalitarian standards for animal treatment which we adopt ought to involve a raising up to the highest standards because lower standards rely upon concealment from scrutiny by *our* political community. As an indication of proximity to actual activist practice, O’Sullivan’s approach provides a way to theorize an idea of *openness* which has been at the heart of animal rights activism in Australia in the form of “open rescue” (Milligan, 2013). It also yields a uniformity of animal treatment which is vulnerable to the charge that difference is neglected (Derrida, 2008). It certainly contrasts with Donaldson and Kymlicka’s (2011) insistence that we need to recognize multiple communities with animal members, and with varying human obligations toward them. But what can easily be missed is that both approaches share a conception of the sheer, indispensable importance of the community, or at least of the larger groups within which, as individual human and non-human animals, we each have our being. Without the inclusion of various (sometimes contingent) forms of social and political solidarity, ethical practice simply does not get off the ground. By contrast, both the first-wave theories of Singer and Regan, and the latter’s abolitionist rivals, are resolutely individualist. Indeed, they have drawn from a conception of liberal individualism that fed an over-stated conflict between the liberal and the communitarian, a conflict that has now, thankfully, begun to burn itself out.

Resolute individualism within the animal rights discourse has been a problem from the outset precisely because it has led to an over-dependence upon, and problematic formulations of, the argument from marginal cases. While the latter, when cautiously stated, has its uses, it yields counter-intuitive conclusions when set up as if the considerations it deals with were an immediate guide to action. To clarify: saying, as the argument does,

that whatever property we identify as a reason for valuing humans will be possessed by at least some non-humans, who ought then to have the same entitlements, can work well as a value argument. But value arguments play only a limited role in practical reason. When, for example, we think about our relations with other humans, we regularly factor in a variety of reasons for action that simply do presuppose differences of value. So, for example, my wife Suzanne may have a reason to rescue me from a burning building before attempting to rescue you because of our relational connection and shared history, and not because I am more inherently valuable than you. Similarly, if a member of my community slights your nation, I may have reasons to express regret even though I personally (as an individual) have done nothing wrong. The reasons for action in both these cases are a matter of the complex relations we have with one another, relations captured by talk about friendship (also love), belonging, and shared community membership. To leave out relational considerations in the case of animal/human comparisons and to read actions directly off of an argument about equal value is already to assume that, in the animal case, a second-rate kind of practical deliberation is appropriate. And this does look suspiciously anthropocentric: complex relational deliberation for humans but simplified non-relational deliberation for animals. In a sense, this is just what Donaldson and Kymlicka (2011) as well as O’Sullivan (2011) are trying to get away from—the former with what at least looks like a utopian discourse, the latter with something far more concessionary.

As before, my point is not to side with O’Sullivan’s position. Indeed, I think that it is innovative, illuminating, and beautifully thought-out but yields too little to difference *among* animals and altogether too much to the authority of human political communities. Rather, my point is that there are interesting and productive ways of working with the concept of equality that get opened up once equality is set in a broader value context, a context in which justice is done to connections of a more communitarian (or “fraternal”) sort.

#### IV. CAN THE POLITICAL TURN UPHOLD ANIMAL LIBERATION?

The concessionary nature of O’Sullivan’s position may, however, give rise to concerns of a deep sort (rather than the mere reservations that I have expressed). The

deepest concern about moves of the above sort, one which echoes the kinds of charges that have become familiar from abolitionists, is that constraining equality will not actually enrich our conceptual repertoire, but rather it will (over the course of time) tend toward an effective abandonment of equality and with it the entire project of animal liberation. While we have clear reasons to be suspicious about the former charge (the comparably nuanced conception that we have of equality among humans really does not exclude patterns of differential treatment), it is less obvious that the latter can be dismissed quite so easily. Indeed, one of the authors whose work I have taken as paradigmatic of the turn, Alasdair Cochrane, advances a position that might lead us to think that the charge is correct. For Cochrane (2012), animal rights and a form of equality can be sustained but the project of animal liberation *ought* to be abandoned.

By contrast with O’Sullivan’s work, this constraining of equality to some version of *weak species egalitarianism* is not carried out for directly pragmatic reasons, i.e. commitment to (v), although it is arguably still motivated by the latter. Rather, it is taken to follow from commitment to (ii) a conception of rights based upon interests. This is a move that other turn texts have endorsed. Indeed, Cochrane is following a pathway set out by Garner but attempting to take it much further. We may then suspect, or worry, that he has a better grasp of the long-term trajectory of what interest-basing involves.

