

Historical Social Research Historische Sozialforschung

Forum I

Svenja Ahlhaus & Peter Niesen (Eds.)

Animal Politics.
A New Research Agenda in Political Theory

Forum II

Jutta Braun (Ed.)

Football History.
Selected Contributions to Sport in Society

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What is Animal Politics? Outline of a New Research Agenda

Svenja Ahlhaus & Peter Niesen *

Abstract: »Politische Theorie des Mensch-Tier-Verhältnisses. Umriss eines neuen Forschungsprogramms«. Animal Politics, i.e. the study of human-animal relations in Political Theory, is a relative newcomer to the portfolio of Animal Studies. While other academic disciplines, from Cultural Studies and Moral Philosophy to History, Sociology and Law, have all established highly visible branches of Animal Studies in recent decades, Political Theory has struggled to carve out a distinctive approach. In this contribution, we identify five features highlighting the fact that human-animal relations are conceived from within Political Theory, distinguishing Animal Politics from Animal Ethics and Animal Rights. Animal Politics is concerned with the political subjection of humans and animals (1) and with the existence, nature and justification of animals' coercive claims (2). It discusses the political inclusion of animals in human polities and the claims of 'sovereign' animal collectives (3). Animal Politics develops normative designs with a view to their practical, non-ideal realisation (4), and, finally, reflects its own status as a body of discourse within democratic societies (5). In the final part of the contribution, we present the contributions to this HSR Forum.

Keywords: Animal politics, animal ethics, animal rights, Zoopolis, human-animal relations, citizenship.

1. What is a Political Theory of Human-Animal Relations?

Animal Politics, i.e. the study of human-animal relations in Political Theory, is a relative newcomer to the portfolio of Animal Studies, overlapping with and taking to a more abstract level the well-established paradigm of Animal Rights. Other academic disciplines, from Cultural Studies and Moral Philosophy to History, Sociology and Law, have all established highly visible branches of Animal Studies in recent decades, while Political Theory has struggled to carve out a distinctive approach. Despite important precursors, only in the last decade has the disciplinary context of Political Theory allowed for the gestation of an independent discourse on animal politics. This is largely due to a recent para-

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digm shift in theory building that has put human-animal relations on a new footing. Authors in Political Theory are following those in Animal Ethics, at least methodologically, in increasingly approaching animals as *individuals*, and not in their function as resources for human consumption and use, nor as mere elements in the natural environment of human existence. Animals¹ enter the picture as beings capable of sensation and perception, of experience and suffering, of interaction with each other and with humans. This individualist turn does not in itself commit authors to accepting the premise that some animals are persons. Nor does it commit them to species egalitarianism, i.e. the idea that all species are owed equal moral consideration. We also stress that the individualist turn does not entail the replacement by stealth of political theory with animal rights advocacy (Häger and Ritschel 2014, 290), since it does not commit its authors to accepting an inviolable deontic status of animals' claims. By an individualist turn in the political theory of human-animal relations, we simply mean the conviction that whatever obligations between members of different species exist, normative Political Theory should focus on those that are directly owed to animals as separate, distinct, individuated beings, and not indirectly to their human friends or proprietors, or collectively to the species or eco-system. What is new in contemporary political theory is, therefore, to adapt a phrase from Rawls, that many authors now see animals themselves as independent sources of valid claims. Of course, such normative presumptions need to be supplemented by social philosophy and sociology, as well as empirical diagnoses of the largely industrialised, anonymous relations human beings maintain with most animals. But the semantics of 'society' itself seem to be in flux. In the language of social theory, the subject matter of Animal Politics is no longer the *opposition* between humans and animals along the lines of 'society and nature' lamented by the older Critical Theorists (see Görg 1999; Sanbonmatsu 2011), but the virtual or actual *inclusion* of some non-humans into mixed-species societies and polities.

Our HSR Forum is dedicated to probing the productivity of this discourse and thus assembles contributions from normative Political Theory. This genre is not the only relevant variant of political thought dealing with animals today, and not the only candidate for classification as a proper subfield of Animal Studies. Political Zoology is another genre that has flourished in recent decades and has had a wide-ranging impact on the historiography of ideas. In drawing attention to the fact that the history of political thought is saturated with animal metonymies, e.g. in the literary representation of sovereignty, authors have added to our understanding of canonical political categories. But Political Zo-

¹ We follow the convention of referring to human animals as humans, and to non-human animals as animals. Since our interest in this contribution does not lie in distinguishing among animal species, we should make clear that we intend our discussion broadly to apply to vertebrates.

ology studies animal metaphors in order to throw light on the relations between humans, while not systematically attending to human-animal relations (Derrida 2009; von der Heiden and Vogl 2007). It is, therefore, irrelevant for our purposes. Political Ethology is yet another genre that draws comparisons between human polities and animal collectives or ‘states.’ Starting out from the phenomenology of animal organisations and communities, it stimulates our interpretation of political institutions by asking questions such as: Do bee commonwealths resemble elective monarchies? Do the egalitarian practices of democratic polities mirror some features of “ant societies” (Werber 2013)? But while Political Ethology may throw light on both human and animal ‘polities,’ it does not reflect human-animal relations within one and the same political system. While human polities may seek to reflect themselves in animal collectives, they do not thereby envisage the political integration of the latter. We do not, therefore, include ethological approaches in this HSR Forum.

A further editorial decision is perhaps most in need of justification. We do not explicitly reflect the pioneering work of those writers who first put animals on the systematic agenda of political thought, authors in Political Ecology or Green Political Theory (De-Shalit 1995; Dobson 1995). This may surprise readers since, in contrast to Political Zoology and Ethology, Green Political Theory’s central concern is human-animal relations. What distinguishes its approaches from current Animal Politics is that in focusing on the survival of the ecosystem, or of the human or animal species, Green Political Theory throws its net much wider. Threats to biodiversity, or to the survival of the planet, are pertinent to political regulation, but trigger an agenda that is broader and less specific than Animal Politics. The limits of ecological approaches, from our perspective, lie in their rarely categorically distinguishing what sets apart human-animal relations from the relations of both with the rest of nature. They typically conceive of animal collectives as part of the environment or nature and do not consider animals as beings with individual claims. This observation is obviously true for those environmentalist approaches that aim to preserve animal well-being and reproduction for the sake of humankind (for a critique, see Krebs 1999), but it also holds for the older literature in deep ecology (Naess 1989) and even for more recent social and political ecologies such as Latour’s *Politics of Nature* (2004). Although it would be short-sighted to think that environmentalist and ecological considerations will not feed into determining proper human-animal relations under a more individualist perspective, it seems to us that only in abstracting away from issues of environmental protection, food safety or health policy, from biodiversity and species survival has Animal Politics begun to achieve the status of a well-defined research programme in Political Theory. It focusses our intuitions, methods, premises and arguments on a number of important structural questions germane to human-animal interaction: on exploitation and subjection, on migration and residency, on political and economic co-existence and co-operation, domestically as well as globally.

