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Politics of Inclusion. Which Conception of Citizenship for Animals?

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Abstract: »Politik der Inklusion. Welche Konzeption von Bürgerschaft für Tiere?«. The text discusses Donaldson and Kymlicka's approach to citizenship claims for animals in the context of competing conceptions of citizenship in current political theory. It outlines the normative dynamic of inclusion that modern conceptions of citizenship have stimulated and analyses possible tensions for a republican approach to citizenship. These tensions increase, it is argued, when the republican conception of citizenship (which Kymlicka developed in his earlier writings) is shifted towards a more communitarian one in the context of animal rights.

Keywords: Citizenship, Zoopolis, human-animal relations, animal rights, liberal republicanism, inclusion, political participation.

1. Introduction

Many of the central and most enduring struggles in the history of politics have taken place in the “language of citizenship” (Tully 2014, 3). This also holds true today: There is an ongoing interest in changing concepts and practices of citizenship. Public and academic discourses in political theory, philosophy and sociology have been challenging traditional, status- and state-oriented understandings of citizenship and pushing towards a search for new forms of membership. Sue Donaldson and Will Kymlicka's elaboration of a political theory of animal rights is connected to these discourses. They deliberately understand their book *Zoopolis* as a contribution to citizenship theory (Donaldson and Kymlicka 2011, especially ch. 3). Donaldson and Kymlicka invite us on a “journey,” a journey to a territory we do not know: to enlarge our thinking about animals, how we interpret our relations with them, and to envisage an idea of common membership.

What political implications are there if we approach animal rights from the perspective of citizenship theory? Which (if any) conception of citizenship for animals is plausible and worth defending? My reflections will proceed in three

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steps: firstly outlining challenges to current citizenship theory; secondly surveying Donaldson and Kymlicka's approach along some analytical distinctions; and thirdly critically evaluating their proposal for animals as co-citizens.

2. Challenges of Current Citizenship Theory

2.1 Conceptions of Citizenship

Mapping the theoretical landscape of citizenship theory, two different positions about conceptions of citizenship appear. The *first* position states that citizenship is to be constructed as a *bounded concept*. That means that citizenship always refers to a membership status, membership in a group. What is indispensable then is a "we-perspective" for social as well as political integration, and equally unavoidable are procedures of inclusion and exclusion to distinguish one group from another (see Habermas 1992). There are differences about whether this "we-perspective" is supposed to be a precondition for or rather a result of political participation. But within this "camp," it is generally agreed that some kind of "imagined community," historically the concept of nation, plays a key role in successfully generating such a "we-perspective." If the "we-perspective" of a particular bounded community is challenged or is diffusing, it is necessary to reach out for a substitute.

The *second* position focuses on the universal aspect of citizenship. In principle, according to the statement, citizenship ultimately is to be conceived of as *unbounded*. It is always in struggle, a constantly unfinished process of overcoming exclusions, including ever more categories of persons and even non-persons. From this perspective the concept of modern democracy is linked to the idea that a person as such, and not as a member of a pre-existing group (not even the group of human beings), can claim rights. The nation state used to monopolize the protection of these rights, but this is no longer the case. Political rights are certainly the core of citizenship rights but the institutionalization of these rights has created and always creates anew unjustified boundaries.¹ This perspective brings forward an interpretation of democracy that revolves around the idea of individual rights and is no longer in need of presupposing a strong community – some argue not even in need of the idea of a demos anymore. It is only the claim for an equality of rights that breaks up the communitarian logic inherent in every appeal to a sovereign 'people' as a collectivity

¹ Such boundaries find an expression in the construction of "otherness": differences like gender, race, and disabilities were (and continue to be) used as reasons for exclusion from full citizenship status (Nussbaum 2006, 14–22; Balibar 2004, 68). For justifying external exclusion the category of "the foreigner" plays a similar role (Honig 2003).

(Colliot-Thélène 2011, 195-6). The ultimate claim that moves the dynamic towards inclusion is the “right to have rights” (Arendt 1951, 177).

2.2 Two Conflicting Dynamics

Perspectives on citizenship as unbounded are prominent in the debates on transformations of citizenship. They are frequently criticized from a neo-republican perspective: Enlarging rights, argues e.g. Richard Bellamy, does not tell us anything about the constitution of citizenship.² There are mediating positions between these two poles “bounded/unbounded” that claim a tension, a “paradox” (Benhabib 2006, 33) between the exclusionary/inclusionary dimensions of citizenship, or even an antinomy deep at the heart of the concept of citizenship that cannot be resolved (Balibar 2014).