On the relevant view, “Rights possession simply means that their holders have certain important, basic interests that impose duties on others.” (Cochrane, 2012, p. 2) Applied to animals, “Such an understanding of rights leads to a theory of animal rights without liberation.” (Cochrane, 2012, p. 2) It does so because while animals can have many rights, they cannot have a right to liberty unless they have an actual, non-marginal, and non-prudential interest in liberty. Of course, a pig delivered to the slaughterhouse has a clear interest in escape, but this interest is only circumstantial or prudential. For Cochrane, the pig would have no broader interest in liberty as such. What would be needed to underpin such an interest in liberty is the capacity for autonomy and for moral agency, with autonomy understood as “the ability to reason and act on moral principles” and the capacity for moral agency understood as “the ability to frame, revise and pursue a conception of the good life” (p. 26). It then seems clear that animals cannot possess such capac-

ities and so they cannot possess any such interest. Indeed, the vast majority of sentient animals, wild and domesticated, have no standing, non-prudential, interest in liberty precisely because such an interest would require something, or several somethings, that animals generally do not have. Acknowledged candidate exceptions are great apes and cetaceans, about whom Cochrane is officially neutral. (They might or might not qualify as persons; they might or might not be able to frame and pursue their own goals.) This is not the familiar status quo position that defends pet ownership but regards many other types of creatures as born free and bearers of an intrinsic (non-prudential) interest in continued freedom. Rather, there is no wild/domesticated split.

Even so, the position has a number of significant strengths. Two, in particular, stand out. First, if animals have no intrinsic interest in liberty then we do not, in order to respect their rights, need to drive dependent animal lines (cats, dogs, etc.) into extinction in order to set human–animal relations on a proper footing. Extinction is not the only viable path to the avoidance of future rights violations. Second, the position (as a critique of Francione) comes to terms with the fact that recognition of at least *some* animal rights is consistent with the continuation of their property status. Therefore, campaigns for improved animal standing that do not abolish the latter can nonetheless be worthwhile from a rights perspective. The link with political pragmatism then becomes easier to make.

So far so good, but now I want to take issue with an over-stretching of Cochrane’s Francione-directed critique. This will proceed in two steps. The first is a softening-up exercise, the second is more substantive move. Both involve a return to something closer to philosophical ethics of a recognizable sort. (Something that, I suggest, the turn cannot ultimately do without; it cannot be political *through and through*.) What motivates this appeal to philosophical ethics is the fact that Cochrane’s abandonment of liberation is not actually deduced from interest-basing alone or in combination with additional but non-controversial claims. Instead, it follows from interest-basing *when combined with* broadly Kantian assumptions about exactly what autonomy and moral agency require. In a sense, there is a return to precisely the kind of metaphysical background assumptions about rights which were introduced in the Singer/Regan debate, the kind of assumptions that interest-basing was supposed

to help us escape. And so, for example, when Cochrane conceives of autonomy as “the ability to reason and act on moral principles,” and of the capacity for moral agency as “the ability to frame, revise and pursue a conception of the good life,” it seems to me that this is not just Kantian but too Kantian, too cognitively demanding, too closely modelled upon what it is like to be a typical and autonomous human agent.

For a large class of discussions, those in which the standing of humans is at stake, these stylized formulations do good work as a sort of shorthand. But they are problematic when regarded as more than shorthand and especially problematic in a variety of contexts even when humans are involved. Virtue ethicists (who qualify the importance of moral principles) and particularists (who reject the need for moral principles) have been quick to point out that our autonomy often has very little to do with acting on principles or maxims, and far more to do with acquiring, reshaping, and acting upon our value-laden construal of situations and upon our desires. It then seems that problems emerge, as they did for Singer and Regan, through philosophical commitments of a sort that, within the discipline of philosophy itself, have become increasingly suspect. Similarly so for specifically *moral* agency. Sometimes (for example when we are engaging in ethical and political discussion) we may be in the business of theory building, or framing, revising, and pursuing conceptions of the good life. But this is rarely what it is like to be a moral agent. Most of the time, our moral agency is far less theory oriented or driven. Most of the time, moral agency is a matter of *seeing* situations in particular value-laden ways (e.g. seeing something as unjust) and then acting upon our ways of seeing. This allows propositional attitudes to drop out of the picture and arguably places the required capacities within the reach of a variety of animals (and not just the permitted exceptions). The *seeing as* move is familiar from discussions of animal emotion, and empirical evidence of at least proto-ethical agency among many animals can be found in Frans de Waal (2009) and in Marc Bekoff and Jessica Pierce (2009).

Here, of course, we may suspect exaggeration of the evidence and we might dispute the extent to which any being can *see something as* injustice without actually having the capacity for propositional attitudes through which claims of injustice can be addressed. However, this may turn out to be less of a problem than it appears.

It is not, after all, obvious that we need to demand *both* autonomy and moral agency as grounds for an attribution of interests. It strikes me that this, again, is rather too demanding, too insistent that any bearer of rights has to be a close analogue of the human. Perhaps autonomy alone will do. I say this for familiar reasons: other things being equal, unless the desires in question are utterly trivial or harmful to a creature, it is better for creatures if their desires are satisfied rather than frustrated. That is to say, all other things again being equal, creatures (humans and non-humans) have a default interest in desire satisfaction. (Moreover, if we abandon this claim in the human case all sorts of counterintuitive claims then become difficult to resist, including the claim that a painless death would involve no harm to the victim because the frustrated desires of the latter can be bracketed out of consideration.)