Even readers sympathising with an individualist approach to human-animal relations may wonder what distinguishes Animal Politics from a genre with which it is often confused, Animal Ethics. One aim of this contribution is to outline some distinctive elements of Animal Politics that set it apart from Animal Ethics, and reflect the systematic place of animal rights theories in the process. Animal Ethics has long shaped the academic discussion and its public perception and, in adopting an individualist turn, political theorists are in one important respect following suit. The great innovation of Animal Ethics lies in directing attention to individual animals' pain and suffering, thereby promoting the paradigm shift away from functionalist anthropocentrism as well as holistic environmentalism, yet at the cost of narrowing down academic interest to the promotion of animal well-being. In profiling the questions, methods and styles of Animal Politics against Animal Ethics, we acknowledge their common element, but at the same time stress their distinctive disciplinary requirements and social tasks. In what follows, we attempt to characterise the field in a way that provides a systematic taxonomy, taking in some historical milestones along the way. We identify five features highlighting the fact that human-animal relations are conceived from within Political Theory. Animal Politics is concerned with the political subjection of humans and animals (1) and with the existence, nature and justification of animals' coercive claims (2). It discusses the political inclusion of animals in human politics and the claims of 'sovereign' animal collectives (3). Animal Politics develops normative designs with a view to their practical realisation (4), and, finally, reflects its own status as a body of discourse within democratic societies (5). Those features should not be understood as describing a homogeneous project, but rather characterising important new approaches and highlighting new sensitivities in a distinctively political understanding of the field. They do not specify material pre-commitments on the part of the theorist, but non-arbitrary parameters of debate. Whereas Aristotle denied, with regard to criterion (3), that animals qualify as members of political commonwealths (*Politics* I, 2; see Donaldson and Kymlicka 2015), this should be taken to include him in the discourse of Animal Politics. The new field has been shaped by authors arguing that animals "must be situated within our theories of citizenship, democracy and sovereignty,"² but the pursuit of Animal Politics, in contrast to the pursuit of Animal Rights, does not depend on taking an affirmative stance on any single criterion. Whilst inductively presenting five features that can serve as indicators qualifying a given body of thought on

² Donaldson and Kymlicka (2015, 3). In their introduction to the field, Sue Donaldson and Will Kymlicka understand animal politics in a different sense to the one adopted here, as the (study of) "the political alliances that promote or resist recognition of animals' moral rights" (2015, 13). As the political theory of human-animal relations has historically developed out of the animal rights movement, Donaldson and Kymlicka tend to frame the systematic treatment of animals in Political Theory as "Political Theory of Animal Rights" (*ibid.*). We reject this view as being too narrow. See below, Section 2.3.

human-animal relations as Political Theory, we do not assume that all of them will be present in any given theory. But all will count as fair topics on which to press any given theorist, and not as attempts to change the subject.

One way to show that our five features of Animal Politics are not purely stipulative, and to start drawing out important divisions between current Animal Politics and Animal Ethics, is to go back to what is arguably a founding document for both genres, Peter Singer's *Animal Liberation* (1975), and to highlight the problems that arise from its running together the two approaches. Singer, drawing on Jeremy Bentham, invokes political analogies in order to show the systemic failings of human-animal relations. Bentham had argued that the all-important entry condition into ethics, law and politics was whether or not a creature is a sentient being. In including animals, "the question is not, Can they reason? nor, Can they talk? but, Can they suffer?" (Bentham 2005 [1787], 282-3), he had given this criterion an explicitly legislative gloss, in likening the condition of animals to that of human slaves who could be tortured with impunity. The contribution of Singer's *Animal Liberation* lies in generalising Bentham's intuition, in systematically reconfiguring the language of Animal Ethics with the help of the normative concepts of emancipatory politics, but at the price of obscuring the boundaries between ethics and politics. In adopting the political terms of exploitation, commodification and oppression to describe human-animal relations, Singer incorporated the liberation of animals into the venerable traditions of emancipation from slavery and subjection of blacks, women and gays. With the same intent, he used the term 'speciesism' to chime with racism and sexism, referring to unacceptable forms of discrimination based on morally irrelevant distinctions. On the strength of Bentham's principle that the only morally relevant distinction lies in degrees of sensitivity to suffering, Singer argued that humans and animals share a claim to equal moral consideration regardless of species membership. In this, and despite his utilitarian outlook, he is an important early proponent of the individualist turn. But in deriving his conclusion, Singer strayed from consistency. His political rhetoric bears hardly any relation to his substantive results. Though postulating emancipation, his argument against suffering only yields animals' claims to well-being. From the perspective of Animal Politics, the central objection to Singer is thus not based on playing off utilitarian aggregation against the deontological outlook that characterises most contemporary approaches. But the goods aggregated in Singer's, as well as Bentham's, normative theory reveal that the evils of exploitation – i.e. taking unfair advantage of others – and slavery – i.e. the total subjection to the arbitrary will of another – are not awarded any priority. The polemical vocabulary of exploitation and emancipation exploits the very intuitions of fairness and non-oppression, as well as of individual merit and standing, that utilitarianism finds it hard to accommodate.

Thus a severe shortcoming of Singer's approach is that it is not distinctively political under any of our criteria. First, Singer does not distinguish between

what we do to animals and what we subject them to, nor does he frame conditions of legitimate coercion, over and above those of moral urgency. This stems from the fact that he does not draw a systematic distinction between personal ethics and public policy. For Singer, as for many utilitarian philosophers, moving from ethics to politics may not amount to anything other than a more complex calculation of expectations, but he leaves open how equal consideration as a political principle should be implemented. Second, the interest identified both by Bentham and by Singer – the absence of pain and suffering – is a moral, but not a characteristically political concern. Although animal ‘liberation’ does have a restricted non-metaphorical meaning in his book, for instance in the setting free of laboratory animals, it is freedom from pain and want, not political freedom that plays a decisive role. Neither does Singer account for the distinction between coercive and non-coercive claims on the part of animals, nor does he ask whether or not animals have genuinely political interests in freedom, autonomy and emancipation. One crucial way in which contemporary political theory has improved upon Singer’s blend of ethics and politics lies in discussing the significance of freedom in the lives of animals. In an important book, Alasdair Cochrane has objected to Singer’s implication that animals have an interest in emancipation and autonomy, or socio-political freedom, and opened up an ongoing debate (Cochrane 2012; see Schmidt 2015, in this HSR Forum). Third, Singer does not deal with the political status of animals. His argument has universal scope, but its relevance for the specific entitlements that arise from political proximity and interaction is unclear. Whilst opposing the parochialism of species-related prejudice, it simultaneously overrides the significance of domination, subjection, or co-membership and co-operation between humans and animals. Fourth, in practical terms the book advocates ethical vegetarianism as well as negative strategies, such as the elimination of laboratory experiments or current practices of farming, but reflects little on public disagreement or social feasibility. In later work, Singer has been more attentive to the divergent methods in the incremental realisation of abstract and wide-ranging principles (Singer 2008). But as with many utilitarian rationalists, Singer is oblivious to the question of whether or not moral and cultural differences over animal treatment are owed normative consideration, given that contemporary societies contain few outright utilitarians. Fifth, this eclipse is conditioned by the fact that obligations vis-à-vis animals derived in *Animal Liberation* are not mediated by the democratic character of the polity in question. In conclusion, Singer’s book does not live up to the promise that invoking a genuinely political vocabulary involves. Our next section is to consider in more detail the demands that a more successful political theory of human-animal relations would have to fulfil.