Apart from these positions, two conflicting dynamics prove to be important for reflections on modern citizenship: a deepening dynamic on the one hand, and a broadening on the other (Seubert 2014). The political idea of citizenship put developmental pressure towards overcoming unjustified forms of exclusion. The pressure towards inclusion evolved within the frame of existing political communities, *deepening* our understanding of what it means to interact as equals. At the same time the idea of citizenship had a universalistic appeal, *broadening* the scope of inclusion, challenging existing understandings of membership and justifications of closure.

3. Locating Kymlicka's (Human-)Citizenship and Donaldson and Kymlicka's Animal-as-Citizen Approach

Kymlicka is among those political theorists who have contributed extensively to the re-actualisation of citizenship theory since the 1990s (see Kymlicka and Norman 1994; Kymlicka 1995, 2007). Two analytical distinctions might help to locate his theoretical endeavour and the shift towards animal rights with Sue Donaldson.

3.1 Liberal/Republican

One well-known analytical distinction to characterize different approaches to political theory is the liberal/republican distinction. It is related to different models of citizenship: a “citizenship as rights” model (which is supposed to be liberal), a “citizenship as participation” model (which is supposed to be republican) or a “citizenship as belonging” model (which refers to a more communi-

² “Rights do not constitute citizenship. Rather, citizenship constitutes rights” (Bellamy 2008, 606).

tarian variant). Where are Will Kymlicka's human-citizenship and Donaldson and Kymlicka's animals-as-citizen approaches to be located?

No doubt, conceptually *rights* play an important role – in the context of a “liberal multiculturalism” as well as in the context of a political theory of animal rights: Citizenship is about rights and claiming rights. Kymlicka is – and after turning to animal rights with Sue Donaldson continues to be – a major advocate of differentiated citizenship: group-specific rights or policies that are able to recognize distinctive identities. They are in favour of a “politics of diversity”: Citizens should not be conceived of as abstract equals but as situated and embedded individuals who are nevertheless supposed to negotiate their common good on an equitable basis. Thus, rights are not narrowly conceived of as negative rights. Citizenship is supposed to be centred on political rights and political participation. At least Kymlicka's (previous) approach can be characterized as (liberal)-republican, related to a “citizenship as (equal) participation model.” For the animal-as-citizen approach the question arises whether animal rights are just another form of a “politics of diversity” that can be included in this model.

3.2 Statist/Cosmopolitan

With regard to the second distinction, a statist perspective would stress that the modern idea of citizenship is bound up in a package of other concepts such as state sovereignty, territorial nation state and democratic legitimacy. Kymlicka has so far conceived of citizenship as a bounded concept: human beings are members of distinct self-governing societies on particular territories, i.e. states.³ Although mobility creates multiple overlapping qualified and mediated forms of citizenship, a group-differentiated account needs to distinguish between in-group and out-group, co-citizens and foreigners. Cosmopolitanism tends to deny that these distinctions are legitimate. From this perspective tensions between deepening and broadening dynamics make citizenship an inherently “problematic concept” (Linklater 2007, 67).⁴ Kymlicka takes – and Donaldson and Kymlicka continue to take – a critical stance towards cosmopolitanism. For them universalising the category of citizenship would mean abolishing it.⁵ The major argument is that political membership generates positive duties and relational obligations. We are involved in different, special relationships with

³ Reflecting on “citizenship in a global era,” Kymlicka notes that “our democratic citizenship is, and will remain for the foreseeable future, national in scope” (Kymlicka 2010, 443).

⁴ Martha Nussbaum argues that the division of the human (and non-human) species into different political communities and (sovereign) states restricts our moral and political obligations in an arbitrary way (Nussbaum 2002, 3-17).

⁵ Donaldson and Kymlicka write: “Whether we universalize the category of citizenship or abolish it, the result would be the same – everyone would have an equal right to get on the plane” (Donaldson and Kymlicka 2011, 52-3).

other human beings. They create different bonds of interdependence and duties of care and the same holds true for non-human animals. The highest degree of interdependence is with domesticated animals, the lowest with wild animals, and “liminal” animals are in between.