Accordingly, it seems that animals may well have an interest in autonomy if the latter is largely a matter of having, acquiring, and acting upon desires *which are truly their own*. Part of what makes a difference here is that the desires must be acquired in some suitable manner. Direct neural stimulation by an outside agent would not count, but Vicki Hearne (2007) and Donna Haraway (2008; also 2003) have suggested that certain kinds of training would. Perhaps that is so. It is certainly part of the story of how each of us has become autonomous, through a process of education and socialization rather than any magical process of isolated self-creation. It should still be pointed out that even if all this is true, the overall interest that animals have is in their autonomy being respected only in certain ways. But that too is the norm for humans. Social animals like us are dependent creatures and our well-being depends upon others in all sorts of ways.

This much is the softening-up exercise, an exercise which seems to show that various animals may have enough autonomy to underpin an interest in the latter. (Moral agency can be set aside, unless an argument is run which shows that autonomy and such agency are inseparable.) Whether or not these interests are strong enough to ground an actual right to liberty is another matter. After all, on an interest-based account, while rights require interests, the latter do not actually ground rights *unless* they are sufficiently strong and unless various other requirements are met, requirements which help to avoid the proliferation of conflicting rights. This is where my argument becomes more substantive but also more tenta-



tive. Whether or not we then go on to say that animal interests ground a right to liberty will depend upon what we understand liberty, and more generally animal liberation, to involve. Minimally, if it is to mean what it has meant for generations of activists, it would have to involve an end to slaughter, an end to various kinds of intrusive experimentation, *and* an end to the standing of animals as property. But it is far from obvious that animal liberation must involve the ending of all forms of animal dependence, including many aspects of the best instances of the animal guardian/companion animal relation. It must do so if we buy into familiar abolitionist assumptions (those connecting an end of property status with extinctionism). But it is not obvious that we should buy into such assumptions. The ending of the property status, as well as the ending of slaughter and various other sorts of use, can help to give content to a viable idea of liberation by contrast with (laudable) welfare reform, but it need not coincide with the negative (“hands-off”) account presented by Francione or any other abolitionist.

Yet here, I stumble against something that has already been conceded, indeed enthusiastically embraced. Various kinds of rights are consistent with being formally owned. This being so, why not regard the recognition of autonomy, even autonomy-acknowledging rights, as consistent with the actual continuation of animals as property? In which case, the idea of animal liberation may begin to look rather tenuous. This strikes me as possible in theory but extremely unlikely in practice for one simple reason: to regard a living creature as property is entirely consistent with an acceptance that it has moral standing which is inclusive of various (limited) rights. Yet it remains demeaning. The culturally-fixed connotations of property talk are such that we just would not consider property ownership to be a subject for debate in the case of even the least autonomous humans or in the case of even those humans who are least equipped to exercise moral agency. Even if it did them no further harm, we would hold that to see them in such a way was already to do them an injustice and to do them an injustice of a politically dangerous sort. Similarly, it is in the interests of animals that they too be seen in a more favorable light.

Is this a prudential or a non-prudential interest? Cochrane can, perhaps, cope with the former if the interest is prudential in the right way. After all, he concedes that various animals may well have a prudential interest in liberty in particular situations. Failure to do so would

be implausible. If *X* beats *Y* then *Y* has a strong interest in escaping from *X*'s clutches, even if *Y* has no broader interest in liberty. But this, and comparable examples, present rather a specialized class of cases. With regard to the property status of animals, I want to suggest that a prudential/non-prudential contrast does very little work. I happen to have an inclusive conception of harm and, accordingly, I am inclined to regard the interest which animals have in being seen as other than property as a non-prudential interest. But I can appreciate that others think of harm in more restricted ways and hold that thoughts alone will never harm us. But even if this is right and the interest in being seen as a free and independent being *is* prudential, the case is not like that of an individual abused creature who needs, badly, to escape her owner. In cases of the latter sort, we can readily imagine a different and better owner. And such a prospect will be a realistic one. In the case of viewing animals as property, it is so entrenched in our practices of animal harm that it is far harder to *realistically* imagine that we might continue the former without also continuing to have the latter. Until it is realistic for us to do so, a commitment to animal liberation will continue to be the most credible option. Nothing in the political turn alone commits us to any other position.

## CONCLUSION

If the above is broadly correct then a constraining of equality claims to a *weak species egalitarianism*, or at least something close to the latter and in conjunction with various further commitments of a broadly pragmatic sort, can provide a pathway toward a broadened conception of liberal political values, rather than a route which leads to an abandonment of any of the latter. In combination with a pragmatic downplaying of the argument from marginal cases, a greater emphasis upon positive rights, and perhaps also interest-basing of the latter, it gives us the beginnings of a reasonably cohesive discourse with a good deal of room for argument and dissent. It may not yield what abolitionists have been trying to construct, either in terms of its content or role. It is, for example, unlikely to yield any single big successor theory to Singer and Regan, one that is capable of commanding the same level of allegiance and assent. But perhaps that is not what we should be aiming at. After all, it is not obvious that we need, or would benefit from, the dominance of any single master theory or new orthodoxy. What may be

more useful is a workable orientation and an open climate of debate.

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