2. Five Features of Animal Politics

2.1 The Political Subjection of Humans and Animals

The first characteristic element of a political theory covering human-animal relations is that it deals with political subjection, i.e. the uniform regulation of activities for a large number of subjects, through legal coercion. This Weberian, functionalist understanding of politics as authoritative collective decision-making distinguishes Political Theory from Ethics and Moral Philosophy, as ethics and morality are commonly understood to govern the informal, inner-directed determination of human behaviour. Of course, one could object that much political activity is not aimed at giving and implementing coercive norms, but rather at changing people's consciousness and convictions. For the purposes of this HSR Forum, we nonetheless attend to the core governmental activities since they generate a specific problem. Political theorists focus on enforcement not in order to drive a wedge between political and moral norms, which they grant may be similar or identical in content, and they are of course aware that non-coercive or 'soft' forms of governance can induce compliance. Yet where norms are enforced, governments need to rely on more stringent justifications. For authors in Animal Politics, this yields two implications, one standard and one non-standard. A first and rather traditional way addresses the need to convince humans that their treatment of animals ought to be restricted by general and authoritative rules. Consider the case of the German Green Party, whose major losses in the September 2013 general election were blamed partly on its propagating a limited nationwide vegetarian campaign – a 'veggie day,' to be held once a week, in all public and corporate dining halls. It is not entirely clear whether in formulating the policy the Party had been motivated by animal welfare concerns, or by ecological or health issues (Bündnis 90/Die Grünen 2013, 165-6). But in the aftermath of their electoral defeat, prominent party members urged the Greens to turn more liberal and fight their "veggie day trauma" (Habeck and Brandtner 2014). We will later come back to the public justification of animal treatment norms (see below, 2.4), but here it should already be clear that public opinion on the coercive regulation of human-animal relations is torn and divided.

In addition, authors have looked into a second, non-standard way in which the coercive character of social rules plays a role. In much recent work, humans are not considered the only beings subject to coercive regulations, but many animals are too. Although the law is rarely or never directed at animal subjectivity, in the sense that it demands their voluntary compliance, it is neither far-fetched nor obviously incorrect to speak of animal governance (Smith 2011, xviii-xxii; Niesen 2014). The law not only protects some animals in putting certain treatments beyond the pale, but at the same time it provides for the legal

use of force against them, as for instance when legislation empowers police to shoot and kill escaped animals that are considered dangerous. Governing animals does not entail holding them responsible in cases of non-compliance, as was the case in the much-discussed Medieval animal trials, but its reach is well documented in the modern “state’s capacity to manage animals, principally in pursuit of military, economic, and public health objectives” (Smith 2011, 17-8). It is, therefore, not implausible to assume that, again in Rawls’ terms, a political relationship holds, though of course an asymmetric one, between the members of human polities and many animals within the same jurisdiction. A political relationship is one that is involuntarily entered into, administered coercively, and in standard cases inescapable in that it lasts to the death (Rawls 1993, 135-7). It demands, therefore, a high standard of legitimacy. Most modern conceptions tie the legitimacy of political rule to the fact that coercion can be explained to the satisfaction of those coerced. If animals are indeed subject to political rule, the question is how this condition can be met as well as what status and entitlements are triggered by their subjection within human-governed polities. Among the candidate answers Animal Politics has to offer are rights and entitlements of justice (2.2), political membership or sovereignty (2.3), and contractualist or democratic representation (2.4, 2.5).

2.2 The Existence, Nature and Justification of Animals' Coercive Claims

The second element characteristic of a political theory of human-animal relations follows immediately from the first. It concerns the extension and nature of the coercive (or at least coercion-relevant) claims that animals themselves have, and the nature of our obligation to them. This is the classical twin question of *animal rights* and *justice for animals*, where rights and justice are understood in the political sense involving, however far removed, a coercive dimension. Animal rights theorists find it hard to restrict themselves to outlining purely moral claims and duties. They most often understand rights as claims that societies are already authorised and obligated to enforce (Regan 1983, 269-71). In the same sense, proponents of animals’ just entitlements rely on a notion of justice that is robust enough to trigger actual distributions, over and above the specification of just deserts (Garner 2013, 48). Note, however, that some theorists take pains to point out that by ‘moral rights’ they mean rights that political communities *ought* to implement, while in no sense conferring an entitlement to be enforced in disregard of legislative procedure (Cochrane 2012, 207). The confusion arising from the two opposing senses of ‘moral rights,’ the coercive and the non-coercive sense, have plagued all of political theory, but are especially injurious to Animal Politics, since they seem to give opposing directives of what is to be done for animals in less than ideal situations.

Which rights can animals claim? Above, we distinguished between characteristically political values such as freedom, emancipation and the absence of oppression, to which could be added the values of agency and of equal standing, in contrast to comprehensive and less specific values such as happiness, well-being, flourishing, and the absence of suffering. Many animal rights conceptions straddle the divide and are concerned as much with the former as with the latter. We skip the question of distinctively political rights here, only to return to it in the next section when addressing the value of political membership and participation. What seems important to note in this context is that in general, at least two options are available to found a position in Animal Rights, one more congenial to Ethics and non-political rights, one ostensibly better suited to Political Theory and a political understanding of animal rights. Both accounts share the view that sentient animals must not be harmed if at all avoidable, and that at least those animals capable of envisaging the future must not be killed.

