

# A Defense of Animal Citizens and Sovereigns\*

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## Abstract

In their commentaries on *Zoopolis*, Alasdair Cochrane and Oscar Horta raise several challenges to our argument for a “political theory of animal rights”, and to the specific models of animal citizenship and animal sovereignty we offer. In this reply, we focus on three key issues: 1) the need for a group-differentiated theory of animal rights that takes seriously ideas of membership in bounded communities, as against more “cosmopolitan” or “cosmo-zoopolis” alternatives that minimize the moral significance of boundaries and membership; 2) the challenge of defining the nature and scope of wild animal sovereignty; and 3) the problem of policing nature and humanitarian intervention to reduce suffering in the wild.

**Keywords:** animal rights, animal welfare, sovereignty, citizenship, cosmopolitanism, domesticated animals, political theory.

Alasdair Cochrane and Oscar Horta raise a number of important and challenging issues in their commentaries, but limited space requires us to pick our battles. Our reply will focus on three key issues: 1) the underlying moral basis for a group-differentiated theory of animal rights; 2) the challenge of defining the nature and scope of wild animal sovereignty, and 3) the problem of policing nature.

## 1. ZOOPOLIS V. COSMOZOOPOLIS

In *Zoopolis* we present a group-differentiated theory of citizenship for animals, one which recognizes that animals—like humans—have not only cer-

\* We wish to thank Paula Casal and Marisa Iglesias for organizing a conference on *Zoopolis* at Universitat Pompeu Fabra in Barcelona in March 2012 which formed the basis for this exchange. We are grateful to Alasdair Cochrane and Oscar Horta for their spirited and challenging replies to our work, and to the editors of LEAP for deciding to publish this exchange in the inaugural edition of their journal.

tain basic universal rights in virtue of their intrinsic moral status, but also certain kinds of membership rights that flow from the way they belong to, or relate to, different types of communities. In particular, we argue that domesticated animals should be seen as members of mixed human-animal societies, and hence as having co-citizenship in such societies; wild animals should be seen as members of their own animal communities living on their own territory, and hence as having sovereignty rights over themselves and their territory; and what we call “liminal animals” have a foot in both worlds, living amongst us as co-residents of human settlements but lying outside our shared schemes of social cooperation. As such, they are owed a form of “denizenship” that combines elements of both wild animal sovereignty and domesticated animal citizenship. All animals have the inviolable right not to be harmed or killed for our benefit, but beyond this universal entitlement, we have distinct obligations to different groups of animals depending on the kinds of membership they have in different human or animal communities.

As Cochrane rightly notes, this conception of group-differentiated animal rights is modeled upon accounts of group-differentiated citizenship for humans, which distinguish the rights we owe co-citizens from the rights we owe to resident non-citizens or the rights we owe to foreign states. And both for humans and for animals, there is a cosmopolitan alternative to such group-differentiated theories. In effect, cosmopolitans insist that there are no such things as membership rights, at least not at any principled level, and that what we owe others is determined by their intrinsic capacities (Cochrane 129).

This is a very important debate, both in the human and animal case, and we welcome Cochrane’s effort to articulate a cosmopolitan theory of animal rights. Indeed, one of our aims is to inspire people to develop such alternative political theories of animal rights. We need to get a broader range of theories on the table, to test their relative strengths and weaknesses.

However, in order to properly evaluate these alternative approaches, we need to correctly identify the actual points of disagreement. And here we think Cochrane has missed the mark. As just noted, the crux of a group-differentiated approach is to distinguish the universal rights owed to all beings from the citizenship rights owed to members of bounded communities. But rather than directly addressing this claim, Cochrane instead incorrectly attributes to us two further claims:

— First, that a group-differentiated model limits the scope of justice to members, and recognizes only humanitarian duties to alleviate the suffering of non-members.

— Second, that a group-differentiated approach only considers the interests of members when making political decisions.

These two claims are not entailed by a group-differentiated approach, and we explicitly reject both of them. Indeed, we devote a whole chapter of *Zoopolis* to a discussion of duties of justice to wild animals (including not just the duty to respect sovereign borders, but also to engage in fair terms of cooperation and risk sharing, to avoid imposing spillover costs on wild animal communities, to compensate for direct and indirect harms, to remedy historical injustices, etc.). We explicitly describe these as duties of justice that extend across borders, and never endorse the idea that justice only applies to members of bounded communities.<sup>1</sup> And having acknowledged that these are duties of justice, we also discuss the need for institutional mechanisms to politically represent the legitimate claims of wild and liminal animals when they are affected by our decisions (Donaldson and Kymlicka 2011: 209). Since these are claims of justice, they must be legally and politically enforceable.