4. Animals as Co-Citizens?

Obviously there are many continuities in the human-citizen and the animal-as-citizen approaches that Kymlicka develops with Sue Donaldson. But several questions suggest themselves: Is claiming citizenship rights for “non-human animals” just another step in this unfinished process of overcoming exclusions? If the animal-as-citizen approach is based on a bounded conception what would be the “we-perspective” of a human-animal society? How are the conflicting dynamics (deepening/broadening) mediated in the animal-as-citizen approach?

Sue Donaldson and Will Kymlicka shift the animal-rights approach from legal to political theory because they intend to understand the human-animal relationship in a more political way. They criticize the relative ineffectiveness of a purely rights-based approach. Liberalism in their view is not only a theory of universal (human) rights. It is about a complex integration of universal human rights and bounded, group-differentiated rights of political and cultural membership. Political communities as nation states form an “ethical community,” human beings develop deep attachments to particular communities, territories and individuals and they have a right to govern themselves in ways that reflect their language and history. These assumptions already raise difficult questions in the human case and they are not likely to become easier when transferred to animals. How are humans and animals supposed to interact politically? What politics of inclusion would be appropriate in the case of animals?

I will concentrate on the strongest claim of the animal-as-citizen approach: the relationship with those animals that Donaldson and Kymlicka take to be “members of our society,” “co-members of a shared human-animal *political* (!) community,” i.e. co-citizens (Donaldson and Kymlicka 2011, 74). Because humans have brought these animals into their society they have, according to Donaldson and Kymlicka, a right of residency, a right to have their interest counted when determining the public good, a right to shape evolving rules of interaction, and to be represented through forms of “dependent agency.”

4.1 Sharing a Political Community of Equals?

What would it mean to share a society or even a *political community* with animals? Sharing a ‘world’ (Arendt) that is constituted through communicative interaction between humans seems to be different. The human-animal distinction still plays a role with regard to rational reflection, which makes a difference for

the practice of norm-compliance, cooperation and the expression of a subjective good. Even conceptualising the human-animal relation along the model of SID-peoples' claims for recognition and inclusion is not convincing.

If the core of citizenship as a political concept is direct or indirect participation in the process of authorising the law, deliberation on equal terms, opinion- and will-formation play an important role. Voting rights guarantee "final control over the agenda" (Dahl) and express a political principle of equality: the recognition of an equivalent status independent of particular social standing and an inclusion in a collective event which generates social practices and bonds of community. How can animals meet this presupposition and interact with humans on an equitable basis? Neglecting the limits of human-animal interaction risks downplaying the demands of democratic citizenship.

4.2 A (Non-)Deliberative Understanding of the Common Good?

Democratic political agency, according to Donaldson and Kymlicka, is a necessary but not sufficient function of citizenship. They invite us to enlarge our understanding of verbal communication and refer to the concept of "dependent agency" for describing how political inclusion of animals might be possible. "Collaborators" help to construct a "script," relying on embodied rather than verbal communication, on trust rather than voice.

But it is an important insight of liberal-republican thinking that interests are not pre-political but need to be developed and interpreted in a deliberative process. Shifting the interpretation of interests away from their actual and comprehensible articulation has a paternalistic potential. It seems that the animal-as-citizen approach overestimates the potentials of human-animal communication and underestimates abuse of power and asymmetries. Humans can (and should) take (what *they* interpret as) animals' interests into account but they cannot deliberate about interest with animals on an equitable basis. Again, this might weaken the concept of democratic citizenship for which overcoming a kind of second-class citizenship (for those categories of persons whose interests should be represented but who were not supposed to speak for themselves) was and still is of utmost importance.

5. Conclusion

The shift from a human-citizen to the animal-as-citizen approach goes along with a shift towards a more communitarian citizenship-as-belonging model. The conception of citizenship thereby moves in a non-deliberative direction, which is in tension with the participatory demands of the liberal-republican model. Even more, democratic citizenship is thinned down when it neglects fundamental differences in interaction, cooperation and reasoning between

humans and animals. This would particularly devalue the social practice of voting as the political core of citizenship.

While broadening our understanding of human-animal-relationships is indeed important and normatively desirable, treating animals as political equals seems misplaced. It tends to blur meaningful differences and strangeness between animals and humans. Conceptually there is enough room for a political theory of animal rights without framing it in the “language of citizenship.”

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