For the first type, such rights are properly basic, since authors identify some animal *interests* as being sufficiently important for society to be warranted in enforcing them. Interest theories of rights draw inspiration from Singer's focus on the elimination of suffering and go on to identify objective animal needs, and their objective weight when balanced against others (Cochrane 2012; see Ladwig 2015a, in this HSR Forum). The second option in Animal Rights, in contrast, is based on a proto-political stance against the instrumental use, and, therefore, against the exploitation and abuse of animals (Regan 1983; Franklin 2005; Sezgin 2014). The fundamental premise of the latter approach is not that animals must not be harmed if at all avoidable, or that they must not be killed, but that they must not be used for human purposes, and only *a fortiori* not harmed in animal husbandry, or killed and eaten by humans. The idea that other beings should not be used as means to one's own ends has obvious Kantian roots, but it is worth recalling that Kant warned against treating creatures *exclusively* as means and not, at the same time, as "ends in themselves" (Kant 1785, 78; Korsgaard 2013). It is admittedly unclear how this proviso should be interpreted and applied to human-animal relations, especially when moving from ethics to legal and political thought. But some radical approaches in Animal Rights have formulated an even more stringent ban on all animal use, disregarding the Kantian proviso that some uses of other creatures can be justified. They have appropriated the evocative label of "abolitionism," in a number of the term's senses. In the design of its most influential author, abolitionism consists first and foremost in doing away with the property status that most domestic animals have (Francione 2008). As with human slavery, animal slavery can be abolished only if animals can no longer be legally classified as things, and, therefore, as belonging to humans. In a further sense, entailed by the first, abolition means ceasing all uses of animals, and thereby all structured interference with them, including all animal husbandry, the raising and breeding of livestock, and likewise the breeding of pets and all germ-line interfer-

ence for human purposes. Since abolitionism holds that we must no longer cooperate or interact with animals, it finally leads to the abolition of all domesticated and dependent species. As gradual extinction of their species cannot be said to be bad for the individual animals concerned, abolitionism can be characterised as taking the individualist turn in human-animal relations to an extreme, even if it results in the gradual termination of most such relations. It has, therefore, been criticised from within Animal Rights as propagating “apartheid” (Donaldson and Kymlicka 2015, 4) between humans and non-humans, and for eliminating the objects of our concern altogether. However, abolitionism’s radical and counter-intuitive implications should not obscure the fact that most positions in Animal Rights likewise require vegan lifestyles, and are thus compatible with a polity populated by pets, but largely devoid of livestock.

Since political conceptions of animal rights dominate the current academic discussion, it seems important to point out their limits. While abolitionism is dogmatic, interest theories are more open, but run the risk of arbitrariness in determining fundamental claims. Both interest theories and anti-use theories reintroduce natural rights thinking into political theory, in that theorists confidently identify rights claims which exist independently of democratic law-making practices. In Animal Ethics, most authors see their task in determining the inherent, morally relevant competences of animals: do they count as ‘selves,’ as subjects-of-a-life, as beings capable of sentience and experience, with a subjective good? –, and deducing the appropriate rights. Natural rights thinking thus provides Animal Ethics with a distinctive methodology. As an influential recent compilation demonstrates, Animal Ethics claims to include Animal Politics as a proper subset (Schmitz 2014b, 407-583), its strong-armed branch, so to speak, in setting up and implementing coercive measures. In the next section, we will address how natural rights approaches to animal rights and animal justice can be evaded by relational conceptions, and in the following two sections we allude to how a contractualist methodology can help overcome the problems of arbitrary and controversial specifications of animal rights and point towards an integration into a paradigm more apt for democratic theory.

2.3 Political Membership for Animals

The third characteristic feature concerns the status of animals within political commonwealths. Perhaps the most distinctive innovation in Animal Politics during the past decade is the formulation of citizenship conceptions and other ideas of political membership for animals – notwithstanding the contributors to this HSR Forum painting a largely sceptical picture of the extent to which it makes sense to award non-humans citizenship rights or status. The move toward viewing animals not as bystanders, but as *bona fide* constituents of political communities is largely due to the inspiration of a single work, Sue Donaldson and Will Kymlicka’s *Zoopolis. A Political Theory of Animal Rights*

(2011). This book has put the subsequent discussion on a new footing by introducing three potent new political metaphors for human-animal relations. The authors describe domesticated animals, including pets and livestock animals, work or laboratory animals, as *co-citizens*. At the opposite end of the spectrum, wild animal populations are to enjoy collective *sovereignty* over their fate, without human interference. An intermediate group between animal citizens and foreign animal collectives, animal *denizens* are those ‘liminal,’ non-domesticated animals who seek out human neighbourhoods, but do not enter into friendly or cooperative relations with humans. Animal denizen claims to migration and residency, like those of urban foxes or Canada geese, have to be balanced against members’ entitlements. All three metaphors have been put to the test in the literature. The idea of animal territorial sovereignty has faced criticism from within Animal Rights as insufficiently attentive to the claims that arise within wild animal populations, and to the human support that is owed them (Horta 2013; Ladwig 2015b). In a similar way, the position of local denizen animals has been bolstered by universalist arguments. In a “cosmopolitan” spirit, Cochrane has argued that resident non-citizens of a polity are subjected to its laws and should, therefore, be entitled to share in its social and political infrastructure (Cochrane 2013, cf. Mendieta 2011). While adding a valid point to Donaldson and Kymlicka’s argument (Donaldson and Kymlicka 2013), Cochrane’s defence of denizen animals’ political stakes seems hard to reconcile with his overall position that animals have no interest in political freedom.

In what follows, we focus on citizenship as the most provocative and, if successful, most ground-breaking category in recent Animal Politics. The animal citizenship metaphor is productive in that it allows us to escape the traditional *a priori* reasoning for animal rights and animal justice, in favour of relational views. Relational, or, as they are sometimes called, ‘practical’ or ‘political’ approaches have constituted major advances in theories of interpersonal justice and human rights (Sangiovanni 2007; Beitz 2010), which has made them an attractive paradigm for Animal Politics (Valentini 2014). In contrast to the Animal Rights conceptions discussed above, relationalists no longer ask: By which intrinsic feature of animal existence can inherent value, rights or just entitlements be derived? Instead, they ask what kind of practices obtain between humans and non-humans, and how the point or purposes of such relations should be interpreted to confer claims on their participants. If, as Donaldson and Kymlicka suggest, co-citizenship in a polity is the relevant jurisgenerative relation between humans and domesticated animals, the historical paradigm regarding the point and purpose of citizenship practices will provide us with a substantive understanding of how demanding this relation is. The citizenship metaphor in itself spurs philosophical discussion on to progress from natural rights towards a republican framework, in which the normative endowments of every participant can be determined only once all interests and voices have been taken in. Although Donaldson and Kymlicka themselves opt