In short, *Zoopolis* simply does not match Cochrane's spectre of a theory in which duties of justice arise only within schemes of cooperation. We have duties of justice across borders, and need to consider the impact of our decisions on the interests of non-members. What then is the real issue between group-differentiated and cosmopolitan approaches? As noted earlier, the crux of a group-differentiated approach is to distinguish the universal rights owed to all beings in virtue of their intrinsic moral status from the citizenship rights that derive from membership in bounded communities. On our view, both universal rights and citizenship rights play essential roles in determining our obligations to other humans and to animals. Cochrane does not explicitly deny that such a distinction is possible, but the general tendency of his *Cosmozoopolis* is to expand the sphere of universal rights owed to all beings while minimizing the sphere of citizenship rights owed only to members. He worries that when we accord rights based on membership, we too often do so in ways that neglect more basic universal rights, or ignore the just entitlements of non-members.

We will focus on two examples of this dynamic:

- First, Cochrane argues that membership-based collective claims to territory violate basic individual rights to unlimited mobility: the universal right to individual mobility should dramatically restrict collective claims to territory.
- Second, Cochrane argues that rights to health care should not be seen as a citizenship right for those domesticated animals who happen

1. Some critics of cosmopolitanism claim that justice only applies within nation-states (e. g., Blake, Nagel), but this is not our view, either in the human or animal case.

to be members of mixed human-animal societies, but as a universal right owed to all sentient animals.

### 1.1. Mobility v. Territory

Cochrane starts from the idea that there are very strong individual rights to mobility, and only very weak collective rights to territory. On his view, everyone (human and animal) has the right to move freely across the globe, in part because no one has the right to exclude them: no individual or group can claim exclusive possession of territory. Avery Kolers calls this “terrestrial cosmopolitanism”, and distinguishes it from views (like ours) that rest instead on a “right to place”. The latter idea, on Kolers’ helpful definition, is not “an equal right to the whole world, but an equal right, individual or collective, to possess a particular place —possibly, but not necessarily, the place where you happen to find yourself” (Kolers 2012a: 3).

As Kolers notes, this contrast between terrestrial cosmopolitans and right-to-place theorists is one of the fundamental dividing lines in contemporary political philosophy, and it is central to the debate between Cochrane and us. But it’s important to emphasize that the division is not about whether we have obligations of justice to consider the interests of non-members outside our territory. The debate, rather, is about *what those interests are*. On the one hand, we have interests as individuals in unhindered mobility, including the right to move out of our existing community and move into the territory of another community —an interest that can only be satisfied if we prevent communities from restricting in-migration. On the other hand, we have interests as members of bounded communities in being able to effectively govern ourselves and pursue our shared way of life on our territory —an interest that can only be satisfied if bounded communities are able to regulate entry into their territory. For Cochrane, the interest in individual mobility trumps the interest in collective autonomy, such that universal rights to individual mobility trump collective claims to territory. We disagree.

We cannot hope to resolve such a fundamental debate in this short article, but let us just state that we find terrestrial cosmopolitanism dubious in the human case, and totally implausible in the animal case. In the human case, we have elsewhere discussed why humans have legitimate interests in forming bounded political communities with recognized sovereignty rights over themselves and their territories, including rights to regulate mobility into the territory (Kymlicka 2001). Some of the gravest injustices historically have been tied up with denial of these rights to sovereignty and rights to place —consider European invasion and colonization of the Americas. It’s important to remember that these actions were often justified precisely by appeal to terrestrial cosmopolitanism (Kolers 2012a: 5). The interests that

Europeans had in gaining access to indigenous peoples' territory were granted weight by theories of terrestrial cosmopolitanism, exacerbated by prejudice about the value of the indigenous ways of life that were radically disrupted by European settlement. Terrestrial cosmopolitanism does of course give weight also to the interests of the original inhabitants, but without recognition of an antecedent right to place, these interests are all-too-easily trumped by the interests of larger or stronger groups seeking new territories for their pleasure or profit.

It is precisely to avoid complicity with this sort of imperialism that many cosmopolitans today disavow terrestrial cosmopolitanism in favour of newer ideas of "rooted cosmopolitanism". According to theories of rooted cosmopolitanism, while the interests of all people matter morally no matter where they live, we must include amongst these interests the importance of membership in bounded communities which exercise control over themselves and their territories. Moral cosmopolitanism, in other words, does not require terrestrial cosmopolitanism, but is consistent with—and indeed best served by—recognizing rights to territory and to autonomy.<sup>2</sup>

There is much more to be said about this choice between terrestrial and rooted cosmopolitanism in the human case, but in our view the argument is even clearer in the case of animals. If terrestrial cosmopolitanism has been an accomplice of injustice in the human case, it is an absolute catastrophe for most animals. Indeed, Cochrane's own commentary provides an excellent illustration of the dangers.

Under Cochrane's *Cosmozoopolis*, wild animals gain individual rights to universal mobility (including into areas of human settlement) but lose collective rights to keep others out of their own territories (including human settlers). This is a very bad trade-off for most wild animals. Giving humans a prima facie right to move into the habitat of wild animals and to benefit from its resources is a disaster for wild animals who flee human encroachment and try to live independently of humans and human settlement insofar as they are able.<sup>3</sup> Of course, Cochrane emphasizes that human interests in developing wild animal land do not automatically trump the interests of wild animals. Animals interests, he tells us, would "count morally for *something*" (Cochrane 130), providing that respecting these interests wasn't "particularly

2. For a detailed discussion of this shift toward rooted cosmopolitanism—also called "vernacular", "embedded" or "situated" cosmopolitanism—see Kymlicka and Walker 2012. We view our approach in *Zoopolis* as fully consistent with these new ideas of rooted cosmopolitanism, and indeed as a natural extension of them, applying them not only across territorial borders, but also across species borders.

3. We recognize that there is little or no "pristine" wilderness, but as Simon Hailwood notes, relative degrees of wilderness matter. There are still many spaces on earth where wild animals can live independently with limited impacts from humans (Hailwood 2012).

onerous” for humans (Cochrane 134). Anyone who cares about the ceaseless human colonization of wild animal habitat will find this a woefully inadequate safeguard.

Cochrane does not deny that his theory offers less secure territorial rights to wild animals, but he implies that this is offset by the increased individual mobility they gain. But for a Spanish hogfish living on the Belize barrier reef, or a swift fox adapted to the ecological niche of Saskatchewan’s short grass prairie, a right to universal mobility and a universal commons is meaningless: their lives and well-being are intimately tied up with very specific ecological niches. What they need is a right to place that pre-empts human encroachment. It is not enough to say that animals have an interest in residing in a territory—an interest which is then weighed by humans who “ought to include them in their policy deliberations” against the interests of human outsiders with an insatiable appetite to exploit, develop or pollute animal habitat. If wild animals are to have any hope of justice, they need rights that trump this kind of imperialist expansion.

In *Zoopolis* we defend just such a collective right to territory for wild animal communities. We argue that this right imposes immediate and drastic curbs on human expansion—no further extension of human development, road building and resource extraction into wild animal territory; an end to human pollution and other cross-border impacts (including effects of climate change) on wild animal territories; no further growth of human population except insofar as this can be sustainably managed within existing dimensions of human development. Humans do not have a right to expand over the entire globe—unlimited mobility is not a basic universal right. Rather we must respect the sovereignty of those who already occupy the wilderness, and learn to live smarter and better on the sites we already occupy. This is a vastly more robust account of wild animals’ “just entitlements” than Cochrane’s concession that wild animals’ interests “count morally for *something*” against the vast steamroller of human imperialism. The reality is that terrestrial cosmopolitanism is not an animal-friendly approach. It is a suspiciously convenient theory for the human species, given our powerful interest in spreading out to all corners of the earth and exploiting the resources there (just as it was a suspiciously convenient theory for industrializing and sea-faring Europeans of an earlier age).

## 1.2. Health Care

Cochrane’s second major point of disagreement is that we treat certain universal rights as if they were citizenship rights. His example is the right to healthcare. In *Zoopolis*, we argue that because domesticated animals have been brought into our society, they are co-members of society and are owed

the rights of membership, including coverage in society's scheme of public health insurance. According to Cochrane, a right to healthcare is not a membership right, but is a universal right of all animals regardless of where they live or to which communities they belong. He goes even further to suggest that because domesticated animals are usually owned by individuals who have a moral responsibility to care for them, "there is a powerful argument to suggest that many domesticated animals in fact have a weaker claim to a share of health spending from the public purse than do wild animals" (Cochrane 135).

This argument is multiply flawed. First of all, it is speciesist. After all, human children have parents who have a moral responsibility to care for them. Yet Cochrane does not suggest that we should redirect public health care from human children to wild animals. Second, we need to distinguish an individual's right to healthcare from the institutional question of how responsibility is allocated to fulfill that right. In our view, health care is a fundamental right of membership. Every human born or adopted into a community has membership rights in that community, including rights to socialization, education, healthcare, protection of the law, and so on. It's true that parents who bring children into their lives are expected to take up some of the responsibility (practical and financial) for their care, food, shelter and other basic needs. But a child's citizenship rights are not dependent on the existence of an adult guardian who has assumed this responsibility for her. She has these rights regardless of who has responsibility for her, and who is paying the bills. Different states will organize the private/public balance of responsibilities differently. But the child's citizenship status means the state has a responsibility to ensure that these rights are fully respected, and to step in if her caregivers abandon her or fail to provide.