for a complementary account of natural rights and citizens' assets, it is worth pointing out that a republican framework need not presuppose natural rights (neither for humans nor for animals). It can conceive of rights not as preconditions, but as potential results of cooperative and self-governing political practices. The idea of animal citizenship in itself enlarges only the circle of participants in democratic practices, not the group of natural rights bearers. As mentioned above, the participants to this special issue are largely critical of the citizenship metaphor's use, and it is clear that confronted with emphatic understandings of active participation and control, of equal status and roughly equal competence (see Saretzki 2015; Stein 2015; Seubert 2015, all in this HSR Forum), proponents of a citizenship approach to Animal Politics will have a lot to answer for. In our view, they should 'bite the bullet' and argue that animals' status as bearers of entitlements is not lessened by their being unable to discharge, or even understand, complementary duties of citizenship themselves (see Marx and Tiefensee 2015, in this HSR Forum). But notwithstanding the question of complementarity, two direct arguments in favour of the citizenship approach should not easily be discounted. The citizenship metaphor makes sense of the intuition that the political subjection of animals should lead to their having a political say; however such a say is then organised – whether through direct participation and agency, or through representative institutions (Donaldson and Kymlicka 2011, 112-6, 153-4; Ahlhaus 2014). It is hard to shake off the intuition that whoever is subjected to political rule is thereby awarded a claim to have their perspective considered, and the citizenship approach is uniquely placed to spell out its rationale. At the same time, the citizenship metaphor makes sense of human-animal co-operation as generating additional entitlement in the dimension of social rights. The examples of health care entitlements for domestic animals, or of claims toward state pensions for service dogs, or of protective claims for dogs involved in combatant action in International Law (see Nowrot 2015, in this HSR Forum), can lead us to explore an additional entitlement status triggered by mutual investments into cooperative relations, for which there exists no analogue in the case of animal denizens or wild animal populations. Besides such intuitively appealing examples, a fuller reflection of animal social rights would have to follow up the analogy with organised labour in industrial production, and systematically translate the key metaphors from workers' struggles to human-animal relations (Benton 1995). The conceptual resources of citizenship approaches are far from exhausted.

Unfortunately, though, Donaldson and Kymlicka's position on animal rights is only half-heartedly republican. It is a hybrid between a natural rights approach to animals' *basic* rights and a citizenship approach to their *social and political* rights. The authors draw on the idea of substantive *a priori* rights in awarding all creatures capable of subjective experience – all beings of whom it can be said that there is 'someone home' (in the formulation of Barbara Smuts) – a portfolio of basic rights. This portfolio is akin to the set of human rights

that people are owed irrespective of their political membership. Additionally, and separately, the authors draw on the idea of a self-governing community, all members of which should have the chance to thrive and participate, with a full endowment of social and political rights (Donaldson and Kymlicka 2011, 25, 51, 123). The alternative radical republican option to understand all claims – of humans as well as animals – as arising from co-operative, self-governing practices, although it seems weighed down with less metaphysical baggage, has so far remained largely unexplored.

2.4 The Practical Realisation of Normative Designs

The fourth characteristic element concerns the political character of a theory in the sense that it needs to keep an eye on its conditions of realisation. In this sense, a theory that could not hope to delineate feasible institutions, or to depict a stable and sustainable state of affairs, would fail as a political theory. In recent years, the pursuit of ‘ideal theory,’ though itself burdened with stylised facts about feasibility, has, therefore, been much criticised as barren and irrelevant, or at best insufficient, and contrasted with ‘non-ideal’ approaches. The rigorous milieu of animal rights theorists has reflected its own status in a hostile environment, and its relative lack of sustained impact (Donaldson and Kymlicka 2011, 5 et seq.; Garner 2013). Although the Animal Liberation movement has been mobilising for forty years, and although various forms of animal rights approaches have long dominated philosophical debates, their views have had hardly any impact in shaping mainstream legislation. Which of its tenets can Animal Politics expect the public to accept, or be able to accept, with some confidence? Above, we introduced the idea that norms should be explained to the satisfaction of those subjected to them as a condition of legitimate coercion (2.1). But wherever animal activists postulate radical change, carnivores claim ‘reasonable disagreement’ as their liberal birthright. Yet they rarely feel obliged to argue the reasonability of their preference, citing ‘moral’ or ‘cultural pluralism’ in defence (see the discussion in Zuolo 2015, in this HSR Forum). Animal rights activists, in contrast, believe that only under the spell of a wrongheaded religious or metaphysical tradition will people fail to be convinced by the stringent demands of animal entitlements, or identify non-vegetarians’ ideas of reasonableness with conformity to economic imperatives (Schmitz 2014a, 28).

Normative policy studies, such as a recent expert commission’s report on “socially accepted” livestock farming for the German government, define “accepted” as a proportional category, balancing people’s intuitions about cruelty to animals against their willingness to buy ethically improved animal products. In recommending a number of short- and mid-term improvements in farm animal welfare, agricultural, economic and environmental experts suggest that such improvements will impose a fair financial burden on animal farmers and

at the same time cause a tolerable increase in overall consumer prices by 3 to 6%. Such an increase “corresponds to the overt willingness to pay in a substantial part of the population” (WBA 2015, 6). While willingness to pay is an important indicator for feasibility, in taking people and their dispositions as they are, the commission puts little trust in the transformative power of public discussion, nor in the chances of developing more ambitious understandings of acceptability from the widespread aversion to cruelty against animals. Additionally, if social acceptance (*gesellschaftliche Akzeptanz*) includes respect for the livelihood and economic success of animal producers, their positions need to be reflected in proposals for change. It is, therefore, highly unlikely that the criterion of social acceptance, in pooling the considered self-interest of humans, would lead to a satisfactory position vis-à-vis animals. Authors in Animal Rights thus claim that traditional animal welfare policies with a focus on actual acceptance cannot improve the fate of livestock, but will rather conspire to increase harm (Francione 2008; Schmitz 2014a).

One device that reflects a more ambitious acceptability requirement is contractualism, a method used predominantly in ideal theory. Rawls’ ‘original position’ is probably the most influential of contractualist vehicles. Its main strength in the context of Animal Politics is perhaps not that it could serve to generate specific and unobjectionable results, as natural rights theories may be more effective in coming up with any number of specific policy demands. Rather the twin virtue of contractualism is that it ‘constructs’ results on the basis of widespread and considered intuitions, and that it represents as enfranchised those for whom principles are to claim validity; or in other words, it gives people a self-chosen reason for compliance with its demands. All entitlements that follow from contractualist procedures should be acceptable to “reasonable” people.³ Traditionally, therefore, the premises of contractualist arguments have often been drawn from what has proved uncontroversially, or fundamentally, normative in a people’s political history, such as the notion of humans as free and equal persons (Rawls 1993, 223-6). In Animal Politics, it does not seem possible to draw on shared presumptions regarding the freedom and equality of humans and animals alike as a common basis for construction, nor is there a consolidated historical paradigm for at least tolerably just human-animal relations. Robert Garner, a leading author on contractualism in Animal Politics, invokes neither liberty nor equal consideration of animals, but seeks common ground in going back to Singer’s material position. Both in his ideal and in his non-ideal theory, Garner focusses on the avoidance of cruelty. But