This is all clear enough in the human case. And if healthcare is a fundamental right of membership for human members of society, why should domesticated animals be abandoned to the vagaries of individual guardians? Why should humans have access to the cooperative scheme of public health care, while their domesticated animals are left out?

But this issue of individual guardians is arguably a digression. The real issue for Cochrane, presumably, is the more basic question of why domesticated animals are included while wild animals are not. After all, if they suffer from the same injuries and illnesses, don't they have the same interest (and claim) to be treated by a cooperative scheme of public health care? Our answer is no. Domesticated animals can be incorporated into a public medicare plan precisely because they are domesticated, and hence able to flourish within a mixed human-animal society. Like the human members of this society, they are socialized to comply with social norms—norms which operate both to minimize the risks they impose on others and which protect

them from risks. We could only include wild animals in this scheme if we trapped and caged and trained them not to engage in risky behaviours, regulated their food and movement, and forced them to undergo the appropriate check-ups and inoculations. All of these norms are a precondition for a viable scheme of health insurance for humans, and these preconditions are also in place to extend it to domesticated animals. But we could only include wild animals into such a scheme through radical abridgement of their individual freedom and collective sovereignty rights.

This is not to say that we have no health-care related responsibilities to wild animals. In *Zoopolis* we discuss many instances in which humans do have such duties. These include obligations to establish wildlife refuges to rescue and care for the horrific numbers of animals injured by human activity and infrastructure, and duties of humanitarian aid in cases of natural disasters or plagues where humans can provide assistance without undermining the sovereignty of wild animal communities.

To summarize this section, Cochrane thinks our group-differentiated approach underestimates our obligations to outsiders (wild animals) and overestimates our obligations to insiders (domesticated animals). This may indeed be a recurring risk of group-differentiated approaches. But we are not persuaded by the examples he gives. We believe that what wild animals most need is what our theory accords them—rights to sovereignty over their territory—whereas his *Cosmozoopolis* approach sacrifices these territorial rights for largely irrelevant promises of greater individual mobility. And we can see no argument for denying that domesticated animals have the same full right to public health care as human members of society. The net result is indeed a very different set of rights for domesticated and wild animals, but the differences do not reflect any pernicious moral hierarchy or neglect of outsiders. Rather, our theory aims to provide what each type of animal needs to flourish, given their intrinsic capacities, way of life and relationship to human communities. By contrast, Cochrane's *Cosmozoopolis* mischaracterizes, and underestimates, our responsibilities to both groups. It provides inadequate rights to wild animals to curb human encroachment, and inadequate rights to domesticated animals to ensure they justly benefit from their membership in a mixed human-animal society. Any conception of animal rights that minimizes these group differences ends up doing justice to neither.

## 2. DEFINING BOUNDARIES AND DEFINING COMMUNITY

Now we turn to the concern shared by both Cochrane and Horta regarding our conception of the sovereignty of wild animal communities. There are two inter-related concerns here:



- How are the boundaries and membership of these communities identified?
- In what sense can these communities be viewed as self-governing or sovereign?

As both commentators note, we cannot attribute sovereignty over territory to any one wild animal species, since many different species co-exist on the same territory. And while we might be able to say that these species share a common ecosystem or bioregion, it is not clear that they thereby form a single “community”, particularly given that these species may be involved in predator-prey relations. In what sense do lions and gazelles form a single self-governing “community” or jointly exercise a common “sovereignty”? Attributing sovereignty to an ecosystem may make sense within a holistic ecological theory that attaches intrinsic moral significance to the flourishing of habitats and species, but does not seem to make sense within a moral theory grounded on the interests of individual animals (Cochrane 137; Horta 120). Given these difficulties, they argue, it is not clear who constitutes the “communities” that are the bearers of sovereignty.

These are important questions, but we would argue that Cochrane and Horta have put the cart before the horse. Their approach is to first ask what sorts of “communities” exist in nature, and then ask whether these communities would benefit from (or are entitled to) sovereignty. We approach the question the other way around. We first ask, what is the moral purpose of sovereignty: what is the goal of attributing sovereignty? And having clarified this moral purpose, we then ask what allocation of sovereignty rights would help achieve that moral purpose. This allocation of sovereignty rights need not track any pre-existing natural communities, but may rather involve constructing new conceptions of community in order to achieve the underlying moral purpose. This should not be surprising, since the same process applies to sovereignty in the human case. In many cases, we do not accord sovereignty to pre-existing states; rather, we construct states in order to exercise sovereignty. In both the human and animal case, we construct the entities that are the bearers of sovereignty, in the hope and belief that this helps us to achieve certain important moral purposes.