³ In what follows, we are exclusively concerned with contractualism as a device for bringing obligations of right and justice to the attention of humans with a view of taking them on. The contractualist device would, therefore, need to construct human and animal entitlements. We do not assume that animals themselves could be coherently taken to be addressees of contractualist justification.

while his ideal theory presumes that consensus can be reached on the interest of higher animals in not suffering, as well as in their continued existence, thus delivering a right not to be killed (the “enhanced sentience position”), his non-ideal conception restricts animal claims to the absence of suffering (the “sentience position”). It seems fair to say that Garner thereby counters the charge of Animal Politics’ irrelevance in contemporary societies, while at the same time remaining open to progressive transformation under ‘ideal’ standards. The purpose of non-ideal theory, Garner says, is “to find a reasonable balance between different morally divergent positions” (Garner 2013, 16), which is not the same as granting that diverging positions themselves will be reasonable and defensible. By placing dissent over the acceptability of killing within the realm of non-ideal theory, Garner withholds the status of ‘reasonable disagreement’ from the defenders of animal killing (2013, 91). Through its sophisticated methodology, Garner’s approach answers a number of challenges that proved decisive against Singer’s position, as well as against more radical, but politically ineffective approaches in Animal Rights. His non-ideal theory on its own seems strong enough to counter widespread animal exploitation, yet accessible from most positions within contemporary societies and at the same time compatible with the formulation of more ambitious goals. In the next and final section of our outline, we suggest that the pursuit of those more ambitious goals would do well to reflect the epistemic status of animal rights theorists, and should consequently strive to involve animals’ perspectives in democratic decision-making.

2.5 Animal Politics and Democratic Discourses

The fifth characteristic applies only to political theory as conducted in democratic polities. It is no coincidence that democracies should be under greater normative pressure to account for their politically sanctioned treatment of animals, given that Political Theory and Political Science have often ascribed a special status to them. A long-standing assumption in various branches of social science is that democracies differ in important respects from non-democracies. Democracies are said to behave more peacefully (at least towards each other) than other polities, and to be less prone to succumb to famine and other humanitarian catastrophes, such as large-scale violations of human rights. In Animal Politics, the differences between democracies and non-democracies are as yet under-researched. Few authors have asked whether or not one can tell democratic regimes from their competitor systems by the way they treat their non-human subjects (for differences among democracies, see Garner 1998; WBA 2015). Those who believe that Animal Politics can be pursued consistently only on a global scale (Peters et al. 2014) will not be convinced by an appeal to democratic exceptionalism, while those receptive to the attractions of a republican citizenship approach may be encouraged to pursue Animal Politics as a branch of democratic theory.

The role and status of Political Theory in democratic polities affects the appropriate methods and self-understanding of Animal Politics when conducted within a democratic society. Only in democracies does it seem important to track the legitimate routes through which political theorising can hope to shape legislative behaviour, while in autocracies any kind of approach to the power-holders, and any kind of effective influence on policy change may be equally welcome. Reflecting the position of Political Theory within a democratic public is no trivial matter in the case of Animal Politics, since the immediacy and urgency of animal claims may lead theorists to strive for impact outside the sometimes clogged channels of democratic decision-making. For animal rights activists and some theorists, the dissonance between their considered convictions and the perceived mass violations of animal claims may become unbearable in practice, and it is easy to see how drawing on a coercive conception of moral rights, combined with a natural rights epistemology, can lead animal ethicists to advocate and pursue militant action. It is, therefore, a welcome innovation that Animal Politics has begun to discuss the status of its own statements within democratic societies. Alasdair Cochrane, adapting a phrase from Locke, has characterised the role of the theorist in Animal Politics as that of a ‘democratic underlabourer’ (Cochrane 2012, 15; see Swift and White 2008, 54) in clearing away misleading conceptual underbrush, offering new arguments and suggesting new descriptions in the service of democratic will-formation. For interest theorists of rights such as Cochrane, this amounts to a remarkable ‘decentring’ of their theoretical authority. It entails that Animal Politics interventions are pitched at the same epistemological level as other citizen contributions to the political public sphere. In justifying his position, Cochrane presents three compelling reasons: Firstly, the precepts of Animal Politics must be opened up to public scrutiny. Secondly, they stand in need of acquiring political legitimacy and can do so only through democratic procedures, which make sure animals’ claims will not be pursued over those of humans. Finally, given the controversial character of animal protection, only procedural legitimacy can induce dissenters to comply with its norms (Cochrane 2012, 208).

It could be added that the process of interpreting animal interests is not the exclusive province of political theorists, but a task for public political practices. Inspired, again, by conceptions of animal membership, the process of introducing animals’ interests into a comprehensive practice of public opinion formation and legislation can be understood less as a task for expert theorists than as a collective political endeavour. Animal Politics would have to be understood as part of an enlarged democratic practice of self-determination. The point of democratic procedures would then not be restricted to safeguarding procedural legitimacy, but contribute to tracking, helping understand and representing non-humans’ perspectives. The key move would lie in enfranchising animals themselves in the processes of deciphering their claims (Donaldson and Kymlicka 2011, 112-6; Eckersley 2011; Ahlhaus 2014; Niesen 2014). In

suggesting that processes dedicated to figuring out animal interests should be considered part of the democratic process, we do not mean to suggest that animals could or need be envisaged as actual addressees of democratic justification. But insofar as animals are thought of as being included within strong, law-making publics, a solution to the *aporiae* of animal ethicists' struggles with coercive power may be at hand. A political understanding of animal integration into the processes of opinion and will-formation may succeed in motivating how the gaining of insight into principle-governed interaction with animals can at the same time have binding force for those participating in the process and make plausible the reason why such rights can claim coercive authority in the first place, as they will flow from norms that have been fixed in authoritative practices. As the contributions to this HSR Forum, to which we now turn, make clear, a number of difficulties would have to be resolved in developing a thoroughgoing democratic approach in Animal Politics, ranging from the cognitive credentials of animal participation through the perils of incommensurability to the asymmetric normativity of the responsibilities involved. We trust that exposing the weaknesses of existent approaches may contribute to highlighting the chances as well as the limits of a democratic interpretation of the individualist turn.

3. The Contributions

The contributions to this HSR Forum fall into two parts. The first contributions critically engage with Donaldson and Kymlicka's *Zoopolis*, while the articles in the second part shift the focus from *Zoopolis* towards broader issues in Animal Politics. They ask: Do animals have an interest in freedom? Can religious exemptions from animal welfare law be justified? What is the status of animal combatants in humanitarian law?

Most contributions in the first part of this HSR Forum are critical of the turn toward political membership in animal rights theory. Although they agree that *Zoopolis* is an inspiring and challenging work, many authors criticise the use of political concepts for describing human-animal relations altogether. Their main argument is that animals seem to lack the necessary capacities to count as political agents in that they cannot reflect on and communicate their interests nor behave according to social norms. The potential danger many contributors see is that political concepts such as equality, sovereignty, citizenship and community may come under the pressure of losing their distinctive meanings when adapted to accommodating animals.

Bernd Ladwig agrees with Donaldson and Kymlicka on several points. He supports the authors' call for a political theory of animal rights and, from an interest-based perspective, vindicates moral rights for animals. According to Ladwig, not only are relationships with animals unavoidable, so that abolition-

ism has to be discarded, but injustices are also systemic and institutionalised. Harmful practices are permitted in current legal frameworks and are part of society's basic structure. In order to rectify these injustices, criticising individual consumer choices is not enough and collective legal change has to be brought about. He further agrees with Donaldson and Kymlicka in that animals should count as members of specific political communities and that states need to consider the interests of their animal members when taking decisions. This not only includes negative duties but also positive benefits.

However, Ladwig rejects the idea of equating this notion of *membership* with a more substantive call for *citizenship* in the case of domesticated animals. Relying on his interest-based conception of moral rights, he argues that even though animals have an interest in flourishing lives, Donaldson and Kymlicka are wrong to assume that they have an interest in the "active dimension of citizenship" (Ladwig 2015a, 33). According to Ladwig, animals do not have an interest in autonomy and self-respect. Although he describes animals as intentional and active beings, they are not capable of critically evaluating their choices and actions and, therefore, cannot be held normatively accountable for them. Ladwig challenges Donaldson and Kymlicka's claim that a less cognitivist interpretation of citizenship would enable animals to be included amongst 'active' participants in the community. Instead, he holds that animals do not have an interest in contributing to the common good of society, especially because they cannot grasp the idea of a political community. Furthermore, whilst the actions of animals might positively affect the community, these activities are not intentionally brought about by animals. In a nutshell, Ladwig agrees with Donaldson and Kymlicka about the need to ground moral rights for animals but argues that "domesticated animals are not normatively accountable co-designers of the community that they affect" (ibid., 44). Many of these considerations are taken up again in the following symposium on *Zoopolis* which includes the contributions by Thomas Saretzki, Tine Stein and Sandra Seubert.

Thomas Saretzki critically engages with Donaldson and Kymlicka's proposal to apply concepts such as citizenship and sovereignty to animals. He focuses on the question of what makes a political theory of human-animal relations political. The thrust of his argument is directed at the epistemological limits of human-animal communication. In the first section, Saretzki uses the method of story-telling in order to familiarise the reader with the problem of anthropomorphism. "Grandma's lesson" – pointing to the problem that we can never know what the world looks like from an animal perspective – stresses the epistemological limits of research and knowledge about animals. Human-animal relations have to be seen as asymmetric as we can never be sure to have reached an intersubjective agreement with animals. Although Saretzki criticises the use of concepts such as citizenship and sovereignty for animal contexts as 'humanising,' this does not lead him to reject the call for a political theory of human-animal relationships. Instead, he shows that what makes human-animal relationships

political is the disagreement between groups of humans who have different views on the status of animals. More precisely, Saretzki takes as a starting point the idea of ‘moral imagination’ that Donaldson and Kymlicka hope to expand by understanding animals as co-citizens, but calls for a new ‘political imagination’ that would include a normative framework for “political strategies to change existing forms of human-animal relationships in a democratic way” (Saretzki 2015, 54). As long as animal treatment is a private matter and differences in animal welfare depend on human positions regarding the status of animals, a political theory of human-animal relationships should focus on institutional fora in which animal issues can be discussed and decided upon by humans.

Tine Stein takes issue with the fundamental premise in *Zoopolis* that sentient beings should have equal moral status. Although Stein agrees that animals have intrinsic value and that humans have duties towards them, she rejects the claim that humans and sentient animals are equals in moral status. In a strategy similar to those adopted in Ladwig’s and Saretzki’s contributions, this leads her to reject the use of political terms such as citizenship and sovereignty for animals. Stein starts out from the assumption that there is ‘a categorical difference’ between humans and animals as the latter lack the necessary moral capacities to count as persons. More precisely, Stein contends that animals do not have the ability to adopt an ‘eccentric position,’ that is to refer to their interests reflexively and to behave according to general rules. However, as this capacity is a key characteristic of the human species, being human is sufficient in order to count as a person, even if particular individuals lack the moral capacities of autonomous beings.

Based on this critique of all sentient beings’ alleged equality, Stein then moves on to criticise two problematic consequences entailed by this presumption. First, she opposes all comparisons in which “the remembrance of human victims serves to illustrate animal suffering” (Stein 2015, 59), such as the murder of the European Jews under the Nazi regime as an illustration of animal killing, or chattel slavery as an illustration of the exploitation of animals for human purposes. Second, Stein criticises the transfer of political notions such as citizenship and sovereignty to animals. Using the example of ‘political community,’ Stein raises doubts as to whether or not this concept can be convincingly used in the context of non-humans. Not only is it unclear what is distinctively political about a community of humans and animals, but the concept would also lose its precise meaning if stretched in order to encompass animals. Stein concludes her discussion with a reflection on the utopian nature of *Zoopolis* that overburdens the human community and is thus unable to generate the necessary motivational energies for meaningful change.

Sandra Seubert reflects on *Zoopolis* against the background of current citizenship theory. She maps the field in introducing distinctions such as bounded vs. unbounded citizenship as well as broadening vs. deepening the dynamics of citizenship. Seubert goes back to Will Kymlicka’s earlier work on citizenship in order to see whether or not his conception of citizenship changed when

moving from intra-human to human-animal communities. She identifies Kymlicka's former position as liberal-republican and argues that by including animals in the community of citizens, Donaldson and Kymlicka move to a more communitarian model of citizenship-as-belonging while they moderate the importance of rights claims, political participation and democratic deliberation. With regard to the claim that domesticated animals should be considered as co-citizens, Seubert objects, in parallel to Stein's argument that the demands of citizenship will be watered down when understood in a way that could also be fulfilled by domesticated animals. Secondly, she criticises that the conception of agency and representation put forward by Donaldson and Kymlicka plays down the importance of deliberations about interests. While deliberative democratic models rightly insist that interests are not pre-political but rather emerge in equal deliberations among citizens, the model advanced in *Zoopolis* based on dependent agency and human trustees seems ultimately paternalistic. Echoing the conclusions of Ladwig, Saretzki and Stein, Seubert rejects applying the language of citizenship to animals because "treating animals as political equals seems misplaced" (Seubert 2015, 69).