The first question, then, is to figure out what are the moral purposes of sovereignty. Our claim is that sovereignty rights —like indeed all rights— should be understood as protecting certain important interests against certain standard threats. In this case, sovereignty protects interests in maintaining valued forms of social organization tied to a particular territory against the threat of conquest, colonization, displacement and alien rule. This moral purpose, we argue, is equally applicable to humans and to wild animals. Indeed, animals arguably have even stronger interests in maintaining these

territorially-specific modes of organization, since they are often more dependent on specific ecological niches.

If this is the moral purpose of sovereignty, then the next question becomes what way of allocating sovereignty achieves that moral purpose? We argue that allocating sovereignty to multi-species habitats or eco-regions is the best way to achieve this purpose. This is not because habitats form natural “communities” (whatever that would mean), even less because habitats as such have intrinsic moral rights or moral status (whatever that would mean), but rather because ecological regions are the locus of the interests we are trying to protect. Ecology can help determine the relevant territory of sovereign animal communities (*e. g.* watersheds; mountain ranges; coral reefs; island habitats; temperature, altitude and precipitation zones, keystone or umbrella species regions, etc.), because animals within the boundaries of these territorial regions have a common interest in protecting this habitat from external threats. While the direct relations between different wild animals in a particular habitat may be antagonistic (*e. g.* between predator and prey), they are all dependent on the same habitat, and so share an interest in having sovereignty rights accorded in a way that would protect these territorially-specific modes of self-organization from outside invasion, colonization, or cross-border impacts. We argue that according sovereignty rights to multi-species habitats would indeed serve this moral purpose.

Cochrane and Horta dispute our account, but it's not entirely clear what aspect they reject. One possible disagreement concerns our claim that wild animals have territorially-specific interests in this way. Cochrane seems to reject this when he says that “wild animals have no knowledge of or respect for defined borders, and will continually cross over them” (Cochrane 136). But we would suggest that this is more a reflection of his own ideological commitment to terrestrial cosmopolitanism than of the reality of wild animals' lives. Animals move around, but their movement is quite predictable. Large predators stake out a defined territory sufficient to support their food needs. Wildebeasts travel along the same migratory paths in the cycle of wet and dry seasons. Flying squirrels need to nest communally in sufficiently large numbers to keep warm —thus their survival depends on a habitat large enough to feed a group meeting this threshold size. A bioregion encompasses many such groups, and groups of groups, and we can identify these patterns. As John Hadley points out, we already have extensive evidence that the movement of wild animals is predictable and patterned, not random, and indeed governments already rely extensively on this evidence in determining conservation policies (Hadley, 2005: 308). Of course there is movement and pressure along boundary lines (as in the case of human borders), and sovereignty theory can be quite flexible in terms of re-drawing territorial

borders, or drawing them in creative ways to capture the complexities of politically bounded communities.<sup>4</sup>

A second possible disagreement is that the multi-species regions to which we accord sovereignty do not correspond with real “communities”, and hence do not qualify for sovereignty. Cochrane and Horta both suggest this line of argument when they say that sovereignty should only be accorded to an entity if all its members are “social beings” (Horta 119; Cochrane 136), with “feelings of affiliation” (Cochrane 136) or “common aims” (Horta 120) and without “conflicting interests” (Cochrane 136). This requirement of thick affiliation and cooperation is clearly not met in relations between predator/prey, or parasite/host, or many of the other sorts of relationships that different wild animals have to each other within a particular habitat.

But as noted earlier, this gets the moral story backward. Sovereignty is not a prize that is given to pre-existing communities who achieve some level of affiliation or cooperation or institutional coordination. It is not a reward for some sort of communal achievement. Rather, to repeat, sovereignty is a tool we use to protect fundamental interests against certain standard threats. And so far as we can tell, Horta and Cochrane provide no grounds for denying either (a) that wild animals have profound interests in maintaining their territorially-specific ways of life; or (b) that according sovereignty helps to protect those interests against standard external threats of invasion, colonization, environmental degradation, and so on.<sup>5</sup>

It is in any event a mistake to exaggerate the level of “feelings of affiliation” and “common aims” that are found in more familiar human cases of sovereignty. We can be solitary and still belong to a political community. We don’t need to have direct interactions with our fellow citizens. We don’t need to share affiliation or values, and we may frequently be in direct conflict (over business, sexual partners, status, etc.). Not all sovereign states are home to a single highly solidaristic and cooperative national community: they may instead be home to a number of ethnic or religious groups that have only relatively minimal relations of co-existence and toleration. Yet their ways of

4. In *Zoopolis* we discuss many examples of complex sovereignty such as multinational states, international corridors, or protectorates and dependencies. See also Kolers (2012b) regarding the possibility of “interstitial” states.