The article by *Johannes Marx* and *Christine Tiefensee* puts Donaldson and Kymlicka's approach into a wider and more systematic context. The authors bridge both parts of this special issue in providing an extended critique of the idea of attributing citizenship to animals, while then moving on to the issue of robots' moral status. Tiefensee and Marx challenge Donaldson and Kymlicka's conception of animal citizenship by distinguishing between right-holders and duty-bearers, arguing that while every sentient being has rights, only moral agents, i.e. agents who can reflect on their actions, have moral duties. The underlying framework is an interest-based account of rights, akin to that introduced in Ladwig's contribution. As citizenship presupposes the capacity to comply with duties, domesticated animals cannot count as citizens. The authors readily agree that theirs might be criticised as a rationalist or cognitivist conception of citizenship by Donaldson and Kymlicka, but they also point to inherent limitations in the latter conception.

Marx and Tiefensee take pains to show that their argument is not speciesist by applying the same criteria in the cases of children and the mentally disabled: Both groups lack responsibility and the capacity to reflect on moral requirements, and do not, therefore, qualify as full citizens. They nevertheless should be awarded a citizen status because they have "a real stake in the cooperative venture" (Marx and Tiefensee 2015, 83). According to Marx and Tiefensee, a 'state of nature'-type thought experiment indicates that humans' interests would be negatively affected if there were no co-operation, while the same does not hold in the case of domesticated animals. The latter are dependent on private caretakers but not on public co-operation. In the last section of their contribution, Marx and Tiefensee apply their framework to robots with strong artificial intelli-

gence and argue that especially those robots that are able to learn and change their behaviour seem prone to becoming right-holders as well as duty-bearers.

Andreas Schmidt asks whether or not animals have an interest in socio-political freedom. As his reference theory, he chooses Alasdair Cochrane's *Animal Rights without Liberation* (2012), according to which animals do not have an intrinsic interest in being free because they are not autonomous agents. As we have seen above, Cochrane's book is a critique of Peter Singer's *Animal Liberation* approach, scrutinising its undeclared premise that liberation is what animals want or need. Cochrane argues against all animal rights theories which campaign for the 'abolition' of all human uses of animals and thus for the liberation of all animals. Schmidt draws on recent philosophical theories of freedom to argue that no matter whether freedom has intrinsic or instrumental value for animals, it has non-specific value for them when considered a social ideal. He departs from an opportunity-concept of freedom (as opposed to a psychological concept or a status-concept) and argues that even if freedom is only instrumentally valuable for humans, it is a means of obtaining certain goods that cannot always be specified beforehand. His conclusion is that freedom has non-specific value for animals as well as for humans. Some of the reasons that count for humans (the Epistemic Reason as well as the Personal Control Reason) are even weightier in the case of animals' governance, since we can never be sure of knowing what choices animals would make. A state of helplessness and the loss of control have even more severe consequences on the animal psyche precisely because animals cannot grasp the higher-order reasons for their confinement.

Federico Zuolo starts off his contribution by asking: What is so special about slaughter? He argues that a focus on the killing, rather than on the living conditions of animals amounts to an inconsistency in animal welfare law in liberal countries. In analysing current animal welfare practices and their potential justifications, Zuolo comments that if the goal is to minimise suffering, it seems insufficient to focus on animals' deaths. He explores the priority given to suffering during slaughter rather than during the rest of an animal's life from different philosophical traditions and concludes that none is able to justify this widely held position.

Claiming that the living conditions of animals are as important as the way they die, he provides a way out of the conundrum posed by exemptions from animal welfare laws for communities where slaughtering rituals without prior stunning are required for religious reasons. Instead of arguing for the priority of either animal welfare or religious freedom, Zuolo's main claim is that ritually slaughtered animals can receive compensation for their more painful deaths by providing them with better living conditions beforehand. This argument aims to restore equality among animals – that is, the non-discrimination of ritually slaughtered animals. The paper does not aim at arguing for or against religious slaughter in general but points out one way of reconciling this practice with

widely held assumptions on animal welfare. His argument, therefore, is conditional, and ‘modest but provocative’ (Zuolo 2015).

In his article, *Karsten Nowrot* deals with the legal status of animals as active participants in armed conflicts, given current humanitarian law as well as possible developments in this field. According to Nowrot, humanitarian law is especially suitable for analysing potential changes to legal regimes, since animals have participated in armed conflicts for centuries and developed deep emotional bonds with human combatants. Their performance has been reflected in military decorations for animal soldiers as well as in war memorials for animals. In addition, Nowrot points out that animal participation in armed conflicts could be interpreted as fulfilling a typical duty of citizens. It might, therefore, provide further avenues for investigating the possibility of attributing citizenship to animals as proposed by Donaldson and Kymlicka. Moreover, according to Nowrot, humanitarian law is an evolving field due to technological developments that make it especially receptive for considering the legal status of animals.

However promising this might sound, a look at the current legal framework makes it clear that animals themselves are far from being recognised as subjects of humanitarian law. Despite the fact that animal ‘combatants’ have played an important role in past and present armed conflicts, their status is not recognised in international humanitarian law. Animals are only rarely mentioned in international treaties. Current legal documents include animals in their protection of the ‘environment’ or see animals as objects belonging to human combatants, but they do not count as subjects of law. Nowrot then identifies two challenges for the recognition of animals in humanitarian law from a legal perspective. On the one hand, the idea of ‘sentience’ seems too vague to provide a legal definition from which animals can qualify for legal status. On the other hand, it is problematic that animals cannot comply with the obligations that accompany legal rights. Nowrot here reiterates an argument that is discussed in the contributions by Ladwig, Saretzki, Stein and Seubert, who all refer to animals’ lack of the moral and reflexive capacities necessary to be considered political agents. In the context of humanitarian law, Nowrot concludes, this leads to a further challenge: If animals cannot be considered as autonomous beings, should their participation in armed conflicts be forbidden, just as is the case now for children and mentally disabled people?

In closing this contribution, we register the common focus of the contributions in taking seriously the individualist turn in Animal Politics, but we will not pretend that they are approaching anything like a consensus, or even a working agreement. Still, if intellectual progress consists in providing the terms for more coherent discussions, the recent work in Animal Politics is a productive example. A brief word of thanks is in order. The contributions to this HSR Forum reflect a new interest taken in Animal Politics within German academia, and the initial occasion at which many of the ideas for this Forum were tested

out was the 2014 Spring Conference of the Section for Political Theory in the German Association for Political Science, convened by Bernd Ladwig and Peter Niesen, with generous support by Universität Hamburg, Freie Universität Berlin, and Hamburgische Wissenschaftliche Stiftung. Most contributions, and certainly this contribution, profited immensely from the participation in this conference by Sue Donaldson, Will Kymlicka and Alasdair Cochrane. The editors' thanks go also to the gracious reviewers of this HSR Forum's contributions, whose clear-headed suggestions have much improved the resulting compilation, and to Pina Morgenstern for editorial assistance.

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