5. Horta might argue that members of *r*-selected species have no interest in being protected from external invasion and destruction because their short brutal lives simply aren’t worth living in the first place. Indeed, some authors argue that concern for animal suffering should lead us to reduce rather than save wild habitat (Dawrst, 2012). But we must distinguish arguments about “better never to have been” (Benatar, 2006) from arguments about “better off being killed”. Even if we agree that some animals would have been better off never having been born, this does not mean that once here, they are better off being killed. Death by bulldozer or chemical spill is a harm for *r*-selected animals which sovereignty can protect against, even if sovereignty cannot protect them from other harms (such as predation or exposure).

life may all be dependent on the same territory, and this shared dependency may create a vital interest in securing that territory from certain standard threats.

Similarly, animals sharing a habitat are typically bound together by mutual dependencies, regardless of the competition or even violence that exists on the individual level. Vultures and hyenas clear away corpses that would pose a disease hazard for everyone in the region. Elephants and crocodiles clear vegetation thereby creating mobility and food conditions for countless others. Many animals play vital roles in pollination, seed dispersal, and water filtration that all animals depend on. They have evolved capacities for navigating their unique conditions, as well as knowledge, skills and competence for survival which are embedded in their intraspecies, interspecies and ecological relations. Because this interest can only be collectively realized, it supports a political right to sovereignty to protect habitats from destruction, colonization, or exploitation.<sup>6</sup>

### 3. HUMAN MANAGEMENT/HUMANITARIAN INTERVENTION

So far, we have emphasized the moral purpose of sovereignty as protecting wild animal communities from harmful forms of human aggression and destruction. But as Horta and Cochrane rightly note, there are potentially positive forms of human intervention, intended not to harm wild animals or to seize their territory, but to assist and protect them against various dangers, such as predation or food shortages. Should such “humanitarian intervention” be prohibited on the grounds that it violates the sovereignty of wild animals? Or should we instead say that insofar as sovereign wild animal communities fail to protect their members from starving to death, they should be viewed as “failed states” calling for foreign intervention?

In *Zoopolis*, we argued that the presence of predation and food cycles is not, by itself, grounds for viewing wild animal communities as failed states. Wild animals are competent to address the challenges they face, including the challenges of predation and food cycles, and have evolved ways of life and ways of flourishing that are intimately tied up with meeting these challenges. We should therefore avoid forms of intervention that would radically disrupt their ways of life, including radical changes to the circumstances that those ways of life are adapted to. Intervention should be limited to

6. Beyond this protective function, many animals also have an interest in autonomy or self-determination—the right to be authors of their own lives, to take risks, and to make choices as they see fit rather than having their lives paternalistically managed by humans. We agree with Horta that this self-determination dimension of the interest in sovereignty is more plausibly attributed to members of social K-selected species, as we acknowledge in *Zoopolis*.

cases where our intervention either leaves untouched those underlying circumstances (as with micro-level individual acts of compassion) or helps to restore those circumstances in the face of challenges that overwhelm wild animals (as with efforts to stop a rogue bacteria or plague that threatens to wipe out an entire ecosystem or efforts to redress human-caused environmental degradation).

As Horta and Cochrane both note, our position on wild animals is significantly different from our position on domesticated animals. We defend strong rights to safety and health care for domesticated animals, including a duty to feed them and to protect them from predators, while leaving wild animals to fend for themselves in the face of mortal threats. Horta and Cochrane view this as inconsistent. But we insist there is a vital difference between the two cases that justifies this differential treatment: protecting wild animals from predation and food cycles can only be achieved by radically disrupting their ways of life, and indeed by imposing radical restrictions on their freedom and autonomy. To eliminate predation and food cycles, we argue, would require turning nature into a zoo, in which each species would have its own safe habitat and secure food supply at the price of having its mobility, reproduction and socialization tightly policed by human managers.

Horta believes we engage in rhetorical excess in suggesting that intervention to end predation or food cycles in nature could only be achieved by putting wild animals in zoos. Instead, we “could have claimed that massive intervention would mean caring positively for animals, as in sanctuaries rather than zoos” (Horta 117). He acknowledges that intervention might make wild animals more dependent on ongoing human management, but if “dependent agency” is good for domesticated animals, why isn’t it good for wild animals?

Horta is right that, unlike some animal rights theorists, we do not view the state of being dependent as inherently demeaning or unnatural. We all are dependent at different times in our lives, to different degrees. However, we argue that it *is* wrong (i) to treat individuals as dependent in areas where they are capable of exercising meaningful autonomy (unjustified paternalism), and (ii) to *induce* dependency (as has been done through the history of domestication and selective breeding). When we support the establishing of sanctuaries for domesticated animals, the context is one of providing options for greater liberty and autonomous agency for domesticated animals—providing a relatively safe environment in which they can (if they choose) explore what it means to live less intensively with humans; to exercise increased agency over vital issues of how to live or who to live with; and develop skills for reducing their dependency on humans for food provision, predator protection, and so on. In the parlance of the disability movement, this is called moving towards a “less restrictive environment”.

Massive intervention to put wild animals in sanctuaries, on the other hand, is an instance of moving towards a *more* restrictive environment, and one which, over time, will induce dependency. It is not rhetorical to describe such intervention as putting wild animals in zoos. Sanctuaries won't do the job. We can create a marine sanctuary that encloses the Belize barrier reef as a sovereign wild animal zone, and thereby effectively protect it from human exploitation and pollution. It might even be possible to assist animals on the reef in ways that don't fundamentally undermine their autonomous mode of life. But to prevent predation or food cycles on the reef would require separating animals into individual compartments in manufactured environments. Similarly, we can create sanctuaries to protect the great bird migration routes and primary habitats, but to prevent falcons from devouring songbirds would require confinement and segregation—in short, zoos.

This sort of confinement and segregation is radically inconsistent with the agency and subjectivity of wild animals.<sup>7</sup> Unlike domesticated animals who are capable of physically proximate and trusting relationships with humans (and hence can flourish in companionship with humans), or liminal animals who have found countless ways to adapt to human development, wild animals have many characteristics that are incompatible with human management of their lives. They often actively avoid human contact and settlement; they resist captivity; they possess physical capacities or behavioral traits which are incompatible with human proximity; and they rely on highly specific ecological niches which cannot be manufactured under captive circumstances. Models of dependent agency that work in the case of domesticated animals are simply not applicable here.

Horta discounts the fact that wild animals seem to reject and resist human intervention, giving the example of a stray dog or trapped animal whom we should rescue even if they resist our help (Horta 118). But this is a misleading example. It's true that paternalistic intervention to save someone who doesn't understand the danger they are in (or is fearful of their rescuer) is often justifiable. We restrain a drunk person from walking too close to a cliff even if they try to fight us off. We override a child's fear of having an inoculation. But paternalism of this sort is justified because it is temporary and preserves the possibility for the individual to enjoy liberty, and to develop and flourish as an autonomous being. There may be analogous instances in

7. We accept Horta's point that for many wild animals, particularly many members of r-selected species, there is little possibility of a meaningfully autonomous and flourishing life in nature. And we appreciate his insistence on the extent and moral significance of the raw deal that life offers so many of these animals. But "saving" them would indeed amount to turning the world into a zoo, and in the process undermining the autonomy of the countless animals for whom an autonomous and flourishing life in the wild *is* possible. For a helpful discussion of animals' interest in liberty see Jamieson (2002).

the wild where we can intervene in this temporary way —*e. g.* to prevent a specific act of predation, perhaps by distracting a predator that is about to strike. But this momentary intervention is completely different from placing all animals in segregated captivity in order to eliminate the risk of predation (Hadley 2006).

We misunderstand the depth and grounds of wild animals' resistance to human intervention and management if we think only of cases of instinctive fear by injured or abandoned animals who distrust a human stranger. The reality is that wild animals often show consistent and deliberate resistance even after long periods of human management. As historian Jason Hribal has documented, captive wild animals in zoos, circuses, aquariums, and labs engage in ongoing and complex forms of resistance to human exploitation, captivity or management, including escape attempts, attacks on humans, property damage, and work stoppages (Hribal 2010). And countless wild animal researchers have cautioned us that appreciation of animal agency and animal subjectivity can only be achieved in circumstances of "respectful distance" not paternalistic management (Smuts 2001; Holmgren 1990; Hutto 1995; Candea 2010). Over time, trusting relationships with some wild animals can develop, but this trust is based on respecting animals' right to tell us to "get lost" (Smuts 2001: 295), and on responding to requests for aid when they initiate them, in ways which are mutually negotiated, not on imposing our own conception of what they need in ways which ignore their ongoing resistance.

Horta might respond that even if human management compromises the subjectivity and agency of wild animals, this is still a small price to pay for overcoming the "catastrophe" of life in the wild. According to Horta, animals in the wild "are in a permanent state of humanitarian catastrophe", living in what are essentially "failed states", and this general state of affairs calls for systemic intervention (Horta 119). Cochrane makes similar claims about the apparent incompetence of wild animals to protect their members.

But Horta and Cochrane rely upon biased accounts of competence. They focus on the ways in which animals seem to function less competently than humans (*e. g.*, in protecting members of society from violence or starvation), but ignore the ways in which wild animal communities are more competent than human societies. Contemporary human societies are based on an unsustainable model of economic growth, depleting resources and harming the environment, the costs of which are borne both by wild animals and by future generations. Wild animal communities do a much better job of living within their ecological means, and leaving as good and enough for others. According to Rawls, a fundamental principle of international justice is that no society should be permitted to recklessly use up its own resources and

then lay a claim on the territory or resources of a neighbouring society. Intervention is permitted, even required, to prevent this sort of injustice. Yet this is precisely what most human societies are doing all the time: recklessly depleting our own means, and then colonizing wild animal territory to acquire new resources.

The reality is that all societies, human or animal, are likely to fail some tests of competence. For example, rates of murder and other violent crimes differ enormously from country to country: they are almost 100 times higher in some Latin American and African countries than in some East Asian countries. Yet we would not permit Japan to declare Honduras to be a failed state and establish a protectorate that provides better individual safety and security.<sup>8</sup> The international community sets a high bar on intervention, limiting it to cases such as genocide, ethnic cleansing and other massive abuses.<sup>9</sup>

Why not intervene in all cases of failure to protect human rights? One pragmatic reason is that we would be opening the door to massive abuse: powerful states that are in fact motivated by greed or prejudice could justify their interventions in the name of safety and security. But there is also a principled objection: individual safety and security are not the only interests at stake. Hondurans also have interests in leading their own ways of life, both individually and collectively, even if these ways of life are not as safe as Japanese practices. Even the best-intentioned interventions come at a sig-

8. See Cooke (2012) for a similar point regarding limitations on international intervention.

9. Decisions about intervention are complicated by a number of factors, both principled and pragmatic. One factor which seems germane to the case of predation is whether we are talking about a state-organized assault on its citizens or a failure to protect, and in the latter case, whether gross negligence is involved, and whether assistance is likely to be spurned or welcomed. Wild animal communities are neither deliberately violent nor grossly negligent, and wild animals resist efforts to place them in protective captivity. Another key factor is whether the rights violations are isolatable or endemic to a particular society, and hence whether an intervention would amount to “lancing the boil” as it were, or a total system chemotherapy likely to kill the patient along with the disease. For example, the U.N. estimates that there are 200 million women missing from the world today, primarily in India and China, due to a range of practices including infanticide, exposure, abandonment, denial of nutrition, trafficking, dowry murder, and sex-selective abortion (collectively identified as forms of “gendercide”). This is a large-scale and systematic denial of basic human rights. It is also unnecessary (in contrast to the situation of wild animals), since the circumstances of justice exist in these societies, and the cultural and economic systems that favour male offspring can be changed. Nevertheless, no one is calling for an invasion of China or India in order to end gendercide, given the way that the practices are embedded in daily life making it incredibly difficult to change them from outside rather than through internal reform. So, on various dimensions—whether violations are deliberate or avoidable, whether outside assistance is welcome or resisted, and whether violations are isolated or endemic—predation and other violations in nature do not meet the standard tests for triggering humanitarian intervention.



nificant cost to societies with an interest in self-determination, including the freedom to make mistakes, and to find their own path. There is more to life than minimizing the risk of harm or suffering. A well-ordered police state with imposed curfews and restrictions on mobility might minimize murder and violent crimes, but it is not the best society for people to flourish. So there are both pragmatic and principled reasons not to view preventable deaths as evidence of a failed state.

So too we would argue in the case of wild animals. Even if we agree that a widespread and preventable violation of basic rights is occurring, this is not an automatic justification for coercive intervention.

We would also ask whether suffering in nature really should be placed in the category of “preventable”. Horta acknowledges that we don’t currently possess the scientific understanding to prevent this suffering, but argues that if we devoted time and resources we might figure out how to end it, and that we have a strong moral reason to do so. But as Simon Hailwood notes, it’s not clear that we should view “all actual death as an obstacle that ought in principle to be eliminated” (Hailwood 2012: 312). In the human context, we try to prevent early deaths and wrongful deaths, but most people accept the fact of death, though tragic, as a fixed parameter of human life. In principle, society could commit endless resources on interventions to “solve” the problem of death, and there are speculations by “post-humanists” about the possibility of massively prolonging human lifespans through human enhancement, or even of immortality by downloading our consciousness to computers. Yet most people think it would be wrong to commit resources in this way, rather than focusing on the countless forms of preventable tragedy and injustice. This is not just because the scientific task of solving the problem of death seems enormous, but also because theories of justice must operate within certain defined parameters, including the acceptance that we are embodied, mortal beings. We need to start with an acceptance of human nature as it is (or might plausibly become), not a conception which is no longer recognizably human. If in the future we become “post-human”, then we will need a new theory of justice to deal with the new beings we have become. But for now, we need a theory of justice for us as we are.

Similarly, we need a theory of justice for wild animals as they are. Viewed this way, predation amongst wild animals, who are outside the circumstances of justice with respect to one another’s flourishing, should be seen, not as the kind of tragedy we should seek to overcome, but as the kind of tragedy we should accept as a parameter of their lives for the foreseeable future (Hailwood 2012: 312). Any approach that seeks to take wild animals outside of relations of predation and food cycles is not a theory of justice for wild animals as they are or might plausibly become.

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